HOUSE OF REPRESENTATIVES—*Tuesday, June 17, 1975*

The House met at 12 o'clock noon.

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

The fear of the Lord is wisdom and to turn from evil is understanding.—Job 28: 28.

God of all mercy, who art with us all our days and art acquainted with all our ways, we pause at the altar of prayer conscious of our sins of commission and omission which have drawn us away from Thee and from the glory of a greater life. Because of our frailties and our faults, because of tasks too difficult for us to manage, we are driven to Thee for wisdom to guide us and for strength to sustain us through these trying times.

In deed and in truth help us to serve our country with integrity and fidelity as we endeavor to build the city of God in the midst of the city of man.

We pray for the Federal Republic of Germany and for her President who speaks to us today. May our countries join together in working for peace and justice and freedom in our world.

In the spirit of the Prince of Peace we offer this our morning prayer. 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 bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 18. An act to amend the act of August 31, 1922, to prevent the introduction and spread of diseases and parasites harmful to honeybees, and for other purposes;

S. 584. An act to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; and

S. Con. Res. 45. Concurrent resolution expressing the sense of the Congress that the Federal Home Loan Bank Board shall refrain from authorizing variable rate mortgages unless and until authorized by the Congress.

PERMISSION FOR COMMITTEE ON RULES TO FILE CERTAIN PRIVILEGED REPORTS

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

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

There was no objection.

PERSONAL EXPLANATION

Mr. PATMAN. Mr. Speaker, I have a request to correct the RECORD.

On rollcall No. 283 the question before the House was the gasoline tax, and I was incorrectly recorded as voting "no." Since I oppose the gasoline tax and favored the Stark amendment, I actually voted "aye" on rollcall No. 283.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

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

A call of the House was ordered.

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

[Roll No. 307]

Barrett	Flynt	Rees
Bell	Foley	Riegle
Bevill	Ford, Mich.	Risenhoover
Biaggi	Green	Roybal
Boggs	Gude	Scheuer
Brademas	Harsha	Smith, Iowa
Brodhead	Hébert	Snyder
Buchanan	Heinz	Staggers
Burke, Calif.	Jarman	Stokes
Burke, Fla.	Jones, Ala.	Stratton
Chisholm	Karth	Talcott
Collins, Tex.	Kemp	Teague
Conyers	McCormack	Udall
Coughlin	Mahon	Wiggins
Diggs	Michel	Wilson, C. H.
Dingell	Miller, Ohio	Wright
Downing	Mollohan	Wydler
Drinan	Mosher	Wylie
Esch	Neal	Young, Alaska
Evans, Colo.	Obey	
Fithian	Price	

The SPEAKER. On this rollcall 372 Members have recorded their presence by electronic device, a quorum.

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

RECESS

The SPEAKER. The Chair declares a recess subject to the call of the Chair.

Accordingly (at 12 o'clock and 20 minutes p.m.) the House stood in recess subject to the call of the Chair.

JOINT MEETING OF THE TWO HOUSES OF CONGRESS TO RECEIVE THE PRESIDENT OF THE FEDERAL REPUBLIC OF GERMANY, WALTER SCHEEL

The Speaker of the House presided.

At 12 o'clock and 22 minutes p.m., the Doorkeeper (Hon. James T. Molloy) announced the President and Members of the U.S. Senate who entered the Hall of the House of Representatives, the Vice President taking the chair at the right of the Speaker, and the Members of the Senate the seats reserved for them.

The SPEAKER. The Chair appoints as members of the committee on the part of the House to escort the President of the Federal Republic of Germany, His Excellency Walter Scheel, into the Chamber, the gentleman from Massachusetts, Mr. O'NEILL; the gentleman from California, Mr. MCFALL; the gentleman from California, Mr. PHILLIP BURTON; the gentleman from Pennsylvania, Mr. MORGAN; the gentleman from Arizona, Mr. RHODES; the gentleman from Illinois, Mr. MICHEL; and the gentleman from Michigan, Mr. BROOMFIELD.

The VICE PRESIDENT. Pursuant to the order of the Senate, the following Senators are appointed to escort the President of the Federal Republic of Germany into the House Chamber: The Senator from Mississippi, Mr. EASTLAND; the Senator from Montana, Mr. MANSFIELD; the Senator from West Virginia, Mr. ROBERT C. BYRD; the Senator from Alabama, Mr. SPARKMAN; the Senator from Utah, Mr. Moss; the Senator from Colorado, Mr. HART; the Senator from Pennsylvania, Mr. SCOTT; the Senator from Michigan, Mr. GRIFFIN; the Senator from North Dakota, Mr. YOUNG; the Senator from Texas, Mr. TOWER; the Senator from Nebraska, Mr. CURTIS; and the Senator from Vermont, Mr. STAFFORD.

The Doorkeeper announced the Ambassadors, Ministers, and Chargés d'Affaires of foreign governments.

The Ambassadors, Ministers, and Chargés d'Affaires of foreign governments entered the Hall of the House of Representatives and took the seats reserved for them.

The Doorkeeper announced the Cabinet of the President of the United States.

The Members of the Cabinet of the President of the United States entered the Hall of the House of Representatives and took the seats reserved for them in front of the Speaker's rostrum.

At 12 o'clock and 32 minutes p.m., the Doorkeeper announced the President of the Federal Republic of Germany, His Excellency, Walter Scheel.

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

[Applause, the Members rising.]

The SPEAKER. My colleagues of the Congress, it is a high privilege and personal honor to present His Excellency, Walter Scheel, the President of a great and free country.

His Excellency, the President of the Federal Republic of Germany.

[Applause, the Members rising.]

President SCHEEL. Mr. President, Mr. Speaker, you have invited me to address you. I appreciate this special gesture. I respond by expressing the deep respect which every democrat owes to this outstanding assembly. I am glad of this opportunity to express some thoughts on questions that are of concern to all people in the free world.

The world is fraught with unrest and problems, and I am grateful to be able to discuss them with you.

Today all governments with a sense or responsibility unavoidably find themselves competing to save mankind from misery and anarchy. The leaders in that contest are not automatically the powerful ones, but rather those who can come up with convincing answers to the problems of modern society.

We have had to learn that not only the individual is mortal but the whole of mankind. It can perish in a few days through arms of destruction. It can per-

ish in a few generations through environmental pollution and the wasteful exploitation of its natural resources.

The words of St. Matthew still hold true for the whole of mankind. No town, no household that is divided against itself can stand. The community in this situation has nothing more to fear than the passions of egotism. It needs nothing more than the voice of reason which reconciles the different elements and forges them into a whole. That voice has often been raised on this side of the Atlantic. When Europe began to break up the old feudal systems with new democratic ideas, the American Revolution turned the theory of democracy into practice.

When the nations of Europe picked themselves up from the debris in 1945, it was the United States who through its inspired leadership galvanized the forces of the old continent into a coordinated recovery operation.

That action was perhaps the most generous in the history of mankind. It will be associated forever with the name of Secretary of State George Marshall.

My country was included in it as early as 1947. Indeed in 1946 already a great American statesman, Secretary of State James Byrnes, in his historic speech in Stuttgart held out a hand to the former enemy. The tests and dangers we had withstood together let this understanding grow into a well tried political partnership. That partnership has rendered us capable of great achievements. It has made our ostpolitik possible and has enabled us to defuse the complex and dangerous Berlin problem.

But the freedom of Berlin is not based on international agreements alone. Berlin remains free by virtue of deeds ever since American citizens risked, indeed, sacrificed, their lives during the airlift. It remained free by virtue of the words by which President Kennedy called himself a "Berliner." That city remains a decisive hinge of East-West relations in of détente and our alliance are put to the Europe. Here the strengths of any policy test day by day.

It is true, I speak to you as the representative of a divided nation. We have not succeeded in overcoming the artificial and natural division of Germany by peaceful means. Other than peaceful means have never been thought up, nor will they be. No one will understand better than you, Senators and Congressmen, that a nation can never forgo its unity as a political goal.

The first essential is this: If a rational and sincere policy of détente is to have any meaning for us, it must surely be to make it easier for the people in divided Germany to live together.

After the darkest years in our history, the United States gave us generous support. But let me also say that nothing of what you have done for us since has been in vain. You have gained a good ally who makes its full contribution toward the defense capability of the alliance, a contribution that is second to none but that of the United States. An ally for democracy, a partner for the efforts which Europe and America will have to make together in order to enable all people to live in conditions worthy of man.

But the partners of the Atlantic Alliance who include the oldest democracies on Earth must not shirk the question, "Can our democratic way of life survive?" Has it not already been overtaken by the accelerating rate of change in the world? Do we still have the moral strength to find for ourselves and others the way through the uncertain?

These questions lead us back to the ideas of which our democracies were born.

I am convinced that they will stand scrutiny. They make us alive to the reliable, the constant elements of our policy; the Atlantic Alliance on which our freedom and our freedom of action rests and the common values in which our partnership is rooted.

The meeting of the NATO Council in Brussels and the prominent role which President Ford played there have concurred that these are joint beliefs and vital links. The political responsibility of the world power America extends beyond the Atlantic area. Wherever world peace is threatened, this country places its enormous weight on the scales of peace. And at this present time as well the world hopes that the courage and perseverance of its political leaders will give them the strength to forge peace in the Middle East bit by bit. For what use are the dignity and freedom of man if they lack the ground of peace in which to grow?

Belief in these very values, the dignity and freedom of man, has inspired our best political minds for over two centuries. When my own generation entered upon the political scene, we considered the model offered by America as proof that the concept of Western democracy was a fitting basis from which to cope with the problems of this, the most difficult of all worlds.

I realize that for 12 years those ideals were treated with shocking contempt in Germany, and yet freedom ultimately prevailed. Exactly 22 years ago today, on the 17th of June 1953, it showed its elemental strength when East Berlin workers, heedless of the risks to life and limb, hoisted the black, red, and gold flag on the Brandenburg Gate.

Totalitarianism may use arbitrary means, yet in the end freedom will triumph. Nevertheless, freedom can preserve its strength only if each generation anew makes it its own. In the European Community democratic forces openly vie with one another and with the Communists, but we have learned that our idea of freedom will be cogent only as long as it is the motive force of social change. If this is not so, it remains a hollow word.

The catchword of our time is "détente." It is a fundamental objective of our foreign policy. It is a great hope of our Nation. But the peaceful existence side by side of East and West knows of no cease-fire on the ideological front. And the fronts in this ideological battle run right through the German nation, which has been divided for decades. We shall be the losers in that struggle unless we see why Communist ideologies are effective in Europe or in the Third World. We see communism succeed where injustice and misery predominate, and we have to sharpen our conscience.

It is my belief that political freedom cannot prevail where the social conscience remains silent. In our two countries we have been able to humanize working conditions without revolution and bloodshed. Our political leaders have rated human dignity and freedom higher than the rights of the powerful in the free market. They know that political freedom becomes a farce unless the individual has the material means of self-realization. Freedom and social justice go together. Social peace is the prerequisite for a nation's inner strength. Without that inner strength it has no strength internationally.

Our Constitution upholds the concept of ownership as the basis of a free economic order. But at the same time, it postulates the social obligation inherent in ownership. That is what our Constitution, the basic law of the Federal Republic of Germany, prescribes, and this has been the approach of all governments of the Federal Republic of Germany.

Ten million refugees from the lost regions of Eastern Germany found a new homeland in the destroyed and overpopulated western part of our country. Generous legislation and the sacrifices made by the people gave those expellees equal opportunities. My country is proud of that achievement.

Today we are trying to achieve a balance of interests and opportunities on a much larger scale. The entire world economic order must be given the chance to develop further, but in the process nothing should be given up that has proved its value.

We are called upon to share responsibility for answering vital questions from five continents: Tomorrow's grain and rice deficit, the interplay of population pressure and economic development, the mounting cost of military security. The starving in many parts of the world still need our help. Young nations who hoped to achieve industrial prosperity overnight with the aid of our capital and technology are disappointed and put the blame on us. The industrialized countries can only meet these challenges if their economic constitution is sound.

This means for our countries we must continue along the paths we have taken in fighting unemployment and worldwide recession. Our economic policies must give sufficient impulses to domestic demand.

One thing is certain: Only through close cooperation between North America and Europe, and by harmonizing interests, have we any prospect of mastering such tasks. It is certain that our combined energies will not provide the solution without the contributions of other nations. And it is certain also that we would be betraying the old fundamental ideas of democracy if we were always to be found on the side of those who defend property and privilege against social demands, demands born of hunger and distress.

It is our task to find evolutionary solutions, but this is no easy matter. The welfare of our peoples which we have to guard did not come to us overnight. We owe it to the hard work and privations of

whole generations. It would be politically meaningless and economically impossible just to transfer our assets and our social achievements to others, as some developing countries would like it.

Our aim is not to maintain the status quo, but to seek harmonization of interests. The readiness to accept change is the prerequisite for the pursuit of happiness, and in that context it is the spirit we adopt in our relations with the partners from other camps that will be decisive. Our diplomatic tools shall not include threats and intimidation. In a spirit of partnership, without mental reservation, it is possible to reconcile even sharply conflicting interests. In everything we do we must start from the fact that in the decades ahead there is only one rational course open to us, that of cooperation.

The nine European states have, with much good will, worked out an overall modus of economic cooperation with the nations of Africa, Asia, and the Caribbean. In protracted negotiations, sharply differing points of view and interests of many sovereign partners have been harmonized. Here we have a promising example of multilateral cooperation with the Third World. It also shows that the European community can have a stabilizing influence on the world economy.

At the same time, it becomes clear that the European community is capable of helping to ease the burden of the United States, once it finds its way to joint action. The European union to which we have committed ourselves has not yet been completed, and to be frank, in this respect we are still a long way behind our hopes and our promises. But Europe is nedeed, and we shall build it, and in so doing, we need the understanding of the United States.

We need long-term European-American cooperation. It must be based on mutual trust. It must be candid. It must not again make the mistake of emphasizing divergent secondary interests at the expense of primary common interests. We need not only the willpower and the technical capability of the United States which President Ford referred to in Brussels but also to quote him again, "its spiritual drive and steadiness of purpose." Not as some may have feared and others may have hoped, recent developments have not loosened the ties of European-American solidarity. On the contrary, more energies have been set free for the alliance which will be concentrated on its tasks. The awareness of our interdependence is deeper than ever. It has above all become clear to us that it is the common fundamental democratic beliefs which distinguished the alliance from others and which nourished its strength in each member state.

I believe in a Europe committed to the human rights that were embodied for the first time in the constitution of Massachusetts, a Europe which fills these principles with a sense of social justice of our generation. Only with a deeper understanding of our spiritual heritage will the democracies on either side of the North Atlantic be able to assert themselves and thus effectively serve the cause of world peace.

Together with you, we shall recall the concepts and ideals of the American Revolution. May our age find us as resolved, as realistic, but also as idealistic as those men and women who made this great country.

[Applause, the Members rising.]

At 12 o'clock and 58 minutes p.m., His Excellency, Walter Scheel, President of the Federal Republic of Germany, accompanied by the committee of escort, retired from the Hall of the House of Representatives.

The Doorkeeper escorted the invited guests, and the Members of the President's Cabinet, from the chamber.

JOINT MEETING RESOLVED

The SPEAKER. The purposes of the joint meeting having been completed, the Chair declares the joint meeting of the two Houses of Congress hereby dissolved.

According at 1 o'clock p.m. the joint meeting of the two Houses was dissolved.

The Members of the Senate retired to their Chamber.

The SPEAKER. The House will continue in recess subject to the call of the Chair. The bells will be rung approximately 15 minutes prior to reconvening.

AFTER RECESS

The recess having expired, the House was called to order by the Speaker at 1 o'clock and 35 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to make an announcement. Pursuant to the provisions of clause 3(b) of rule XXVII, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered or on which the vote is objected to under clause 4 of rule XV.

After all motions to suspend the rules have been entertained and debated, and after those motions to be determined by "non-record" votes have been disposed of, the Chair will then put the question on each motion on which the further proceedings were postponed.

CALL OF THE HOUSE

Mr. CONTE. Mr. Speaker, I make the point of order that a quroum 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. 308]

Andrews, N.C.	Dingell	Fulton
Bingham	Drinan	Goldwater
Brademas	Eshleman	Gude
Brown, Calif.	Evans, Colo.	Hébert
Brown, Mich.	Findley	Heinz
Buchanan	Fish	Horton
Burke, Fla.	Flynt	Howard
Cederberg	Foley	Hutchinson
Conyers	Ford, Mich.	Jacobs
Derwinski	Fraser	Jarman
Jones, Ala.	Quie	Stanton, James V.
Krueger	Quillen	Stokes
Leggett	Rees	Stratton
McCormack	Rosenthal	Stuckey
McHugh	Ruppe	Symington
Macdonald	Santini	Talcott
Meyner	Satterfield	Teague
Mezvinsky	Scheuer	Thompson
Miller, Ohio	Seiberling	Udall
Mills	Shuster	Waxman
Mink	Simon	Wright
Mitchell, N.Y.	Snyder	Wylie
Mollohan	Solarz	
Nolan	Spence	
Price	Staggers	

The SPEAKER. On this rollcall 361 Members have recorded their presence by electronic device, a quorum.

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

PRINTING OF PROCEEDINGS HAD DURING RECESS

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the proceedings had during the recess be printed in the RECORD.

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

There was no objection.

THIRD ANNIVERSARY OF THE INFAMOUS BREAK-IN OF WATERGATE

(Ms. ABZUG asked and was given permission to address the House for 1 minute, and to revise and extend her remarks.)

Ms. ABZUG. Mr. Speaker, this is the week of the third anniversary of the infamous break-in of Watergate by the plumbers. Regrettably, it is also the week—yesterday—when I believe the House may have given a misinterpretation, or at least a wrong impression, to the American public.

This House understands the meaning of "coverup." This House understands the meaning of its own action, in that it set up a select committee to investigate the CIA, and other intelligence agencies, through House Resolution 138.

Mr. Speaker, I know that the Members who voted here yesterday, regardless of how they voted, recognize that the American people look to them to continue that investigation and, therefore, to continue this committee to conduct that kind of activity. I would hope that there is no backtracking from that position.

There are some Members who have been going around the House and suggesting that this committee should be abolished. I think there are many who voted to support the gentleman from Michigan (Mr. NEDZI) on the mistaken notion that he sought only a vote of confidence. I think that those who insisted that the gentleman from Michigan (Mr. NEDZI) not continue with his own efforts to resign were using this as a pretense to attack the committee.

Mr. Speaker, that, I think, is unfair, and I hope the Members will see to it that we carry out our responsibility under the Constitution and our responsibility to the people by continuing this committee.

VIEWS ON THE PROPOSED NEDZI RESIGNATION

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

Mr. MAGUIRE. Mr. Speaker, yesterday the central issue relating to the Nedzi resignation was never discussed: How will the interests of the Nation best be served in the ongoing investigation of improper CIA activities?

When the gentleman from Michigan (Mr. NEDZI) lost the confidence of all the other Democratic members of the committee due to disclosures never refuted that he had failed to act on previous knowledge of improper CIA activities, his resignation ought to have been offered unambiguously and accepted categorically.

This should not have been presented as a vote on how Members feel about the gentleman from Michigan (Mr. NEDZI) personally or on the distinction of his service in the House. It should have been a vote on whether the House and its special committee will have the confidence of the American people in pursuing the facts regarding CIA activities, wherever those facts may lead.

To see this House yesterday refusing to directly and effectively address that issue astonished and deeply disappointed this new Member.

Mr. Speaker, I came to Congress committed to a principle which I thought most of us in this House shared: that we should affirm and enhance, not compromise and abuse, the important investigative and oversight functions of Congress.

Once again, the people are waiting for Congress to catch up with them. They are waiting for a Congress they can respect, a Congress which will act uncompromisingly in their interests on the critical public issues of the day.

ADDITIONAL VIEWS ON THE PROPOSED NEDZI RESIGNATION

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

Mr. MOFFETT. Mr. Speaker, I believe that the gentleman from Michigan, LUCIEN NEDZI, is a good man and that all the good things said about him yesterday are very true.

But the American people have not lost sight of the fact that there is definitely a conflict of interests here. Not until this body begins to deal with that issue will the citizens of this country have any confidence in the ability of Congress to investigate the CIA and its alleged abuses.

We all remember when the ratings of this Congress skyrocketed when, during the Watergate probe, the assertiveness and aggressiveness of Congress and its sincere search for the truth were transmitted in living color into the living rooms of homes all over the country.

Mr. Speaker, I suggest that we get back to these central issues and again begin to have an honest and sincere search for the truth on the matter of the CIA. The gentleman from Michigan (Mr. NEDZI) has submitted his resignation from the chairmanship and he should step down.

ABOLITION OF THE FEDERAL METAL AND NON-METALLIC MINE SAFETY BOARD OF REVIEW

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

Mr. HECHLER of West Virginia. Mr. Speaker, when the continuing resolution is considered later in the day, I hope to offer an amendment to strike out any funding for the Federal Metal and Non-Metallic Mine Safety Board of Review.

This is a Board which began operating 4 years ago, on July 31, 1971. The Board has heard no appeals and no cases and has done no work. The executive Secretary sits in his office all day listening to Beethoven records and doing nothing. He is paid $19,693 a year, and his secretary draws $14,125 per year. In justice to the executive secretary, Jubal Hale, it should be said that he personally feels and has stated that this Board should be abolished.

It appears that it has proven very difficult for Congress to cut off an agency which has once been established and started. One way to cut off the useless Board would be to agree to my amendment to the continuing resolution which would stop further funding for this do-nothing Board.

PROBLEMS OF SELECT COMMITTEE IN INVESTIGATION OF THE CIA

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

Mr. HARKIN. Mr. Speaker, I do not know any of the personalities involved in this affair as between the chairman and the select committee. I am certain that they are all honorable people and decent people.

I do not know any of the undercurrents that seem to be flowing underneath the surface of all this. I only voted to accept the resignation offered by the gentleman from Michigan (Mr. NEDZI) yesterday simply because he asked to resign.

This is the only reason that I voted to accept his resignation.

However, I am concerned, and I know from being back in my district over the last weekend that my constituents are concerned that the investigation of the CIA continue, and that Congress exercise its proper oversight functions over the Central Intelligence Agency in the future.

PROPOSED LEGISLATION TO AMEND THE HOUSING ACT TO BENEFIT THE ELDERLY

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

Mr. BEARD of Rhode Island. Mr. Speaker, I am introducing today legislation that will amend the Housing Act.

A lot of our elderly people have very difficult times when they want to enter public housing, especially high rises for the elderly. Every time they receive a social security increase, many of them are knocked right out of the ball park because they go over the amount of money that is required in order to be able to go into public housing.

Therefore, Mr. Speaker, I am introducing legislation to strike out that provision. We should not penalize the elderly person because he may be getting an increase in social security, and that should not be a factor in whether the elderly get into public housing or not.

Therefore, Mr. Speaker, I think this is good legislation; and if it ever gets to the floor, I hope the Members will support it as an excellent piece of legislation.

DISTORTIONS VIS-A-VIS THE CIA INVESTIGATION

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

Mr. McCLORY. Mr. Speaker, as the ranking member on the Select Committee on Intelligence, I want to make this additional statement: I think the suggestions that the committee or any members of the committee, including our distinguished chairman, the gentleman from Michigan (Mr. NEDZI), were going to be soft on the CIA or were willing to qualify in some way the investigation is simply a distortion, and is an affront to every member of the committee.

My own view has always been that we should conduct a thorough and complete investigation of not only the CIA, but of all of the intelligence agencies. The gentleman from Michigan (Mr. NEDZI) concurred in that. We met, and we decided on a bipartisan staff of the committee to operate objectively, just as objectively as the House Committee on the Judiciary operated last year, a committee upon which I serve and upon which I served last year, and to which reference has been made here today.

These aspersions and these innuendoes implying that any of the committee members would be inclined to pull their punches insofar as the investigation of the CIA or any other intelligence agency is concerned, are just rank distortions, untrue charges, and those uninformed individuals who have uttered them ought to withdraw such statements because there is no valid basis for them whatsoever.

With only 64 votes in favor of accepting NEDZI's resignation, there is a clear vote of confidence in Mr. NEDZI's integrity and in his ability to conduct a responsible investigation of the intelligence community—including illegal actions which need to be aired—and corrected.

The CIA's essential functions are important to the Nation's security. But, CIA excesses and the infringement of the rights of individual Americans as well as covert overseas activities including alleged assassinations, should be uncovered and any and all CIA and other wrongdoings must be exposed and corrected. This is, and has been Mr. NEDZI's and my objectives.

It is to be hoped that the Select Committee, with the same or modified membership, will be able to move forward expeditiously and deliberately in fulfilling its mandate as required by the House resolution which established this critical 10-member committee to review and report on all of the intelligence agencies in the Federal system.

SELECT COMMITTEE ON INTELLIGENCE SHOULD CONTINUE INVESTIGATION OF CIA

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

Mr. MILLER of California. Mr. Speaker, I take the well in support of my colleagues who came to the well before me to ask for a continuation of the investigation by the Select Committee of the CIA.

This House has been rampant with rumors that there would be a movement to abolish that committee.

I do not believe that any of the former members have cast aspersions on the ability of this committee to carry out its work.

The concern is that we have seen now for a number of months in the newspapers, allegations and innuendos against leaders or former leaders of this country as to their involvement in covert plans in dealing with assassination, with murder, spying on American citizens, the opening of mail, and eavesdropping.

Mr. Speaker, I do not think we can leave matters like that to the press. I think this House has to carry out its function to fully investigate and to complete its investigation of the CIA, which will show the American people that the House is carrying out its functions.

That is the issue here. It is not the makeup of the committee. It is not the chairman. It is that the House must work its will. It has to decide that this is the No. 1 thing it must do.

Mr. Speaker, I am very much concerned when we say to the American people that we think those allegations do not deserve investigation. I think that I am serving in a House that is interested in the truth and in the pursuit of the truth, wherever that may lead us. I think that is a Member's obligation, and we must continue to pursue that obligation in this House.

THE VOTE ON THE PROPOSED NEDZI RESIGNATION

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

Mr. RONCALIO. Mr. Speaker, I think it is appropriate that some Member of this body in the middle bracket, the young men; that is, those approaching 60, who came into the 89th Congress or thereabouts have a say regarding the LUCIEN NEDZI cause célèbre.

Mr. Speaker, I think many of us who voted to refuse the resignation of the gentleman from Michigan, LUCIEN NEDZI, did so as a matter of deep personal privilege, with regard to the gentleman's integrity and the devotion which he gives to his work.

Mr. Speaker, to me this is not inconsistent with voting to abolish the CIA if the facts warrant that abolition. And a good measure of facts have already come to light, for those of this body who wish to see.

If in fact the CIA has so compromised its position and can no longer do the job which is necessary and vital to our society, then let somebody else do it. Or let us get on with our work of correction in this sad Agency which no longer seems to be able to perform the purposes for which it was lawfully enacted. Instead, it has succumbed to illegal and unlawful domestic spying, it has exported assassination, all against the law.

TWENTIETH ANNIVERSARY OF PUBLICATION OF ROLL CALL

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

Mr. MICHEL. Mr. Speaker, I wish at this time to bring to the attention of my colleagues that I have requested a special order at the end of our business day tomorrow in order that Members may have the opportunity to comment on the occasion of the 20th anniversary of the publication of the newspaper Roll Call.

Roll Call, as all of us are aware, is the newspaper of Capitol Hill, and has, throughout its distinguished 20-year history been very much a part of the lives of those of us who work here at the Capitol.

It is important and appropriate therefore, that we pause to pay our respects to Mr. Sid Yudain, the editor and publisher and his staff for their outstanding contributions to journalism throughout that period; I am sure that many Members will want to participate in that activity, which will, as I said, take place at the close of business tomorrow.

THE SPECIAL COMMITTEE ON INTELLIGENCE

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

Mr. LAFALCE. Mr. Speaker, on February 19 of this year, I voted against the resolution to establish a new Select Committee on Intelligence in the House of Representatives. In a matter of this seriousness, being directly on the national security. I thought that the Senate and House should act in concert and that a joint committee should be formed to consider the accountability of the CIA and the other intelligence agencies.

A joint committee, I felt, would be better able to insure that an investigation of this sort would not dismantle that amount of secrecy necessary to preserve the CIA as an effective intelligence arm of our Government. At the same time it could still make public those violations it considered detrimental to the national welfare and our international posture.

However, a House select committee was formed, and a chairman selected. I questioned the effectiveness and propriety of selecting as chairman the same man who chaired the Armed Services Committee's Intelligence Subcommittee, previously charged with oversight of the CIA.

The purpose of forming the select committee was, of course, to investigate the many allegations which had come out about the CIA and other aspects of the U.S. intelligence apparatus. But these questions arose not because of, but rather in spite of, the previous oversight work of the Intelligence Subcommittee. The new approach called for in establishing the select committee seemed also to call for a new chairman.

I feel, therefore, that, despite the present chairman's considerable credentials for the position, the situation called for an altogether different chairman. I also believe that when a Member submits a resignation from a committee, the whole House should honor his or her decision without question.

The most crucial issue, beyond the question of the chairmanship, is the credibility of any Committee on Intelligence, and its ability to complete a satisfactory investigation that will reveal to the public what must be known, and preserve that which must not be known in order to maintain the viability of the intelligence community.

This committee's credibility has been damaged beyond repair. We must either abolish the committee entirely, relying on the Senate's investigation, or form a new select committee, hopefully acting in concert with the Senate, and make a fresh start.

INTERIM EXTENSION OF FIFRA

Mr. DE LA GARZA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6387) to extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for 2 years, as amended.

The Clerk read as follows:

H.R. 6387

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 27 of the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136(y)) is amended by adding at the end of such section the following: "There is hereby authorized to be appropriated to carry out the provisions of this Act for the period beginning July 1, 1975, and ending September 30, 1975, the sum of $11,967,000.".

The SPEAKER. Is a second demanded?

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

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

There was no objection.

The SPEAKER. The gentleman from Texas (Mr. DE LA GARZA) will be recognized for 20 minutes, and the gentleman from Virginia (Mr. WAMPLER) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Texas (Mr. DE LA GARZA).

Mr. DE LA GARZA. Mr. Speaker, H.R. 6387, as amended, as reported by the Committee on Agriculture, provides a 3-month interim extension of the Federal Insecticide, Fungicide, and Rodenticide Act. It extends the authorization of ap-

propriations under the act through the period July 1–September 30, 1975, at a level of $11,967,000.

Without this extension, the authorization for appropriations under FIFRA would expire on June 30, 1975.

As originally introduced, H.R. 6387 would have extended the authorization for 2 years through September 30, 1977, with an authorization of $47,868,000 for the fiscal year ending June 30, 1976, and $47,200,000 for the fiscal year ending September 30, 1977. The committee report instead authorizes appropriations only for a 3-month period at one-fourth the amount proposed for the fiscal year 1976 in the bill as originally introduced.

Extensive hearings were held on the bill. The hearings were held during the week of May 12 through 16, 1975, and the committee continued its consideration of the bill on June 3, 5, 9, 10, and 11, 1975. During the hearings testimony was received from the Environmental Protection Agency, U.S. Department of Agriculture, representatives of National Association of State Departments of Agriculture, and the State departments of agriculture of a number of States, from farm organizations, trade associations, industry and public interest groups. Many of the spokesmen at the hearings voiced complaints concerning administration of the act. The hearings gave rise to a number of controversial issues surrounding the administration of the act, resulting in a number of amendments being prepared by various members of the committee.

When it became apparent that the issues could not be resolved in time for adoption of a bill to cover the 2-year extension, the committee by a vote of 22–2 acted to provide an interim extension of 3 months, authorizing a funding level at one-fourth of the rate proposed for fiscal year 1976.

The bill does not settle any of the substantive issues raised during the hearings. It is only a stop-gap measure. The 3-month extension will enable EPA to continue to carry out its functions in an orderly manner while the committee considers the various proposed changes which have been suggested by its members. Approval of the authorization for funding should not be construed as committee approval of any significant expansion of programs under the Federal Insecticide, Fungicide, and Rodenticide Act. In particular, it was the committee's intent that EPA should not use amounts appropriated pursuant to this authorization to begin an expanded program for certification of private applicators. The committee wishes to review this program along with other matters in connection with the authorization for extension of FIFRA beyond September 30, 1975.

The level of funding authorized is slightly in excess of the rate of funding for fiscal year 1975. The differences are accounted for largely by increases in technical support activities to meet regulatory requirements of the act.

A number of amendments were considered but rejected which would have provided for different funding authorizations for the 3-month extension. One of those rejected would have increased the authorization to $24,900,000, the level recommended by EPA. This would have provided an authorization which would have enabled EPA to provide assistance to the States on an expedited basis to carry out State plans for certification of private applicators. The amendment lost by a unanimous vote.

The amount authorized to be appropriated for the 3-month period covers all activities under FIFRA including the amount necessary for environmental research, development and demonstration activities under section 20. The committee has also been working with the Committee on Science and Technology in an attempt to better coordinate EPA's overall research effort. Thus, under this authorization there would be available for such activities—but in no event for purposes relative to enforcement of the act—an amount not to exceed $3,511,975, as provided for in H.R. 7108, reported by the House Committee on Science and Technology.

This bill has the support of the administration. On May 12, 1975, Mr. John Quarles, Deputy Administrator of EPA, testified in support of H.R. 6387, as originally introduced which would have extended the appropriation authority of FIFRA for a 2-year period. At the conclusion of the hearings on June 10, he was asked whether he would support a 3-month extension and indicated that he had no objection to such an extension.

I urge that my colleagues join me in supporting adoption of H.R. 6387.

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

Mr. DE LA GARZA. I yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

Was some of that dissension on the administration policy dealing with the fire ant problem itself?

Mr. DE LA GARZA. Yes. That was mentioned during the hearings.

Mr. KAZEN. I would hope that if this law is extended, the committee would do something about that, because the damage done to human beings and to animals in the South, and the devastation done by the fire ant should be stopped, and it is within the authority of the administration to do something about it, but up until now, they have ignored it completely.

Mr. DE LA GARZA. I might tell my colleague that many members of the committee, including the gentleman speaking, share the gentleman's views, and we are working diligently on trying to arrive at some equitable solution to that major problem in the United States.

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

Mr. Speaker, I rise in support of H.R. 6387, as amended, to extend the Federal Insecticide, Fungicide, and Rodenticide Act for 3 months.

The bill is necessary if the Environmental Protection Agency is to continue to administer its pesticide program under FIFRA beyond June 30, 1975, inasmuch as the authorization for appropriation expires on that date.

H.R. 6387 as originally introduced at the request of the administration by the gentleman from Washington (Mr. FOLEY) and myself, would have provided for a straight 2-year extension of the authorization for FIFRA. However, during the course of the public hearings which were held on the renewal of this authorization, it became abundantly evident that the EPA was not administering the law as Congress had intended when we passed the act nearly 3 years ago. As a matter of fact, so many substantive issues were raised in the committee relative to the administration of the act by EPA that there was no feasible way we could resolve them all before June 30. Therefore, the committee decided to grant a 92-day extension of authorization with the intent that this would allow the EPA to continue to carry out its duties as prescribed by existing law while the committee works its will on the various changes to FIFRA.

There are three fundamental issues that arose in the course of the hearings. While there are at least a dozen other disputes that will have to be resolved, the main difficulty has centered on the establishment of an informant system by EPA under the guise of research, the certification of private applicators under the program, and the registration of materials as pesticides.

I. THE "HOTLINE" ISSUE

In a city that has been numbed by political shock waves in the past several years, I suppose it is hard to find another such shock potent enough to jolt us.

However, we received such a shock at the Committee on Agriculture as the bizarre details of an elaborate informer system established by the EPA came to light during our hearings on H.R. 6387.

Section 20(a) of this act authorizes the Administrator to cooperate with various scientific and academic institutions and "others" to do research on new methods to control insect pests, find biological alternatives to chemical pesticides and to otherwise "carry out the purposes of the act."

Under this authority the EPA contracted with an organization known as the Juarez-Lincoln Center and the "National Farmworker Information Clearinghouse," Antioch College, to conduct a little "research" on the farmers, ranchers, and home gardeners of America.

Under the EPA contract, the supervision of this so-called "research" was delegated to the Office of Enforcement and it is not administered or supervised by the Office of Research and Development.

Pursuant to a $40,000 grant from EPA this group is presently operating a national toll-free—taxpayer-paid—telephone system to record complaints about violations of this law.

Under the contract this group will, in the language of the grant instrument, help EPA "allocate the Agency's limited inspectional resources in a manner which will facilitate evidence-gathering and case preparation in enforcement actions involving misuse—and will distinguish those pesticide use activities which will and will not be considered violations of

FIFRA which may subject the violator to civil or criminal penalties."

To further carry out this so-called "research" effort the Agency issued the following press release on May 16, 1975:

United States Environmental Protection Agency Radio News Dateline Washington for use through Friday, May 16.

Estimates of the number of farm workers made ill every year from misuse of pesticides range in the hundreds of thousands. Hundreds of these workers die. The misuse of pesticides in homes, gardens and other areas also has caused illness and has destroyed plant and animal life. In an effort to reduce these episodes, and accidental poisonings from misuse of pesticides among all sectors of the population, EPA today inaugurated a free reporting service. Peggy Quarles of EPA's Pesticide Enforcement Division explains how the program will work. We'll have a 38 second cut, five seconds from now.

Beginning today, EPA is inviting anyone aware of a misuse of a pesticide that has caused harm to people or to wildlife and plants in the environment to report this on a toll-free telephone from anywhere in the country. The number is 800-424-1173. Suppose you know of a worker who has become ill from a pesticide, or suppose someone's pesticide spray has damaged plants in your garden. Or suppose safety precautions on the label are not clear. In all cases such as this, please call us. That number again: 800-424-1173.

During the hearings at the committee, EPA officials apologized for the inaccuracy of the press release but defended the indefensible informant system.

Now think about this for a minute!

Here we have a Federal agency which has law enforcement responsibilities—and which can levy civil penalties up to $5,000 per offense and instigate criminal action that can impose $10,000 fines and 3 years in the penitentiary—hiring a group of private citizens to help them collect evidence—and on top of that this same agency seeks nationwide publicity to encourage Americans to tattle on their neighbors if "someone's pesticide spray has damaged plants in your garden."

Mr. Speaker, this "hotline" and its accompanying apparatus is an ominous threat to the civil liberty of every American. It smacks of totalitarian regimes which do "research" on their citizens by spying and anonymous informing with chilling regularity.

I hope it will be stopped by the Agency. If it is not, Congress will have to take necessary action to stop this abuse of power and civil liberties.

I include at this point the text of section 20 of FIFRA, a news article from the Washington Post of Thursday, June 5, 1975, and an article from the American Farm Bureau Newsletter of June 9, 1975.

"SEC. 20. RESEARCH AND MONITORING

"(a) RESEARCH.—The Administrator shall undertake research, including research by grant or contract with other Federal agencies, universities, or others as may be necessary to carry out the purposes of this Act, and he shall give priority to research to develop biologically integrated alternatives for pest control. The Administrator shall also take care to insure that such research does not duplicate research being undertaken by any other Federal agency.

"(b) NATIONAL MONITORING PLAN.—The Administrator shall formulate and periodically revise, in cooperation with other Federal, State, or local agencies, a national plan for monitoring pesticides.

"(c) MONITORING.—The Administrator shall undertake such monitoring activities, including but not limited to monitoring in air, soil, water, man, plants, and animals, as may be necessary for the implementation of this Act and of the national pesticide monitoring plan. Such activities shall be carried out in cooperation with other Federal, State, and local agencies.

[From the Washington Post, June 5, 1975]

ANONYMOUS ACCUSATIONS FEARED—PESTICIDE ABUSE PHONE HIT

Criticism of The Environmental Protection Agency was voiced from unexpected quarters at a House Agriculture Committee hearing Tuesday on the agency's new free telephone service for reporting alleged pesticide abuses.

The EPA announced in a broadcast statement last month it was opening a nationwide toll-free telephone line May 16 to receive reports of pesticide misuse or accidents. The agency invited anyone "aware of a misuse of a pesticide that has caused harm to people or wildlife and plants . . . to report this on a toll-free number from anywhere in the country."

The statement said the reporting service was necessary because misuse of pesticides annually injures hundreds of thousands of farm worker and "hundreds of these workers die."

The estimates of farm worker injuries, immediately challenged by the American Farm Bureau Federation, were quickly withdrawn by the EPA, which apologized for using them and said they could not be substantiated. But the reporting system was opened on schedule and has produced some 80 calls leading to "about six or eight" followup EPA inquiries, officials say.

Robert Baum of EPA told the House Agriculture Committee the agency has considered dropping the service because of complaints, it amounts to an invitation to anonymous accusations against neighbors.

Several lawmakers who in the past have labeled themselves friends of environmentalists criticized the system.

Rep. Peter A. Peyser (R-N.Y.) likened it to official spying in Nazi Germany where children were asked to report to government agents on what their parents said.

"This is totally wrong . . . absolutely outrageous. It ought to be terminated at once," he said.

Freshman Floyd Fithian (D-Ind.) said he was elected with help from environmentalists and had considered himself a strong conservationist.

"But in my four months here I've grown increasingly disillusioned by the way you spread your authority beyond what Congress has given you." Fithian told EPA officials ". . . You may kill the goose that lays the golden eggs."

[From the Farm Bureau News, June 9, 1975]

EPA ADMITS "POOR JUDGMENT" IN USE OF UNDOCUMENTED PESTICIDE DATA

In response to a request by the American Farm Bureau Federation that the Environmental Protection Agency either (1) document its charges that "hundreds of thousands" of farm workers are made ill every year from the misuse of pesticides and that "hundreds die" or (2) retract the statement, EPA Administrator Russell E. Train has written to AFBF President William J. Kuhfuss saying that EPA's statement "reflected poor judgment."

"You can be assured that every effort will be made to assure that such a misstatement does not happen again," Train added.

The EPA statement was part of a prerecorded radio tape used in inaugurating a toll-free telephone "reporting" service by which any person could report what he or she thought was a case of pesticide misuse.

Train's response to Kuhfuss' statement that the reporting service "should not be tolerated in a free society" was to provide four alleged reasons for it. He said these are to (1) determine scope and nature of pesticide misuse, (2) develop a means whereby pesticide misuse incidents can come to the attention of EPA enforcement officials, (3) identify classes of persons who frequently misuse pesticides, and (4) identify classes of persons who are harmed by pesticide misuse.

In calling for the termination of the tax-supported toll-free "reporting service," Kuhfuss said it is "nothing more than a bureaucratic surveillance system by Big Brother government with an open invitation for decisions based on prejudice instead of fact."

II. CERTIFICATION OF PRIVATE APPLICATORS

Section 4 of FIFRA establishes a procedure for the certification of private applicators who desire to use "restricted-use" pesticides. The manner in which this section is implemented is crucial both to farmers and to consumers. If EPA were to require a burdensome and unworkable certification procedure, for example, this would only serve to hamper the productivity and efficiency of our farmers as they would encounter endless redtape before being able to purchase and use pesticides that they have safely used for years.

I, for one, am not going to blindly grant EPA open-ended authority to institute just any kind of certification program they desire without having some understanding that the type of procedure they intend to require is reasonable.

III. REGISTRATION AND CLASSIFICATION OF PESTICIDES

Section 3 of FIFRA requires the Administrator of EPA to classify pesticides for either general use, restricted use, or both. Again, I am not going to vote to give EPA a lengthy extension of authorization without being certain that the agency will act responsibly when determining to which category a given pesticide will be classified. I point this out because it is entirely realistic to assume that if a great number of pesticides are classified under the restricted-use category, it may become nearly impossible for the average citizen to purchase and apply the most common of pesticides without first having received a permit from EPA allowing him to do so.

IV. OTHER DISPUTES

Mr. Speaker, there are many other issues that the Agriculture Committee will have to grapple with during the next 3 months.

Most notably, several amendments are pending to allow the use of certain pesticides to combat specific pests. The EPA has severely limited during the last 2 years the ability of our farmers, ranchers, and foresters to control and/or eradicate fire ants, gypsy and tussock moths, and predators, that is, coyotes. I think the committee must reach an understanding of how EPA intends to interpret existing law so that we know what enforcement and regulation programs will be adopted relative to the use of chemicals that have currently been banned or whose use has been exceed-

ingly restricted, even though these pesticides are generally recognized as effective to accomplish the purposes for which they are intended, that is, control of predators, pests, etc.

In conclusion, Mr. Speaker, I urge my colleagues to vote for this bill which will give the committee time to conduct proper and appropriate oversight over the administration of the FIFRA programs by EPA.

H.R. 6387 authorizes funding at a level equal to one-fourth of the rate proposed for fiscal year 1976. The committee has further specified that the EPA shall not use this money to expand its activities under FIFRA, but rather continue its administration of FIFRA on a status quo basis, and that it definitely shall not use funds authorized pursuant to this bill to begin a program to certify private applicators.

I think this bill is necessary and is a reasonable manner in which to proceed, and it is my hope that it will be approved by the House.

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

Mr. WAMPLER. I yield to the distinguished gentleman from California.

Mr. KETCHUM. Mr. Speaker, I would like to ask this question. During the course of the hearings, when this rather irresponsible statement was issued by EPA relative to how many individual workers have died of pesticide poisoning, and they had to admit it was not true, that they could not substantiate it, have they made that as public as their statement regarding the espionage line?

Mr. WAMPLER. I can only say it is my impression they have not.

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

Mr. WAMPLER. I yield to the distinguished gentleman from Idaho.

Mr. SYMMS. Mr. Speaker, I thank the distinguished minority leader of our committee for yielding.

What the gentleman is saying is that the gentleman is urging a vote for this, but that we have a 90-day time period to see whether EPA wants to become more reasonable to the American people, use less Gestapo-like tactics with respect to coyotes causing more damage to range lands than sheep do; is that what the gentleman is saying?

Mr. WAMPLER. This 92-day period will give us the opportunity in the committee to see whether EPA responds to the many questions raised in the course of hearings on the authorization.

Mr. SYMMS. I appreciate the gentleman's point of view. I think the gentleman gave a very excellent speech.

As a member of the Committee on Agriculture, I think the gentleman has spelled it out very clearly and I commend the gentleman. I just hope at the conclusion of the 90-day period that we will be able to de-Nazify and be able to clarify the problem of fire ants and coyotes and the other problems we have and that we are not disappointed in 90 days that we have not made any headway. I hope that the EPA is not allowed to run the whole roost by their dictation, instead of by the will of the American people.

Mr. WAMPLER. Mr. Speaker, let me respond additionally by saying that unless I am satisfied that EPA has responded satisfactorily to these areas of concern, this Member will not be in the well supporting legislation providing any additional authorizations for the agency.

Mr. MYERS of Indiana. Mr. Speaker, will the gentleman yield?

Mr. WAMPLER. I yield to the distinguished gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Speaker, it is not clear to me what would be the impact or the effect on EPA's authority if this extension is not passed today for this 90 days; what would be the effect on EPA's ability to continue with the present tactics?

Mr. WAMPLER. May I respond to the distinguished gentleman from Indiana by saying that unless we extend the authorization by the end of this month EPA will not have any legal authority to continue activities under FIFRA. It is not my purpose to deny them that authority. I am supporting what the committee felt we should do, in that we are offering in this authorization bill one-fourth of the amount of money requested for the fiscal year 1976.

This bill does give us 92 days beyond June 30, 1975, in which to get some responses to the questions raised in the hearings and which I alluded to earlier in the debate.

Mr. MYERS of Indiana. Did I understand the gentleman to say that if this is not passed today, EPA would have no authority to regulate pesticides, fungicides and rodenticides?

Mr. WAMPLER. That is correct, because the present authorization expires June 30, 1975.

Mr. MYERS of Indiana. I thank the gentleman.

Mr. DE LA GARZA. Mr. Speaker, I yield 5 minutes to the gentleman from Texas (Mr. POAGE).

Mr. POAGE. Mr. Speaker, as one who has thoroughly disagreed with a great many of the rulings of EPA, I feel that I must rise and at least suggest to the House why I expect to vote for this bill this afternoon. I recognize that many of our colleagues feel that the agency has been so remiss in its decisions that they feel that we should not give it another day. But, as the gentleman from Virginia has so well pointed out, if we take no action, after the 30th of this month there will be no way whereby the EPA can carry on its program in regard to poisons and pesticides, for it would have no authority for the expenditure of any funds, and it cannot do very much without expending some funds.

There are many in the House who will say, "That would be a good thing, let it die." I think, on reflection, that most Members know, in the first place, that they cannot let it die, that they have not got the votes to let it die at this time. If the Agriculture Committee takes no action I think it is sure that some other committee will assume jurisdiction and will extend the agency's authority. I have always believed that the best legislation was to do the thing that is practical and the thing that is obtainable.

EPA has made more mistakes in the short period that it has operated than it seems possible that one agency could make in that period of time. It has been arbitrary. It has been unreasonable. I think that it has failed in its basic purpose. I think that EPA, and particularly FIFRA, has an obligation to try to balance the good against the evil in the use of these products. I do not feel that there has been any real effort to achieve a balance.

I feel that, on the whole, that FIFRA has not sought to apply any kind of restraints that they could apply to the use of chemical pesticides and chemical toxins on the theory, possibly, that there are many large organizations who tell their people, "You ought not let these rich farmers—"

They are always "rich" farmers until one gets out on the farm, and then one finds that they are generally bankrupt farmers.

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

Mr. POAGE. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Speaker, I thank the gentleman for yielding to me. I say that in my short time in Congress, I have been with him on many occasions where we have been making a plea for western sheep being grazed off the land by western coyotes. I wonder if the gentleman has had the opportunity personally in the last time frame to talk this over with the Secretary or the President or anybody about what the administration's position may be. I know we have done it before, always to no avail. I wonder if the gentleman has had any information on that?

Mr. POAGE. I talked to the Secretary as late as yesterday. I think it is fair to say that he is definitely in favor of controlling coyotes, fire ants and tussuck moths. I do not think it is any secret that I also talked to the President yesterday about this. I do not want to quote the President, but I feel that he is deeply interested in our problem. I feel that he is beginning to understand our problem, and I am hopeful that if we can have some 3 months to see what EPA will come up with, that they may come up with some more reasonable, more balanced regulations.

If they do, if they come up with what seems to be a reasonable balance between the ecology and the economy, I will be back here 3 months from now urging an extension of EPA. If they fail to give us any indication, that they are not trying to achieve this balance, I can see no justification for continuing the activities of the agency.

But it seems to me that the practical thing to do at this time is to give this agency a 3-month extension to see if they will achieve any approach to a reasonable balance between maintaining of the ecology and maintaining of the economy of the country.

Mr. DE LA GARZA. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. VIGORITO).

Mr. VIGORITO. Mr. Speaker, I thank the chairman for yielding me this time. I rise in support of this legislation. It is

a must legislation. It will give us 90 days in which to improve on the legislation so that we can extend it for a year or two before September 30.

I urge my colleagues to vote for this legislation.

Mr. WAMPLER. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Colorado (Mr. JOHNSON).

Mr. JOHNSON of Colorado. Mr. Speaker, I would like to bring to the attention of the House a problem that we are having with FIFRA. My good friend from Idaho has pointed out, in his own inimical fashion, about the de-Nazification of EPA. I do not think that very many people will want to describe them as a Nazi-like organization, yet at the same time we are having a very great difficulty with them in trying to get them to come to grips with the real, difficult problems we have in trying to regulate pesticides and insecticides in a more reasonable manner.

We may differ when we say there is a reasonable manner, but the only way the EPA seems to be dealing with these problems is by inactivity, by letting the problems just continue on without really coming to grips with them.

I would like to give the Members two examples. We are now inundated in the Southeastern part of the United States—that is not my part of the country—but we are inundated with an ant that is called the fire ant. It is expanding its coverage at a rate of about 40 miles a year.

If you do not have them in your district now, you will have them, at the rate they are going. And they are a severe pest. The way to get rid of them is by an application of Mirex, which kills about 97 percent of them, but after that one application you have 3 percent left, and they reproduce themselves. The problem with Mirex, of course, is that it has a half life of about 50 years, and it kills small crabs and shrimp by the millions. It gets into the ecosystem of the large shrimp and crabs, and it gets ultimately into the human system. There is evidence that Mirex causes cancer in mice. And, of course, the EPA then has this difficult choice in saying, "Since this is where we are heading, and it will probably sometime show that it may cause cancer in individuals, what are we going to do"?

The EPA, instead of making this determination to do what is necessary to either wipe out the ants or come up with a whole new program that is going to wipe them out, is just letting this thing go, where, ultimately, the whole country will be inundated with fire ants. They refuse to make this hard decision. When we say the Congress should make it then, they say, "No, we do not want the Congress to legislate specifically."

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

Mr. JOHNSON of Colorado. Yes, I will yield to the gentleman.

Mr. POAGE. Before the gentleman concludes with the fire ants, will the gentleman point out the EPA has approved the use of Mirex one time a year—forever, apparently—and we will be pouring Mirex into the water for a thousand years under present regulations.

Mr. JOHNSON of Colorado. Mr. Speaker, the gentleman is exactly right.

Mr. POAGE. Far more than if we kill the ants at one time and then quit.

Mr. JOHNSON of Colorado. That is exactly right, and the accumulation of Mirex in the ecosystem would be far heavier than if we took the necessary steps to wipe them out. But because of their failure to come to grips with the problem, paying attention to an emotional group of people who are so vocal in their opposition to any of these methods or procedures that would ultimately take care of the problem, they just in effect do nothing.

Mr. Speaker, we have the same situation with regard to coyotes. I do not know how many of the Members are familiar with the use of 10–80; 10–80 was outlawed a few years ago. It is a poison. It allegedly had secondary poisoning effects. It was causing the death of coyotes, and, through the coyotes, it was alleged that it ultimately led to the death of eagles, and the eagles were alleged to be in great danger of extinction.

During the course of the hearings I came up with two studies, one of which had been made by the Government and one by an independent agency of the University of California, which said that continuing use of this compound did not have any secondary poisonous effect on eagles if done in a proper manner.

So at that time I asked the EPA for information during three different hearings, twice in public hearings and once in a private hearing, which was attended by several Members of Congress. I asked this question:

"Do you have anything that indicates this is not true? Do you have anything that indicates there are any secondary poisoning effects from this compound if used properly to kill coyotes?"

They said, "No, we don't have anything."

I said, "What evidence do you require that would cause you to change your rules?"

"Well, we don't know."

That is the kind of circular intellectual process we are trying to come to grips with, and in 90 days if we come back with major amendments to the FIFRA Act, this is the reasoning behind it.

It is not that the members of this committee are trying to kill eagles and we are not trying to poison everybody and give everybody cancer. We are tring to deal with specific difficult problems, which the EPA has refused to deal with. The alternative may be unpalatable, but they must be faced.

Mr. Speaker, I would hope that the membership would be sympathetic with what we bring to the Members in 90 days, because unless there is a radical change in the EPA attitude, we will be in here with specific amendments.

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

Mr. JOHNSON of Colorado. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Speaker, I would just like to say that in the Pacific Northwest we have one particular area where there are 800,000 acres of beautiful Douglas-fir trees. This is timber that has had the seed cones at the top part of the tree damaged. The seed cones have been knocked out, and the timber has been destroyed, and the area has been severely damaged. It is going to take years for this timber to recover, and the fire hazard has been increased, all because the EPA has not allowed the U.S. Forest Service to take the necessary action, which would have consisted of a very minimal use of EDC back in 1973. That action could have avoided this terrible economic and environmental disaster in the kind of thing that goes right along with the issue involving Mirex and the fire ants, and so forth.

Mr. BROWN of California. Mr. Speaker, I want to note that H.R. 6387, along with the Science and Technology Committee's H.R. 7108, raises some questions concerning the smooth implementation of the committee jurisdictional changes that the House voted last fall. Rule X of the Rules of the House of Representatives specifically gives legislative jurisdiction over "environmental research and development", as well as nonnuclear energy research and development, to the Committee on Science and Technology. Accordingly, in the tradition of the Science and Technology Committee's careful and detailed authorization proceedings for the National Science Foundation and the National Aeronautics and Space Administration programs, the committee has this year studied and made detailed authorization recommendations for the Environmental Protection Agency's and the Energy Research and Development Administration's research and development efforts. Our authorization and recommendations for the entire EPA R. & D. program, including pesticides, are contained in H.R. 7108, and the report accompanying it. Our recommendations on ERDA are in H.R. 3474. Though the EPA R. & D. program, involving air, water, radiation, toxic substances, and other areas as well as pesticides, is run as a single administrative unit within the EPA, the legislative authority comes from the research and development section of the Federal Insecticide, Fungicide, and Rodenticide Act, which H.R. 6387 extends for 90 days. This act contains regulatory aspects of pesticide use, as well as research and development. In recognition of the Science and Technology Committee's jurisdiction over the R. & D. aspects, Chairman FOLEY has written the Rules Committee withdrawing his verbal objections to granting a rule for H.R. 7108. Moreover, the Agriculture Committee has agreed to insert into their report that the funding level for research and development under their 90-day authorization shall not exceed $3,511,975, "as provided for in H.R. 7108, reported by the House Committee on Science and Technology." A copy of Chairman FOLEY's letter will be inserted into the RECORD at the conclusion of my remarks.

I believe I should note that as a member of the Agriculture Committee, as well as the Science and Technology Committee, I find no reference in the House rules to environmental research and de-

velopment being within the Agriculture Committees jurisdiction. While this is obvious to any reader of the rules, not all of the problems concerning the implementation of the new jurisdictions are worked out. I have agreed to support, in the spirit of compromise, an amendment limiting the pesticide R. & D. authorization of H.R. 7108 to 90 days, in conformity to the provisions of H.R. 6387. I hope that we will be able to resolve any further issues in that time. The best means for doing this may turn out to be sequential referral of bills authorizing both regulatory and R. & D. programs, or alternatively, passage of separate bills representing the separate jurisdictions of the committees involved. In any case, I want to assure my colleagues that Chairman FOLEY, and I will continue to work together to achieve the best solution, in the most expeditious fashion.

The letter from Chairman FOLEY to the Rules Committee follows:

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, D.C., June 13, 1975.

Hon. RAY J. MADDEN,
Chairman, Committee on Rules,
U.S. House of Representatives,
Washington, D.C.

MY DEAR MR. CHAIRMAN: In a hearing held on Wednesday on H.R. 7108, a bill to authorize appropriations for environmental research, development and demonstration, I appeared as a witness and asked for a delay in the granting of a rule in a effort to work out the differences between provisions in that bill and H.R. 6387, which the Committee on Agriculture had just ordered reported to the House.

In view of the following arrangements that I have worked out with Mr. Brown, Chairman of the Subcommittee on the Environment and the Atmosphere of the Committee on Science and Technology, I have no further concern regarding H.R. 7108 and do not object to the granting of a rule on this bill.

H.R. 7108 provides an authorization for EPA to continue research, development and demonstration under FIFRA for a 15-month period ending September 30, 1976, and specified the sums authorized for this purpose.

H.R. 6387 was the subject of extensive hearings by the Agriculture Committee. In contradistinction to H.R. 7108, it provides only a 3-month extension of the authorization for EPA to continue activities under the Federal Insecticide, Fungicide, and Rodenticide Act, which otherwise was due to expire on June 30, 1975.

The hearings on H.R. 6387 gave rise to a number of controversial issues surrounding administration of the Act resulting in a number of amendments being prepared by various Members of the Committee. When it became apparent the issues could not be resolved in time for adoption of a bill to cover the two-year extension, as originally proposed, the Committee acted to provide an interim extension of three months, authorizing a funding level at one-fourth the rate proposed for fiscal year 1976. The amount authorized to be appropriated for the three-month period covered authorization for all activities under FIFRA including amounts necessary for environmental research, development and demonstration activities.

One of the most controversial issues that arose in the course of hearings on H.R. 6387 related to a hot-line used to obtain information on incidents of pesticide misuse. EPA provided a grant to a contractor, The National Farm Workers Clearinghouse, which maintained a toll-free line on which it compiled information obtained from informants. This contract apparently was justified as a research and monitoring activity by EPA, and the Committee has under consideration a number of proposals to limit its use.

Since the hearing before your Committee, we have discussed the matter with Mr. Brown and have arrived at a compromise of the differences in the two bills. In the Committee Report on H.R. 6387 we have incorporated the following statement: "The Committee has also been working with the Committee on Science and Technology in an attempt to better coordinate EPA's overall research effort. Thus, under this authorization there would be available for such activities (but in no event for purposes relative to enforcement of the Act), an amount not to exceed $3,511,975, as provided for in H.R. 7108, reported by the House Committee on Science and Technology."

Agreement has also been reached on an amendment to be presented to H.R. 7108 on the Floor to provide that of the amount that is authorized to be appropriated for environmental research, development and demonstration under FIFRA only $3,511,975 could be obligated prior to September 30, 1975, and no money could be obligated after that date except to the extent hereafter specifically authorized by law. There would be a further proviso that no part of the money appropriated for such purposes could be used for enforcement of the Act, so as to assure that the authorization could not be used for activities such as the hot-line.

We are also working on a memorandum of agreement which will provide better coordination of activities of our Committees in the future.

Thank you for your kind consideration.

Sincerely,

THOMAS S. FOLEY,
Chairman.

Mr. DE LA GARZA. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. (Mr. MCFALL). The question is on the motion offered by the gentleman from Texas (Mr. DE LA GARZA) that the House suspend the rules and pass the bill (H.R. 6387), as amended.

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

The title was amended so as to read: "A bill to extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for three months.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. DE LA GARZA. 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 pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

LOANS FOR SMALL BUSINESSES SUFFERING ECONOMIC INJURIES RESULTING FROM PUBLIC UTILITY DISRUPTIONS

Mr. SMITH of Iowa. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4888) to amend the Small Business Act to make loans available for small businesses suffering economic injuries as the result of the disruption of operations and services of public utilities, as amended.

The Clerk read as follows:

H.R. 4888

To amend the Small Business Act to make loans available for small businesses suffering economic injuries as the result of the disruption of operations and services of public utilities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 7(b) of the Small Business Act (15 U.S.C. 636(b)) is hereby amended by inserting immediately at the end of paragraph (8) the following new paragraph:

"(9) to make such loans (either directly or in cooperation with banks or other lending institutions through agreements to participate on an immediate or deferred basis) as the Administration may determine to be necessary or appropriate to assist any small business concern in reestablishing or continuing its business if the Administration determines that such concern has suffered substantial economic injury as a result of the disruption of operations and services of public utilities to such small business concern, providing the disruption was of substantial scope and duration and occurred on or after January 1, 1975: *Provided, however,* That such loans shall be made at the rate of interest and for the period of time provided in section 7(a)(4) of the Small Business Act.

"For the purpose of paragraph (9) the term 'public utility' shall mean a monopoly licensed or franchised by the Government to provide telephone, telegraph, natural gas, or electric service to the consuming public on a continuing basis.

"For the purpose of paragraph (9) a disruption of operation and services of public utilities shall be deemed to be of substantial scope and duration if such disruption occurs within a specifically definable area, and adversely affects a majority of business concerns in that area for a period of at least three consecutive days: *Provided,* That no loans authorized by this paragraph shall be made to any small business concern failing to demonstrate that such loan is necessary for the preservation or reestablishment of such small business concern.".

SEC. 2. Section 4(c) of the Small Business Act is amended by inserting "7(b)(9)," in paragraphs (1) and (2) thereof after "7(b)(8),".

The SPEAKER pro tempore. Is a second demanded?

Mr. J. WILLIAM STANTON. Mr. Speaker, I demand a second.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Iowa (Mr. SMITH) will be recognized for 20 minutes, and the gentleman from Ohio (Mr. J. WILLIAM STANTON) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Iowa (Mr. SMITH).

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

Mr. Speaker, very recently a fire in downtown Manhattan virtually destroyed a telephone company switching building and thus knocked out some 170,000 telephones which served over 100,000 residences and businesses on the East Side and in Greenwich Village. Although the telephone company may recover part of

its loss by insurance, about 8,400 business and professional offices probably will not. Most of these are small businesses such as delicatessens and restaurants, photographers, florists, pharmacies and even funeral homes.

As a result of the lack of telephone service, these small business merchants are unable to accept telephone orders or give price quotations over the telephone, order merchandise from their suppliers, or make a telephone check to obtain approval of a credit card sale for customers who have come into their business.

The decrease in the income of these small concerns in many cases means the difference between continued operation or failure. Most of these businesses do not have financial reserves which they can fall back on and a loss of several hundred dollars per week for a period of weeks—in this case they were without telephone service for almost 4 weeks—dooms them to failure.

At the present time, according to Small Business Administrator Tom Kleppe, this type of disaster does not qualify an affected business for a disaster loan, although such a business might be eligible for a regular section 7(a) business loan.

Although this general loan program is a source of much needed financing to numerous small businessmen, I do not believe that it should be the sole source of help to those confronted by a disaster.

Not only may the small business concern be unable to meet the more stringent eligibility tests required of section 7(a) applicants, there may be no funds available for direct loans under that program. The Office of Management and Budget is on record as opposing any direct low-interest loans being made by SBA and instead is attempting to turn SBA into an insuror of banks by emphasizing bank guaranteed loans at some 10 percent interest to the exclusion of direct loans.

One illustration of the OMB policy is shown by the administration's budget request for fiscal year 1976 which does not contain any request for direct loan funds, unless Congress would increase the direct loan interest rate to almost 10 percent.

H.R. 4888 was introduced by our colleague, JOE ADDABBO, to remedy this situation by specifically amending the Small Business Act to authorize SBA to make direct or guaranteed loans under the disaster loan program to a small business to assist it in reestablishing or continuing its business if it has suffered substantial economic injuries as a result of the disruption of the operations and services of public utilities to such small business. These loans would be at 6¾-percent interest and repayable over a period of up to 10 years.

At hearings on this bill, testimony was received from Congressman ADDABBO, the City of New York Economic Development Administration and the New York Telephone Co., all of whom favored its enactment. Testimony was also received from the SBA which opposed this bill as unneeded, although Administrator Kleppe admitted that there were no available loan funds which could be used to assist small businesses injured as a result of this telephone company fire.

This bill was considered and unanimously reported favorably after certain changes were made to clarify what some felt were ambiguities. The committee believes that the need for this type of disaster loan assistance is clear and that it should be made available now to assist in situations such as occurred in New York City, Kentucky, Ohio, and New Jersey, to name but a few.

Also, it should be pointed out that Congress has enacted legislation to assist disaster victims in recovering from other nonphysical disasters—OSHA loans, water pollution equipment loans, product disaster loans to alleviate the loss when a product is condemned under the Wholesome Meat Act, energy loans, and many others.

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

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

Mr. ADDABBO. Mr. Speaker, I believe that H.R. 4888, which provides for business loans to concerns suffering economic injuries as a result of the disruption of operations and services of public utilities, is within the spirit if not the letter of the present disaster loans programs of the Small Business Administration. There is a definite need for this legislation as typified by the recent telephone exchange fire in New York City. Its enactment at this time will not require the appropriation of additional funds by the Congress since there are available uncommitted funds which could be used for this purpose.

The greatness of our Nation can be measured by the ways in which our Government has responded to the needs of people who have been adversely affected by disasters. I believe that the Congress has, on numerous occasions, demonstrated this purposeful ideal when called upon to assist small businesses which have been involuntarily subjected to the crushing effects of a physical or nonphysical disaster. The response of the Congress to disasters adversely affecting small businesses is not only of impressive magnitude but also, I believe, establishes a national policy worthy of continued recognition and deserving of further implementation wherever needed.

The Small Business Act recognizes two generic types of disasters which do allow for Federal assistance. The act, as amended, provides for loans to small businesses which have been adversely impacted by certain natural disasters including floods, riots, civil disorders, or other catastrophes. The second category of disaster loan assistance, which the Congress has deemed worthy of recognition, is economic injury or nonphysical disaster loan programs.

Since the enactment of the Small Business Act, various situations, resulting in adverse economic injury to small business, have prompted the Congress to amend the statute to provide for the requisite assistance. Accordingly, under certain qualifying conditions, nonphysical disaster loans are available to small businesses suffering economic loss as a result of: First, a business concern located in an area affected by a disaster, if the Administrator determines that there is a substantial economic injury and if such disaster constitutes a major disaster as determined by the President or a natural disaster as determined by the Secretary of Agriculture; second, a business concern suffering substantial economic injury as a result of being displaced by a federally aided urban renewal program or a highway project or any other construction constructed with Federal funds; third, a small business concern sustaining substantial economic injury as a result of the inability of such concern to process or market a product for human consumption because of disease or toxicity occurring in such product through natural or undetermined causes; fourth, the likelihood of economic injury to a small business concern as a result of its inability to meet the standards established by the Egg Products Inspection Act of 1970, the Wholesome Poultry and Poultry Products Act of 1968, or the Wholesome Meat Act of 1967; fifth, the likelihod of economic injury to small business concerns caused by an inability to meet the standards established by the Federal Coal Mine Health and Safety Act of 1969; sixth, economic injury caused by the requirements of the Occupational Safety and Health Act of 1970; seventh, potential economic injury to small businesses as a result of international strategic arms limitation treaties; and eighth, a small business concern suffering economic injury as a result of the energy situation.

As is clearly evident, these programs are predicated upon a need which was voiced by the small business community and rightly acted upon by the Congress.

H.R. 4888 now presents our Nation's lawmakers with yet another need which is of equal merit and immediate urgency. The need for this amendment to existing legislation was recently typified by a fire in a telephone exchange in lower Manhattan in New York City. This fire silenced 173,000 telephones, of which 104,000 were for residential and commercial use. It is estimated that 8,500 businesses and professional offices lost these vital telephone services as a result of the fire.

The extent of this disaster reached over a 300 square block area and left virtually helpless those small businesses which depend on the telephone for most of their commercial transactions. In fact, I am advised that some businesses below 23d Street in Manhattan which rely on telephones were losing thousands of dollars for each day of this disruption of service, and that some such businesses have, in fact, been forced into bankruptcy.

When I introduced this bill, I was, of course, profoundly aware of its national significance. This proposed legislation is not a private bill to aid the victims of the New York disaster; it is a bill to aid small businesses who are victims of the type of disaster which recently occurred in New York. There is no geographical restriction for this type of disaster. The possi-

bility that similar disasters may occur subsequently in different parts of the Nation is not a contingency to be lightly discounted.

The fact is, the Small Business Act as presently interpreted by the Administrator does not provide relief for this type of situation, and that this Congress, as well as our successors, has a declared statutory duty to "aid, counsel, assist and protect small businesses." H.R. 4888 does nothing more than afford us an additional means to achieve this most worthwhile ideal.

The need is apparent and the funds are presently available. I urge the enactment of H.R. 4888 so that our laws can reflect, once again, the commitment of this Government to aid and protect the small business victims of economic disasters.

Mr. J. WILLIAM STANTON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker and Members of the House, this is legislation that originally was brought to us many months ago. Some Members on my side of the aisle will remember that the administration did have some strong objections to H.R. 4888.

This was, I say to the Members, back in March of this year; and for that reason, this particular legislation was held off the House floor until these administration questions were answered individually by members of the committee and by giving further thought to the bill in its original form.

Mr. Speaker, not only the administration, but Members on our side of the aisle, in fact, many members of the committee, could not go along with this legislation. However, in the interim months the legislation was considerably tightened up. The original offeror of the amendment itself saw fit to change it from disasters that take place in short periods of time to periods now of at least 3 consecutive days.

Further than that, Mr. Speaker and Members of the House, the subject of what is the definition of a "public utility" was very exclusively set forth in this legislation. It applies only to telephone, telegraph, natural gas, or electric services. It does not include other operations, though, such as public transportation and so forth.

For this reason, Mr. Speaker, I would say that on our side of the aisle, while we do not endorse this legislation, we basically have no strong objections to it.

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

Mr. J. WILLIAM STANTON. Yes, I will be happy to yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I appreciate my colleague's yielding.

In the disaster that occurred in California, the earthquake of 1971, several municipally owned utilities were damaged sufficiently so that they were not able to continue electric power service to their customers.

Many of these utilities made application to the Small Business Administration for a refunding of the costs that they incurred when they were not able to generate their own electricity. It was the cost they incurred in buying the electricity from other power sources, and those charges were higher than they had to normally pay to produce electricity for their customers. They came to the Small Business Administration and asked for reimbursement for the differential on the basis that they could not produce the electricity as a result of the disaster.

Can the gentleman tell me whether under this legislation that kind of coverage would be possible or not possible?

Mr. J. WILLIAM STANTON. I will be glad to tell the gentleman that in this particular situation, this particular legislation, H.R. 4888, would have no application whatsoever.

What the gentleman might have misunderstood earlier is that this is disaster money primarily to small businesses.

Mr. ROUSSELOT. And some municipal utilities?

Mr. J. WILLIAM STANTON. No. It means caused by utility failures, so that is where the connection with the utilities comes in.

Mr. ROUSSELOT. But not the utilities themselves?

Mr. J. WILLIAM STANTON. The utilities themselves would have no money involved in this legislation. It is entirely for small businesses.

Second, only those in a total economic disaster, those who cannot survive without the legislation.

Mr. ROUSSELOT. This does not apply to municipally owned utilities that might need a disaster loan to gear up again to go back in service as a result of the disaster?

Mr. J. WILLIAM STANTON. The gentleman is absolutely correct.

Mr. ROUSSELOT. I appreciate the gentleman's comments.

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

Mr. J. WILLIAM STANTON. Mr. Speaker, I yield such time as he may consume to the gentleman from Massachusetts (Mr. CONTE).

Mr. CONTE. Mr. Speaker, I rise in support of H.R. 4888 as amended by the committee.

This bill identifies and addresses a specific problem facing small business. It adds a new section to the Small Business Act to take care of that problem.

While I do not like to see a proliferation of Small Business Act sections and SBA programs, I believe this bill is necessary and appropriate as an interim measure—to meet an identified need—until our committee has an opportunity to draft and present to the House a long needed, comprehensive rewrite of the Small Business Act.

I want to state, quite frankly, that when H.R. 4888 was first introduced and considered by our committee, I had serious reservations concerning its value. My reservations, and those of others on the committee, were not based on the intent of the legislation. The intent was worthy. It was to help those small firms faced with the destruction of their business as a result of the unanticipated loss of vital public utilities, such as telephone, telegraph, and electric service.

My reservations were based on the original drafting of the bill, I and several other members of the committee felt that the bill was too loosely worded. The Small Business Administration, in presenting its views, expresed the same concern.

As originally worded, the bill would have, or could have covered the disruption of train service, airline service, and even bus service. It could have been interpreted to authorize loans to cover the loss of expected profits. It could have been interpreted to cover the loss of service by just one business for a short period of time.

Because of the reservations we expressed concerning these matters, the Small Business Committee amended the bill. We defined "public utilities" to eliminate the transportation services. We limited coverage to small business in an area in which a majority of business concerns are affected for a period of at least 3 consecutive days.

Further, to take care of the objection that we may be moving into dangerous grounds by authorizing loans to cover loss of expected profits, we also limited the coverage to those businesses that could demonstrate that the loans were necessary to preserve or reestablish their business.

So we are not proposing to furnish these people with a ship to ride comfortably over troubled financial waters, we are only throwing them a lifeline.

I might add, Mr. Speaker, that after our committee drafted an amendment to take care of my objections and those of the SBA, the Administrator of the SBA was furnished a copy of the new language and we asked him to submit any objections he may have to the bill as further amended. We received no objections or further comments from the Administrator.

In short, Mr. Speaker, this bill as amended, furnishes a readily available redress for an identified problem. It was reported unanimously by our committee and I believe it deserves the support of the entire House.

Thank you.

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

Mr. J. WILLIAM STANTON. I will be happy to yield further to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I appreciate the gentleman yielding me the additional time.

The gentleman may recall that there were several complaints, and I am referring to the legislation relating to authorizations for various kinds of disasters, when that legislation passed this House a year or 2 years ago, that in some cases loans were being made at a much lower cost in interest charges than the Government itself had to pay for money in the marketplace. Can the gentleman from Ohio answer how this legislation addressed itself to that issue?

Mr. J. WILLIAM STANTON. The gen-

tleman from California is absolutely correct that in our old committee we got down to disaster loan rates of 3 percent with forgiveness clauses of up to $5,000. This legislation applies itself to basically the so-called government rate which is now about 6¾ percent, and limited to 10 years.

Mr. ROUSSELOT. The interest charge, then, is higher to the recipient than it is for which price the government is paying interest?

Mr. J. WILLIAM STANTON. That is correct. I know the gentleman from California would be pleased to note that our committee has taken a definite move in the direction of standardizing the disaster relief rates which will be at the cost of borrowing the money.

Mr. ROUSSELOT. I appreciate the comments of the gentleman from Ohio, and the willingness of the committee to address itself to this issue. This process has been a major source of complaint of many of my constituents that, even though many people are highly sympathetic with the problems that occur as a result of various disasters, that it still is not appropriate to charge less interest than the Government has to pay for the same money.

Mr. J. WILLIAM STANTON. The gentleman is correct.

Mr. ROUSSELOT. And if the committee has dealt with that issue then I compliment it for doing so.

Mr. DINGELL. Mr. Speaker, the General Accounting Office has recently advised me that the National Park Service has determined that it is not subject to the small business "set aside" policy that is one of the cornerstones of the Small Business Act.

The NPS has apparently come to this conclusion very quietly and without any review by our committee of this matter. It is my intention in our forthcoming hearings on NPS concession operations to ask the Small Business Administration to express its views on this matter and to indicate whether or not it agrees with the NPS conclusion that the small business "set aside" policy does not apply to concessions. We will also want to know whether or not the SBA agrees as a matter of policy that this "set aside" policy should not apply to concession operations.

I am particularly concerned about this in view of a recent report by the Interior Department which indicates that conglomerates are buying up concessions in the National Park System and looking upon the concessions "more as a capital investment than as a substantive business operation with a special responsibility to the public."

This report is quite interesting and I have asked that the NPS make it available to the public. I have also asked the NPS to indicate when it will implement the several recommendations contained therein.

Mr. MURPHY of New York. Mr. Speaker, unfortunately, many times deficiencies in our existing body of laws are only brought to our attention in the wake of a disaster of serious magnitude. The legislation we are considering today, H.R. 4888, which was drafted in response to the New York City telephone fire of February 27 is a case in point.

H.R. 4888 would establish an additional loan program for small businesses which have suffered substantial economic injury as a result of the disruption of operations and services of public utilities to such small business concerns. In order to be eligible for these loans, the applicant must demonstrate that the loan is necessary in order to preserve or re-establish his business, provided the disruption of service was by a licensed public utility such as a telephone, telegraph, or natural gas or electric company, and provided the disruption existed for a minimal period of 3 days and affected a majority of the business concerns in a specific geographic area.

This legislation is unique in that it amends the Small Business Act so that nonphysical disaster loans can be authorized by the Small Business Administration Administrator. I cannot sufficiently stress the importance of this provision for prior to this legislation very few avenues of recourse existed for small concerns whose business had been impaired by a nonphysical disaster.

As most of you are aware, on February 27 of this year a massive fire erupted in the New York Telephone Co. switching building. Fifteen hours later the blaze had been quelled. However, all telephone service for a 300-square-block area in lower Manhattan which was populated by over 200,000 residents had been completely knocked out.

In other words, an area which contained a population which is equivalent in size to the entire city of Syracuse, N.Y., was left without any telephone service for a couple of weeks.

The area affected by the fire also housed more than 8,400 businesses most of them small concerns. In his testimony before the Small Business Committee, Mr. Abraham Goodman, the first deputy administrator of the New York Economic Development Administration, cited a study conducted by his administration which identified over 4,000 companies in the affected area. Of these 1,390 were identified as manufacturers, 1,087 as wholesalers, 1,245 as retailers, and 499 in the service, transportation, and public utility categories. Furthermore, in these times of rampant unemployment, these firms alone accounted for over 58,000 employees.

Mr. Goodman went on to testify that his administration conservatively estimated that this one fire would result in a financial loss to these small businesses of at least $60 million. Small businesses would be particularly hard hit by this loss of revenues for a number of reasons. First, these concerns were not able to have incoming calls transferred to branch offices nor could they afford to have alternative communication systems such as mobile phones installed. Second, because they lacked the financial resources of large companies, the financial reserves of these small concerns were stretched to the limit resulting, more often than not, in financial ruin.

As a Representative of New York City I would be the first to admit that I am somewhat of a partisan. Be that as it may I do not believe that too many people would argue with the fact that New York City is one of the economic hubs and financial capitals of the world. Any disaster which results in the disruption of a substantial part of the business community of this city is no small matter and warrants, in my opinion, as much Federal disaster relief as would be given to concerns in rural areas which had been devastated by a hurricane or a tornado. Incredibly enough however, despite the intervention of myself, a number of my colleagues on the New York delegation, Mayor Abraham Beame and ultimately Governor Carey, it was made clear that this relief assistance was not forthcoming.

I represent a substantial portion of the lower Manhattan area which was affected by the telephone fire. When it became apparent that many of the small businesses in the area had been seriously injured by the fire and that telephone service was not readily being restored I personally contacted Small Business Administrator Thomas Kleppe and requested that he authorize emergency disaster relief loans to be made to the businessmen and women whose concerns were experiencing financial ruin as a result of the fire. I was informed by Administrator Kleppe that unless physical damage had resulted from the fire the Small Business Administraion had no authority to issue disaster relief loans. Indeed, in his testimony before the Small Business Committee Administrator Kleppe stated that an economic catastrophe of this type, "does not qualify under any provisions we have under our disaster program today." Ironically, it is conceivable that under the provisions of existing law, the New York Telephone Co. may have qualified for Federal disaster relief because the building which housed the switching operations had suffered physical damage.

When Administrator Kleppe made it clear that the Small Business Administration had no legal authority which would permit them to release funds for these disaster loans I tried a different approach. Using the Disaster Relief Act of 1974 as the legislative precedent, I appealed to Governor Carey of New York, requesting that he ask President Ford to declare lower Manhattan a disaster area. If the President made such a declaration the way would have been cleared for the issuance of relief loans. Governor Carey, who had come to the same conclusion as myself regarding the gravity of the situation, telegramed President Ford requesting him to designate lower Manhattan as a disaster area. President Ford, upon receipt of this appeal referred it to the Office of Management and Budget for review and, as far as I can determine, this is the last action on this matter that the administration ever made.

In essence then, we had a situation develop in New York where a substantial sector of one of the largest business communities in the world was crippled by a total breakdown in service—due to fire—in one of the largest public utilities in this country. The extensive economic

damage this breakdown was inflicting on thousands of small business concerns was apparent to all involved. Furthermore, it must be remembered that this disruption in the day-to-day functioning of these small businesses occurred at a time when New York City, and the Nation at large, was experiencing one of the most severe economic crises in recent history; at a time when theoretically the entire thrust of this administration's policy was directed toward encouraging the development of the country's small businesses. Yet, despite all of these factors, the Federal Government refused to come to the aid of one of the largest business communities in the world—refused to get involved—refused to assist the thousands of small concerns whose economic existence depended upon some form of immediate financial aid. Quite frankly, I would not like to speculate on whether this refusal was based primarily on the lack of any legal jurisdiction in this area in existing Small Business Administration law or simply on the decision on the part of the administration to pursue a "hands-off" policy, leaving the crisis to be solved by a city which is on the verge of bankruptcy.

In any event, it is quite clear to me that the legislation we are considering today, H.R. 4888, fills a glaring gap in our existing statutes. Situations such as the one that occured in New York have arisen in other parts of the country, most notably in Ohio when a boiler in a municipally owned electric company exploded, cutting off electricity to approximately one-half of the town and forcing many small businesses to close for a 5-day period in 1974, and in New Jersey and Kentucky where manufacturers who were dependent upon natural gas for industrial production found their natural gas supplies discontinued or drastically reduced.

At this stage of the game, where public utilities have grown to monopolistic proportions such that they dominate services vitally needed by a majority of our business concerns, large and small, it is inconceivable that our laws contain no precedents which provide for disaster relief loans for small businesses in the event that one of these utilities ceases its service. Furthermore, it is my strong belief that the Small Business Administration Act needs to be revised so that it includes provisions for nonphysical disaster relief. This is especially crucial given the current chaotic condition of our economy.

For these reasons I urge you, my distinguished colleagues, to join me in voting today for the passage of H.R. 4888.

Mr. KOCH. Mr. Speaker, as you well know, the February 28 fire that ravaged the main telephone switching station for Manhattan's Lower East Side is of particular concern to me because it created grave economic troubles for thousands of small businesses in my district. The area affected by the fire is a conglomeration of cultures, peoples, and life styles and contains a normally bustling business community of more than 10,000 small businesses. While the residential community suffered inconveniences because of the lack of telephone service, including my own home, the small businesses—the "mom and pop" stores—found themselves confronted with disaster because to most of them the telephone is indispensable. For these businesses, the discontinuance of telephone service is a calamity as bad as any mother nature could have wrought. A constant cash flow is essential if they are to survive; without the telephone that flow is dammed.

Soon after the disaster I requested along with Congressman FRED RICHMOND—who deserves special commendation for his support in this matter affecting primarily my district—and Alfred Eisenpreis, administrator of the Economic Development Administration of New York City, that President Ford immediately declare the area eligible for Federal assistance through the Small Business Administration. On March 6, I received a letter from SBA Administrator Thomas Kleppe stating that because of certain specific criteria established by the SBA and the Federal Disaster Assistance Administration, these floundering businesses were not eligible for economic injury disaster assistance. Clearly, the devastating consequences of this conflagration fully satisfies the spirit of the law; but, unfortunately, it never occurred to anyone that tragedy might wield a technological sword. Consequently, the law would exclude assistance in this case.

On March 13, Congressman JOSEPH ADDABBO introduced H.R. 4888, cosponsored by myself and 21 of our colleagues. The bill would amend the Small Business Act to make loans available for small businesses suffering economic injuries as the result of the disruption of operations and services of public utilities. The most important feature of this legislation is the fact that it is retroactive to February 1, 1975, and will be able to help the 10,000 crippled businesses in the affected area.

The unique situation many of these businesses find themselves in warrants our unfettered passage of this legislation. The need for this legislation is made unmistakably clear by the poignant stories of some of the area's neighborhood businesses who, already inundated by the current economic storm, will surely drown without this life-saving assistance.

Sam Beshenstein, for example, is a wholesale fabric distributor. He has 22 phone lines and 50 employees. His business depends on calls received from all over the country for fabric orders. After the fire he was forced to lay off many of his employees and only reopened after service was restored.

Fernando Carriera owns a takeout delicatessen on Avenue C. His business fell considerably because of heavy reliance on phone orders.

Shapiro Wines and Steits Matzoh Baker's biggest volume of business is at Passover. They experienced the worst business in their 50-year histories, because of their dependence on phone orders for bakery goods and wines.

The terrible disaster that paralyzed New York's East Side is neither unique to New York or the telephone. The same results could be expected in any area of the United States if any public utility was suddenly disrupted. In an age when so much of America's economic life depends on the use of public utilities and in a time when America is fraught with economic ills, it is sensible that we provide permanent legislation to protect small business across the country in similar catastrophes should they occur and provide that assistance to those in New York already suffering. I, therefore, entreat my fellow Members to vote for this necessary legislation.

GENERAL LEAVE TO EXTEND

Mr. SMITH of Iowa. Mr. Speaker, I ask unanimous consent that all Members may be permitted to extend their remarks on the subject of this legislation.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Iowa (Mr. SMITH), that the House suspend the rules and pass the bill H.R. 4888, as amended.

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

A motion to reconsider was laid on the table.

TO EXTEND BY 90 DAYS EXPIRATION DATE OF DEFENSE PRODUCTION ACT OF 1950 AND EXTEND FUNDING OF NATIONAL COMMISSION ON PRODUCTIVITY AND WORK QUALITY FOR 90 DAYS

Mr. ASHLEY. Mr. Speaker, I move to suspend the rules and pass the Senate joint resolution (S.J. Res. 94) to extend by 90 days the expiration date of the Defense Production Act of 1950 and to extend the funding of the National Commission on Productivity and Work Quality for 90 days.

The Clerk read as follows:

S.J. RES. 94

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of section 717(a) of the Defense Production Act of 1950 is amended by striking out "June 30, 1975" and inserting in lieu thereof "September 30, 1975".

SEC. 2. Subsection (j) of Public Law 93-311 is amended by adding at the end thereof the following new sentence: "In addition, there are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section during the period from July 1, 1975, through September 30, 1975.".

The SPEAKER pro tempore. Is a second demanded?

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

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

There was no objection.

The SPEAKER. The gentleman from Ohio (Mr. ASHLEY) will be recognized for 20 minutes, and the gentleman from Connecticut (Mr. MCKINNEY) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from Ohio (Mr. ASHLEY).

Mr. ASHLEY. Mr. Speaker, the Senate Joint Resolution 94 is for the purpose of extending for 90 days the expiration date

of the Defense Production Act of 1950, and to extend for 90 days the funding of the National Commission on Productivity and Work Quality.

This joint resolution, Mr. Speaker, is necessitated by the fact that the basic legislation to extend the Defense Production Act and to continue the work of the National Commission on Productivity and Work Quality is still pending before the Committee on Banking, Currency and Housing of the House, and has not yet been considered in the Senate.

It is not possible, in my view, to mark up the legislation and report it to the floor before existing legislation expires on the 30th of this month. I think it is important, Mr. Speaker, to consider that if the Defense Production Act is allowed to lapse on June 30, a variety of important preparedness-for-mobilization programs will lose their authority: The Defense Materials System, the Defense Priorities System, the National Defense Executive Reserve, and the Defense Production Stockpile of Minerals and Materials.

Hearings have been held on the legislation to extend DPA and legislation to continue the work of the National Commission on Productivity. I would expect, Mr. Speaker, that these two pieces of legislation will be ready for floor debate within the next few weeks, most certainly before the end of July. Thus, the 90-day extension would carry us through that time period and provide an extra margin of safety.

Mr. Speaker, I would urge my colleagues to adopt this essential temporary extension of legislation regarding these two functions.

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

Mr. ASHLEY. I yield to the gentleman from Idaho.

Mr. SYMMS. I thank the gentleman for yielding.

I recall very well last year that the House one day voted down this little Mickey Mouse National Productivity Board, and I see now it is combined with another piece of legislation. How did that happen?

Mr. ASHLEY. No; it is not combined with it. This is simpy a resolution that would ask for the extension of two separate programs. There is no connection between the Defense Production Act and the National Commission on Productivity.

Mr. SYMMS. What I am trying to get at is why are we not voting on these individually?

Mr. ASHLEY. It is the form in which the resolution came from the other body.

Mr. McKINNEY. Mr. Speaker, will the chairman yield so I may answer my colleague's question?

Mr. ASHLEY. I yield to the gentleman from Connecticut.

Mr. McKINNEY. I thank the gentleman for yielding.

It is quite true that at one time particularly the Productivity Board was turned down and was repassed by the House. One of the reasons we are voting on this today is for a 3-month extension so that the Committee on Banking and Currency, under the able leadership of the gentleman from Ohio (Mr. ASHLEY) may take a longer look at both of these. I think I can assure the gentleman, knowing what he is concerned about, that he will find extreme progress has been made and this may turn out to be one of the few moneymaking bodies in the Federal Government in many ways. We would be delighted to have the gentleman testify on whatever he would like to say about either one.

Mr. SYMMS. If the gentleman will yield further, I think I will accept, because in my opinion, having some kind of a board to tell us that private enterprise is the way to solve problems is unnecessary. We do not have to have another bunch of Government bureaucrats on the payroll to fleece the American taxpayers just so we can get this passed through the Congress.

I remember very, very vividly one day the two gentlemen from Iowa (Mr. Scherle and Mr. Gross) put up quite an argument here, and we defeated that once.

Mr. McKINNEY. If the gentleman will yield further, I would suggest if the gentleman had followed it further, he would have found that the senior member of the gentlemen from Iowa became a believer at the end. This Productivity Council is probably one of the few organizations in government that have been able to, for instance in the example of the steel industry, bring labor and management together so that an industry thought dead both by itself and by labor and by the Government now survives and survives rather well, with an increase in employment, an increase in productivity, an increase in tax revenues paid, and an increase in efficiency.

Mr. SYMMS. I thank the gentleman.

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

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

Mr. ROUSSELOT. I thank the gentleman for yielding.

I would like to say to my colleague, the gentleman from Idaho, that I was one of those who originally objected to the Productivity Commission being funded, I think it was, at $5 million, and we then came back and cut it to $2½ million on the basis that that was all we felt the Congress could justify on the basis of what had been done in the way of productivity research. One of the studies was in the meat-packing industry; another was in the steel industry; and many of us felt that even though the desired goals of the Productivity Commission were good, we did not believe that it needed to be funded at $5 million, and it was finally passed at the $2½ million figure.

Let me ask my colleague, the gentleman from Ohio, is it the intention of this committee that in this resolution continuing the ongoing Commission, the Commission will be funded only at the present annualized level of $2.5 million?

Mr. ASHLEY. I am glad to respond. The answer is very much in the affirmative. This is not any kind of guise or subterfuge to allow any escalation in the amount of money or authorization that is available to the Commission. Not at all. The 90-day extension will simply provide the same amount of money that has been provided for last year's level.

Mr. ROUSSELOT. Is my colleague, the gentleman from Ohio, and his subcommittee prepared to ask for additional reports that have been produced by this Commission in the field of productivity so that my colleague, the gentleman from Idaho (Mr. SYMMS) can be shown some of the end products of this Commission?

Mr. ASHLEY. That is a good question. I think the interest shown by the inquiry of the gentleman from Idaho is very understandable. The fact is we have held hearings, not concluded yet, that have demonstrated in the testimony, for example, of Secretary Dunlop that the Commission has performed in a variety of areas with some degree of effectiveness. The skepticism of some is quite understandable based on events of the recent years, but I do think that the gentleman from Idaho and others will be reassured by what I am sure will be the unanimity with which the more permanent legislation will be reported to the floor, based on a conviction that the Commission has performed its somewhat limited mandate in a manner which warrants the support and approval of this body.

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

Mr. ASHLEY. I yield to the gentleman from Connecticut.

Mr. McKINNEY. Mr. Speaker, I was going to say to my friend, the gentleman from California, that one of the examples of the work of this Commission, which was not suggested by the gentleman from California, was getting the California vegetables to the eastern coast with some efficiency, which is unknown to American railroads as they are presently run.

If the gentleman will look at the legislation, he will see we are trying to get away from the bureaucracy and trying to build a center which is not going to be an overblown bureaucracy but will allow private interests to come to them and will receive Federal information and other interests. We are trying to change the organization so as to have it become a national center where private enterprise and Government interests and national interests can come and contribute rather than living off the Federal trough, which I know the gentleman is concerned about.

Mr. ASHLEY. The Commission has demonstrated that it has been doing good work with rewarding results in such industries as food and transportation and health. It has encouraged State and local government productivity. It has directed its efforts in a number of areas of private industry, and it does not go in there unless really invited to do so. It also functions with respect to Federal and local government productivity. So the view of the Commission is not limited to these suggested by my friend, the gentleman from Idaho.

Mr. ROUSSELOT. Mr. Speaker, if the gentleman will yield further, I hope my two friends, the gentleman from Ohio and the gentleman from Connecticut (Mr. McKINNEY) will insist that this Commission produce some of the success stories that it might have had in genu-

inely getting at the issue of productivity increases which are desperately needed in this country.

Mr. ASHLEY. I can assure the gentleman without any equivocation that it will be shown in the report on the bill we bring before the House. The membership is entitled to know what the Commission has been up to, where it has had success and where it has had difficulty, and that will be in the report.

Mr. ROUSSELOT. Mr. Speaker, I appreciate both of my colleagues replying to me.

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

Mr. McKINNEY. I yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Speaker, I wonder in the report about the transportation of vegetables from California to the east coast, did the committee recommend, or the Commission recommend, that the ICC was the big problem or had something to do with it?

Mr. McKINNEY. I am not sure that the committee would not like to come up with this and one of the reasons it would cease to become a commission and become a center is that it might be removed from the Federal bureaucracy.

I thought the gentleman was going to ask me about the transportation of apples.

Mr. SYMMS. That was one of my points. I appreciate the point of view of both the gentleman from California and the gentleman from Ohio. I was concerned that one Government bureaucrat was going to recommend that another bureaucrat get rid of the other bureaucrat. I was afraid that if we got rid of trucks and trains that we could deliver goods and services around the country without blocking sales in the free market around the country.

Mr. McKINNEY. I could suggest to the gentleman from Ohio and to the gentleman from California that the gentleman from Connecticut, coming from the East, thinks that the ICC is far less efficient than these gentlemen, with respect to those railroads in the East.

We are looking for a communication center, rather than a Federal bureaucracy. The real issue was stated by John K. Tabor, Acting Secretary of Commerce, which is very important:

> What we are talking about really is American productivity. Industry and our Nation are confused. Our average increase in productivity was the lowest of all industrial nations in the entire world.

This is obviously not a problem of just the unions. It is a problem of invested capital. It is a problem of the factories. It is a problem of all facets.

We cannot point to any of the industrial nations and say, for instance, England has a bigger union problem and another country has a limiting foreign trade problem; but the fact of the matter is that taking all these things into consideration, the summaries of our productivity in this Nation are leading us down the hill in what amounts to a foreign exchange disaster. This setup as a center, we feel, not as a commission, not as a bureaucracy, not as anything else, this is one of the reasons we are asking for 90 days to do the right job and I know the gentleman from Ohio wants us to do that kind of job and not to set up, if we wish—I hate to use the word "academic," because I know what the gentleman thinks about academic, but a conference thinking center, where we have corporations continuing to make a profit and the Nation continuing to have a surplus in trade and we can argue out the problems that come up and people are free to say the ICC is wrong.

Mr. SYMMS. I thank the gentleman and I hope the gentleman someday will recommend that we put ICC lawyers to driving trucks and we get rid of union monopolies and things like that.

Mr. ASHLEY. Mr. Speaker, I have no further requests for time.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Ohio (Mr. ASHLEY) that the House suspend the rules and pass the Senate joint resolution (S.J. Res. 94).

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

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

ENDORSING THE WORLD FOOD CONFERENCE OF 1976 IN AMES, IOWA

Mr. DIGGS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 136) relating to the World Food Conference of 1976 in Ames, Iowa.

The Clerk read as follows:

H. CON. RES. 136

Whereas the means of producing, processing, and distributing food in nutritionally adequate quantities to feed an increasing world population is an awesome problem confronting the world today; and

Whereas the land grant colleges of the United States have made notable contributions to increased agricultural efficiency and improved quality of food and feed crops, particularly through developments in soybean and maize crops, animal breeding and feeding efficiency, farm machinery, and the dissemination of information to farmers and consumers; and

Whereas the Iowa State University of Science and Technology, one of the Nation's foremost land grant colleges, will host the World Food Conference of 1976 in Ames, Iowa, from June 27 through July 1, 1976; and

Whereas the subject of the World Food Conference of 1976 will be "The Role of the Professional in Feeding Mankind"; and

Whereas such conference will bring together scientists and scholars from many disciplines and many countries for the purpose of sharing and increasing agricultural and nutritional knowledge among the world's scientists and teachers, and for the purpose of accelerating the development of methods of food production, processing, and distribution that will result in improved capabilities for meeting the food and nutritional needs of all the people of the world; and

Whereas the American Revolution Bicentennial Administration has endorsed the World Food Conference of 1976 as a Bicentennial project of national and international significance: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress of the United States endorses the World Food Conference of 1976 to be held in Ames, Iowa, from June 27 through July 1, 1976, and commends the Iowa State University of Science and Technology for a humanitarian undertaking of international significance.

The SPEAKER pro tempore. Is a second demanded?

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

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. DIGGS) is recognized for 20 minutes, and the gentleman from California (Mr. ROUSSELOT) is recognized for 20 minutes.

The Chair recognizes the gentleman from Michigan.

Mr. DIGGS. Mr. Speaker, I urge my colleagues to give their approval and support for House Concurrent Resolution 136, which endorses the World Food Conference of 1976 to be held in Ames, Iowa.

The holding of this conference is consistent with a number of actions, large and small, which are being taken by governments and private groups around the world to follow through in the campaign to eradicate hunger.

These international efforts were, perhaps, brought to the forefront by the World Food Conference, attended by representatives of nearly every country in the world and held last November in Rome. This major international conference represented recognition by the international community that the age-old problem of hunger and the threat of famine is now facing us on an unprecedented and greater scale and urgency than ever before. This is clearly evidenced in the conference's acceptance of the goal "that within a decade no child will go to bed hungry, that no family will fear for its next day's bread, and that no human being's future and capacities will be stunted by malnutrition.

The magnitude of the problem is illustrated in estimates which the Committee on International Relations has received that more than 400 million people currently suffer from malnutrition in Asia, Africa, and Latin America.

So I believe it to be entirely appropriate that the American Revolution Bicentennial Administration has recognized the World Food Conference of 1976 to be held in Ames, Iowa, next summer as an official Bicentennial project. The theme of the conference at Ames, which is being sponsored by the Iowa State University of Science and Technology, is "The Role of the Professional in Feeding Mankind." The goal of the conference is to provide "a professional forum of international significance, focusing on the subjects of production, processing, distribution and utilization of food, adequate nutrition and related world problems."

Focus on these critical issues, particularly food production and distribution, was very clearly brought out in recent hearings of the Subcommittee on International Resources, Food and Energy, as more important than ever over the long term. In addition, the conference has proposed workshop themes which include: production of plants and animals for food, capital availability, agrarian reform, land and water use, storage and processing of food, food from the seas, climate control, and food reserves and distribution for emergency uses.

The sponsors of the conference anticipate that more than 1,000 persons will attend from throughout the United States and from many other countries. Participants will include scientists, educators, and persons preparing for careers in the food field.

Mr. Speaker, the resolution before us, House Concurrent Resolution 136, gives recognition of the food problem and expresses congressional endorsement to this worthy and humanitarian undertaking at Ames, Iowa.

An identical resolution, Senate Concurrent Resolution 19, has already passed the Senate under unanimous consent procedures.

For those who might have any doubts about this resolution—and I hope there are none—let me say that:

This resolution does not provide for the expenditure of any Federal funds; and

Neither does it endorse any outcome from the conference in Ames—it only endorses the holding of this conference.

I hope the House will give its overwhelming approval of this resolution.

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

Mr. DIGGS. I yield to the gentleman form Maryland.

Mr. BAUMAN. Mr. Speaker, the gentleman said that this will not cost any tax moneys. It is my understanding that the food conference has a budget which approaches $450,000, which seems rather high.

I may be mistaken, but I believe they have made application to the U.S. Bicentennial Commission for Federal funding. Is this true, and if so, what amount are they seeking?

Mr. DIGGS. I am sure that there are many who are submitting applications for that kind of assistance. All I can tell the gentleman is that there is nothing in this legislation which involves funding of any type. Whatever kind of funding requests that the University might make to the Bicentennial Commission or any other agency would have to be handled as those funding requests are normally handled.

Mr. BAUMAN. I assume that since this resolution says that Congress specifically endorses the conference, this can be used as a rather strong arguing point in favor of the application to the U.S. Bicentennial Commission for this funding.

Mr. DIGGS. I would assume that this kind of reference could be made, but I repeat that any funding request would have to stand on its own merits. One could not draw any automatic conclusion from the passage of this resolution. The resolution, in essence, just supports the holding of this conference in Ames next year. It commends an undertaking of international significance.

Mr. ROUSSELOT. Mr. Speaker, I yield 5 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, the United States has a long and dedicated history of leadership in providing world food aid. Over the past 20 years we have shipped food aid of wheat, rice, and other grains at a rate of 70 million pounds a day. But these efforts alone are not adequate enough to fill the needs of an ever increasing world population.

One of the key elements agreed upon by the participants of the 1974 World Food Conference was that food aid provides only a short-run solution to the problems of world hunger. The real solution, in the long run, to the World's Food problems lies in the increased productivity of the needy nations themselves. In those countries, where the greatest need is centered, new technology, combined with sound production policies, are needed to enable their farmers to produce more food.

Such technology and planning is the product of individuals, specialists, and experts, all working together and sharing their knowledge. Just as the World Food Conference of 1974 set the stage for universal governmental cooperation on objectives and principles related to the food crisis, the World Food Conference of 1976 now seeks to provide a needed professional forum to solve the highly specialized problems of food production, processing, distribution and utilization, adequate nutrition, and related world problems.

As the food conference of last year succeeded in focusing world attention on man's most basic problems of hunger and malnutrition, the 1976 conference in Ames, Iowa, entitled "The Role of the Professional in Feeding Mankind", promises to maintain a high level of attention to the world food situation, not only for areas of production, but for a continuing review of all food related areas.

This unique opportunity provides a chance for the great minds of the world to meet and exchange ideas, not as officials, but as concerned citizens joining together to solve a mutual problem. By such a meeting, they will have a chance to focus on issues and problems which are sometimes clouded by governmental interactions.

It is fitting that such a forum be held in America's heartland and in a region which has become the world's breadbasket. I ask my colleagues to join with me in commending the Iowa State University of Science and Technology for this humanitarian undertaking and in supporting this resolution of congressional recognition of the World Food Conference of 1976.

Mr. Speaker, I request that the following correspondence be inserted in this portion of the RECORD:

MAY 12, 1975.

HON. THOMAS E. MORGAN,
Chairman, Committee on International Relations, House of Representatives.

DEAR MR. CHAIRMAN: In response to a request for Executive Branch comments on H. Con. Res. 136, I am pleased to state the following:

In addition to official United States Government efforts to coordinate concerted action on the world food problem, a number of conferences have been held under private auspices. These private efforts have made a contribution in mobilizing support and expertise in the private sector to meet the complicated problem of ensuring adequate nutrition for a growing world population. We believe that the World Food Conference at Ames, Iowa can be a useful addition to the efforts of other non-governmental organizations and we have no objection to the proposed resolution.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

Sincerely,

ROBERT J. MCCLOSKEY,
Assistant Secretary for Congressional Relations, Department of State.

AMERICAN REVOLUTION BICENTENNIAL ADMINISTRATION ACTION NO. 8–74
WORLD FOOD CONFERENCE

The American Revolution Bicentennial Administration hereby recognizes the World Food Conference as an official Bicentennial project with authorization to use the Bicentennial symbol. The sponsor, the Iowa State University of Science and Technology, has scheduled, during the Bicentennial year 1976, a technical-professional meeting of international significance for the Bicentennial devoted to the production, distribution and utilization of food and related nutritional problems.

April 2, 1974.

HUGH A. HALL,
Acting Administrator.

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

Mr. Speaker, I would like to direct some questions to either my colleague, the gentleman from Michigan (Mr. DIGGS), or to the gentleman from Iowa (Mr. HARKIN), the author of this concurrent resolution.

First of all, could either one of the gentleman tell us why this was selected out of all the food conferences there are as the one which has some kind of relationship to our Bicentennial celebration?

Mr. DIGGS. Mr. Speaker, if the gentleman will yield, I must say that I cannot answer that particular question in a precise manner.

Mr. ROUSSELOT. Mr. Speaker, perhaps our colleague, the gentleman from Iowa (Mr. HARKIN) who represents the area where this conference is to be held can answer my question.

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

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

Mr. HARKIN. Mr. Speaker, I understand the gentleman's question was why this conference was selected over some others.

I must ask the gentleman, what other food conferences are there next year?

Mr. ROUSSELOT. Mr. Speaker, there are several other food conferences that we have on food throughout the Nation or in other parts of the world. Many colleges have sponsored such food conferences, although not one of this substantial nature.

Why was this one selected to have

some kind of relationship to the Bicentennial?

Mr. HARKIN. Mr. Speaker, if the gentleman will yield further, I think the gentleman from California hit the nail on the head when he referred to the magnitude of this conference. This is an all-encompassing food conference.

We are inviting in people from about 80 to 84 different countries, and it will involve at least a thousand participants from all over the world. We will have simultaneous translators there at the conference. I must say that it is simply because of the magnitude of this conference. The magnitude of this conference is much greater than some of the others the gentleman is talking about, of which I have no knowledge.

Mr. ROUSSELOT. Mr. Speaker, could the gentleman tell us how that has a relationship to the Bicentennial Celebration which we are going through in 1976? Does it have some relationship in some specific instance?

Mr. HARKIN. Mr. Speaker, I am sure the gentleman from California realizes that the sponsors of different events in different communities can make application to the American Revolution Bicentennial Commission to be recognized in official events which a community, for instance, may sponsor next year.

The World Food Institute of Iowa State, which is sponsoring this conference, was established in 1972. The Institute applied to the American Revolution Bicentennial Commission for official recognition, and they received it.

Mr. ROUSSELOT. Mr. Speaker, I am familiar with this aspect of it because several communities in my own district have done the same thing. However, normally it has some kind of specific relationship to the Bicentennial celebration.

Can the gentleman tell me what that relationship is in this instance?

Mr. HARKIN. Mr. Speaker, I think basically the gentleman from California must recognize that our Nation was founded upon agriculture.

Mr. ROUSSELOT. Yes, I am well aware of that.

Mr. HARKIN. Our Nation was founded on food production. We are the breadbasket of the world. Two hundred years ago, when this Nation was first founded, most of the people who wrote the Constitution and our forefathers who signed the Declaration of Independence, were people of the soil.

Mr. Speaker, I think this has a very close connection with the birthday of our Government.

Mr. ROUSSELOT. Mr. Speaker, I appreciate the gentleman's comments.

We have been informed, upon contacting the institution involved, that it will probably make an application to the U.S. Bicentennial Commission for some kind of Federal grants to support this conference. So I think my colleagues should understand that even though this report from the committee states there will be no Federal costs involved as far as this Committee on International Relations is concerned, the institution itself will make application to the Bicentennial Commission, and obviously they will rely on Federal funds.

Therefore, I think my colleagues should understand that there is going to be some cost to the Federal Government, assuming the institution in question is successful in getting Bicentennial funds. Is that not correct?

Mr. HARKIN. Only as a Bicentennial project. Of course, all Bicentennial projects that receive any funding would fall in that category.

However, I would remind the gentleman from California that this project of the World Food Conference is also receiving a lot of private funding. It is also receiving funding from the State of Iowa and from other sources.

So the only funds the gentleman is talking about would be coming through the American Revolution Bicentennial Commission as such, but there are no authorizations for funds to be expended in this bill.

Mr. ROUSSELOT. Yes, that I understand. The committee report makes that very clear.

My point, however, was that I think my colleague, the gentleman from Iowa (Mr. HARKIN), should understand that those States will make application to the Federal Bicentennial Commission for Treasury funds. Therefore, there will be Federal funds, assuming they are successful in obtaining those grants.

Mr. HARKIN. I would remind the gentleman from California (Mr. ROUSSELOT) that it has already been recognized as an official event by the Bicentennial Commission.

I would also further remind the gentleman that there will be literally thousands and thousands of projects that will make application or have already made application to the Bicentennial Commission for funding, and I am sure that this one will stand or fall on its own merit.

Mr. ROUSSELOT. I had expressed concern originally, as the gentleman knows, because we talked about this yesterday. That this legislation receive full attention of the House. I appreciate the willingness of the gentleman from Iowa to bring this up under suspension so that we could discuss it under the suspension procedure, which allows no real discussion on the whole issue.

My point on this is that in talking to the institution, they plan to spend roughly $450,000 for this activity, part of which will come from the States, if they apply, and also some from the Federal Government Bicentennial Commission.

My reason for raising these questions and discussing them with the gentleman from Iowa (Mr. HARKIN) is that I know this conference will be in his district, so that I did have some difficulty in understanding how this was a Bicentennial function. I am fully aware that this country was primarily an agrarian society when our country started. Even though Iowa was not a State then, Iowa has pushed a major role in agriculture; in fact, the whole country, practically, was engaged in agriculture, on a private market basis. I might add that that Iowa clearly qualifies today as a prime producer of agriculture products. Iowa is a major producer of foodstuffs. Nobody can argue against that point, nor would I try.

Mr. HARKIN. I am sure the gentleman will recognize that most of the States that will be celebrating our Bicentennial were not members of the Union at that time.

Mr. ROUSSELOT. No, but as territories they did engage in some specific activities, as I am sure the gentleman from Iowa will agree, where memorable events did actually occur. For instance, in my own State there are some 21 missions which were run by Spain, were part of the culture of California, and were in existence at the time our country came into being in 1776. Therefore, there is some relationship to the Bicentennial and what was occurring at that time in California.

However, now that the gentleman has explained that there is a direct relationship to the Bicentennial activity or affairs, I see that it possibly has some relationship. I appreciate his willingness to explain it and discuss it. I felt we should have done so yesterday, and I appreciate his willingness in doing so now.

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

Mr. ROUSSELOT. I am glad to yield to the gentleman from Idaho.

Mr. SYMMS. Mr. Speaker, another point that I think the gentleman from California (Mr. ROUSSELOT) has overlooked—and I am surprised that he has—is that we have many, many Members, not only in this body, but in the other body, which I see passed this resolution on the 25th of April, 1975, who are aspiring to higher office. After all, this is a good platform for people seeking higher office, or this would be in 1976. Coincidentally with its being the Bicentennial celebration year, it is also an election year.

Mr. ROUSSELOT. My comment to my colleague, the gentleman from Idaho (Mr. SYMMS), is that it is difficult for me to believe that any Member of the other body would attempt in any way to "use" the Bicentennial celebration for that purpose. It is very difficult to believe.

If my colleague, the gentleman from Idaho (Mr. HARKIN), wants to respond, I will be glad to yield to him.

Mr. HARKIN. If the gentleman will yield, I remind the gentleman (Mr. SYMMS) in the well that there are going to be 1,000 participants from all over the world. A lot of these will come from outside the United States, and they will not be eligible to vote in this country.

Mr. SYMMS. If the gentleman will yield further, does he not think that television cameras will be there from all of the national networks, so that we can hear all these great speeches on behalf of people who are starving and so forth, and that there will be a mixture of politics with the celebration?

Mr. ROUSSELOT. I certainly cannot comment on the TV networks.

If my colleague, the gentleman from Iowa, wants to comment, I will be glad to yield to him.

Mr. HARKIN. I thank the gentleman for yielding.

To answer the gentleman in the well, I do not know whether the gentleman is seeking higher office in Idaho or not. Re-

gardless of whether he is, if he will come to Ames, Iowa, next year, he is welcome to attend the World Food Conference.

Mr. SYMMS. I am happy to receive the invitation.

Mr. ROUSSELOT. I am sure that my colleague from Idaho appreciates the endorsement.

Mr. McKINNEY. Mr. Speaker, would the gentleman yield?

Mr. DIGGS. Mr. Speaker, I yield such time as he may consume to the gentleman from Connecticut (Mr. McKINNEY).

Mr. McKINNEY. Mr. Speaker, we have heard the 1976 World Food Conference scheduled for Ames, Iowa, next year subjected to some strong attacks today. I have long been concerned with the food surpluses that we have stockpiled in this country while so many people starved in other lands. We failed to recognize the intrinsic value of these goods while developing our international policy with the underdeveloped nations. For too many years our emphasis was directed to increasing our agricultural productivity rather than sharing our knowledge with the disadvantaged peoples of the world.

The World Food Conference in Rome increased American and international awareness of the awesome scope of world hunger. The conference vividly demonstrated that nothing short of an allout, cooperative effort by the world's developed nations will produce a solution to this complex problem—a solution which must include coordination in the areas of energy, technology, research, transportation, nutritional education, and financial assistance.

To establish our role in this effort, I supported House Resolution 1399 which declared: First, that the United States should vigorously pursue efforts to help poor countries increase agricultural production, promote economic and social development, and assist in voluntary population control programs; second, increase food aid to meet short term emergencies; third, begin planning to increase and maximize food production in the United States and to increase food aid while protecting against adverse impact on the domestic economy; fourth, encourage all developed, food-exporting, and oil-exporting nations to join in these efforts; fifth, seek international agreement and participation in a world food reserves program to meet shortages and protect against future market and supply disruptions; and sixth, increase the production of fertilizer while discouraging nonagricultural uses.

Pursuant to the goals set out in this resolution, Secretary of State Kissinger is about to begin talks in Paris and Vienna with Third World nations, as well as the oil-producing states, in an effort to coordinate price stabilization, food production levels, raw materials distribution, and petroleum-based fertilizer availability. These are all important ingredients in building the foundation of a world food reserve system.

Such a system should be the cornerstone of our efforts. While direct U.S. food aid, which came to $1 billion in 1974, must always be available for emergencies caused by drought and natural disaster, we cannot, and should not encourage needy nations to rely on our abundances of previous years. Presently, world reserves are at their lowest point in many years, with only 89 million tons, or 27 days of food on hand. No single nation could fill the gap if the delicate cycle of world food production is again upset by bad weather or blight, and these reserves are depleted. Therefore, I feel it is essential that we, as well as other advanced countries, intensify our efforts to provide the technical equipment and advice to enable every nation to meet at least the basic food needs of its own people.

Also, we cannot continue to endure the economic strain which massive exports, at low or deferred prices, exert on our domestic markets. I believe a balanced system of food reserves would stabilize both U.S. and foreign prices as well as create a new market for U.S. surpluses—at prevailing prices—as participating nations buy grain to meet reserve quotas. This would also allow continued full farm production in the United States while returning a fair profit to the farmer.

Ours is a nation whose policies have been based on the Judeo-Christian ethic of helping those who are less fortunate. I am opposed to the concept of "food politics"—efforts to use our agricultural power much like the oil-producing nations have used their petroleum superiority—when millions of lives hang in the balance. We must continue to practice the humane, generous policies of the past while moving toward a cooperative solution to world hunger.

An overall perspective on food needs must be maintained. I do not ask that Congress endorse the final statement of a conference that will not sit for another year. But I consider it a positive and encouraging act that the Congress express support for this conference. I strongly support the United States acting as the host to this group. The topic for the conference will be "The Role of the Professional in Feeding Mankind." No other country in the world has been as successful in its professional development of the agricultural industry as the United States. I think it is quite fitting that this Congress openly express its support for the 1976 World Food Conference and pray that it will result in some valuable solutions to this most serious problem, feeding mankind.

Mr. HARKIN. Mr. Speaker, first I want to commend the distinguished chairman of the International Relations Committee, Mr. MORGAN, and the distinguished chairman of the Subcommittee on International Resources, Food, and Energy, Mr. DIGGS, and to thank them for their efforts on behalf of this resolution.

I would like to take this opportunity to inform my colleagues that Iowa State University of Science and Technology will host the World Food Conference of 1976 in Ames, Iowa, from June 27 through July 1, 1976.

The subject of the World Food Conference of 1976 will be "The Role of the Professional in Feeding Mankind." The general objective of the Conference is to increase the involvement of scientists and educators in solving world food needs through concerted efforts among universities, research institutions and organizations, extension services, and their many diverse disciplines.

The World Food Conference of 1976 at Iowa State University defines as its task the bringing together of natural and social scientists to examine the world food situation, to explore crucial points at which breakthroughs may be sought, and to channel creative energies toward the discovery and adoption of superior methods and husbandry of material resources for the production, distribution, and utilization of food. As we all know, the production, processing, and distribution of food necessary to provide adequate nutrition for the world's expanding population is one of the most awesome problems facing the world today.

The land-grant colleges of the United States have made notable contributions to the solutions of this problem. They have been in the forefront of the movement to increase agricultural efficiency and to improve the quality of food and feed crops. They have made significant contributions in the development of farm machinery. They have been instrumental in the dissemination of information to both farmers and consumers.

Iowa State University is one of the oldest and greatest of the land-grant colleges. First chartered by the Iowa General Assembly in 1858, Iowa State University has pioneered in the establishment of agricultural curriculums and in the basic sciences. It was the first State university to establish a school of veterinary medicine and it is one of the Nation's leading colleges in home economics curriculums and engineering curriculums. Today, it is one of the Nation's outstanding universities offering quality instruction to nearly 20,000 undergraduate and graduate students and conducting an extensive research program to advance the frontiers of learning. Because Iowa State University shares with other land-grant institutions the conviction that all people should have access to the ideas and knowledge of the campus, it has established a county cooperative extension program throughout the State of Iowa.

It was precisely this commitment to research and the dissemination of knowledge that led Iowa State University to establish in July 1972 the World Food Institute—a center for food research and education within the university. Building upon the traditional interests, staff competencies, and international leadership of Iowa State University in economics and agricultural development and the production, marketing, and nutrition of food, the institute has focused these competencies and this leadership upon the provision of adequate and nutritious food supplies for the world's people through research and education. The institute has also focused on the interrelationships between the United States and other developed and developing countries in understanding the world food problems.

The World Food Conference of 1976 is one of the projects of the World Food Institute. It is fitting that this Conference should be held in Iowa, the heart-

land of agriculture in the United States. Iowa ranks first in the Nation in corn production, second in soybean production, first in hog production, and first in finished beef.

Current plans call for the World Food Conference of 1976 to concentrate on the following four broad topics:

First. The effect of national and international policies affecting the production, distribution, marketing, and utilization of food.

Second. The selection, adoption, and use of technology as a means for furthering a nation's capacity to produce and utilize needed food supplies.

Third. The effective use of resources: human, physical, genetic, and economic in solving world food problems.

Fourth. The impact increasing the world's food supply would have on people, their environment and general development.

Conference participants will include natural and social scientists from throughout the world. Over 1,000 persons representing every State in the Union and nearly every nation of the world are expected to participate.

I believe Iowa State University is to be commended for its efforts in organizing this Conference. The Conference is a humanitarian undertaking of international significance. It has been endorsed by the American Revolution Bicentennial Administration as a project of national and international significance. I urge the House similarly to endorse the World Food Conference of 1976 and to commend Iowa State University of Science and Technology for its endeavors in planning and implementing this Conference.

Mr. SOLARZ. Mr. Speaker, I rise in support of this measure—House Concurrent Resolution 136—which expresses congressional endorsement for the World Food Conference to be held in Ames, Iowa, next year.

Clearly, there are few problems confronting the world which are more tragic and urgent than that of hunger and the threat of famine which face hundreds of millions of men, women, and children in all parts of the globe. Many noted experts have predicted that mass starvation is inevitable unless some meaningful action is taken to effectively cope with the problem. As Alan Berg of the World Bank so aptly observed in the New York Times Magazine on Sunday—

> There is a world food crisis, bumper crops or not. It is a crisis that extends beyond the production tallies of agricultural ministry yearbooks.

Mr. Berg, a food and nutrition expert, continued by noting that—

> The food crisis is not so much a supply crisis as it is a price and distribution crisis, and it is developing in the larger shadow of the now-familiar population crisis.

However, by bringing all resources to bear on the interrelated problems with food production and distribution, nutrition, and population I believe the world hunger problem can be resolved. It is most appropriate, therefore, that the Iowa State University should sponsor this most timely world meeting from June 27 through July 1 next year. Experts from the United States and throughout the world will be attending this gathering, which has as its theme "The Role of the Professional in Feeding Mankind."

Mr. Speaker, it is important to note that the resolution before us neither provides for the expenditure of any Federal funds nor does it endorse any possible outcome of the Ames Conference. House Concurrent Resolution 136 simply endorses the convening of this vital world meeting. The Committee on International Relations approved the resolution by voice vote, without dissent, and the Senate has already adopted an identical measure. I urge, therefore, that we enact this resolution in order that the planners and possible participants will know that the Congress supports the holding of a world conference to continue working on the complicated and far-reaching problem of world hunger, starvation, improved food production, processing, distribution, and utilization.

Mr. GRASSLEY. Mr. Speaker, I urge my colleagues to support this resolution. A World Food Conference, if one is to be held, could not be held at a more ideal location than in the State of Iowa, the heartland of the breadbasket of the world. And, if held in the State of Iowa, such a conference could not be held in a more ideal place than the leading land-grant institution in the Nation, Iowa State University in Ames.

Agriculture in Iowa, and Iowa State University, as a leading research institution in agriculture, has much to contribute to the solution of worldwide hunger. The World Food Conference will not only delineate the role of Iowa but the role of all affluent countries in helping the hunger problem. Congress should show its support.

Mr. DOMINICK V. DANIELS. Mr. Speaker, the world food situation is cause for continuing concern among scientists, economists, and political leaders in the developed world. It is a problem with which we have been grappling for nearly 30 years, but still a solution evades us. Even such monumental breakthroughs as the Green Revolution have failed to break the back of hunger in the world.

This Nation has been in the forefront, both as a leader in the humanitarian effort to provide food aid to the world's hungry people and in the application of agricultural technology to improve crop production in the less developed countries. Our concern continues, evidenced by the resolution we have passed in the House today endorsing the World Food Conference to be held in Ames, Iowa, later this month.

Yet, despite these herculean efforts, it is apparent that reliance on traditional agricultural methods will not solve the global nutritional problem. Population increases in the less developed countries and a growing demand for animal protein in the developing nations have eroded the gains in crop yield made possible by the so-called miracle hybrids.

Innovative approaches to this complex and frustrating problem may well hold the key to its final solution, and the New York Times of June 16, contained an article by Harold Geneen on one such innovation. While single-cell microorganisms may sound like something from the realm of science fiction, it is a possibility well within the scope of present technology.

Mr. Speaker, I am sure my colleagues will find Mr. Geneen's article very interesting, and I include it at this point in my remarks:

[From the New York Times, June 16, 1975]

FEED THE PEOPLE

(By Harold Geneen)

With adverse weather and increased demands of burgeoning populations having depleted food resources and created famine in a large area of the world, it is clear that we can no longer rely solely upon traditional agricultural methods to meet global nutritional needs.

Currently, one-third of the world's population suffers from malnutrition, and hundreds of thousands are starving to death. This has led some to suggest that it may be necessary to practice triage—the giving of aid to those who can be saved and ignoring those who are destined to die anyway.

That is an intolerable specter for humanity, and there must be effective action to avoid it. Yet, little is being done. Even the Green Revolution—the development of super-fast-growing strains of certain crops—is still subject to the vagaries of weather and the availability of fertilizer and tillable land.

Thus, adverse weather in a given region inevitably is accompanied by food shortages. For there is little we can do about weather, and as someone has observed, food cannot, like manna, come down from heaven.

But with the proper action, it can emerge from the technology and production know-how of American industry.

For example, one scientific estimate envisions a one-mile square structure in which yeast-like, protein-rich, single-cell microorganisms grow at a rate that would supply all the world's protein needs continuously. Such a dramatic prospect could supplement conventional harvests and largely neutralize the effects of natural catastrophe upon our food supplies.

Single-cell microorganisms are attractive as a food source because they double their weight every few hours—an accomplishment that takes months and great quantities of grain with meat-producing animals.

Since the microorganisms are potentially producers of fats and carbohydrates as well as protein, this approach to food production, if carried to practicality, could bring about a nutritional revolution as significant as the industrial revolution.

Scientists already are studying the growth of single-cell protein in tree sugar byproducts and other nutritive media, but the technology is in its infancy and has not enjoyed adequate priority or financial support.

Now, America, by bringing its technological and industrial strength to bear, has the opportunity to lead the world into a new age of nutrition.

This nation, in the previous decade, landed men on the moon and returned them safely, demonstrating that we have the capacity to fulfill a national goal of extraordinary difficulty. The global food situation today is a new challenge for a new time—and is worthy of a commitment on a scale comparable to that which made the Project Apollo lunar landing possible.

An effort to eliminate the world's hunger pangs would require extensive thought and analysis by the best minds and institutions in the fields of nutrition and food production. However, as a start, such a program might be patterned along the lines of Project Apollo.

Leadership and direction could come from a NASA-type agency charged with developing, in a specified period, a means of syn-

thesizing food apart from traditional agricultural processes. The agency could grant contracts to private industry and other entities with capabilities in food technology, and would monitor progress and integrate the total effort.

At the same time, it could work with international bodies such as the United Nations to establish the mechanism necessary for all nations to share in the development and its results.

The primary goal would be a basic food which would relieve hunger and sustain health. It could supplement diets, or be a complete diet in itself. It might take a number of forms to conform to varying cultural patterns and tastes.

Ultimately, a prime objective should be the capacity to transfer the necessary apparatus and technical processes to any nation anywhere on the globe to enable it to produce its own basic food supply.

The urgency of the world food situation is clear and a failure to act could produce long-term consequences even beyond human suffering. Indeed, the final goals of an undertaking along the lines I have suggested are a more stable peace and enlarged human understanding.

Mr. MORGAN. Mr. Speaker, the Committee on International Relations long has recognized the need for a widespread campaign to deal with a fundamental world need—the need to provide more food supplies for a growing population.

We have reported to the House—and the House and the Congress have passed—numerous bills to help step up agricultural production for needy populations.

We have favored various moves, large and small, addressed to improving the lot of the hundreds of millions of people in poor countries who suffer from hunger.

It is in this spirit that the committee approved—by voice vote and without dissent—House Concurrent Resolution 136, a resolution which expresses congressional endorsement of the World Food Conference of 1976 to be held in Ames, Iowa.

The conference is within the great American humanitarian tradition and it has been recognized as an official Bicentennial project by the American Revolution Bicentennial Administration.

The conference theme is, "The Role of the Professional in Feeding Mankind." It will be a conference attended by professionals and experts in the food field.

It is privately sponsored—by the Iowa State University of Science and Technology. I have received from the State Department a letter supportive of this resolution, which states in part:

We believe that the World Food Conference at Ames, Iowa, can be a useful addition to the efforts of other nongovernmental organizations and we have no objection to the proposed resolution.

The resolution does not authorize any expenditure of Federal funds.

It does not put the Congress on record in favor of any particular outcome or results of the conference—it only endorses the holding of the conference and commends the Iowa State University of Science and Technology for a humanitarian undertaking.

The Senate, by unanimous consent procedures, already has passed an identical bill.

I urge that the House today join in this endorsement with passage of House Concurrent Resolution 136.

Mr. DIGGS. Mr. Speaker, I have no further requests for time.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DIGGS) that the House suspend the rules and agree to the concurrent resolution (H. Con. Res. 136).

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution was agreed to.

GENERAL LEAVE

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the House concurrent resolution just agreed to.

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

There was no objection.

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that the Committee on International Relations be discharged from further consideration of a similar Senate concurrent resolution (S. Con. Res. 19) relating to the World Food Conference of 1976 in Ames, Iowa, and ask for its immediate consideration.

The Clerk read the title of the Senate concurrent resolution.

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

There was no objection.

The Clerk read the Senate concurrent resolution, as follows:

S. CON. RES. 19

Whereas the means of producing, processing and distributing food in nutritionally adequate quantities to feed an increasing world population is an awesome problem confronting the world today; and

Whereas the land grant colleges of the United States have made notable contributions to increased agricultural efficiency and improved quality of food and feed crops, particularly through developments in soybean and maize crops, animal breeding and feeding efficiency, farm machinery, and the dissemination of information to farmers and consumers; and

Whereas the Iowa State University of Science and Technology, one of the Nation's foremost land grant colleges, will host the World Food Conference of 1976 in Ames, Iowa, from June 27 through July 1, 1976, and

Whereas the subject of the World Food Conference of 1976 will be "The Role of the Professional in Feeding Mankind"; and

Whereas such conference will bring together scientists and scholars from many disciplines and many countries for the purpose of sharing and increasing agricultural and nutritional knowledge among the world's scientists and teachers, and for the purpose of accelerating the development of methods of food production, processing ,and distribution that will result in improved capabilities for meeting the food and nutritional needs of all the people of the world; and

Whereas the American Revolution Bicentennial Administration has endorsed the World Food Conference of 1976 as a bicentennial project of national and international significance: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States endorses the World Food Conference of 1976 to be held in Ames, Iowa, from June 27 through July 1, 1976, and commends the Iowa State University of Science and Technology for a humanitarian undertaking of international significance.

The Senate concurrent resolution was ordered to be read a third time, was read the third time and concurred in, and a motion to reconsider was laid on the table.

A similar House concurrent resolution (H. Con. Res. 136) was laid on the table.

APPOINTMENT OF CONFEREES ON H.R. 4723, AUTHORIZING APPROPRIATIONS TO NATIONAL SCIENCE FOUNDATION, FISCAL YEAR 1976

Mr. TEAGUE. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 4723) authorizing appropriations to the National Science Foundation for fiscal year 1976, with a Senate amendment thereto, disagree to the Senate amendment, and request a conference with the Senate thereon.

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

There was no objection.

MOTION OFFERED BY MR. BAUMAN

Mr. BAUMAN. Mr. Speaker, I offer a privileged motion dealing with the conference.

The Clerk read as follows:

Mr. BAUMAN of Maryland 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. 4723, be instructed to insist on the House position on section 7 of the bill H.R. 4723 as passed by the House.

The SPEAKER. Does the gentleman from Maryland desire to be heard on the motion?

Mr. BAUMAN. I do, Mr. Speaker. However, if the gentleman from Texas (Mr. TEAGUE) wishes to be heard, I would certainly be glad to defer to that gentleman.

Mr. TEAGUE. Mr. Speaker, the one thing the gentleman from Texas has to say is that the conferees respect the vote of the House of Representatives, and will insist on the amendment of the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, I am offering a motion to instruct the House conferees on the National Science Foundation authorization bill, H.R. 4723, to retain the House-passed amendment which provides for congressional review of National Science Foundation grants.

It is particularly important for us to instruct the conferees on this matter because the other body has had no opportunity to vote on this issue. The bill passed by the other body is different from the House bill in several important respects, most importantly in the amount of money authorized—$826.6 million in the Senate version versus $755.4 million in the House version—and in the fact that the Senate version does not include the provision for congressional review of grants which we approved when we passed the bill on April 9.

The Senate Special Subcommittee on NSF and the full Labor and Public Welfare Committee did not, as expected, in-

clude the congressional review provision in the authorization measure which they reported to the floor. To have expected otherwise would have been naive, particularly in light of the fact that the chairman of the NSF Special Subcommittee, Senator KENNEDY expressed his opposition to the House provision the day after the House passed it.

What was not expected was that the bill would be brought up on the floor the day after it was reported, under a procedure which virtually guaranteed that only a handful of Members of the other body would be aware of it until the measure had already passed.

The Senate version of H.R. 4723 was reported on May 12. On May 13, during routine morning business, the other body considered the bill for a few minutes and passed it. None of the several Members of the other body who had expressed an interest in offering the House amendment, or some variation of it, had expected it to be slipped through this way. There was no rollcall vote, of course. Few people expected a measure which has aroused such controversy to be pushed through under a procedure usually reserved for noncontroversial measures.

These facts highlight that the other body has not had the opportunity to vote on this amendment. It has no position as a body. The House does have a position, and it thus becomes appropriate for us to instruct our conferees to fight for our position during the conference.

This is an appropriate time to review just what the House-passed amendment would accomplish. There are two major provisions. The first provides that NSF will transmit a list of proposed grants to Congress at least every 30 days. Congress will have the opportunity to review those grants and the option to disapprove of any which it feels are not in the national interest. If no action is taken by either House of Congress, the grants will automatically be awarded after 30 days.

The second provision has been neglected in the controversy, but it is equally important. It provides that NSF must provide information relating to the background of the grants and how they serve the national interest. This provision will furnish us with additional information on which to base an intelligent decision regarding grants which may be controversial. At present we get one-line descriptions of the grants after they are awarded. Those one-line descriptions have been the subject of a great deal of criticism and amusement from Members of Congress and journalists who have chosen to attack certain grants as frivolous.

In fact, I would not be surprised if many grants whose titles sound frivolous turned out to be obviously important and worthwhile. On the other hand, it is quite possible that projects whose titles sound perfectly legitimate turned out to be duplicative and wasteful, whether because they are a rehash of work already done in the field, or because they have been duplicated in grants made by other Government agencies.

The simple fact is that at present, Congress, which is charged with oversight of the NSF, simply does not have enough information to do the job adequately. The House amendment is really a move for more open and informed government.

It is in reality a "sunshine" amendment, designed to bring the activities of this particular executive branch agency out in the open, where they can be assessed by Congress and the American people whose tax money is financing those activities. I am sure the vast majority of NSF's activities are of such a nature that NSF would be happy to have them out in the open, so they can receive credit for the fine work they are doing. It is not only in the interest of the taxpayers to spot questionable activities before the money has been spent on them, it is in the long-run interest of NSF. In this light, it is interesting to note that NSF Director Guyford Stever has commented that:

> Obviously, it would be quite a different way to operate the government. I am sure people could adjust to it.

Mr. Speaker, the majority of the criticism of the House amendment has centered around two contentions: First, that it would be cumbersome and unworkable; and second, that Congress is not possessed of the expertise and knowledge to review these grants intelligently. I will deal with the first contention in a few moments, but I would like to deal first with the question of whether or not Congress has the ability to review NSF grants.

Most of the letters I have received on this subject have supported my position, and they have come from all around the country. Many have come from members of the academic and scientific community, including potential and actual recipients of NSF grants, who are aware of problems in the grant-making procedure, and are happy to see Congress begin to address itself to these problems.

Those letters in opposition to congressional review have, for the most part, been marked by a disturbing air of superiority bordering on arrogance. Two research scientists in New York wrote that:

> Few of us believe that Congress is equipped or informed enough to make rational judgments on the present or future worth of any research proposal.

Note the language here. Any research proposal. Not most proposals or some extremely technical proposals, but any research proposal.

I have probably been as critical of Congress as a body as any Member. Congress has many shortcomings. But the fact remains that if Congress cannot decide whether or not a particular expenditure of taxpayers' money is in the national interest, then very literally, nobody can. We have the clear constitutional responsibility to do just that. We are in touch with the people more than any branch of Government, and we have to stand for election before the people every 2 years. If Congress cannot decide how to spend the taxpayers' money, certainly a group of nonelected functionaries of the executive branch have even less right to make those decisions. We can delegate some of those decisions, but the responsibility is ultimately ours. If we cannot understand what is being done with the peoples' money, perhaps we ought to exercise a bias against spending it at all.

But the fact is that whatever its shortcomings, Congress does have the ability to make these decisions. We do need more information from NSF than we presently get, but the House amendment has a provision for giving us the necessary information. We have had our staffs increased in the last several years. All of our committee staffs have grown. In addition, I have already received offers from members of the academic and scientific community to assist in this evaluation process, lending their specialized expertise to the process. We have the GAO and the Office of Technology Assessment. And each of us has a certain amount of intelligence. Stripped of jargon, most scientific research is just not all that incomprehensible that a reasonably intelligent person cannot make an informed judgment about it.

The second major contention regarding the House amendment is that it would be cumbersome and unworkable. This contention simply does not stand up under scrutiny.

The House amendment does not require congressional review. It simply permits it. Thus individual Members or committees would put in just as much time as they deemed necessary on the matter. My guess is that assigning a staff member to do an adequate job of review would involve about as much time as assigning him or her to carefully review the CONGRESSIONAL RECORD each day. In addition, the very existence of the review process would cause NSF to sharpen up its grant-making process. The veto provision might never be used at all. But it would have served its function of gaining congressional oversight over executive branch activities, as we have recently done with the War Powers Act and the Budget Control and Impoundment Act.

What about the added administrative burden for NSF? It would exist, but I contend that it would hardly be insurmountable. NSF already fills out two standard forms, form 4 and form 9, for each grant which it makes. These forms explain the grant in nontechnical language and are supposed to be public documents. Thus the information we need is already available, and is part of the NSF grant folder as a matter of standard procedure. All that would be required is to make it available to Congress on a regular basis before the fact.

Mr. Speaker, this amendment is right in line with the stated goal which most Members of Congress have expressed of taking back some of the responsibility and authority which we have delegated to the executive branch over the years. It is an open government, "sunshine" proposal, which would make one agency of Government, and Congress itself, more directly accountable to the people who elected us. It simply places the responsibility for expenditure of taxpayers' money right where it belongs—in the U.S. Congress.

All of us have received letters from constituents outraged by what seem to be

frivolous expenditures by NSF and other grant-making agencies. Those people will be watching how we vote on this issue, Mr. Speaker. A majority of the House backed this amendment on April 9, who among us is going to switch our votes now and back down at the taxpayer expense? Do we intend to regain some effective control over expenditure of taxpayers' money, or will we continue to pass the buck to the executive branch. That is the real issue before us, and I hope each member will consider it before we cast our votes on this motion. I hope the House will again endorse this amendment, by voting yes on my motion to instruct.

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

Mr. BAUMAN. I yield 3 minutes to the gentleman from Illinois.

Mr. MIKVA. I thank the gentleman for yielding.

Mr. Speaker, I rise in opposition to this motion to instruct the conferees. I have always thought that a motion to instruct conferees is a difficult procedure at best. It limits the negotiating power of the conferees in trying to find accommodation with the other body. But I cannot help but feel in this particular instance, where the vote was as close as it was in the House, in the first instance, that to simply allow this kind of an instruction to go through without some discussion of the merits of it would be beneath the dignity of this body.

The fact of the matter is that what the gentleman from Maryland says about a review procedure having been used in other instances is true, except that in most such instances they have to do with matters where the Government continues to have a direct involvement in the process. For example, we have a veto power, so to speak, an approval power, over reorganization plans of the President. We have a veto power over certain discretion that we have given the President in the energy field, for example. But to say that in this instance an executive agency should have every one of its grants reviewed by the Congress is to demean the legislative process and to try to do through the back door what apparently the gentleman from Maryland is unwilling to try to do through the front door. If you do not like the National Science Foundation, if you do not like the agency that is carrying out these functions, move to abolish it. That is within the power of this Congress. But to suggest that this House and the Senate ought to be some kind of reviewing authority sitting and nitpicking every one of the applications for a grant that comes through and deciding whether this grant should be granted or that grant should be granted, and then telling our conferees not even to talk to the other body about such a proposition, but to hold firm to our position, I think, is in absolute violation of anything I know about the legislative process. I intend to vote against this motion to instruct.

Mrs. HOLT. Mr. Speaker, it would be most irresponsible for the Congress to ignore the need for a reasonable amount of scrutiny over the activities of the National Science Foundation, which shovels out $700 million a year in grants for studies, many of which have only a remote attachment to the public interest.

I have no objection to people studying apes and salamanders, or the flora and fauna in distant corners of the world, but I have the strongest objections to paying for those studies with the taxpayers' dollars unless the studies are in the public interest.

The House previously passed an amendment to provide congressional oversight on the grants of the National Science Foundation. Today, Representative ROBERT E. BAUMAN is asking this House to insist on retaining that amendment in the conference report on the NSF legislation.

The most important feature of the Bauman amendment requires the NSF to relate its grants to the national interest. It is impossible for me to understand how any Member could object to that provision.

Very long ago, government at all levels in this country abandoned the concept that taxes should be collected and used only for essential public purposes. Many of the grants of the National Science Foundation offer us examples of unnecessary and wasteful spending of public funds.

Congressman BAUMAN has proposed that Congress be given an opportunity to review proposed NSF grants for 30 days before they are issued, and to veto such grants as are not in the public interest.

His is a most reasonable amendment, and should be retained in this bill by the conference committee.

Mr. BAUMAN. Mr. Speaker, I yield myself such time as I may require.

I would just say to the gentleman from Illinois that he cannot and should not read into my position on this amendment any opposition to the National Science Foundation as an institution of government. I think that it is doing and has done excellent work in most of the fields to which it has been assigned by the Congress in its original statutory authorization.

My concern is, however, about the quality and the types of grants and the individual amounts of money that have been handed out with very little restriction under a system which allows a blank check, so to speak, to be written by the Congress once a year in authorizations. Then the officials of the National Science Foundation hand out amounts of money for individual grants—as in the instance of the MACOS program which the gentleman from Arizona (Mr. CONLAN) has raised during the original debate on this bill—for programs that probably a majority of us, if we had to vote, would feel to be totally unsuited for the use of the taxpayers' money. This is in no way a derogation of the overall role of the National Science Foundation.

Second, so far as the gentleman's concern about the inability of the Congress to make decisions on these grants, we do have review procedures over many areas of executive branch activity, leaving the final power of review over certain actions in the committees of the House and the Senate. The right to review how these programs are being conducted has many precedents. This review procedure allowed by my amendment is nothing more than permissive. It is not a mandatory review.

We have seen many instances where our constituents have been very concerned about the spending of the NSF and its grants.

So neither is this a derogation of the NSF nor is it a cumbersome procedure. It has historic precedent many times in law and certainly it is in keeping with the will of the majority of the House which was expressed 2 months ago when they voted on my amendment.

Mr. MIKVA. If the gentleman will yield, does the gentleman know of any other granting agency whose research grants of any kind are reviewed by this Congress?

Mr. BAUMAN. The power of this Congress to review executive action extends even to contracts for defense items if they cost more than specified minimums.

Mr. MIKVA. I was referring specifically to research grants.

Mr. BAUMAN. I will be glad to provide the gentleman with a list of the grants which are subject to review by the Congress.

Mr. MIKVA. Does the gentleman know of any research grants which are reviewed by Congress other than the one referred to by the gentleman here?

Mr. BAUMAN. The gentleman from Maryland did not know this matter was scheduled to come up today in time for him to prepare a list but the gentleman will be glad to provide the gentleman from Illinois with a list including many existing instances where Executive action is subject to congressional review and veto.

Mr. MIKVA. I will appreciate it because the gentleman knows of no such power over research grants other than the gentleman has referred to here.

Mr. BAUMAN. The gentleman's interest perhaps is not as intense as that of the gentleman from Maryland.

The SPEAKER. The question is on the motion offered by the gentleman from Maryland (Mr. BAUMAN).

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

Mr. MIKVA. 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 127, nays 284, not voting 22, as follows:

[Roll No. 309]

YEAS—127

Abdnor	Burleson, Tex.	Crane
Armstrong	Butler	D'Amours
Ashbrook	Byron	Daniel, Dan
Bafalis	Carter	Daniel, R. W.
Bauman	Chappell	de la Garza
Beard, Tenn.	Clancy	Dickinson
Bell	Clausen,	Duncan, Tenn.
Bevill	Don H.	Edwards, Ala.
Biaggi	Clawson, Del	Emery
Brinkley	Cleveland	Evans, Ind.
Broomfield	Cochran	Findley
Brown, Mich.	Collins, Tex.	Fish
Brown, Ohio	Conlan	Forsythe
Buchanan	Coughlin	Frey

Gilman	Kelly	Roe
Ginn	Kemp	Rogers
Goldwater	Ketchum	Rousselot
Goodling	Kindness	Runnels
Gradison	Lagomarsino	Ruppe
Grassley	Latta	Sarasin
Guyer	Lent	Satterfield
Hagedorn	Levitas	Schneebeli
Hammer-schmidt	Lott	Schroeder
Hansen	Lujan	Schulze
Harsha	McCollister	Shuster
Hébert	McDonald	Skubitz
Heckler, Mass.	McKinney	Slack
Hefner	Mann	Smith, Nebr.
Hillis	Mathis	Spence
Hinshaw	Mazzoli	Steiger, Ariz.
Holt	Michel	Stratton
Horton	Mitchell, N.Y.	Stuckey
Howe	Moore	Symms
Hubbard	Myers, Ind.	Taylor, Mo.
Hutchinson	Nichols	Treen
Hyde	Pepper	Ullman
Ichord	Pettis	Vander Jagt
Jacobs	Quillen	Walsh
Jeffords	Randall	Wampler
Johnson, Pa.	Regula	Whitehurst
Kasten	Rhodes	Wydler
Kazen	Rinaldo	Young, Alaska
	Robinson	Young, Fla.

NAYS—284

Abzug	Edgar	McFall
Adams	Edwards, Calif.	McHugh
Addabbo	Eilberg	McKay
Alexander	English	Macdonald
Ambro	Erienborn	Madden
Anderson, Calif.	Eshleman	Madigan
	Fascell	Maguire
Anderson, Ill.	Fenwick	Mahon
Andrews, N.C.	Fisher	Martin
Andrews, N. Dak.	Fithian	Matsunaga
	Flood	Meeds
Annunzio	Florio	Melcher
Archer	Flowers	Metcalfe
Ashley	Foley	Meyner
Aspin	Ford, Mich.	Mezvinsky
AuCoin	Ford, Tenn.	Mikva
Badillo	Fountain	Milford
Baldus	Fraser	Miller, Calif.
Barrett	Frenzel	Mills
Baucus	Fuqua	Mineta
Beard, R.I.	Gaydos	Minish
Bedell	Giaimo	Mink
Bennett	Gibbons	Mitchell, Md.
Bergland	Gonzalez	Moakley
Biester	Green	Moffett
Bingham	Gude	Montgomery
Blanchard	Haley	Moorhead, Calif.
Blouin	Hall	
Boggs	Hamilton	Moorhead, Pa.
Boland	Hanley	Morgan
Bolling	Hannaford	Mosher
Bonker	Harrington	Moss
Bowen	Harris	Mottl
Brademas	Hastings	Murphy, Ill.
Breaux	Hawkins	Murphy, N.Y.
Breckinridge	Hayes, Ind.	Murtha
Brodhead	Hays, Ohio	Myers, Pa.
Brown, Calif.	Hechler, W. Va.	Natcher
Broyhill	Heinz	Neal
Burgener	Helstoski	Nedzi
Burke, Calif.	Henderson	Nolan
Burke, Mass.	Hicks	Nowak
Burlison, Mo.	Hightower	Oberstar
Burton, John	Holland	Obey
Burton, Phillip	Holtzman	O'Brien
Carney	Howard	O'Hara
Carr	Hughes	O'Neill
Casey	Hungate	Ottinger
Cederberg	Jarman	Passman
Chisholm	Jenrette	Patman, Tex.
Clay	Johnson, Calif.	Patten, N.J.
Cohen	Johnson, Colo.	Patterson, Calif.
Collins, Ill.	Jones, N.C.	
Conable	Jones, Okla.	Pattison, N.Y.
Conte	Jones, Tenn.	Perkins
Cornell	Jordan	Peyser
Cotter	Karth	Pickle
Daniels, N.J.	Kastenmeier	Pike
Danielson	Keys	Poage
Davis	Koch	Pressler
Delaney	Krebs	Preyer
Dellums	Krueger	Pritchard
Dent	LaFalce	Quie
Derrick	Landrum	Railsback
Derwinski	Leggett	Rangel
Diggs	Lehman	Rees
Dingell	Lloyd, Calif.	Reuss
Dodd	Lloyd, Tenn.	Richmond
Downey	Long, La.	Riegle
Downing	Long, Md.	Risenhoover
Drinan	McClory	Roberts
Duncan, Oreg.	McCloskey	Rodino
du Pont	McCormack	Roncalio
Early	McDade	Rooney
Eckhardt	McEwen	Rose
Rosenthal	Stanton, J. William	Vander Veen
Rostenkowski		Vanik
Roush	Stanton, James V.	Vigorito
Roybal		Waggonner
Russo	Stark	Waxman
Ryan	Steed	Weaver
St Germain	Steelman	Whalen
Santini	Steiger, Wis.	White
Sarbanes	Stephens	Whitten
Scheuer	Stokes	Wilson, Bob
Sebelius	Studds	Wilson, C. H.
Seiberling	Sullivan	Wilson, Tex.
Sharp	Symington	Winn
Shipley	Taylor, N.C.	Wirth
Shriver	Teague	Wright
Sikes	Thompson	Yates
Simon	Thone	Yatron
Sisk	Thornton	Young, Ga.
Smith, Iowa	Traxler	Young, Tex.
Solarz	Tsongas	Zablocki
Spellman	Udall	Zeferetti
Staggers	Van Deerlin	

NOT VOTING—22

Brooks	Flynt	Price
Burke, Fla.	Fulton	Snyder
Conyers	Harkin	Talcott
Corman	Jones, Ala.	Wiggins
Devine	Litton	Wolff
Esch	Miller, Ohio	Wylie
Evans, Colo.	Mollohan	
Evins, Tenn.	Nix	

So the motion was rejected.

The Clerk announced the following pairs:

On this vote:

Mr. Miller of Ohio for, with Mr. Price against.

Mr. Wylie for, with Mr. Nix against.

Mr. Snyder for, with Mr. Wolff against.

Mr. Devine for, with Mr. Flynt against.

Mr. Wiggins for, with Mr. Brooks against.

Mr. Talcott for, with Mr. Conyers against.

Mr. Burke of Florida for, with Mr. Mollohan against.

Until further notice:

Mr. Corman with Mr. Litton.

Mr. Evins of Tennessee with Mr. Jones of Alabama.

Mr. Evans of Colorado with Mr. Fulton.

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. TEAGUE, SYMINGTON, FUQUA, FLOWERS, MCCORMACK, MOSHER, and ESCH.

GENERAL LEAVE

Mr. BAUMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the motion just voted on.

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

There was no objection.

CONTINUING APPROPRIATIONS, 1976

Mr. MAHON. Mr. Speaker, pursuant to the order of the House on Thursday last, I call up the joint resolution (H.J. Res. 499), making continuing appropriations for the fiscal year 1976, and for other purposes, and ask unanimous consent that the joint resolution be considered in the House as in the Committee of the Whole.

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

There was no objection.

The Clerk read the joint resolution, as follows:

H.J. RES. 499

Joint resolution making continuing appropriations for the fiscal year 1976, and for other purposes

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated out of any money in the Treasury not otherwise appropriated, and out of applicable corporate or other revenues, receipts, and funds, for the several departments, agencies, corporations, and other organizational units of the Government for the fiscal year 1976, namely:

SEC. 101. (a)(1) Such amounts as may be necessary for continuing projects or activities (not otherwise specifically provided for in this joint resolution) which were conducted in the fiscal year 1975 and for which appropriations, funds, or other authority would be available in the following appropriation Acts for the fiscal year 1976:

Education Division and Related Agencies Appropriations Act;

Department of Housing and Urban Development-Independent Agencies Appropriation Act, including the limitation on aggregate loans that may be made under section 202 of the Housing Act of 1959, as amended;

Departments of Labor, and Health, Education, and Welfare, and Related Agencies Appropriation Act;

Legislative Branch Appropriation Act;

Public Works for Water and Power Development and Energy Research Appropriation Act; and

Departments of State, Justice, and Commerce, the Judiciary, and Related Agencies Appropriation Act, notwithstanding section 15(a) of the Act entitled, "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended, and section 701 of the United States Information and Educational Exchange Act of 1948, as amended.

(2) Appropriations made by this subsection shall be available to the extent and in the manner which would be provided by the pertinent appropriation Act.

(3) Whenever the amount which would be made available or the authority which would be granted under an Act listed in this subsection as passed by the House as of July 1, 1975, is different from that which would be available or granted under such Act as passed by the Senate as of July 1, 1975, the pertinent project or activity shall be continued under the lesser amount or the more restrictive authority: *Provided,* That no provision in any appropriation Act for the fiscal year 1976, which makes the availability of any appropriation provided therein dependent upon the enactment of additional authorizing or other legislation, shall be effective before the date set forth in section 102(c) of this joint resolution.

(4) Whenever an Act listed in this subsection has been passed by only one House as of July 1, 1975, or where an item is included in only one version of an Act as passed by both Houses as of July 1, 1975, the pertinent project or activity shall be continued under the appropriation, fund, or authority granted by the one House, but at a rate for operations not exceeding the current rate or the rate permitted by the action of the one House, whichever is lower, and under the authority and conditions provided in applicable appropriation acts for the fiscal year 1975: *Provided,* That no provision which is included in an appropriation Act enumerated in this subsection but which was not included in the applicable appropriation Act for 1975, and which by its terms is applicable to more than one appropriation, fund, or authority shall be applicable to any appropriation, fund, or authority provided in this joint resolution unless such provision shall have been included in identical

form in such bill as enacted by both the House and the Senate.

(b) Such amounts as may be necessary for continuing projects or activities (not otherwise provided for in this joint resolution) which were conducted in the fiscal year 1975 and are listed in this subsection at a rate for operations not in excess of the current rate or the rate provided for in the budget estimate, whichever is lower, and under the more restrictive authority—

activities for which provision was made in the Agriculture-Environmental and Consumer Protection Appropriation Act, 1975;

activities for which provision was made in the District of Columbia Appropriation Act, 1975;

activities for which provision was made in the Department of Interior and Related Agencies Appropriation Act, 1975;

activities for which provision was made in the Military Construction Appropriation Act, 1975;

activities for which provision was made in the Department of Defense Appropriation Act, 1975;

activities for which provision was made in the Foreign Assistance and Related Programs Appropriations Act, 1975, notwithstanding section 10 of Public Law 91–672, and section 15(a) of the Act entitled "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended;

activities for which provision was made in the Department of Transportation and Related Agencies Appropriation Act, 1975;

activities for which provision was made in the Treasury, Postal Service, and General Government Appropriation Act, 1975, including payment to the Postal Service Fund at a rate for each quarter of the fiscal year 1976 not to exceed one-quarter of the budget estimate for fiscal year 1976 for the appropriation "Payment to the Postal Service Fund"; and

activities for which provision was made in the Special Energy Research and Development Appropriation Act, 1975.

The following activities for which provision was made in the Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1975, the Supplemental Appropriations Act, 1975, the Second Supplemental Appropriations Act, 1975, or Public Law 93–324, and amendments thereto:

activities under sections 225, 314(e), 317, 318, 319, 329, 472(d), and titles VII, VIII, and X of the Public Health Service Act, as amended;

activities under titles II, III, and IV (part B) of the Older Americans Act;

activities under sections 409 and 410 of the Drug Abuse Office and Treatment Act of 1972;

activities under section 1113 of the Social Security Act, as amended;

activities for grants for the developmentally disabled;

activities under the Lead Based Paint Poisoning Prevention Act of 1973;

activities of the Corporation for Public Broadcasting;

activities of the United States Railway Association; and

activities of the Appalachian Regional Commission, other than those under section 201 of the Appalachian Regional Development Act of 1965, as amended.

(c) Such amounts as may be necessary for continuing projects or activities for which disbursements are made by the Secretary of the Senate, and the Senate items under the Architect of the Capitol, to the extent and in the manner which would be provided for in the budget estimates for fiscal year 1976.

(d) Such amounts as may be necessary for continuing the following activities, but at a rate for operations not in excess of the budget estimate—

activities of the Menominee Indian restoration program;

activities necessary for studies related to oil and gas leasing on the Outer Continental Shelf;

activities necessary for Indian contract support;

activities of the Federal Elections Commission; and

activities of the Commodity Futures Trading Commission.

(e) Such amounts as may be necessary for continuing the following activities, but at a rate for operations not in excess of the current rate unless otherwise provided specifically in this subsection—

activities under section 314(d) of the Public Health Service Act, as amended;

activities under title IV, part A of the Older Americans Act;

activities under title IX of the Older Americans Comprehensive Services Amendments of 1973 at an annual rate of not to exceed $42,000,000: *Provided*, That no State receiving funds under this program will receive less than the amount received in fiscal year 1975 under title III of Public Law 93–203, notwithstanding the provisions of section 906 at Public Law 93–29;

activities under the Council on Wage and Price Stability Act;

activities of the Commission on Federal Paperwork;

activities of the Office of Federal Procurement Policy;

activities under title VI of the Comprehensive Employment and Training Act at an annual rate of not to exceed $1,625,000,000;

for activities of the Youth Conservation Corps, in addition to amounts made available elsewhere in this joint resolution and otherwise, an amount of $10,000,000, to remain available until the end of the fiscal year following the fiscal year for which appropriated: *Provided*, That $5,000,000 shall be available to the Secretary of the Interior and $5,000,000 shall be available to the Secretary of Agriculture;

for activities under title IV, part C, of the Social Security Act, in addition to amounts made available elsewhere in this joint resolution and otherwise, an amount of $70,000,000 for fiscal year 1976 for carrying out a work incentives program including registration of individuals for such program, and for related child care and supportive services, as authorized by section 402(a)(19)(G) of the Act, including transfer to the Secretary of Labor, as authorized by section 431 of the Act, which together with the previously authorized appropriation for fiscal year 1975, shall be the maximum amount available for transfer to the Secretary of Labor and to which States may become entitled, pursuant to section 403(d) of such Act, for these purposes, for the fiscal year 1975 and for any period in the prior fiscal year provided the prior fiscal year expenditures were claimed on quarterly statements of expenditures received by the Secretary of Health, Education, and Welfare prior to February 1, 1975;

for activities under title IV, part C of the Higher Education Act to carry out work-study programs, in addition to amounts made available elsewhere in this joint resolution and otherwise, an amount of $119,800,000, of which $60,000,000 shall remain available through September 30, 1975, and $59,800,000 shall remain available through June 30, 1976: *Provided*, That funds appropriated in the Departments of Labor, and Health, Education, and Welfare Appropriations Acts for the fiscal years ending June 30, 1974, and June 30, 1975 (Public Laws 93–192 and 93–517) for the work-study program under part C of title IV of the Higher Education Act of 1965, which have been granted to an eligible institution whose allocation exceeds the amount needed to operate a work-study program during the period for which those funds are available, shall remain available to the Commissioner for making grants to other eligible institutions until the end of the fiscal year succeeding the fiscal year for which such funds are appropriated: *Provided further*, That any amounts appropriated for basic opportunity grants for the fiscal year ending June 30, 1974, which are in excess of the amount required to meet the payment schedule announced for the academic year 1974–75, shall remain available for payments under the payment schedule announced for the academic year 1975–76;

for activities under the heading Rural Water and Waste Disposal Grants pursuant to section 306(a)(2) and 306(a)(6) of the Consolidated Farm and Rural Development Act, as amended (7 U.S.C. 1926), in addition to amounts made available elsewhere in this joint resolution and otherwise, an amount of $150,000,000 to remain available until expended, pursuant to section 306(d) of the above Act;

The following activities for which provision was made in the Agriculture-Environmental and Consumer Protection Appropriation Act, 1975:

payments to States and Possessions by the Agricultural Marketing Service;

activities of the agricultural conservation program, the forestry incentives program, and the Water Bank Act program;

activities of the Farmers Home Administration pertaining to rural housing for domestic farm labor, and mutual and self-help housing;

food programs under section 32 of the Act of August 24, 1935, and section 416 of the Agricultural Act of 1949, as amended, including cost-of-living increases mandated by law;

activities of the Federal Energy Administration as they relate to the petroleum allocation program;

activities of the legal services program; and

notwithstanding the sixth clause of subsection (b) of this section, activities of the Department of State for assistance to refugees from the Soviet Union shall be funded at not to exceed an annual rate for obligations of $20,000,000, notwithstanding section 15(a) of the Act entitled, "An Act to provide certain basic authority for the Department of State", approved August 1, 1956, as amended.

(f) Such amounts as may be necessary to permit payments and assistance mandated by law for the following activities which were conducted in fiscal year 1975—

activities under the Railroad Retirement Act, as amended;

activities under title XVI of the Social Security Act, as amended;

activities under the Food Stamp Act, the Child Nutrition Act, and the School Lunch Act, as amended, except for section 17(b) of the Child Nutrition Act of 1966;

retirement pay and medical benefits for commissioned officers of the Public Health Service;

grants to States for public assistance;

activities under the Federal Coal Mine Health and Safety Act of 1969, as amended; and

activities funded from the fiscal year 1975 appropriation to the Department of Labor, Employment Standards Administration, for "special benefits".

(g) Applicable appropriations made by this joint resolution shall not be available for paying to the Administrator of the General Services Administration in excess of 90 per centum of the standard level user charge established pursuant to section 210(j) of the Federal Property and Administrative Services Act of 1949, as amended, for space and services.

SEC. 102. Appropriations and funds made available and authority granted pursuant to this joint resolution shall be available from

July 1, 1975, and shall remain available until (a) enactment into law of an appropriation for any project or activity provided for in this joint resolution, or (b) enactment of the applicable appropriation Act by both Houses without any provision for such project or activity, or (c) sine die adjournment of the first session of the Ninety-fourth Congress, whichever first occurs.

SEC. 103. Appropriations and funds made available or authority granted pursuant to this joint resolution may be used without regard to the time limitations for submission and approval of apportionments set forth in 31 U.S.C. 665(d)(2), but nothing herein shall be construed to waive any other provision of law governing the apportionment of funds.

SEC. 104. Appropriations made and authority granted pursuant to this joint resolution shall cover all obligations or expenditures incurred for any project or activity during the period for which funds or authority for such project or activity are available under this joint resolution.

SEC. 105. Expenditures made pursuant to this joint resolution shall be charged to the applicable appropriation, fund, or authorization whenever a bill in which such applicable appropriation, fund, or authorization is contained is enacted into law.

SEC. 106. No appropriation or fund made available or authority granted pursuant to this joint resolution shall be used to initiate or resume any project or activity for which appropriations, funds, or other authority were not available during the fiscal year 1975.

SEC. 107. Any appropriation for the fiscal year 1976 required to be apportioned pursuant to 31 U.S.C. 665, may be apportioned on a basis indicating the need (to the extent any such increases cannot be absorbed within available appropriations) for supplemental or deficiency estimate of appropriation to the extent necessary to permit payment of such pay increases as may be granted pursuant to law to civilian officers and employees and to active and retired military personnel. Each such appropriation shall otherwise be subject to the requirements of 31 U.S.C. 665.

SEC. 108. All obligations incurred in anticipation of the appropriations and authority provided in this joint resolution are hereby ratified and confirmed if otherwise in accordance with the provisions of this joint resolution.

SEC. 109. None of the funds herein made available shall be obligated or expended to finance directly or indirectly any assistance to North Vietnam, South Vietnam, Cambodia, or Laos, nor shall any funds herein made available be channeled through or administered by international organizations, United Nations organizations, multilateral organizations, voluntary agencies, or any other comparable organizations or agencies in order to finance any assistance to North Vietnam, South Vietnam, Cambodia, or Laos.

SEC. 110. Any provision of law which requires unexpended funds to return to the general fund of the Treasury at the end of the fiscal year shall not be held to affect the status of any lawsuit or right of action involving the right to those funds.

With the following committee amendments:

Committee amendments: On page 7, lines 22 through 24, strike "activities under title IX of the Older Americans Comprehensive Services Amendments of 1973 at an annual rate of not to exceed $42,000,000" and insert in lieu thereof "for activities under title IX of the Older Americans Comprehensive Service Amendments of 1973, $30,000,000".

On page 8, strike lines 9 through 11 and insert in lieu thereof "for activities under title VI of the Comprehensive Employment and Training Act, $1,625,000,000, to remain available until June 30, 1976;".

On page 11, line 23, after the word "amended", add ", and section 10 of Public Law 91-672".

The committee amendments were agreed to.

Mr. MAHON. Mr. Speaker, I move to strike the last word.

Mr. Speaker, during this session of Congress the Committee on Appropriations has presented to the House 17 bills relating to appropriations. We have approved four deferral resolutions, three rescission bills, and 10 appropriation bills of which two are bills for the fiscal year 1976.

Despite the fact that we have considered these 17 measures, one of which was vetoed—that was the jobs bill—the Congress has not enacted into law any of the regular appropriations bills for the fiscal year which begins on July 1. Therefore, if we did not pass a continuing resolution, the whole Government would be without operating authority on July 1 because there would be no funds and no authorization for the expenditure of funds for carrying on the functions of Government. This is not a unique situation. We have had this problem from year to year.

Mr. Speaker, this resolution represents a stopgap financing mechanism. It conveys funding rates based on the status of appropriation bills as of June 30. The philosophy of the resolution is to take a snapshot of the pending appropriations bills as of June 30 and continue those rates forward until the appropriations bills are passed by the Congress and signed into law. The rates do not change until that occurs.

RATES OF OPERATION UNDER THE RESOLUTION

With a few exceptions, the resolution follows the basic form and concept of continuing resolutions in prior years. The rates of operation which obtain under the continuing resolution until appropriations bills are signed are as follows:

Where the applicable bill has passed only one house—and it appears that six will have passed the House—the operating level shall not exceed the current rate or the rate permitted by the action of the House, whichever is lower.

Where the applicable appropriation bill has passed both Houses but has not been enacted into law and the amount passed by the House is different from that passed by the Senate, the program or activity shall be continued at the rate not in excess of the lesser amount and under the more restrictive authority. Perhaps only two bills, legislative and education, might be in this position at June 30.

Where the applicable bill has not passed either the House or the Senate—and there will be at least eight bills in this position at June 30—the level of operation shall not be in excess of the current rate or the rate provided for in the budget estimate, whichever is lower and under the more restrictive authority.

In a number of instances, special provision is made to continue activities either at the budget rate or at the current rate. The necessity for this arises because of several circumstances. A program may have been funded in fiscal year 1975 in a supplemental or otherwise and would not be covered by the provisions made for the regular bills. In some instances where there is no budget estimate, provision is made to continue the activity at the current rate. In some cases—for instance where a program has been deferred because of the lack of legislative authorization—provision is made to continue the program at the rate of the budget estimate.

Also, Mr. Speaker, the resolution makes special provision for certain Federal programs for which payments are mandated by law. Because of such factors as the uncertainty of the magnitude of participation and recent legislative changes, the current rate for these programs is inadequate. Further, the budget estimates for some programs are or may be inadequate. Some budget estimates are grossly understated and others are of questionable adequacy. The committee has therefore added provisions which will permit these payments as mandated by law. Included in this category are the food stamp, school lunch, and child nutrition programs, payments to beneficiaries under the Federal Coal Mine Health and Safety Act and the Railroad Retirement Act, retirement pay and medical benefits for commissioned officers of the Public Health Service, and grants to States for public assistance.

SPECIAL PROVISION FOR JOBS PROGRAMS

One of the unique things about this resolution is that in addition to making available billions of dollars for expenditure, it contains some regular annual appropriations with respect to certain programs. Those programs relate principally to those of the subcommittee headed by the gentleman from Pennsylvania (Mr. FLOOD). They relate to items which were carried in the emergency employment appropriation bill which was vetoed by the President.

Mr. Speaker, I call the Members' attention on page 3 of the report to the language with respect to the regular appropriations which we are making for the entire fiscal year 1976:

Public Service jobs, $1,625,000,000, which will remain available for the entire fiscal year 1976 and sustain the operating level of approximately 310,000 jobs.

Many people, including myself, are not enthusiastic about this program, but it is a program which has been approved.

For the older Americans program, $30 million is provided for the fiscal year 1976. For the college-work study grants, $119.8 million is provided for the fiscal year. For work incentive, the so-called WIN program, $70 million is provided. The Youth Conservation Corps is provided with $10 million. The rural water and sewer grants program is provided with an appropriation of $150 million.

As indicated, Mr. Speaker, these selected items are appropriated for in the continuing resolution at the same level as provided in the emergency jobs bill. One other program, the summer youth employment and recreation program, was lifted from the vetoed jobs bill and passed earlier this month as a special appropriation. An amount of $473,350,000—the

conference agreement in the jobs bill—was handled in this fashion because of the urgent need to pay the young people who have these jobs.

STATUS OF APPROPRIATIONS BILLS

Mr. Speaker, as I indicated earlier, the rates of operation which prevail under the continuing resolution are hinged to the status of appropriation bills as of midnight, June 30.

Two bills—legislative and the special education bill—have passed the House. As of today, these measures have not passed the other body and it is questionable if final congressional action will be completed before the forthcoming Fourth of July recess.

Four more appropriation bills are scheduled to be considered by the House before June 30. On Thursday and Friday the committee will report the HUD-independent agencies, Labor-HEW, State-Justice-Commerce, and the public works bills. It is planned that they will all pass the House before the close of business on June 26.

Contingent upon the availability of certain authorizing legislation and other factors, it is presently planned that six bills will be considered by the House in July. These include transportation, agriculture, interior, treasury-postal service, defense, and military construction.

Two bills would remain for handling after the August recess—District of Columbia and Foreign Assistance. The District of Columbia budget has not yet been submitted to Congress and we cannot begin hearings on it until it has. And although the Appropriations Committee is well along with the foreign aid hearings, the authorizing legislation is not in sight. This is a chronic annual problem.

So, Mr. Speaker, this is where we expect to be with the appropriations business of the session at the close of the fiscal year on June 30. Where the appropriations bills are at this point is the determining factor as to the rates which obtain under the continuing resolution. The rates do not change until the bills are enacted.

Further, and as is pointed out in the report accompanying the resolution, the rates of operation under the continuing authorities in the resolution are to be interpreted as ceilings, not as mandatory spending levels. In view of the fact that this is a temporary financing vehicle, this is necessary in order to preserve Congressional prerogatives in arriving at final spending levels in the course of the regular authorization and appropriation process.

NEED FOR CONTINUING RESOLUTION

Mr. Speaker, the continuing resolution is not the optimum solution to efficient fiscal procedure but it is absolutely necessary to avoid chaos in the operation of government programs. It may not be perfect but it is the best device that has been devised by concerted efforts over a period of many years. Hopefully, the procedures under the new congressional budget control legislation, including the change in the fiscal year, the provision for early authorizations, and other factors, will give sufficient momentum to the process whereby continuing resolutions will not be necessary. This objective can be achieved if there is sufficient will throughout the Congress.

Mr. Speaker, the passage of the continuing resolution is absolutely essential. As I indicated the subject of special interest in this measure this year is the provision of the jobs programs. Otherwise the resolution follows the same general theme as in prior years.

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

Mr. MAHON. Yes, I yield to the distinguished gentleman from Michigan.

Mr. CEDERBERG. The gentleman has stated that after this continuing resolution passes and then an appropriation bill comes along in which certain items are covered in the continuing resolution, the continuing resolution is not effective any longer; is that correct?

Mr. MAHON. The gentleman is, of course, correct.

Mr. CEDERBERG. Except that I understand the gentleman has an amendment to exempt certain items in the bill, including those that he has just enumerated.

Mr. MAHON. The gentleman is correct. I shall offer a technical amendment to clarify the matter involving the regular annual appropriation made in the resolution.

Mr. CEDERBERG. Does that not place us in the position that, if we pass appropriation bills that have additional funds for these items, there is a double amount for these items in our appropriations?

Mr. MAHON. Of course, I would hope that would not be the case in the regular appropriation bills. We could double the amount for all of the items which have been discussed here in the last few moments, but that in my judgment would be an intolerable and indefensible act.

Mr. CEDERBERG. That is what I wanted the chairman to state.

Mr. MAHON. I want to say that I would be opposed to that sort of procedure and I believe that would be the position of the House and certainly that of the Committee on Appropriations.

The SPEAKER pro tempore (Mr. SISK). The time of the gentleman from Texas has expired.

(By unanimous consent, Mr. MAHON was allowed to proceed for 4 additional minutes.)

Mr. CEDERBERG. If the gentleman will yield further, this is certainly a possibility under the gentleman's amendment; is that not correct?

Mr. MAHON. I would state that the amendment I will offer is technical in nature. The House can always work its will and provide additional funds, of course. There is no way to take away from the House the authority to provide additional funds, but it is certainly not contemplated, by the remotest sense of the word, that these public service job appropriations and the WIN program, the student program, and other, would be doubled in any appropriations. These programs are provided for at the same level as in the jobs bill.

Mr. CEDERBERG. If the gentleman will yield further, that is what I wanted to have the chairman state for the record, so that we understand that this is not the intention of the amendment that will be offered by the gentleman from Texas.

Mr. MAHON. Yes; the committee or subcommittee on Labor-HEW had hearings on these matters, and this whole package of the so-called jobs bill has been approved by the Committee on Appropriations and by the subcommittee headed by the gentleman from Pennsylvania (Mr. FLOOD).

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

Mr. MAHON. Yes, I yield to the gentleman from Illinois.

Mr. MICHEL. If I might further follow the line of questioning of the distinguished gentleman from Michigan (Mr. CEDERBERG), we did pass the education bill, but the labor, health, and welfare portion of that bill will go to the full committee Thursday and come up on the floor probably next week.

Certainly, for an item of $1,625 million for public service jobs, the chairman would not want to have that item in our regular bill, and also in this continuing resolution provide for an additional $1,625 million over what would be in the regular bill?

Mr. MAHON. This would be the basic appropriation for fiscal year 1976, and we would not of course contemplate increasing that amount in the regular HEW appropriation bill which will be presented in the House by the Subcomittee on Labor and HEW.

Mr. MICHEL. If, for example, in the Labor-HEW bill any one of these items is not in that bill which are in the continuing resolution, can we assume then it is just a one-shot proposition, and the continuing resolution is really the controlling factor as to the level of spending?

Mr. MAHON. I would say to the gentleman that the continuing resolution, for the purposes of these programs we are discussing, contains regular appropriations for the fiscal year 1976 at the level provided for in the jobs bill. But, of course, I must agree that when we bring up the Labor-HEW appropriation bill, the House can work its will, and provide such funds as it thinks proper.

Mr. MICHEL. But if there is a specific amount provided in the continuing resolution at such and such a level I would want to make sure during consideration of the regular bill that we were not adding on. I might want to retract on some of the items just to have the overall figure harmonize with our budget figure, or some reasonable figure above the budget, but certainly not a doubling of the figure such as is possible under the continuing resolution.

Mr. CEDERBERG. Will the gentleman yield?

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

Mr. CEDERBERG. Mr. Speaker, let us take another example, if I may, and I see the Chairman of the Agricultural Subcommittee, the gentleman from Mississippi (Mr. WHITTEN) on the floor, and I would ask that gentleman, in this continuing resolution we have $150 million for rural water and sewer grants which was the 1976 budget estimate; is that correct?

Mr. WHITTEN. That is correct.

Mr. CEDERBERG. The Agricultural Subcommittee has already maked up its bill, is that correct?

Mr. WHITTEN. Only tentatively, which the gentleman from Michigan is familiar with. It is subject to being checked.

Mr. CEDERBERG. How much money would be in it for the rural water and sewer grants in this tentative markup?

Mr. WHITTEN. It is a tentative markup in that they are checking to see whether the bill would require an additional amount. The gentleman will realize that sewer and water grant funds were impounded for quite a long time, and also in the recent jobs act which contained funds for sewer and water grants, that, of course, was vetoed and died.

The SPEAKER pro tempore. The time of the gentleman has again expired.

Mr. MAHON. I ask unanimous consent to proceed for 3 additional minutes and I yield to the gentleman from Mississippi.

Mr. WHITTEN. I thank the gentleman from Texas. There is no way to know what the regular bill might be in view of this situation here where the program has been delayed in excess of what we are including in it this year, and we are reviewing the need before we finalize the other bill. By all means it should be here.

Mr. CEDERBERG. The point I want to get clear, the Chairman has stated as emphatically as I could get the gentleman to state it, that it is his position that we should not duplicate these appropriations. If we come out in this bill—and I am not objecting to this bill—but if we do the same thing in this bill then we have a double appropriation in this area over and above the budget.

Mr. WHITTEN. May I review again that certainly there will be no duplication in the regular bill insofar as I have anything to do with it. We will consider the need in comparison with what is being done in cities of 40,000 and above, and the programs will be handled in accordance with the need, so there will be no duplication, may I say to the gentleman.

Mr. CEDERBERG. If the gentleman will yield further, that does not answer my question at all.

Mr. MAHON. Mr. Speaker, I have the time. I yield to the gentleman from Mississippi.

Mr. WHITTEN. I thank the gentleman for yielding.

May I repeat that this continuing resmoney that has been delayed for about a year and a half for one reason or another. This should stay in here. Insofar as I am concerned, the other amount will be based on need and not duplication.

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

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

Mr. CEDERBERG. Does the Chairman agree with the gentleman from Mississippi that we should add more in that bill, if it is in here and it is the budgeted amount? Is it not true that the gentleman stated in the well of the House that insofar as he is concerned, this is it?

Mr. MAHON. Generally speaking, on these programs I had assumed if we had agreed on a certain figure, this would be the position I would take, and most members of the committee would take, but, of course, a subcommittee or a committee is not restricted in making recommendations and proposals to the House.

Mr. CEDERBERG. If the gentleman will yield further, I understand that the original intent was to take the budget item and put it in this particular bill and then leave it out of the bill in the subcommittee.

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

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

Mr. WHITTEN. I thank the gentleman for yielding.

May I say again this program has been held up for around 2 years, so there is a time lag that somebody has got to catch up with. I am saying that I am personally going to try to look at the needs, but I say if there is an argument in line with the gentleman's position that this one should stay in here, we can move now and not leave it in a bill that may not pass until much later.

Mr. CEDERBERG. If the gentleman will yield further, I have a feeling we are going to have a double dip here, twice as much as requested.

The SPEAKER pro tempore. The time of the gentleman has expired.

AMENDMENT OFFERED BY MR. CONTE

Mr. CONTE. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CONTE: Page 15, after line 12, insert the following:

"SEC. 111. Unobligated balances as of June 30, 1975, of funds heretofore made available under the authority of chapter X of part I of the Foreign Assistance Act of 1961, as amended, are hereby continued available for the same general purposes for which appropriated."

POINT OF ORDER

Mr. BAUMAN. Mr. Speaker, I have a point of order.

The SPEAKER pro tempore. The gentleman will state it.

Mr. BAUMAN. Mr. Speaker, after the discussion that has just followed here, it is unclear to the gentleman from Maryland whether or not this is a general appropriations bill or whether this is a continuing resolution, and if it is a general appropriations bill, I wish to make a point of order against this amendment and other sections of the bill as being legislation on an appropriation bill.

The SPEAKER pro tempore (Mr. SISK). This is a continuing resolution; it is not a general appropriations bill.

PARLIAMENTARY INQUIRY

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

The SPEAKER pro tempore. The gentleman will state it.

Mr. BAUMAN. Mr. Speaker, the gentleman from Texas just said in debate that for all intents and purposes certain of the figures contained in this resolution are the general appropriation figures contained in the resolution and no additional authority will be required. Will points of order not lie against those sections, if that is the case?

The SPEAKER pro tempore (Mr. SISK). The Chairman will state to the gentleman that this was not introduced or reported as a general appropriation bill. This is a continuing resolution, and no point of order would lie in that case under clause 2, rule XXI.

Mr. BAUMAN. Or against any amendment?

The SPEAKER pro tempore. That is the case.

Mr. BAUMAN. I thank the Chair.

The SPEAKER pro tempore. Except on the basis of germaneness of the amendment, of course. The gentleman would recognize that; but, no, otherwise a point of order would not lie.

Mr. CONTE. Mr. Speaker, I rise in support of this amendment to provide authority under the continuing resolution to use funds appropriated in fiscal year 1975 for assistance to Portugal and Portuguese speaking Africa.

The Foreign Assistance and Related Programs Appropriations Act, which was signed into law on March 26, 1975, provided $25 million for this purpose, with the stipulation that not less than $5 million should be allocated for the Cape Verde Islands and not less than $5 million for Mozambique, Guinea-Bissau, and Angola.

Because of the lateness of the passage of the appropriations bill, it has not been possible for all of these funds to be obligated in fiscal year 1975. The Mozambique Government has not yet set a time for the AID economic survey team to arrive, and it now appears that it will be after independence on June 25, 1975. Thus the anticipated obligation of loan funds for that country is delayed, but it is necessary to keep those funds available for obligation during anticipated negotiations in Mozambique between July and September 1975.

With respect to the Cape Verde Islands, it is anticipated that agreements for a $1 million grant and a $3 million loan will be concluded later this month. However, because of the 15-day notification requirement, it is likely that the transaction will not technically be concluded before the end of this fiscal year. It is also necessary to make the remaining balance of $1 million available under this continuing resolution for probably obligation in July.

I would simply point out to my colleagues that this amendment will not cost any more money. It simply permits the unobligated balances for this item from 1975 to be carried over into 1976, and I urge the adoption of this amendment.

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

Mr. CONTE. I yield to the gentleman from Louisiana.

Mr. PASSMAN. The gentleman has stated the situation as it is. We appropriated $15 million for Portugal and we earmarked $10 million for four African colonies. They are now waiting for their independence and the $10 million cannot be obligated to them until they get their independence. It is carrying out the intent of the subcommittee and the gentleman speaking wishes to apologize for neglecting to put it in the bill as we agreed to do. It is strictly an oversight.

This is merely to continue the funds until they get their independence, at which time the obligations can be made.

Mr. CONTE. I thank the gentleman. It is a very clear statement.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Massachusetts (Mr. CONTE).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MAHON

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

The Clerk read as follows:

Amendment offered by Mr. MAHON: On page 7, line 17, after the word "subsection", insert: "*Provided*, That the parenthetical clauses of sections 101(a) and 101(b), and the provisions of sections 102, 103, and 105 shall not apply to the third, seventh, eighth, ninth, tenth, and eleventh unumbered paragraphs of this subsection".

Mr. MAHON. Mr. Speaker, this is a technical amendment. It is technical in nature and the purpose of it is to insure that the recommendations of the committee may be readily implemented. The committee, as has been stated on the floor today, is making a regular annual appropriation for six programs, a practice not usually followed under a continuing resolution. Other technical provisions in the continuing resolution are such that it is uncertain that this intent would be fully carried out. This amendment sets aside those provisions and eliminates any possible confusion by making it clear that the funds provided by section 101(e) for these six programs are in addition to amounts provided by sections 101(a) and 101(b), 1975 appropriations, and the regular 1976 Appropriation Act. So this amendment relates to the programs for the older Americans and the public service jobs. Youth Conservation Corps, college work studies and so forth. Of course it does not apply to the summer youth employment program because that has been handled and has become law.

So, Mr. Speaker, I ask for a favorable vote on the amendment.

Mr. BAUMAN. Mr. Speaker, I move to strike the last word.

This is an extraordinary procedure in which we are engaged today and the pending amendment points that up very well. We are literally turning a continuing resolution, which heretofore has been a device to get the Government through a period when regular appropriations have yet to be enacted, into a Christmas tree loaded with programs which might not survive on their own merits. This resolution is replete with numerous legislative provisions which would normally be subject to points of order if they were contained in a general appropriation bill, which is the issue I raised with the Chair a few moments ago. Yet we are precluded by this masquerade on the part of the Appropriations Committee bringing this legislation before us and calling it a continuing resolution, when we all know it contains billions of dollars in general appropriations. And we are denied our rights and precluded from attacking it by points of order.

No one seems to be interested on either side of the aisle in informing the House of just precisely what we are doing by the use of this legislative legerdemain. Further than that we should realize we are granting this authority not just for a few months but this resolution, if passed, extends appropriations to the sine die adjournment of the first session of the 94th Congress.

We are abdicating completely the only true power this House has, the constitutional power of the purse, by allowing this committee to slip through in the guise of a continuing resolution all of these multi-billion dollar programs without adequate hearings, debates, or reports. There are not even any printed hearings on the general appropriations contained in this bill. There are no cost estimates.

Mr. Speaker, this so-called continuing resolution is, in my view, a perversion of the appropriations process. The true and traditional reason for any continuing resolution is alluded to in the committee's report on page 4, and I quote:

The philosophy of the continuing resolution is generally to provide minimum funding for the orderly continuation of existing programs for the interim period until the annual appropriation bills are enacted. By definition, such programs have previously been authorized and funded by the Congress and previously signed into law.

But that quotation is certainly not what this legislation adheres to in substance or in form.

This Nation and its taxpayers are facing a serious time of economic troubles. Our national deficit is the highest it has ever been in peacetime. Unemployment persists. Only yesterday this House voted down an enormous increase in the national debt. Past Federal fiscal policy and the profligacy of congressional spending are bringing this country to the brink of bankruptcy, and yet we here today are asked to legislate in the dark and accept on faith this blank check resolution. That I cannot do.

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

Mr. BAUMAN. Yes, I yield to the disguished gentleman from Texas.

Mr. MAHON. The gentleman will recall that we had a jobs bill, a $5 billion jobs bill. We had extensive hearings in the House and in the Senate and it was sent to the President. The jobs bill was vetoed. So upon the urging of many Members of the House and otherwise, we have put into this bill about $2 billion for public service jobs, the older Americans program and other programs. There are six categories involved. We provide these funds for the fiscal year 1976. It is not something new. It is not something different. It is not something the House has not already approved.

Mr. BAUMAN. Mr. Speaker, I decline to yield further.

Mr. MAHON. Mr. Speaker, I would like to ask unanimous consent——

Mr. BAUMAN. The gentleman has already given us that explanation, and we know in general what these programs are; but ordinarily we would debate these different programs on their individual merits for an hour or two. Then we would be able to offer amendments to improve or change the appropriations if we wanted to. All that is being denied to this House by this extraordinary procedure.

I have not been here very long as a Member, but in previous years when I observed the House in operation, I can never remember this kind of an "expansive" continuing resolution procedure being used to deny the House the ability to carefully consider the expenditure of the taxpayers' money. Here we are asked to acquiesce in the abolition of our power to make any determination on individual programs, to abandon the parliamentary power which our rules are supposed to protect and abandon all points of order with little or no chance to assess the future of these programs and their cost.

Members on this side who have spoken have rightfully raised the wide open question whether we are actually about to appropriate double amounts if we pass this legislation and also pass subsequent general appropriations legislation for the same programs. Imagine coming to the floor of the House with that question still unanswered.

I cannot understand the Committee on Appropriations coming to the House without adequate explanation of the magnitude and scope of what this resolution asks this House to do.

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

Mr. BAUMAN. I am happy to yield to the outstanding and distinguished chairman of the Committee on Appropriations who has a long record of checking excessive Federal budgetary expenditures and upholding the integrity of the congressional budgetary process, up to this time.

Mr. MAHON. If the gentleman will yield——

Mr. BAUMAN. I am most happy to yield.

Mr. MAHON. This is not any sort of steamroller. This is not a bill upon which amendments cannot be offered. If the gentleman wants to move to strike out, increase or decrease any funds in the bill, he can do so.

Mr. BAUMAN. If the gentleman will yield, based on what? On a four-page report that skims over multibillion dollar programs, with no printed hearings; based on that are we supposed to offer intelligent amendments? We cannot do it and the gentleman knows that. This entire process assures the gentleman's control and the committee's control. This is why we have seen a resort to this clandestine procedure and it is certainly a change in the approach of the gentleman from Texas, I must say.

Mr. CHAPPELL. Mr. Speaker, I move to strike the last word.

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

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

Mr. MAHON. We have discussed the jobs bill repeatedly in the House and it is very clearly pointed out in the report and in the bill what the amounts are: $1,625 million for public service jobs and so on. It is clearly spelled out. The gentleman can make a motion to increase or decrease these amounts. These are ongoing programs. There is nothing new. There is a lot of information available

in the hearings and otherwise to all the Members.

Under the older Americans program, there is $30 million. That can be adjusted by any amendment. The same would apply to the college work study grants, the work incentive program, the Youth Conservation Corps and the rural water and waste disposal grants; so there is really nothing arbitrary at all here in connection with the proposal.

Mr. Speaker, I thank the gentleman for yielding.

The SPEAKER pro tempore (Mr. SISK). The question is on the amendment offered by the gentleman from Texas (Mr. MAHON).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. HECHLER OF WEST VIRGINIA

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

The Clerk read as follows:

Amendment offered by Mr. HECHLER of West Virginia: On page 4, line 21, strike the semicolon and insert a comma and the following proviso: *"Provided,* That none of the funds made available by this joint resolution shall be obligated or expended to finance directly or indirectly any activities or operations of the Federal Metal and Nonmetallic Mine Safety Board of Review."

Mr. HECHLER of West Virginia. Mr. Speaker, this amendment would simply cut off the funds for a Board that has done absolutely nothing during its 4 years of existence, since July 31, 1971. The Federal Metal and Nonmetallic Board of Review has handled no cases; it has heard no appeals. The executive secretary, who makes $19,693 per year, has absolutely no duties. His secretary, who makes $14,125 per year, has no duties. They sit all day waiting for work which never comes.

I went to visit this Board on May 9 and the door was open; no one was in the office. There was a coffee making machine in the office and a record player with a stack of Beethoven records, but no employees. The executive secretary of the Board, Jubal Hale, indicated that he did not feel he should be inhibited from playing Beethoven records during the day. I would prefer that Mr. Hale play Beethoven as an after-hours pursuit, rather than at the taxpayers' expense.

This particular Board has been charged under the 1966 Federal Metal and Nonmetallic Mine Safety Act with the authority to hear appeals on noncoal mine closure orders issued by what is now the Mining Enforcement and Safety Administration. No appeals have been taken from these closure orders, primarily because another route is available through the Board of Mine Operations Appeals in the Department of the Interior, which can handle such appeals. Full due process is provided through this appeal route to the Secretary of the Interior.

The Board of Review has wasted—literally wasted—over a quarter million dollars, not only in salaries, but at its annual meetings. The last annual meeting was held in Las Vegas, Nev. The executive secretary was asked why the meeting was scheduled there, and he said because there happened to be a professional organization meeting in that same town. That organization was the American Mining Congress.

The cost to the taxpayers of that meeting was over $1,800 for the expenses of the Board, the five member board, who traveled to Las Vegas. Every year, they travel to discuss what they are not doing. At Las Vegas, they debated whether or not to recommend that the Board be abolished. The Board, after sober debate, declined to recommend its own abolition.

I know the Members are going to hear objections to the abolition of this Board from those people who would say that there might possibly be some case in the future, or that maybe we should not attach this amendment to a continuing resolution. But I ask, Mr. Speaker, is there any justification whatsoever for this Board to exist any longer? Is there any justification for this Board to continue to waste the taxpayers' money? Is Congress so powerless that this great institution cannot find the appropriate wrench to turn off the Federal spigot?

Mr. LONG of Maryland. Mr. Speaker, will the gentleman yield?

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

Mr. LONG of Maryland. Mr. Speaker, I congratulate the gentleman on bringing this matter to the attention of the Congress. I raised this question with the budget director when he came before the Appropriations Subcommittee. The only defense he could give as to why there was an appropriation item in here was that there was a statutory right to an appeal, and even though there have been 4,000 cases without an appeal, there might conceivably some day be one.

I said, "Well, is there any statutory requirement to fund this agency?" He admitted there was absolutely none.

It might be pointed out also that the board members serve without pay, so that conceivably if there ever were an appeal, these people who were serving without pay would, of course, be called on to serve without pay, but I agree with the gentleman that there is absolutely no reason to go through with this farce.

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

Mr. HECHLER of West Virginia. I thank the gentleman from Maryland and yield to the gentleman from Illinois.

Mr. YATES. Mr. Speaker, I say to my good friend from Maryland that I gained a slightly different impression. It is true that the Members of the Board are not paid, but the fact remains that the Board can only meet if funds are provided by the Federal Government.

If the gentleman's amendment does prevail, the Board will have no funds for its members to meet in the event that it is called upon to meet. The Board will have no funds to pay rent for an office. The Board will have no funds to pay for the hearings.

Mr. HECHLER of West Virginia. Mr. Speaker, will the gentleman let me have about a minute at the end of my time?

Mr. YATES. The gentleman may have an extension if he wants to have it.

Mr. HECHLER of West Virginia. Mr. Speaker, I continue to yield to the gentleman, my good friend from Illinois.

Mr. YATES. The point is, I say my friend from Maryland has gained a contrary impression of mind, because I have a letter here from the Solicitor of the Department of the Interior, in which he points out that this is an administrative remedy which has been created by statute for the purpose of carrying out the provisions of the Federal Metal and Nonmetallic Mine Safety Act, and as long as that law is on the books, a mine operator or a worker has the right of appeal. It is a dual right of appeal. So the gentleman from West Virginia is correct in pointing out an appeal would lie to the Office of the Secretary. But the Solicitor points out that in the alternative an operator may choose to bypass the Secretary and appeal directly to the Board.

The point I am trying to make is that the Solicitor rendered this opinion:

Keeping in mind the above description of administrative remedies established by the act, it would appear that the legal consequences of congressional failure to appropriate funds for the Review Board could be suits against the Congress or the President or the Secretary for failure to provide due process of law as mandated by the act.

The SPEAKER. The time of the gentleman has expired.

(On request of Mr. YATES and by unanimous consent, Mr. HECHLER of West Virginia was allowed to proceed for 2 additional minutes.)

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

Mr. YATES. Quoting further:

Conceivably successful litigation of this nature could result in a virtual halt to this Department's ability to enforce compliance with the act.

The point I am making is this: The gentleman is right, in the sense that this Board has had no appeals filed with it. Its secretary does sit in the office and does wait for work. This is required because the statute is on the books. What ought to be done is that the statute ought to be amended so that there is no requirement on the part of Congress to make funds available for this appellate procedure, which, as the solicitor points out, is the right of any mine operator at the present time. That right would be deprived if the gentleman's amendment were to prevail, and due process would be prevented from being carried out.

Mr. HECHLER of West Virginia. Mr. Speaker, before I yield further, I would like to utilize a little time to respond to the able gentleman from Illinois in his arguments. I have a copy of the letter from the Associate Solicitor at Interior in which he admits in his letter that his arguments are merely "speculative." The gentleman will note that in the last paragraph of the letter.

Point No. 2, a congressional cutoff of funds through the appropriation process will not in itself abolish the Board. The Board will still exist on paper. It is important, as a followup to this, that the Board be abolished *by legislation,* which I introduced on February 20, H.R. 3431. But my amendment would at least prevent the Board from going to Las Vegas and Denver and San Francisco, as they have in the past, to meet for the purpose, as their minutes disclose, to discuss whether or not they should recommend that they should be abolished or the form of the seal which they ought to adopt.

One whole meeting was devoted to this latter matter. I am tempted to observe that the seal could be a huge gold brick.

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

Mr. HECHLER of West Virginia. Yes; I will yield to the gentleman from Illinois.

Mr. YATES. I agree with the gentleman that it ought to be abolished, but this is not the way to abolish the Board. I would suggest to the gentleman that the gentleman's amendment is in the nature of a useless gesture for a useless Board because, as I understand the law, even though funds are not made available at the present time, such funds could nevertheless be the subject of a suit at a later time by the secretary.

The SPEAKER. The time of the gentleman has expired.

(By unanimous consent Mr. HECHLER of West Virginia was allowed to proceed for 2 additional minutes.)

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

Mr. YATES. I thank the gentleman for yielding further.

The fact remains that the Government might very well be liable for the payment of the salary of the secretary and for the payment of the other expenses of the Board at a later time.

The way to kill this Board—because, as the gentleman points out, it has a function to perform which it has not been called upon to perform—is by changing the basic legislation, and that is the function of the authorizing committee.

Mr. HECHLER of West Virginia. Mr. Speaker, I would point out that I have tried for 2 years, both through the authorizing process and the appropriations process, to abolish this Board. I have appealed to the President of the United States, urging him to withdraw his nomination of members of the Board. I have appealed to the Office of Management and Budget. My appeals and letters go unanswered. I have testified before committees of the House and Senate. The time for action is now. We can at one stroke kill this do-nothing Board by adopting my amendment today.

Mr. DOMINICK V. DANIELS. Mr. Chairman, will the gentleman yield?

Mr. HECHLER of West Virginia. I gladly yield to my friend, the gentleman from New Jersey.

Mr. DOMINICK V. DANIELS. Mr. Speaker, with due respect to the speaker in the well, the gentleman has not brought this matter to my attention as chairman of the Subcommittee on Manpower, Compensation, and Health and Safety until only a few weeks ago, and I assured the gentleman at that time that our committee having jurisdiction over this matter would look into it and give consideration to conducting hearings on the 2 bills the gentleman introduced, not only with reference to the Federal Metal and Non-Metallic Mine Safety Act, but also with reference to the abolition of this Board.

Since the short time ago that the gentleman spoke to me, I conferred with my colleague, the gentleman from Pennsylvania (Mr. DENT), who is the chairman of the Subcommittee on Labor Standards having jurisdiction over mine safety legislation, on a proposal to consolidate the Federal Metal and Non-Metallic Mine Safety Act and the Coal Mine Safety Act and place both of these organizations under the jurisdiction of the Department of Labor. I am presently working on Legislation to do exactly this. It is the intention of the gentleman who is speaking to conduct hearings on this subject matter in the very near future.

Mr. Speaker, I think inasmuch as our committee has jurisdiction over this matter, we should have the right to initiate legislation which would authorize the abolition of this board.

The SPEAKER. The time of the gentleman from West Virginia (Mr. HECHLER) has expired.

(By unanimous consent, Mr. HECHLER of West Virginia was allowed to proceed for 2 additional minutes.)

Mr. HECHLER of West Virginia. Mr. Speaker, I shall respond to the gentleman from New Jersey.

I would say the legislation which the very able gentleman from New Jersey is introducing is a complex piece of legislation. It amends the Federal Coal Mine Health and Safety Act of 1969 and the Federal Metal and Nonmetallic Mine Safety Act of 1966 and would transfer administration of both laws from Interior to the Labor Department. I have introduced H.R. 5555 which will accomplish this. It is badly needed legislation, and I congratulate the gentleman from New Jersey and the gentleman from Pennsylvania for moving on it. But this is legislation that will take a great deal of time through hearings and through debate on the floor to pass. To mix up this simple issue of how to abolish a do-nothing board with a complex and controversial bill will mean further delay.

I think we ought to stop this Board right now. I think it is a test of the Congress' ability to act in order to see whether or not we can turn off the Federal spigot of money which keeps flowing to this Board.

A year ago, when the Interior appropriations bill was on the floor, I raised the issue about this Board, and I was assured that action would be taken. Yet no action hase been taken.

Mr. DOMINICK V. DANIELS. Mr. Speaker, will the gentleman yield further?

Mr. HECHLER of West Virginia. I gladly yield further to the gentleman from New Jersey.

Mr. DOMINICK V. DANIELS. Mr. Speaker, as I indicated earlier, the gentleman did not bring this matter to my attention until just a couple of weeks ago. Since that time I do not think my committee has been derelict. My committee and my staff are presently working on legislation with reference to the bill that the gentleman introduced, and it is the intention of our subcommittee to incorporate a provision which would abolish this Board.

I think the proper manner in which to handle this thing would be to let the appropriate legislative committee enact the authorized legislation for the consolidation of both these agencies to abolish this Board and to adopt the necessary remedial procedures for review.

Mr. HECHLER of West Virginia. Mr. Speaker, I will point out to the gentleman that on February 4, 1975, which is a little more than two weeks ago, I wrote to the chairman of the committee, the gentleman from Kentucky (Mr. PERKINS), with a copy to my good friend, the gentleman from New Jersey (Mr. DOMINICK V. DANIELS), urging abolition of the Board, urging support for my legislation, and urging action in the Senate to reject the Presidential nomination of Charles Schwab as a member of that Board.

On April 21, 1975, I also wrote to the gentleman.

Mr. Speaker, I have been trying every avenue of approach, and nothing seems to work just as the Board itself does not work. I am gratified that some attention is being paid to this do-nothing Board.

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

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

Mr. SEIBERLING. I thank the gentleman for yielding.

Mr. Speaker, I am a little bit dumbfounded that the Department of the Interior would keep a staff for a Board that has no function. It seems to me it would be very simple to double in brass with some other personnel of the Department pending such eminently reasonable suggestions and solutions as the gentleman from New Jersey has just proposed.

The SPEAKER. The time of the gentleman from West Virginia (Mr. HECHLER) has again expired.

(On request of Mr. SEIBERLING and by unanimous consent, Mr. HECHLER of West Virginia was allowed to proceed for 2 additional minutes.)

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

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

Mr. SEIBERLING. Mr. Speaker, I wonder if the gentleman could redraft his amendment to simply provide that no funds can be spent for this board until such time as an actual appeal is perfected, which would mean that the Department of the Interior or, in the event that the consolidation proposed by the gentleman from New Jersey takes effect, that new agency could handle the appeal.

Mr. HECHLER of West Virginia. First, I would point out to the gentleman from Ohio, that the Federal Metal and Nonmetallic Mine Safety Board of Review is not within the Department of the Interior; it is an independent Board to which cases may be appealed by non-coal mine operators, but none has been appealed. I would say to the gentleman from Ohio that the Board of Mine Appeals, which is the due-process form of appeal established by the Secretary within the Department of the Interior, has already handled an appeal from the Grand Rapids Gypsum Company of Michigan in a mine-closing case. If my amendment is adopted, it can continue to do so. Indeed, I am advised by that Board that it will establish hearing procedures similar to those used in coal mine cases. There is no reason that that route cannot be utilized.

Mr. SEIBERLING. If the gentleman will yield further, my only point is, Why not make this a conditional instead of an

absolute prohibition over spending the money?

Mr. HECHLER of West Virginia. I agree the gentleman's suggestion has some merit, but I think that my amendment will do the trick more effectively and surely, at an early date.

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

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

Mr. YATES. Mr. Speaker, I want to suggest to my good friend, the gentleman from Ohio (Mr. SEIBERLING), that the Board does have a function. It is an appellate board. If there are no appeals filed, it is still, nevertheless, constituted under the law.

The gentleman from New Jersey said that he is going to change the law. In the interim, until such time as the Board is called upon to act, the Board has to have an existence.

How much money is involved here? There is $60,000 involved here, of which the Secretary gets $20,000. His secretary gets $14,000. The rest goes for printing and for possible travel expenses by members.

Mr. HECHLER of West Virginia. Mr. Speaker, here we are arguing over whether or not $60,000 a year, which the President annually keeps reinserting almost mechanically in his budget and saying it is necessary, should be voted up or voted down.

It seems to me that again, here is a test of whether or not Congress can cut off a useless activity and cut it off right away.

Mr. Speaker, I urge support for this amendment.

I also include various materials relatting to this issue.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., June 10, 1975.

Hon. KEN HECHLER,
House of Representatives,
Washington, D.C.

DEAR MR. HECHLER: I am writing in further response to your recent telephone call to me about the abolition of the Federal Metal and Nonmetallic Mine Safety Board of Review.

I wanted you to have a copy of the report which the Department has just sent to the Senate Government Operations Committee, S. 1774, introduced by Senator Percy, which would abolish the Board. A copy is enclosed.

Sincerely yours,

JACK W. CARLSON,
Assistant Secretary of the Interior.

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., June 10, 1975.

Hon. ABRAHAM RIBICOFF,
Chairman, Committee on Government Operations, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Your Committee has before it for consideration S. 1774, a bill "To reorganize the executive branch of the Government by abolishing the Federal Metal and Nonmetallic Mine Safety Board of Review and transferring the functions and powers of such Board to the Secretary of the Interior."

We support abolishing the Federal Metal and Nonmetallic Mine Safety Board of Review as provided in S. 1774, subject to the concerns set forth below.

S. 1774 would repeal sections 2(e) and 10 through 12 of the Federal Metal and Nonmetallic Mine Safety Act and would transfer all functions and powers of the Federal Metal and Nonmetallic Mine Safety Board of Review to the Secretary of the Interior.

The Federal Metal and Nonmetallic Mine Safety Board of Review has heard no cases since it was first established under the Act in 1966. It requires, however, continuous funding and this is wasteful. In abolishing the Board, however, appropriate procedures should be included for review of notices and orders issued under the Act.

We would prefer to retain in the Act specific provisions for judicial review such as those contained in section 12. In addition, procedures for administrative review and a transfer of subpoena power to the Secretary should be explicitly set forth. We will be prepared shortly to supply specific language to meet these concerns. Subject to these considerations, we favor abolition of the Board.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

JACK W. CARLSON,
Assistant Secretary of the Interior.

CHRONOLOGY, 1966–1975

1966—Passage of Federal Metal and Nonmetallic Mine Safety Act of 1966, which established the Federal Metal and Nonmetallic Mine Safety Board of Review.

July 30, 1971—Activation and first meeting of the Board of Review.

July 24, 1974—In colloquy in House of Representatives, Rep. Hechler asks Rep. Julia Butler Hansen (D-Wash.), Chairman of House Interior Appropriations Subcommittee, why the Board shouldn't be abolished. Her response: "I would not object to the abolishing of the Board if that is the will of Congress." No action taken.

October 8, 1974—Federal Metal and Nonmetallic Mine Safety Board of Review holds its "annual meeting" in Las Vegas, Nevada, at a total cost to the taxpayers of $1,885.99. Board debates whether or not to recommend it be abolished, and votes against abolition.

January 13, 1975—President Ford appoints Charles E. Schwab as a member of the Federal Metal and Nonmetallic Mine Safety Board of Review.

February 3, 1975—President Ford includes $60,000 plus $15,000 for transition period for Federal Metal and Nonmetallic Mine Safety Board of Review, salaries and expenses for fiscal year 1976.

February 4, 1975—Rep. Hechler writes letters to Senate and House committees, urging abolition of the Board and rejection by Senate of nomination of Charles E. Schwab as a Board member.

February 10, 1975—Rep. Hechler delivers another in series of appeals that the Board be abolished, in address on floor of House of Representatives, stating, "it is outrageous that this Board should continue to exist and do absolutely nothing."

February 20, 1975—Rep. Hechler introduces H.R. 3431 to abolish the Board.

March and April, 1975—Numerous conversations with staff of committees, attempting to move the legislation.

April 21, 1975—Rep. Hechler writes to authorizing and appropriations committees asking for opportunity to testify in support of abolition.

May 9, 1975—Visit to offices of Federal Metal and Nonmetallic Mine Safety Board of Review reveals office door open, telephone off hook, pile of Beethoven records, stereo, coffee machine, but no personnel present. Left after waiting 20 minutes.

May 12, 1975—Rep. Hechler testifies before House Appropriations Subcommittee, urging abolition of Board by cutting off appropriations.

May 13, 1975—Rep. Hechler writes additional letters to committees urging abolition.

May 14, 1975—Associated Press account quotes Jubal Hale, Executive Secretary of Board, stating he feels Board should be abolished, and "there's nothing whatever to inhibit me from listening to Beethoven records. I think it's a good idea." Meanwhile, a spokesman for the Mining Enforcement and Safety Administration expressed surprise that the Board was still in operation. "I thought it had been abolished some time ago," he said.

May 21, 1975—Rep. Hechler writes to Chairman Mahon, Housing Appropriations Committee, urging zero funds.

May 22, 1975—Rep. Hechler delivers 15-minute address on floor of House, asking "How do you turn off the spigot?" Reps. Fenwick and Rousselot join in to support abolition of the Board.

May 23, 1975—Rep. Hechler writes a letter to President Ford, urging abolition and specifically asking President to direct Office of Management and Budget to advise House Appropriations Committe not to include funds in the continuing resolution.

May 27, 1975—Assistant Secretary of the Interior Jack Carlson advises that he will not publicly support a request for funding of the Board. Office of Management and Budget staff indicate that it is really Congress, which authorized the Board, which should abolish the Board.

June 10, 1975—Rep. Hechler testifies before Senate Government Operations Committee, urging abolition of Board.

TABLE A—FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW

MEMBERS OF THE BOARD AND AFFILIATIONS

A. Chairman, Dr. Howard L. Hartman, Dean of the School of Engineering, Vanderbilt University, Nashville, Tennessee.

B. Peter J. Bensoni, United Steel Workers of America, Duluth, Minnesota, District 33.

C. William W. Little, General Manager, Phelps Dodge Corporation, Douglas, Arizona.

D. Robert W. McVay, United Steel Workers, Jefferson City, Missouri, District 34.

E. Charles E. Schwab, President of the Golden Cycle Gold Corporation, Colorado Springs, Colorado. (Status—his term expired on September 15, 1974 and his renomination was submitted to the Senate by President Ford on January 16, 1975, and is pending before the Senate Committee on Labor and Public Welfare.)

TABLE B.—DATA RE: MEETINGS OF FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW

Date of meeting	Place of meeting	Summary of matters discussed	Members present	Travel costs	Salary at $50 per day	Total costs
July 30, 1971	Washington, D.C.	Appointment of Executive Secretary and Secretary to Board and adoption of resolution giving Executive Secretary authority to act for Board on such matters as rents, utilities, expense accounts, printing, equipment, and other office services.	Messrs.: Hartman; Bensoni; Little; and McVay.	$863.76	$350.00	$1,213.76
Aug. 17, 1971	Washington, D.C.	Establishing Board's rules of procedure	Messrs.: Hartman; Bensoni; Little; McVay; and Schwab (Mr. Schwab left early).	1,149.29	650.00	1,799.29
Oct. 20, 1971	Washington, D.C.	(A) Heard a presentation from Interior official concerning mine safety inspection, (B) Consider comments on its proposed regulations and then adopted regulations, (C) General discussion.	Messrs: Hartman; Bensoni; McVay; Schwab; and Little.	661.09	400.00	1,061.09

Date of meeting	Place of meeting	Summary of matters discussed	Members present	Travel costs	Salary at $50 per day	Total costs
Feb. 24, 1972	San Francisco, Calif.	(A) Discussed what type of appearance should be made before Congressional committees and what testimony should be offered in support of Board's request for appropriations of $167,000 for fiscal year 1973, (B) Approval of 1-page annual report to Congress. (C) Consideration of Board's seal, (D) Discussion of Bureau of Mine's safety activities.	All	2,252.74	1,050.00	3,302.74
Mar. 1, 1973	Chicago, Ill	(A) Discussed future status. (B) Budget estimates of $160,000 for fiscal year 1974, and type of testimony before Congressional Committees on Budget.	All	1,068.64	500.00	1,568.64
Sept. 7, 1973	Denver, Colo	Preparation of estimated budget for fiscal year 1975 of $90,000	All, but Mr. Benson	924.32	400.00	1,324.32
Oct. 8, 1974	Las Vegas, Nev	(A) Discussed budget request of $60,000 for fiscal year 1976, (B) Discussion of bills re: 1966 Act, (C) "General discussion" re: future of Board.	All, but Mr. Schwab whose membership expired on Sept. 15, 1974.	1,485.99	400.00	1,885.99
Total				8,405.83	3,750.00	12,155.83

TABLE C.—FEDERAL METAL AND NONMETALLIC MINE HEALTH AND SAFETY CLOSURE ORDERS [1]

Dates	Imminent danger	Nonimminent danger	Total
1972	151	65	216
1973	475	471	946
1974	1,032	839	1,871
Total	1,653	1,375	3,033

[1] Information supplied to Congressman Hechler on May 29, 1975 by the Mining Enforcement and Safety Administration.

STATEMENT OF JUBAL HALE, EXECUTIVE SECRETARY, FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW, BEFORE THE SENATE GOVERNMENT OPERATIONS COMMITTEE

Mr. Chairman and Members of the Committee, for a period in excess of two years, there has been legislation pending before Congress which would, if passed, extensively revise mine safety law and, in the process, abolish the Federal Metal and Nonmetallic Mine Safety Board of Review. Also, for a period of two and one-half years, the Department of the Interior has been working on legislation that would extensively revise mine safety law and abolish this Board.

Over two years ago, this Board made rather extensive inquiry into what changes might be in the offing in mine safety legislation and discussed whether or not the Board should attempt to play any part in shaping this legislation. The Members of the Board were in unanimous agreement that they should take a proprietary view only of their duties on the Board and not attempt to use their position on the Board to influence mine safety legislation. At the last meeting of the Board, October 8, 1974, in Las Vegas, Nevada, the Chairman raised the question whether or not the Board should file a report with Congress, briefly reciting the history of the Board and recommending to Congress that it consider the Board's abolishment for the reason that *no cases have been filed with the Board*. The Members of the Board were unanimous in opposing the motion of the Chairman. Accordingly, it is the position of the Board that it neither supports nor opposes the passage of S. 1774.

While the Board neither supports nor opposes particular legislation, I must report that the problems of the Board have become such that Congress must take some action of some kind. Members of the Board are appointed by the President, with the advice and consent of the Senate. These nominations are referred to the Senate Labor and Public Welfare Committee. That committee, through its Chief Counsel, has informed us that we cannot expect the Committee to approve any further appointment to the Board.

The Board is a structured Board, consisting of one academic Chairman, two representatives from management, and two from labor. The Board presently has only four Members, being short one management representative, whose appointment remains pending before the Senate. On September 15, 1975, the term of the Chairman expires and, at that time, the Board will consist of two representatives from labor and one from management. It is extremely doubtful whether such a Board is operational at all and I have doubts whether or not the Members would even be willing to serve on such a Board.

Although the Board has had no cases and has been described as "worthless and toothless," a casual reading of the Federal Metal and Nonmetallic Mine Safety Act will reveal that the Board is the principal administrative remedy for an operator whose mine has been closed. The Department of the Interior has approximately 375 mine inspectors in the field. Safety regulations are enforced when necessary by the issuance of mine closure orders. For these closure orders to be viable, they must be such that they can be taken into court and enforced. As of September 15, 1975, if this Board is no longer operational and no new legislation has been passed, the question will have to be faced of whether or not these closure orders can be enforced when the operator does not have the remedy guaranteed to him by the Federal Metal and Nonmetallic Mine Safety Act.

FEDERAL METAL AND NONMETALLIC
MINE SAFETY BOARD OF REVIEW,
Washington, D.C., January 15, 1974.

Hon. CARL ALBERT,
Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: Enclosed is calendar year 1974 report of the activities of the Federal Metal and Nonmetallic Mine Safety Board of Review, as required by Section 10(1) of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 729(1)).

Respectfully yours,

JUBAL HALE,
Executive Secretary.

1974 CALENDAR YEAR REPORT

FEDERAL METAL AND NONMETALLIC MINE SAFETY BOARD OF REVIEW

The Federal Metal and Nonmetallic Mine Safety Board of Review is an independent agency established to review mine closure orders issued by authorized representatives of the Secretary of the Interior (i.e., mine safety inspectors) which require a mine operator to close all or part of a mine because conditions exist in violation of the Federal Metal and Nonmetallic Mine Safety Act or regulation(s) issued pursuant to this Act. Appeal to the Federal Metal and Nonmetallic Mine Safety Board of Review is the principal administrative remedy of a mine operator affected by a closure order and it is before the Board that a record is made from which further appeal may be pursued to the court.

Though 1998 mine closure orders were issued in 1974 under the Federal Metal and Nonmetallic Mine Safety Act, none of these orders was appealed by a mine operator to this Board. Therefore, assuming these orders have been enforced, either the mines remain closed, or they have reopened because the violations have been abated, or the order has been annulled or revised by the Secretary of the Interior.

The Board maintained its principal (and only) office in the District of Columbia, as required by Section 10(d) of the Federal Metal and Nonmetallic Mine Safety Act (30 U.S.C. 729(d)). The Board met once in 1974 for administrative purposes.

JUBAL HALE,
Executive Secretary.

AMENDMENT OFFERED BY MR. YATES AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. HECHLER OF WEST VIRGINIA

Mr. YATES. Mr. Speaker, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. YATES as a substitute for the amendment offered by Mr. HECHLER of West Virginia:

On page 4, line 21 strike semicolon and insert the following: *"Provided*, That none of the funds made available by this joint resolution shall be obligated or expended to finance directly or indirectly any activities or operations of the Federal Metal and Nonmetallic Mine Safety Board of Review: *Provided further*, That sections 2(e), 10, and 11 of the Federal Metal and Nonmetallic Mine Safety Act creating the Board are hereby repealed and section 12 of said Act is hereby amended by striking therein all references to 'the Board' and inserting in lieu thereof 'the Secretary of the Interior';".

Mr. YATES. Mr. Speaker, may I suggest to the gentleman from West Virginia (Mr. HECHLER) that the purpose of this substitute amendment is to do what the gentleman from West Virginia (Mr. HECHLER) and others have been speaking about on the floor today. That is, to repeal the existence of the Board and to cut cleanly the need for any appropriations for the Board. The substitute will do away with any possibility that a liability will continue to exist, a possibility that would exist under the amendment that was offered by the gentleman from West Virginia (Mr. HECHLER).

Although it is true that his amendment would cut funds for the Board out of this bill, the fact remains that a potential liability would still exist against the Government of the United States.

My substitute amendment abolishes the funding for the Board and abolishes the Board.

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

Mr. YATES. Yes, I yield to the gentleman from West Virginia.

Mr. HECHLER of West Virginia. Mr. Speaker, I want to commend the gentleman from Illinois (Mr. YATES) for offering this amendment. If we pass this amendment, we will be accomplishing something that has taken a long time to bring out. We ought in any case to proceed immediately and abolish this totally useless Board right away, without any further delay.

I think it is a fine amendment, and I hope that it is accepted by the House.

Mr. YATES. Mr. Speaker, I thank the gentleman for his statement. Ordinarily, I do not like to do this kind of thing in this kind of bill, but I do this in view of the representations made by my good friends, the gentleman from New Jersey (Mr. DANIELS).

He has told me that his subcommittee is now going into the entire law under which this Board was created. Abolishing the Board at this time will not hamper the gentleman's committee in any respect, and the gentleman's committee could nevertheless proceed and carry out its will.

Mr. DOMINICK V. DANIELS. This is correct. I want to assure the gentleman from Illinois (Mr. YATES), that this amendment is satisfactory to my subcommittee.

Mr. YATES. I thank the gentleman.

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

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

Mr. BINGHAM. Mr. Speaker, I am curious as to how the gentleman's amendment is appropriate right now.

Mr. YATES. I would say to the gentleman from New York, that in response to the question of the gentleman from Maryland it was pointed out by the Speaker that this was not a general appropriation bill; this is a continuing resolution.

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

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

Mr. McDADE. Mr. Speaker, I want to commend my colleague, the gentleman from Illinois, for offering his amendment. We have discussed it with the gentleman on this side of the aisle, and this is the appropriate and the best way to abolish this Board. We ought to do it now, we ought to do it promptly and I commend the gentleman for offering the amendment.

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

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

Mr. CEDERBERG. Mr. Speaker, it is the position of the minority party that this is the clean way to accomplish what we all ought to accomplish.

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

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

Mr. EDGAR. Mr. Speaker, I wish to identify myself with the remarks of the gentleman from Illinois.

Mr. Speaker, there was a torrid scandal which recently rocked the executive branch when Jubal Hale, the Executive Secretary of the Federal Metal and Non-Metallic Safety Board of Review, admitted that he headed an office without any responsibilities. In fact, he publicized his efforts to deny funding for his own office to awaken Congress to the fact that his annual budget of $60,000 was a complete waste of taxpayers' money. The machinery of Congress is much more oiled when appropriating money than when deappropriating it, and Mr. Hale's fight to terminate his own job and office has not been very successful so far.

Hale's story is worthy of attention, Mr. Speaker. He has freely admitted that his average day is spent listening to Beethoven records and that the Board of Review has reviewed nothing which does not circle at 33⅓ times each minute. For his honesty, Hale was the recipient of accolades from thousands of taxpayers. For his inaction, he received the jeers of thousands of taxpayers. The following newspaper account of this episode was mailed in to me by one of my constituents. Written in the margin was the notation "Why don't you fire this guy personally?"

BUREAUCRAT ADMITS HE JUST LOAFS

WASHINGTON.—Jubal Hale admits he's a bureaucrat with little to do. So he spends his working hours reading and listening to Beethoven records at his office.

Hale says it's not that he doesn't try to earn his $19,693-a-year salary as executive secretary of the Federal Metal and Non-Metallic Safety Board of Review. It's just that the board has never had anything to review in its four years, Hale said in an interview.

"We have been expecting to be abolished for over two years," Hale said. "Bills have been introduced in Congress to abolish us. But nothing happened."

And, Hale concedes, nothing is what occupies most of his days on the job, once the routine paperwork of maintaining the office is taken care of.

Apparently, neither Congress nor the Ford Administration has taken the hint. In fact, the administration is asking for $60,000 in annual upkeep for the office in the president's budget for fiscal year 1976.

"We have been extremely candid with Congress," Hale said. "Our annual reports are clear and concise. We have had no cases."

Mr. Speaker, I share the outrage of this constituent and many of my colleagues that an office of the Federal Government could have been so invisible for so long. Was this a singular case of a public servant lost in the swirling waters of bureaucracy? Or was this case a symptom of the executive branch of Government, a branch so laden with bureaus, departments, and agencies, as to threaten to topple the Federal tree from its own weight?

I decided to request a full investigation into this matter. The following is the tongue-in-cheek report I received. I did not decide to release this report immediately, but I wanted to be assured that national security would not be endangered, and that the existing workings of government, so vital to the safety and security of each of us, would not be impaired by imprudent disclosure:

Mr. Hale was originally scheduled to testify before the appropriate Appropriations subcommittee to urge Members to vote on the legislation which would deny funding for his job and office. He was becoming tired and listless after listening to Beethoven records all day, and he was considering resigning his position to assume the post of listener of Wagner and Strauss records for the Department of Agency Management Development Bureau. However, the torrent of national publicity he received put a monkey wrench into his plans. He had already prepared his testimony for the committee. Hale's beginning line was to be "I regret that I have but one posterior to give for my country." But that was not to be. The phones began to ring with a jangling racket which all but shook the dust from them. After assessing the new situation, he realized that his plans would need revision. He would have to defeat the pending legislation, and instead, seek a supplemental appropriation of $25,000. I asked him why. Had he changed into the average Washington bureaucrat again, realizing that action would end his carefree life forever? Or were there suddenly hundreds of cases to review now that everyone knew his Bureau existed? No, not that, Hale reported. It was just that there were now hundreds of Congressmen and Senators, staff from the FBI, the IRS investigating his case. There was even a nervous looking man in a trench coat who, furtively glancing over his shoulder, suggested that Hale head a proprietary record shop. Everything would be taken care of. All he would have to do would be to compile a list of everyone who purchased German opera or Russian ballet records.

The phones never stopped, the lobby was never empty. The press wouldn't leave him alone, he claimed. He couldn't even sneak a minute or two with a favorite Piano Sonata. The $25,000 supplemental appropriation would be needed for three secretaries, just to keep the phones from ringing. And there were funds needed for a press person to placate the fifth estate and handle the food of requests for his autographed picture. Are you teasing me, I asked incredulously. Well, he equivocated, inflation has hit the record industry, too. . . .

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

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

Mr. HECHLER of West Virginia. Mr. Speaker, in defense of the Executive Secretary of the Board, Jubal Hale, it should be pointed out that he himself advocated the abolition of the Board. I think Ludwig von Beethoven desires a lion's share of the credit. I do not want this discussion to be a reflection on Mr. Hale due to the fact that he was playing Beethoven records, but Mr. Hale himself wants this Board to be abolished.

Mr. YATES. I also hope it is no reflection on Beethoven.

Mr. DENT. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, there is a right way to do something, and a wrong way to do something.

The gentleman in question, as I understand—and I read the newspaper item here—said to repeal the Board. And if I were seeking publicity I would put a resolution in too, because it is very popular. But this is not a newspaper report or a newspaper agency; this is a legislative body

I personally agree the Board should be abolished but it ought to be done the way it should be done.

We are talking about a $330 billion-odd bill and the spending of $60,000, to save $60,000 on a Board that will be abolished within weeks through the regular legislative process.

I say to the gentleman that we only had notice of this from the gentleman from West Virginia about 2 weeks ago, and we have spent time fashioning the proper vehicle for repeal. If we want to do it this way, it is all right with me. If they want to save $60,000, it is all right, but we should do it in a legislative manner rather than being pushed into something because it is convenient and because it sounds good that we are saving $60,000.

Do it this way if the Members want to. Set a precedent if they want to. But we should not legislate under a continuing resolution and overstep the regular legislative process.

The SPEAKER. The question is on the amendment offered by the gentleman from Illinois (Mr. YATES) as a substitute for the amendment offered by the gentleman from West Virginia (Mr. HECHLER).

The substitute amendment for the amendment was agreed to.

The SPEAKER. The question is on the amendment offered by the gentleman from West Virginia (Mr. HECHLER), as amended.

The amendment, as amended, was agreed to.

AMENDMENT OFFERED BY MR. CHAPPELL

Mr. CHAPPELL. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CHAPPELL: On page 12, line 3, after Public Law 91-672, strike out the period and insert "; notwithstanding the sixth clause of subsection (b) of this section, activities of the Department of Health, Education and Welfare for assistance to refugees in the United States (Cuban Program) shall be funded at not to exceed the annual rate for obligations of $90,000,000."

Mr. CHAPPELL. Mr. Speaker, this is a very simple amendment. It concerns the Cuban refugee program. The bill, as drafted, provides that the funding level shall be that of the preceding year or the budget request whichever is the lesser amount. This would reduce the expenditure for the Cuban refugee program to less than half of its present rate of expenditure. We are here to bring this appropriation in line with most of the other provisions of the bill to provide for the expenditure at the present level of approximately $90 million. The budget request attempted to shift immediately the burden of this program entirely to the States involved which are primarily six or seven, and it would cost the State of Florida, for example, in addition to the 60 percent which it is already spending for its program, roughly $25 million a year.

Mr. PASSMAN. Mr. Speaker, would the distinguished gentleman yield?

Mr. CHAPPELL. I yield to the gentleman from Louisiana.

Mr. PASSMAN. I thank the gentleman for yielding.

If I understand the purpose of this appropriation, it reimburses the States for expenditures made on behalf of this program. In fiscal year 1975 we, the Congress, appropriated $90 million, but it just so happens this year that the budget request is only for $40 million. We feel that the expenditures will run at the rate of the estimate we had last year, and, of course unless these obligations are incurred, we do not pay them. I believe this is a good amendment. I think we should approve it.

Of course, unless the States incur these expenses, they are not reimbursed. If they do incur the expense, they are obligated under law to be reimbursed.

Mr. CHAPPELL. Yes. As the chairman of our subcommittee knows, we had a hearing on the permanent bill, and we found that the expenditure of some $85 or $90 million is still going to be required, if we are to prevent the throwing the burden immediately and entirely upon the States.

Mr. PASSMAN. Unless we do approve this amendment and the States make the expenditures, the expenditures will have to be borne by the States.

Mr. CHAPPELL. That is correct.

Mr. PASSMAN. I hope we accept the amendment.

Mr. CHAPPELL. I thank the gentleman.

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

Mr. CHAPPELL. I yield to the gentleman from Florida.

Mr. LEHMAN. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this amendment. The Dade County School System will be under a great hardship if this amendment does not pass. We have at the present time 70,000 school children in Dade County from Cuban refugee parents. At the present time we have been receiving $12 million to assist these children. If this is cut back, this will place an undue hardship on a group of taxpayers of this country that have welcomed this influx of refugees, all of whom had been processed through Dade County when they came into this country.

I think we are entitled to some assistance. I hope the Members will vote for this to enable us to meet these obligations.

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

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

Mr. ROUSH. Is not this reduced amount which we find in the administration budget the result of the expression by the Congress that the Cuban refugee program should be phased out?

Mr. CHAPPELL. No, sir. What we have, as the gentleman knows, is an automatic phaseout in the law as presently constructed and over a 4- or 5-year period. According to the Administrator, it will phase itself out anyway. Only about 7 to 8 percent of those involved in the program are involved in it at this time. Of that, Florida has 50 percent, New York, California, and several other States have lesser portions. These States are picking up 60 percent of these costs now. This will phase itself out in 4 or 5 years anyway.

The testimony before the subcommittee, as the gentleman knows, was that in order to do the job we need to retrain this expenditure, in order to do the job which the present law intends will cost $85 to $90 million.

Mr. ROUSH. If that is the case, why is the administration asking for only $40 million?

Mr. CHAPPELL. Because the administration intends to shift virtually all the burden immediately onto the States.

Mr. ROUSH. I appreciate the gentleman's fervor and devotion to his State but I respectfully must say I oppose the gentleman's amendment.

Mr. MAHON. Mr. Speaker, I ask for a favorable vote on the amendment.

The SPEAKER. The question is on the amendment offered by the gentleman from Florida (Mr. CHAPPELL).

The amendment was agreed to.

Mr. MATSUNAGA. Mr. Speaker, I move to strike the last word.

Mr. Speaker, I have requested this time not only to express my support for the continuing resolution, but also to engage the distinguished gentleman from Pennsylvania (Mr. FLOOD) in a short colloquy on the impact of the pending resolution on a number of health programs.

It is my understanding that a number of health programs for which authorizing legislation expired in June 1974 have been extended by means of continuing resolutions. I refer particularly to programs under title VII, allied health professions; title VIII, nursing; and sections 306 and 309, schools of public health, of the Public Health Service Act.

I have joined the gentleman in opposition to attempts by the administration to terminate these programs by budget deferrals or rescissions. I am especially concerned that the School of Public Health at the University of Hawaii, for example, which depends on Federal aid for 70 to 80 percent of its operating budget, might suffer serious cuts in funding.

I note that, with one exception, the Appropriations Committee has included these programs under those which are to be funded at the current level or the level contained in the budget request, whichever is the lower. In the case of many of these programs, that budget request is zero. Needless to say, this has raised concerns in the minds of many of those involved in nursing and the allied health professions.

I wonder if the distinguished chairman of the subcommittee could clarify for the House the intent of the committee with regard to these important programs.

Mr. FLOOD. Mr. Speaker, I think I understand the gentleman's problem. This continuing resolution is designed to cover operating expenses for the first and second quarters of the fiscal year. However in the health manpower programs they have a practice of obligating their funds in the fourth quarter of the fiscal year. As a matter of fact, the fiscal year 1975 grants to nursing schools and schools of allied and public health were awarded within the past 2 weeks.

Of course, as the gentleman knows, we do not have authorizing legislation upon which to make appropriations for the programs he mentioned. However, as soon as we have a new law we would immediately follow with a supplemental bill to satisfy or meet those authorizations, as we should.

If by any chance, and we certainly hope that does not happen, there is no authorizing legislation when this continuing resolution expires, we would at once come in with a continuing resolution to guarantee the continuing operation of those programs.

Mr. MATSUNAGA. There is this problem I might point out to the gentleman, that the continuing resolution now provides for funding at the current level or the level contained in the budget request or whichever is the lower. If the administration fails to provide for any of these programs in its budget, or the authorizing

legislation is not enacted, due to a Presidential veto, which the Congress is unable to override, what would happen to these health programs? Would it mean the dismantling of existing agencies?

Would the gentleman care to comment on this?

Mr. FLOOD. Well, as I say, if there is no law, when we adjourn sine die we will make certain in any subsequent continuing resolution that the programs, for which no funds were requested in the budget, would continue at the fiscal year 1975 operating level. It is not necessary to take any action now, because the programs you referred to normally obligated their funds in the fourth quarter of the fiscal year and this continuing resolution is designed to meet the funding requirements of the first and second quarters.

Mr. MATSUNAGA. I thank the gentleman for his comments. I have every confidence that the gentleman, as chairman of the Subcommittee on Appropriations dealing with health matters, will do all in his power and influence to protect the health programs, which we so desperately need. I thank the gentleman again.

Mr. MAHON. Mr. Speaker, I move to strike the last word.

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

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

Mr. MICHEL. I just want to make a further observation to the gentleman from Hawaii. With our HEW bill going to the floor next week, we will obviously have a figure at the House level for all authorized programs, so it will not be a question of deciding between the budget and the continuing resolution; but a law will be passed by the House.

As the gentleman from Pennsylvania pointed out, if we do not have authorizing legislation for some of the health programs when this continuing resolution expires we can provide for their support in a subsequent continuing resolution. I think when we get done with it the gentleman will be satisfied with what we have done.

Mr. GUDE. Mr. Speaker, 8 days ago, I urged my colleagues to enact a better version of the employment bill the President vetoed.

Specifically, I pressed for enactment of a measure I sponsored to appropriate $1.6 billion for temporary employment assistance under the comprehensive employment training program, $458 million for summer youth employment, $119.8 million for college work-study grants, $30 million for community service employment for older Americans and $70 million for carrying out an existing work incentive program administered by the Department of Labor.

Yesterday, the President signed into law a $473 million summer jobs for youth bill. Today the House will act on the continuing appropriations which provides the same funding levels for all the remaining employment programs included in the employment measure I sponsored.

As I have repeatedly stated on this floor, in addition to the well-deserving employment programs I support, the original jobs bill contained a good number of costly programs which did not contribute to meaningful jobs creation. The vote to override the President's veto of this measure came shortly after economic indicators showed the recession may well be bottoming out. Thus, it was important to sustain the President's veto in order to rework a better jobs bill within the constraints imposed by inflation.

I applaud the efforts of the Appropriations Committee which acted swiftly to bring these much-needed jobs programs back to the floor and urge immediate passage of the continuing resolution by this distinguished body.

Mr. CONTE. Mr. Speaker, we are now considering legislation which is of extreme concern to all Americans. This bill provides for a continuation of funding for all our Federal agencies to continue programs which are so vital to the welfare of our citizens. Perhaps most important of all, this continuing resolution contains funding for the desperately needed portions of the vetoed Emergency Employment Appropriations Act of 1975.

The need for these programs during our current economic crisis cannot be denied. It was unfortunate that public service jobs—title VI CETA—community service employment for the elderly, college work-study, and WIN programs had to suffer the veto because of the $3.3 billion in inflationary funding in that bill.

Congress now has the opportunity to provide the full level of funding for those programs which will genuinely create jobs by adopting this continuing resolution.

Mr. MAHON. Mr. Speaker, I move the previous question on the joint resolution, with all amendments thereto.

The previous question was ordered.

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

The joint resolution was ordered to be engrossed and read a third time.

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

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

Mr. BAUMAN. 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 400, nays 16, not voting 17, as follows:

[Roll No. 310]

YEAS—400

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

Traxler	Waxman	Wolff
Tsongas	Weaver	Wright
Ullman	Whalen	Wydler
Van Deerlin	White	Yates
Vander Jagt	Whitehurst	Yatron
Vander Veen	Whitten	Young, Alaska
Vanik	Wilson, Bob	Young, Ga.
Vigorito	Wilson, C. H.	Young, Tex.
Waggonner	Wilson, Tex.	Zablocki
Walsh	Winn	Zeferetti
Wampler	Wirth	

NAYS—16

Archer	Lott	Steiger, Ariz.
Armstrong	McCollister	Symms
Ashbrook	McDonald	Treen
Bauman	Rousselot	Young, Fla.
Collins, Tex.	Schneebeli	
Crane	Shuster	

NOT VOTING—17

Burke, Fla.	Hastings	Talcott
Conlan	Hébert	Teague
Esch	Jones, Ala.	Udall
Evans, Colo.	Miller, Ohio	Wiggins
Evans, Ind.	Mollohan	Wylie
Flynt	Price	

So the joint resolution was passed.

The Clerk announced the following pairs:

Mr. Price with Mr. Burke of Florida.
Mr. Flynt with Mr. Esch.
Mr. Evans of Colorado with Mr. Miller of Ohio.
Mr. Jones of Alabama with Mr. Talcott.
Mr. Hébert with Mr. Conlan.
Mr. Teague with Mr. Wiggins.
Mr. Evins of Tennessee with Mr. Mollohan.
Mr. Udall with Mr. Hastings.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the joint resolution just passed, and that I may be permitted to include extraneous material.

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

There was no objection.

ENERGY CONSERVATION AND CONVERSION ACT OF 1975

Mr. ULLMAN. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 6860) to provide a comprehensive national energy conservation and conversion program.

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

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.A. 6860, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Friday, June 13, 1975, there was pending an amendment offered by the gentleman from Wisconsin (Mr. STEIGER) to strike out title IV.

Are there further perfecting amendments to the title?

AMENDMENT OFFERED BY MR. KOCH

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

The Clerk read as follows:

Amendment offered by Mr. KOCH: Page 96, line 25, strike out "; and" and insert in lieu thereof a semicolon.

Page 97, strike out the period at the end of line 10 and insert a semicolon.

Page 97, insert after line 10 the following:

"(5) the construction of facilities (A) for the conversion of oil shale into oil or gas, or (B) for processing coal into a liquid or gaseous state if such facilities are to be owned by the Federal Government and operated by the Federal Government or by any other person under a lease with the Federal Government; and

"(6) the purchase of oil or gas produced from the conversion of oil shale or of the products derived from the liquification or gasification of coal if such purchase is pursuant to an agreement between the Federal Government and any other person under which—

"(A) such person agrees to construct and operate a facility for the conversion of oil shale into oil or gas or for processing coal into a liquid or gaseous state, and

"(B) the Federal Government agrees to purchase during the 5-year period beginning on the date the construction of such facility is completed, any production from such facility if the market price for such production is less than the price established in such agreement."

Page 97, line 23, strike out "and (4)" and insert in lieu thereof "(4), (5), and (6)."

Mr. KOCH (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 New York?

There was no objection.

Mr. KOCH. Mr. Chairman, what my amendment would do is to encourage the immediate use of the existing technology which would permit the conversion of coal and oil shale into oil and gas.

I tried in earlier general debate to make the point that what we have in this country is a great resource. We have enormous stocks of coal and oil shale, and there is technology which would permit the use of that oil shale and the coal. However, the fact is that were that technology to be employed at the present time and the oil companies wanted to break the people who entered that field, they could easily do so by driving down the price of oil until the oil and gas produced from shale and coal under the technology now available would not be competitive.

Therefore, Mr. Chairman, there should be a way whereby the Government could either build the conversion plants and take the risk or guarantee to those companies which build these conversion plants that for a period of time the product from these conversion plants would have a base price so that they would not suffer a loss in the event that the oil companies, in order to break the competition, came in and undersold.

Mr. Chairman, I was interested to see, independent of this particular amendment on my part, a statement by the distinguished gentleman from Kentucky (Mr. PERKINS), which appears in today's RECORD, which he made yesterday, on the very same subject, to wit, that coal in the particular case that he described could be converted, but the technology would have to be subsidized at this point.

Since we have enormous reliance today on imported oil, and we have been battling over the contents of this bill for the last week or so and we have not addressed ourselves to these alternative forms of energy, I hope the distinguished chairman of the Committee on Ways and Means will not oppose this amendment too vigorously, so that, without mandating in any way that the Government must do it, it would have the option to, out of the trust fund, provide for contracts which would permit this proposal to be implemented.

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

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

Mr. WRIGHT. Mr. Chairman, what the gentleman from New York has said makes a lot of sense.

There are technologies available today, and we do have an abundance of coal, and we could be the Saudi Arabia of coal. I just wondered, since I have not had an opportunity to read the gentleman's amendment, whether the gentleman stipulates some particular technology? Does the gentleman confine it to any specific method, or does the gentleman simply say by any available proven technology? There are several systems available.

Mr. KOCH. No specific technology.

Mr. WRIGHT. They are not limited to anyone of them?

Mr. KOCH. Not at all. And it does not mandate anyone to do it, but allows them to do it if the Government decides it is in the interest of the country to do it.

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

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

Mr. RUPPE. Mr. Chairman, is it correct the amendment provides not only for the Federal Government to support the price of oil and gas in such a situation, but indeed the Federal Government could get into the construction itself?

Mr. KOCH. Yes.

Mr. RUPPE. That is a point that was not emphasized too much.

Mr. KOCH. It is not a mandate.

Mr. RUPPE. But it could be done.

Mr. KOCH. What I am suggesting is that there be alternatives available. In one case the Government might decide that it would build the facility and lease it out, or the Government might decide that it would permit others to build the facility, and enter into a contract which would guarantee a floor price on the product of those facilities.

There is nothing in this amendment that requires the Government to take either of those courses; it simply allows it.

The CHAIRMAN. The time of the gentleman has expired.

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

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

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

Mr. MARTIN. Mr. Chairman, the gentleman from New York is aware, I am sure, that several companies, for example, Coppers Chemical, has had advertisements in newspapers recently where they have already constructed plants for the conversion of coal into synthetic gas. The gas itself is reported to be of a low content, that is, a content of 300 Btu's per cubic foot, and not a richer oil or gas creation. But is the gentleman also aware that the Board of Review that will be given discretion for this in the future as to whether or not the Government will build synthetic gas plants for fuel production will consist of people not one of whom will have been actively involved in any energy industry in recent years? The present composition of the Board provides that none of these will have earned over $10,000 a year in any position in the energy industry.

Mr. KOCH. I am not prepared to comment on the caliber of the people who will make up the Board of Review. I do believe it is possible to find people who are not experts in a particular field who have the good judgment to decide on appropriate governmental actions.

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

Mr. ULLMAN. Mr. Chairman, I wonder if we might come to some agreement as to a time limitation on this amendment.

Mr. Chairman, I ask unanimous consent that we vote on this amendment in 5 minutes.

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

There was no objection.

Mr. ULLMAN. Mr. Chairman, I rise in strong opposition to this amendment. The gentleman from New York has good intentions, but what we are doing here is opening up another bottomless pit. The programs this amendment would cover easily could absorb all of the moneys going into the trust fund. This trust fund is primarily designed for research and development, and pilot or demonstration projects. That is where we need to use the funds. We have already whittled down the funds substantially, and to the extent we fund this amendment it will take funds away from research for, or demonstration projects for mass transit as well as all of the other legitimate purposes.

I strongly object to the amendment, and urge that we vote it down.

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

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

Mrs. FENWICK. Mr. Chairman, I rise in support of this amendment because I think that it offers the hope of what is an alternative source of energy. We know that coal of all the other sources has the greatest single trillions of tons of anything we have in this Nation. I wonder if the gentleman would accept an amendment that the board, which as the gentleman says is restricted in its membership, should get advice from the Office of Technology Assessment as to which of these projects might be appropriate and best for the use of the trust funds?

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

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

Mr. KOCH. I thank the gentleman for yielding.

I do not think the amendment is necessary for the board to have the opportunity to get that. I am sure that they would. I appreciate the gentlewoman's support of the amendment.

I would ask the distinguished chairman this: Will not the chairman agree with me that this does not require that the trust funds be used for this particular purpose? It simply gives those in charge of the trust fund the option so that it will not necessarily take moneys away from other form of technology that the people in charge of the trust fund decide they want to use.

Mr. ULLMAN. The amendment does not necessarily require that funds be spent for it. It would also require a separate authorization on the part of Congress in order to implement it. The bad part of the amendment is that it broadens the purposes for which the moneys in the trust fund may be spent. I am afraid we might dilute the funds that go to the other legitimate purposes. That is my basic objection.

Mr. DERWINSKI. Mr. Chairman, will the gentleman from Oregon yield?

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

Mr. DERWINSKI. I thank the gentleman for yielding.

I think the point that the gentleman made a moment ago is to the effect that this does open up additional pressures on the trust fund, because what would really happen, granted that the language calls for possible expenditures if this amendment were to be accepted, is it would then be argued later that it was the intent of Congress that this would be carried out.

Mr. ULLMAN. The gentleman is right. It might dilute some of the other purposes for which the moneys might go.

Mr. DERWINSKI. I share the gentleman's observations that the gentleman from New York is an extremely honorable, well-intended man, but sometimes even the most honorable, well-intended men have amendments which should be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. KOCH).

The question was taken and on a division (demanded by Mr. KOCH), there were—ayes 19, noes 35.

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

A recorded vote was refused.

So the amendment was rejected.

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

The CHAIRMAN. The Chair will count. Seventy-six Members are present, not a quorum.

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

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

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

The Committee will resume its business.

AMENDMENT OFFERED BY MR. HECHLER OF WEST VIRGINIA

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

The Clerk read as follows:

Amendment offered by Mr. HECHLER of West Virginia: On page 102 after line 10 insert the following:

"SEC. 414. Amounts required for the purposes of this title (other than section 411) shall be established by annual authorization and appropriation acts."

Mr. HECHLER of West Virginia. Mr. Chairman, I will not take the full 5 minutes.

This amendment is self-explanatory. It makes crystal clear the intent of the bill to untilize the present authorizing and appropriation process. It would require that annual appropriations or authorizations be used for the programs which could be funded by the trust fund.

This procedure, I think, will insure that the authorizing committee has jurisdiction over the subject matter and specifically authorizes the programs to be appropriated.

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

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

Mr. ULLMAN. Let me clearly understand this. Under the provisions of the amendment, expenditures from the trust fund would have to be specifically authorized by the Congress subsequent to the passage of the bill; is that right?

Mr. HECHLER of West Virginia. Yes; that is the intent of my amendment.

Mr. ULLMAN. The problem being now, I think, let me say to the gentleman, that was the intention of the committee; but one could interpret it that the existing authorizing legislation might be eligible and, therefore, leave it up to the Board to make that judgment.

I think I would approve of the concept. I think that is what we had in mind in passing the legislation.

Therefore, Mr. Chairman, I gladly accept the gentleman's amendment.

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

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

Mr. FRENZEL. Mr. Chairman, we have examined the amendment. It seems to conform with the intent of the bill and we support it.

Mr. HECHLER of West Virginia. I appreciate the support of the gentleman from Minnesota and of the chairman of the committee.

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

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to title IV? If not, the question is on the amendment offered by the gentleman from Wisconsin (Mr. STEIGER).

Mr. ULLMAN. Mr. Chairman, I demand a recorded vote, and pending that,

I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count; 71 Members are present, not a quorum.

PARLIAMENTARY INQUIRY

Mr. SEIBERLING. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SEIBERLING. Mr. Chairman, is it in order to ask for a quorum call in the middle of a vote?

The CHAIRMAN. The Chair would like to point out to the gentleman from Ohio that this is a quorum call request only. The Chair has counted. A quorum is not present. The Chair would like to announce that pursuant to clause 2, rule 23, he will vacate proceedings under the call when a quorum of the Committee appears. Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

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

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business before the Committee is the demand by the gentleman from Oregon (Mr. ULLMAN) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 162, noes 247, not voting 24, as follows:

[Roll No. 311]

AYES—162

Abdnor	Erlenborn	Lent
Ambro	Evans, Ind.	Long, Md.
Anderson, Ill.	Fascell	Lott
Andrews, N. Dak.	Fenwick	Lujan
Archer	Findley	McClory
Armstrong	Fish	McCollister
Ashbrook	Ford, Mich.	McDonald
Aspin	Forsythe	McEwen
Bafalis	Fraser	McKinney
Bauman	Frenzel	Maguire
Beard, Tenn.	Frey	Martin
Bell	Gibbons	Michel
Biester	Gilman	Minish
Bonker	Goldwater	Mink
Bowen	Goodling	Mitchell, N.Y.
Broomfield	Gradison	Moffett
Brown, Calif.	Grassley	Montgomery
Brown, Mich.	Gude	Moore
Brown, Ohio	Hagedorn	Moorhead, Calif.
Broyhill	Hamilton	Mottl
Buchanan	Hammer-schmidt	Myers, Ind.
Burgener	Hansen	Myers, Pa.
Butler	Harrington	Ottinger
Carter	Harsha	Pattison, N.Y.
Cederberg	Hayes, Ind.	Pettis
Clancy	Hays, Ohio	Peyser
Clawson, Del	Hechler, W. Va.	Pressler
Cochran	Heinz	Pritchard
Cohen	Helstoski	Quie
Collins, Tex.	Hillis	Quillen
Conable	Hinshaw	Railsback
Conte	Holt	Regula
Coughlin	Horton	Rhodes
Crane	Hutchinson	Riegle
Daniel, Dan	Hyde	Rinaldo
Daniel, R. W.	Johnson, Colo.	Robinson
Dellums	Johnson, Pa.	Rogers
Dent	Kasten	Rousselot
Devine	Kelly	Ruppe
Dickinson	Kemp	Sarasin
Downey	Ketchum	Sarbanes
Drinan	Kindness	Satterfield
Duncan, Tenn.	Lagomarsino	Schneebeli
du Pont	Landrum	Schroeder
Edwards, Ala.	Latta	Sebelius
Emery	Lehman	Seiberling
Shipley	Steiger, Wis.	Whitehurst
Shuster	Symms	Wilson, Bob
Smith, Nebr.	Taylor, Mo.	Winn
Snyder	Thone	Wirth
Spence	Treen	Wydler
Stanton, J. William	Vander Jagt	Young, Alaska
Steelman	Walsh	Young, Fla.
Steiger, Ariz.	Wampler	
	Whalen	

NOES—247

Abzug	Gaydos	Nolan
Adams	Giaimo	Nowak
Addabbo	Ginn	Oberstar
Alexander	Gonzalez	Obey
Anderson, Calif.	Green	O'Brien
Andrews, N.C.	Guyer	O'Hara
Annunzio	Haley	O'Neill
Ashley	Hall	Passman
AuCoin	Hanley	Patman, Tex.
Badillo	Hannaford	Patten, N.J.
Baldus	Harkin	Patterson, Calif.
Barrett	Harris	Pepper
Baucus	Hawkins	Perkins
Beard, R.I.	Heckler, Mass.	Pickle
Bedell	Hefner	Pike
Bennett	Henderson	Poage
Bergland	Hicks	Preyer
Bevill	Hightower	Randall
Biaggi	Holland	Rangel
Bingham	Holtzman	Rees
Blanchard	Howard	Reuss
Blouin	Howe	Richmond
Boggs	Hubbard	Risenhoover
Boland	Hughes	Roberts
Bolling	Hungate	Rodino
Brademas	Ichord	Roe
Breaux	Jacobs	Rooney
Breckinridge	Jarman	Rose
Brinkley	Jenrette	Rosenthal
Brodhead	Johnson, Calif.	Rostenkowski
Brooks	Jones, N.C.	Roush
Burke, Calif.	Jones, Okla.	Roybal
Burke, Mass.	Jones, Tenn.	Runnels
Burleson, Tex.	Jordan	Russo
Burlison, Mo.	Karth	Ryan
Burton, John	Kastenmeier	St Germain
Burton, Phillip	Kazen	Santini
Byron	Keys	Schulze
Carney	Koch	Sharp
Carr	Krebs	Shriver
Casey	Krueger	Simon
Chappell	LaFalce	Sisk
Chisholm	Leggett	Skubitz
Clausen, Don H.	Levitas	Slack
Clay	Litton	Smith, Iowa
Cleveland	Lloyd, Calif.	Solarz
Collins, Ill.	Lloyd, Tenn.	Spellman
Conyers	Long, La.	Staggers
Corman	McCloskey	Stanton, James V.
Cornell	McCormack	Stark
Cotter	McDade	Steed
D'Amours	McFall	Stephens
Daniels, N.J.	McHugh	Stokes
Danielson	Macdonald	Stratton
Davis	Madden	Stuckey
de la Garza	Madigan	Studds
Delaney	Mahon	Sullivan
Derrick	Mann	Symington
Derwinski	Mathis	Taylor, N.C.
Diggs	Matsunaga	Thompson
Dingell	Mazzoli	Thornton
Dodd	Meeds	Traxler
Downing	Melcher	Tsongas
Duncan, Oreg.	Metcalfe	Ullman
Early	Meyner	Van Deerlin
Eckhardt	Mezvinsky	Vander Veen
Edgar	Mikva	Vanik
Edwards, Calif.	Milford	Vigorito
Eilberg	Miller, Calif.	Waggonner
English	Mills	Waxman
Eshleman	Mineta	Weaver
Evins, Tenn.	Mitchell, Md.	White
Fisher	Moakley	Wilson, Tex.
Fithian	Moorhead, Pa.	Wolff
Flood	Morgan	Wright
Florio	Moss	Yates
Flowers	Murphy, Ill.	Yatron
Foley	Murphy, N.Y.	Young, Ga.
Ford, Tenn.	Murtha	Young, Tex.
Fountain	Natcher	Zablocki
Fulton	Neal	Zeferetti
Fuqua	Nedzi	
	Nichols	
	Nix	

NOT VOTING—24

Burke, Fla.	Jones, Ala.	Sikes
Conlan	McKay	Talcott
Esch	Miller, Ohio	Teague
Evans, Colo.	Mollohan	Udall
Flynt	Mosher	Whitten
Hastings	Price	Wiggins
Hébert	Roncalio	Wilson, C. H.
Jeffords	Scheuer	Wylie

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Amendment offered by Mr. DINGELL: On page 102 between lines 13 and 14, insert the following:

"(f) No Federal employee performing any function on duty under this Title shall have a direct or indirect financial interest in any firm or business engaged in the exploration, production, processing, refining, transportation by pipeline, or distribution (other than at the retail level) of energy fuels. Whoever knowingly violates the provisions of the above sentence shall, upon conviction, be punished by a fine of not more than $2,500, or by imprisonment for not more than one year, or both. The Secretary of the Treasury shall (1) within sixty days after enactment of this Act publish regulations, in accordance with 5 U.S.C. 553, to establish the methods by which the provisions for the filing by such employees and the review of statements and supplements thereto concerning their financial interests which may be affected by this section, and (2) report to the Congress on March 1 of each calendar year on the actions taken and not taken during the preceding calendar year under this section."

The CHAIRMAN. The gentleman from Michigan (Mr. DINGELL) is recognized for 5 minutes in support of his amendment.

Mr. DINGELL. Mr. Chairman, I offer an amendment to H.R. 6860 concerning the holding of any financial interests by Federal employees administering this title in firms or businesses, including corporations, partnerships, and associations, engaged in the exploration, production, processing, refining, transportation by pipeline, or distribution—other than at the retail level—of energy fuels. My amendment is printed in the May 19, 1975 CONGRESSIONAL RECORD on page 15169.

In 1879, Congress enacted 43 U.S.C. 31, which states:

The Director and members of the Geological Survey (of the Interior Department) shall have no personal or private interests in the lands or mineral wealth of the region under survey, and shall execute no surveys or examinations for private parties or corporations.

According to a March 3, 1975, report by the Comptroller General (FPCD–75–131) entitled "Effectiveness of the Financial Disclosure System for Employees of the U.S. Geological Survey," which Congressman Moss requested, the Geological Survey has uniformly interpreted the above statute to mean that:

No USGS employee may own an interest in oil or mining enterprises.

Despite this interpretation the GAO found on March 3, 1975, page 5:

A supervisory mining engineer has owned stock since 1968 in seven mining companies (four operating in the United States and three in foreign countries).

A supervisory petroleum engineer in New Mexico and Texas since 1971.

An Administrative geologist owned stock in 12 companies with oil or mining interest.

A supervisory petroleum engineer, empowered to suspend oil company operations on leased lands if operations were not properly conducted, has owned stock in Mobil

Oil Company, Standard Oil of California, and Standard Oil of New Jersey since 1971.

In essence, the GAO found that the Interior Department is not effectively enforcing the 1879 law or the President's 1965 Executive Order 11222 on financial disclosure by Government employees, in part, because the law and Executive order have no teeth.

My amendment will prohibit employees administering title IV of this bill from having a financial interest, direct or indirect, in the businesses and firms I just mentioned. The amendment would require enforcement of this provision by the Secretary of the Treasury and the filing of annual reports to Congress on such enforcement. My amendment would also provide a penalty, upon conviction, for knowing violations of this prohibition.

The amendment applies to all such employees, because many employees even at the lower grade levels would have important responsibilities under this title.

If the Congress in 1879 believed such a prohibition essential then imagine what it would believe today in the light of recent scandals.

I want to prevent future scandals. Federal employees administering this title will be able to have financial interests, and so forth, in many corporations, but not those with interests in energy fuels and related operations. I think this is appropriate.

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

Mr. DINGELL. I yield to my friend, the chairman of the committee, the gentleman from Oregon.

Mr. ULLMAN. Mr. Chairman, as I understand the amendment, it prohibits conflicts of interest to the employees of the board. In the bill we have provided a conflict of interest provision for the members of the board but this would extend the conflict of interest provision to the employees. As far as I am concerned personally, although we did not vote on this in the committee, it seems acceptable and desirable and I have no objection to the amendment.

Mr. DINGELL. I thank the chairman for his kindness.

Mr. Chairman, I observe simply in the interest of time that an amendment almost exactly the same in language to that which I offered today was offered in the strip mining bill and was accepted by the House and Senate and sent to the President. The amendment was exactly identical in purpose.

The function was to prevent conflict of interest.

The General Accounting Office has audited the performance of Federal agencies in this area and has found the record to be replete with gross conflicts of interest. The purpose of this amendment is to prevent those conflicts of interest from occurring.

Mr. SCHNEEBELI. Mr. Chairman, I doubt the need for an amendment of this type. This says that no employee performing any function whatsoever under the trust fund, is allowed to own even one share of stock in any energy company or any energy-related company. I think the amendment goes too far. I think it is too broad. If it were within some specific area it might be different but it is not. I would like to ask the gentleman from Michigan exactly how far the amendment goes?

Mr. DINGELL. Mr. Chairman, if the gentleman will yield, the amendment says:

> No Federal employee performing any function or duty under this title shall have a direct or indirect financial interest in any firm or business engaged in the exploration, production, processing, refining, transportation by pipeline, or distribution (other than at the retail level) of energy fuels.

So it applies to energy-related industries.

Mr. SCHNEEBELI. Any energy-related industry?

Mr. DINGELL. That is correct.

Mr. SCHNEEBELI. What if some oil company sells some rigging to some other company?

Mr. DINGELL. In my opinion that is not covered.

Mr. SCHNEEBELI. What about a company that wants to bring out a well?

Mr. DINGELL. In my view that would not be proscribed.

Mr. SCHNEEBELI. And an employee would not be proscribed from owning stock for example in Du Pont?

The reason I am having this colloquy with the gentleman is to find out how an energy-related company is defined.

Mr. DINGELL. I commend the gentleman for that and for laying out this legislative history.

Mr. SCHNEEBELI. I still have my reservation about this amendment and I am opposed to it.

Mr. ARCHER. Mr. Chairman, will the gentleman yield so I might ask the author of the amendment a question?

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

Mr. ARCHER. What would be the situation if an employee owns stock, say for instance in International Paper, which has recently acquired a small independent drilling operation in oil and gas and operates that as a very small portion of their total business? Would an employee be barred from owning stock in International Paper?

Mr. DINGELL. In my opinion the employee of the board would not be in violation of this particular amendment because his stock would lie in International Paper and International Paper would not in itself be engaging in that but would have simply an interest in another corporation.

Mr. ARCHER. If the gentleman will yield further, how big would the operation of a corporation have to be in an oil and gas industry or one related thereto?

Mr. DINGELL. This refers to the individual employee owning shares of stock or interest in corporations which are directly or indirectly engaged in that industry. As the gentleman has indicated, it would involve, let us say, a paper company which might acquire subsequently another corporation of a relatively small character which would be engaged in that work.

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

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

Mr. SCHNEEBELI. Mr. Chairman, actually, if an employee is in a mutual fund and had some stock, he would be an employee under this definition.

Mr. DINGELL. I do not read the amendment that way.

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

The Chair recognizes the gentleman from Oregon (Mr. ULLMAN).

Mr. ANNUNZIO. Mr. Chairman, we have devoted all of last week to consideration of H.R. 6860, the Energy Conservation and Conversion Act, and are hopeful of completing action today. However, the bill with which we are now left only partially meets the energy needs of America for the future.

Nevertheless, this Congress must continue to formulate a constructive, positive program to deal with our energy problems. The American people demand such a program. We must answer that demand. What this country really needs, and what this Congress should be attempting to produce, is a long-range program designed to come up with alternative sources of energy other than gas and oil, and to make this country eventually self-sufficient in her energy needs.

I remind my fellow Members that many people scoffed in 1960 when President Kennedy proposed that the United States land a man on the moon by the end of the decade. Today many people throw up their hands in despair at the possibility of achieving long-term solutions to our energy needs. However, this need not be the case.

If this country in the 1960's possessed the research talents, technological expertise, and sense of national purpose to get us to the moon, do we not now also have the research talents and technological capabilities to come up with solutions to our energy problems? I think we do.

But I also think, if we are to solve our energy problems, eventually something more is needed than mere scientific talent and sophisticated technology. What is absolutely crucial, if we are ever to resolve our energy problems, is a sense of national purpose and will dedicate to making the sacrifices necessary to achieving energy self-sufficiency. If we as a people are willing to make the hard choices necessary, we can lick the energy problem. If, however, we are unwilling to tighten our belts voluntarily and reduce our energy consumption, if we are unwilling to change the usual patterns of our present lifestyle, and if we are unwilling to make other necessary sacrifices, then we will never fully resolve our energy problem no matter how much scientific brainpower and hardware are available.

It is essential that this country move beyond palliative measures aimed simply at conserving energy, which certainly are necessary and important first steps, to a more comprehensive long-term program designed to make this country self-sufficient in her energy needs by developing sources of energy other than gas and oil.

Such a long-term program is necessary not only to avoid the inconveniences and discomforts in everyday life occasioned by fuel shortages, but even more im-

portantly, to prevent the possibility of having our foreign policy decisions dictated to us by the OPEC nations. It would be unfortunate, indeed, if the major economic and military power in the world today were unable to make and carry out her foreign policy decisions without fear of offending the nations of the oil cartel.

What is critically needed is a long-range energy program which would provide the funds necessary for investigating new and alternative energy sources. I have long advocated the necessity for devising economically feasible plans for coal liquefaction and gasification in order that we may utilize our most abundant energy resource—approximately 200 billion tons of coal; for developing a means to increase the energy yield from our oil shale deposits; for further research into and use of solar, thermal, and nuclear energy; for utilizing vast untapped oil and natural gas sources through offshore drilling on the Atlantic, Pacific, and Gulf coasts; and for moving much more swiftly ahead with the Alaskan Pipeline.

Several provisions of this bill were designed to encourage, through tax credits and other means, increased utilization of alternative energy sources. But these are only the beginning steps in what must be a long-range program designed to eventually make this country energy self-sufficient.

We need to harness all of America's ingenuity and scientific "know-how" in this search, and we must continue the search for other possible sources of energy. For example, there is research presently being carried out to assess the utilization of solid wastes to generate power facilities. This would not only provide more energy but would be a great help in reducing a major source of environmental pollutants.

Even more ingenious are recent British experiments to harness the power of ocean waves to generate electrical power. Several British scientists believe when this system is perfected, the energy harnessed from the waves on the north and west coasts of Britain would be capable of supplying the energy needs of the entire country.

Another possibility now undergoing research is generation of electricity by exploiting the difference in temperature between water on the ocean's surface and in the deep. Based on this principle, an offshore thermal energy plant could be operated at costs below those of an oil-fired plant, with the added bonus of not diminishing a fossil fuel supply and not causing any pollution.

Solutions such as these are obviously far off. But if such solutions are to be achieved in the long run, a beginning must be made now—a beginning which is aimed at long-range problems and solutions and not merely those of the short run.

We in the Congress must begin now so that by the year 2,000 this country will be self-sufficient in her energy needs so that our children and grandchildren need not fear the high-handed blackmailing techniques that the OPEC nations have forced on the free world.

Mr. ULLMAN. Mr. Chairman, I rise for the purpose of coming to some agreement on time.

Mr. Chairman, I think there has been a general understanding that there will be no more votes this evening. It is the intent of the chairman to abide by that agreement and let the Committee rise by 6:30 and have no more record votes.

I would be happy to proceed if we can have some understanding that Members will be recognized prior to the record vote before the Committee rises.

Mr. Chairman, I ask unanimous consent that all debate on this amendment conclude in 5 minutes.

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

Mr. FRENZEL. Mr. Chairman, reserving the right to object, I observe about 15 Members on their feet. If we are to agree to the unanimous-consent request of the chairman, that means each Member will have about 20 seconds. That is no way to find out what is in this amendment. It is an extremely complex amendment. I think it is pernicious. I think we ought to have the opportunity to question the author of this amendment. Unless the chairman has another suggestion, I will object.

Mr. ULLMAN. Mr. Chairman, I withdraw my request.

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

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 6860) to provide a comprehensive national energy conservation and conversion program, had come to no resolution thereon.

ANNOUNCEMENT OF PUBLIC HEARINGS ON TAX REFORM

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

Mr. ULLMAN. Mr. Speaker, I have requested unanimous consent to include in the RECORD at this point an extremely important press release issued today by the Committee on Ways and Means announcing public hearings on tax reform to begin on June 23, 1975. This press release outlines in detail the subjects to be covered, the subjects which will not be covered, the plans of the committee with regard to several phases of tax reform, and the details concerning requests to be heard. I think all Members of the House will be interested in this subject. The press release follows:

CHAIRMAN AL ULLMAN (D., OREG.), COMMITTEE ON WAYS AND MEANS, U.S. HOUSE OF REPRESENTATIVES, ANNOUNCES PROGRAM FOR TAX REFORM CONSIDERATION TO BEGIN ON MONDAY, JUNE 23, 1975

Chairman Al Ullman (D., Oreg.), Committee on Ways and Means, U.S. House of Representatives, today announced detailed plans of the Committee on Ways and Means for tax reform hearings to commence on Monday, June 23, 1975. This will begin the first phase of a series of tax reform hearings, the second phase of which will begin in November of this year after completion of development and passage of the bill resulting from hearings now being announced.

This first set of public hearings on tax reform will be in three parts: (1) panel discussions on the objectives and approaches to tax reform consisting of invited tax specialists on Monday and Tuesday, June 23 and 24; (2) testimony from Administration officials on Tuesday and Wednesday, July 8 and 9; and (3) presentation of testimony from the interested public—arranged in panels—on specific areas of tax reform—set forth in detail below—to begin on Thursday, July 10 and continuing during the month of July. This particular hearing must be completed by the end of July. Markup sessions will begin in early September after the August recess.

The cutoff date for receipt by the Committee of requests to be heard from the interested public is Thursday, June 26, 1975. All requests should be submitted to John M. Martin, Jr., Chief Counsel, Committee on Ways and Means, Room 1102 Longworth House Office Building, Washington, D.C. 20515 (telephone: (202) 225-3625).

All proceedings will be conducted in the Main Hearing Room of the Committee on Ways and Means, across from the staff office which is Room 1102 Longworth House Office Building, beginning at 10:00 a.m. each scheduled day.

More specific details with regard to these hearings follow:

PANELS OF SPECIALLY INVITED TAX EXPERTS

On June 23 and 24, the Committee will receive testimony and recommendations from panels of specially invited witnesses. Essentially, these panel discussions will be devoted to objectives and approaches to tax reform and to simplification and restructuring of our tax laws. A list of panelists will be released at a later date.

ADMINISTRATION APPEARANCES

Administration officials will be scheduled on Tuesday and Wednesday, July 8 and 9, as the leadoff witnesses immediately after the fourth of July recess, and will probably be recalled at the end of the hearings, as well. These witnesses will include the Secretary of the Treasury and the Commissioner of Internal Revenue.

TESTIMONY FROM THE GENERAL PUBLIC

The third part of these first proceedings on tax reform will consist of receipt of testimony from the interested public and will begin on Thursday, July 10.

SUBJECTS INCLUDED IN THIS HEARING

In general, this phase of the hearing will involve and be confined to the following principal subjects: Tax shelters and minimum tax; tax simplification and reform of domestic income of individuals; foreign income; administrative provisions; "deadwood" bill; extension of individual tax reductions provided in the Tax Reduction Act of 1975; capital formation (including fast depreciation, investment credit, and integration of corporate and individual taxes); capital gains and losses; and limited technical changes. For a detailed itemized list of matters included within each of these principal headings, see List A, attached.

SUBJECTS NOT INCLUDED IN THIS PARTICULAR HEARING

The following subjects will not be included in the first phase of tax reform, and testimony thereon will not be received at this time, but will be heard in public hearings at a subsequent phase of tax reform:

1. Estate and gift taxation.

2. Tax treatment of single persons and married couples.

3. Tax exempt State and municipal bonds.
4. Small business tax problems including Subchapter S.
5. Percentage depletion for minerals generally.
6. Tax treatment of financial institutions.
7. Tax treatment of cooperatives.
8. Tax treatment of insurance companies including casualty and life companies.
9. Tax exempt organizations including private foundations.
10. Charitable contribution deductions.
11. Net operating loss deductions.
12. Bank holding companies; real estate investment trusts.
13. Excise taxes.
14. Integration of pensions and social security.
15. Tax treatment of annuities.

The second phase of tax reform hearings, to be conducted in November, will include, but not be limited to, the subjects of estate and gift taxation and the tax treatment of single persons and married couples.

GENERAL PROCEDURES

Witnesses for the first phase of the hearings to begin at this time will be grouped according to subject matter. Those who will be testifying on several major subjects will be listed in the category of "general witnesses" and will be heard at the beginning of this phase of the hearing. In the cases where a witness wishes to concentrate his testimony on one major subject, but comment in a lesser way on other subjects, he will be scheduled under the major subject and can submit his statement for the record on the minor areas.

Time will be strictly limited and in general will not exceed five (5) minutes per witness except in very limited cases involving broad national organizations. Public witnesses will be arranged in panels. Witnesses must testify when scheduled or else file a written statement. Shifts in dates to be heard will not be made. Time allocations must be strictly followed. Testimony by individuals and groups representing the same position must be consolidated. All written statements must be submitted to the Committee office at least 24 hours before the appearance of the witness.

DETAILS FOR SUBMISSION OF REQUESTS TO BE HEARD

Cutoff Date for Requests to be Heard—Requests to be heard must be submitted by no later than the close of business Thursday, June 26, 1975. As previously indicated, individuals and organizations desiring to testify on most or all of the subjects listed herein will be heard at the beginning of this phase of the hearings, i.e., "general testimony" will be the first category to be heard.

All requests should be submitted to John M. Martin, Jr., Chief Counsel, Committee on Ways and Means, Room 1102, Longworth House Office Building, Washington, D.C. 20515 (telephone: (202) 225-3625.) Notification will be made as promptly as possible after the cutoff date as to when witnesses have been scheduled to appear. At that time necessary guidelines for preparing for the appearance will accompany such notification. Once the witness has been advised of his date of appearance it is not possible for this date to be changed. If a witness finds that he cannot appear on that day, he may wish to either substitute another spokesman in his place or file a written statement for the record of the hearing in lieu of a personal appearance.

Coordination of Testimony—In view of the heavy schedule of the Committee ahead and the limited time available to the Committee to conduct this hearing, it is requested and it is most important that all persons and organizations with the same general interest designate one spokesman to represent them so as to conserve the time of the Committee and the other witnesses, prevent repetition, and assure that all aspects of the subjects being discussed at this hearing can be given appropriate attention. It is contemplated that the Committee will arrange witnesses in panels.

Written Statements in Lieu of Personal Appearance—The Committee will be pleased to receive from any interested organization or person a written statement for consideration for inclusion in the printed record of the hearing in lieu of a personal appearance. These statements will be given the same full consideration as though the statement had been presented in person. In such cases a minimum of three copies of the statement should be submitted by a date to be specified later.

Allocation of Time to Witnesses—Because of the Committee's exceedingly heavy legislative schedule, this will limit the total time available to the Committee in which to conduct these proceedings. Thus, to assure fairness to all witnesses and all points of view, it will be necessary to allocate time to witnesses for the presentation of their direct oral testimony. Most witnesses will be limited to five (5) minutes for their verbal presentation. Exceptions to the rule will be severely limited and in any case only where broad national organizations are involved. Also, as indicated above, it will be necessary to ask certain witnesses to form panels in order to further consolidate testimony. If the witness wishes to present a long and detailed statement, it will be necessary for him to confine his oral presentation to a summary of his views while submitting a detailed written statement for the Committee's consideration and for inclusion in the record of the hearing.

Contents of Requests to be Heard—The request to be heard must contain the following information, otherwise delay may result in the proper processing of a request:

(1) the name, address and capacity in which the witness will appear;

(2) a list of persons or organizations the witness represents and in the case of associations and organizations their total membership and where possible a membership list;

(3) an indication of whether or not the witness is supporting or opposing any specific proposal or proposals (within the scope of this phase of the hearing) on which he desires to testify;

(4) if a witness wishes to make a statement on his own behalf, he must still nevertheless indicate whether he has any specific clients who have an interest in the subject, or in the alternative, he must indicate that he does not represent any clients having an interest in the subject he will be discussing; and

(5) a topical outline or summary of the comments and recommendations which the witness proposes to make.

Submission of Prepared Written Statements—With respect to oral testimony, the rules of the Committee require that prepared statements be submitted to the Committee office at least 24 hours in advance of the scheduled appearance of the witness. Seventy-five (75) copies of the written statements would be required in this instance; and additional seventy-five (75) copies may be submitted for distribution to the press and the interested public on the witness' date of appearance.

As indicated above, any interested person or organization may submit a written statement in lieu of a personal appearance for consideration for inclusion in the printed record of the hearing. Such statements should be submitted by a date to be specified later, in triplicate. An additional seventy-five (75) copies of written statements for the printed record will be accepted for distribution to the Committee members, the press and the interested public if submitted before the final day of the public hearing.

Format of ALL Written Statements—It will be necessary that all prepared statements contain a summary of testimony and recommendations and that throughout the statement itself pertinent subject headings be used.

Resubmission of Requests to be Heard Where Requests Already Made—If a prospective witness has already submitted a request to be heard on any of the subjects covered by this hearing, the request should be resubmitted at this time furnishing the above information and otherwise conforming to the rules set forth for conducting this hearing.

LIST A—TOPICS FOR TAX REFORM PACKAGE IN FIRST PHASE

A. *Tax Shelters and Minimum Tax.*

1. *Minimum tax.*—This category includes the consideration of the exemption level, the rate of tax, the allowance of a deduction for the regular individual or corporate income tax, and the possibility of adding other preference items to the base of the tax or alternatively the consideration of a different version of a minimum tax.

2. Allocation of itemized deductions between taxable and nontaxable income.

3. *Tax shelters generally.*—

a. *Real estate.*—This category includes depreciation methods and life (including any distinction for this purpose between borrowings and equity), recapture rules for excess depreciation, treatment of interest and taxes during the construction period, limiting certain real estate deductions to related income, etc.

b. *Farm operations.*—This category includes the treatment of development costs in the case of fruits and other food products with long development periods, the deduction of farm losses, the so-called hobby loss operations, limiting farm deductions to related income (perhaps only to the extent nonfarm income exceeds some level (such as $20,000)), limiting deductions on livestock to the amount of risk, requiring the accrual method of accounting for corporations engaged in farming, etc.

c. *Natural resources.*—This category includes limiting the deductions for intangible drilling expenses and development costs on a property to the amount the taxpayer has at risk, limiting deductions from intangible drilling expenses (except in the case of dry holes) to the related income, recapturing intangible drilling costs deducted as ordinary income where the property is subsequently sold at a gain, etc.

d. *Motion picture films and similar property.*—This category includes limiting deductions for depreciation in motion picture films, etc., to the amount of income derived from the investments, and limiting loss deductions to the amount at risk, etc.

e. *Personal property (equipment) leasing.*—This category includes limiting deductions of depreciation on personal property subject to a net lease to the income from the property, etc.

f. *Sports teams (player contracts).*—This category includes specifying the portion of an aggregate amount paid to purchase a team or group of assets which is allocable to player contracts and applying recapture rules in the case of player contracts.

g. *Tax treatments of limited partnerships.*—This includes considerations involving the basis for non-recourse loans, requiring certain kinds of limited partnerships (and joint ventures) to be taxed as corporations, etc.

h. *Prepaid interest.*—This category in-

cludes requiring the use of the accrual method of accounting for prepaid interest.

1. *Partnership syndication fees.*—This category is included to clarify the rules requiring capitalization of partnership syndication fees.

B. *Tax simplification and reform of domestic Income of Individuals.*

1. Deduction of expenses attributable to business use of homes and rental of vacation homes.

2. Deduction for conventions, conferences, etc., outside the United States.

3. Retirement income credit.

4. Sick pay exclusion.

5. Child care deduction.

6. Deduction of alimony payments.

7. Deduction for guarantees of business paid debts to guarantors not involved in business.

8. Deduction for property transfer taxes and disability taxes.

9. Simplification of itemized deductions generally including (but not limited to) a simplification deduction in lieu of the dividends received exclusion, the deduction for State and local taxes on gasoline and other motor fuels, deduction of casualty losses below a floor (e.g., 3 percent), medical expense deduction below a floor (e.g., 5 percent instead of the present 3-percent floor on medical expenses generally and 1-percent floor on drugs), and deduction for certain employee business expenses and expenses of activity engaged in for profit below a floor (e.g., $200).

10. Extension of tax tables to enable individuals to use the short 1040–A tax form for adjusted gross incomes up to $20,000.

11. Accumulation trusts.

12. Limitation of the interest deduction for nonbusiness interest to a specified amount where it is claimed as an itemized deduction.

13. Simplification of moving expense deductions and application to the military.

14. Tax treatment of scholarships and fellowships (including cancellation of indebtedness with respect to certain student loan programs).

15. Clarification of the tax treatment of certain disaster loan provisions.

16. Qualified stock options.

17. Alternative capital gains tax rate for individuals.

18. Holding period for short-term capital gains.

19. Group term insurance.

C. *Foreign Income*

1. Per-country limitation in computing foreign tax credit.

2. Grossing up dividends from less developed country corporations for purposes of determining U.S. income and foreign tax credit.

3. Application of the foreign tax credit in the case of capital gains income.

4. Treatment of foreign income subsequently earned where foreign losses are offset against U.S.-source income.

5. Deferral of income of controlled foreign subsidiaries.

6. Exclusion for income earned abroad by U.S. citizens living or residing abroad.

7. Tax treatment of foreign trusts.

8. Excise tax on transfers to a foreign business.

9. Treatment of earnings of less developed country corporations where there is a disposition of stock representing these earnings.

10. Western Hemisphere trade corporations.

11. Tax treatment of U.S. possession corporations.

12. Tax deferral under DISC provisions (including export trade corporations).

13. China Trade Act Corporations.

14. Application of the 30-percent withholding tax to dividend and interest income received from the U.S. by foreign persons.

15. Dividend treatment of U.S. shareholders where funds are invested in the United States by foreign corporations.

16. Advance IRS rulings for tax-free exchanges involving foreign corporations related to U.S. taxpayers.

17. Tax treatment of married couples where one spouse is a nonresident alien.

18. Minimum tax on foreign source income.

D. *Administrative Provisions*

1. Income tax return preparers.

2. Assessments in case of mathematical or clerical errors.

3. Application of withholding tax provisions, such as for interest and dividends, certain gambling winnings, earnings of agricultural employees, and State income taxes for certain government employees and military reservists.

4. Disclosure of tax returns and return information.

5. Private letter rulings.

6. Jeopardy and termination assessments.

7. Declaratory judgments in the case of tax-exempt organizations.

8. Tax exempt status of condominiums and homeowner associations.

9. John Doe summons.

E. *Deadwood Bill.*—Repeal and revision of obsolete, rarely used, etc. provisions.

F. *Extension of Individual and Corporate Tax Reductions Provided in Tax Reduction Act of 1975.*

G. *Capital formation (including fast depreciation, investment credit, and integration of corporate and individual taxes).*

H. *Capital gains and losses.*

I. *Limited technical matters.*

LIST B—ITEMS TO BE INCLUDED IN SUBSEQUENT TAX REFORM PACKAGE

(Not in this hearing)

1. Estate and gift taxation.

2. Tax treatment of single persons and married couples.

3. Tax exempt State and municipal bonds.

4. Small business tax problems including subchapter S.

5. Percentage depletion for minerals generally.

6. Tax treatment of financial institutions.

7. Tax treatment of cooperatives.

8. Tax treatment of insurance companies including casualty and life companies.

9. Tax exempt organizations including private foundations.

10. Charitable contribution deductions.

11. Net operating loss deductions.

12. Bank holding companies; real estate investment trusts.

13. Excise taxes.

14. Integration of pensions and social security.

15. Tax treatment of annuities.

BROADCAST LICENSE RENEWAL ACT

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

Mr. FREY. Mr. Speaker, together with 56 cosponsors I am today reintroducing H.R. 5578—the Broadcast License Renewal Act—which I first introduced on March 26, 1975.

As I have noted before, inconsistent actions of the courts and the FCC over the past few years have confused the standards by which broadcasters are judged at renewal time. The public still needs a license renewal process which provides the stability broadcasters need to plan and invest in quality programing, the incentives to excel, and the freedom from the unneeded bureaucratic paperwork burdens now imposed by the Government on licensees.

My license renewal bill can help us attain such objectives. Briefly, this legislation lifts the Government paperwork burden from especially the small broadcaster, authorizes the FCC to institute "short form" renewal procedures for appropriate licensees, and clarifies the criterion used to judge the broadcaster at renewal time. In addition, my bill gives the FCC authority to extend the license term from 3 to 5 years, if the Commission determines it is in the public interest to do so. The Commission also retains the authority to set different license term lengths—up to 5 years—and varying ascertainment procedures for radio and television and for different types of broadcasters. Finally, this legislation allows appeals from FCC decisions or orders to be brought into the U.S. Court of Appeals in the circuit where the broadcast station is located instead of only in the District of Columbia U.S. Court of Appeals.

Without question, the FCC needs to establish policy which offers an incumbent licensee who does a good programing job a reasonable expectation of renewal. This bill does just that, without abridging citizens' opportunities to challenge a broadcaster who performs poorly.

Such legislation can significantly improve our broadcast license renewal process and can stimulate the vitally needed debate on this issue. Again, I urge you all to give this bill and the problem it addresses your most careful attention.

JOINT COMMITTEE ON INTELLIGENCE OPERATIONS ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. BIESTER) is recognized for 5 minutes.

Mr. BIESTER. Mr. Speaker, with Mr. ANDERSON of Illinois, I am today reintroducing legislation to create a Joint Committee on Intelligence Operations. We are delighted to add as cosponsors of this legislation several distinguished members of both political parties.

This legislation creates a Joint Committee to conduct continuing oversight of, and to exercise exclusive legislative jurisdiction over, the foreign intelligence activities and operations of the Central Intelligence Agency, the Defense Intelligence Agency of the Department of Defense, the National Security Agency, the Bureau of Intelligence and Research of the Department of State, Army, Navy, and Air Force Intelligence, and other agencies, bureaus, or departments insofar as their operations include foreign intelligence activities.

The Joint Committee would be comprised of Members of the most directly relevant Committees: Armed Services, Appropriations, and Foreign Relations/International Relations. It would have the power to require such periodic reports as it desired from any department or agency regarding activities within its jurisdiction. All matters relating primar-

ily to the functions of the above-named intelligence organizations would be referred to the Joint Committee. We believe that such a Joint Committee would be a workable way of maintaining effective oversight and control over this crucial aspect of Government activity.

We are pleased that the "Report of the Commission on CIA Activities Within the United States" concluded that—

The President should recommend to Congress the establishment of a Joint Committee on Intelligence to assume the oversight role currently played by the Armed Services Committees.

While investigations of the activities of the Central Intelligence Agency should and will continue, those investigations do not detract from the need for a new permanent oversight mechanism to oversee all foreign intelligence activities of the intelligence community. At present intelligence oversight is fragmented and, for practical purposes, nonexistent. By bringing together in one committee Members from both Houses—specifically including those who serve on International Relations and Foreign Relations, Armed Services, and Appropriations—we will be better able to follow on a continuing basis what is being done by our foreign intelligence apparatus. The committee would be assured of additional balance by the provision for appointment by the majority and minority leaders of additional members from the general membership of the House and Senate. Through a Joint Committee on Intelligence Operations the Congress could keep a tight rein on the activities not only of the Central Intelligence Agency, but of all other organizations engaged in foreign intelligence. I believe it is essential that this Congress address itself to this very critical issue.

REVISED COST ESTIMATES FOR SPECIAL UNEMPLOYMENT ASSISTANCE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. STEIGER) is recognized for 5 minutes.

Mr. STEIGER of Wisconsin. Mr. Speaker, the enactment of legislation by the Congress to provide special unemployment assistance to workers not covered by the regular UI program was a bold step to meet the present emergency crisis. The administration was requested and provided cost estimates for the program. In the absence of any historical data on which to base projections, the Labor Department used conventional estimating techniques. These projections indicated that 3.9 million beneficiaries would file for and receive benefits at a cost of $3.2 billion for calendar year 1975.

The intake of claimants in local employment offices did not materialize as expected during the initial weeks of the program. In April, when the administration submitted its proposals to the Congress, which I introduced, for extending this program through calendar year 1976, the Labor Department did not feel that sufficient experience had been obtained to revise its original estimates. The projected costs, therefore, for the extension of the program were made under the same assumptions. The projected costs of the special unemployment assistance program for the full 2-year period was therefore established at $4.8 billion.

Subsequent to the introduction of this legislation and its enactment by the Congress, the Department was provided with the official revised economic assumptions by the Office of Management and Budget. In reassessing all of the Department's previous estimates, based on the new economic assumptions, it requested and received approval to revise its projections for the special Unemployment Assistance program. These revisions were substantial and, based upon the current claim in-take levels, the administration now estimates the benefit cost to be $1.4 billion for the House-passed SUA program. Director Lynn of the Office of Management and Budget presented these figures to the Congress as a part of the administration's mid-session review of the 1976 budget.

I requested from the Department an explanation of the changes and I am taking this opportunity to bring these revised projections to the attention of the Members of the House since they represent significant reductions.

There is a deep concern, both in the Administration and the Congress, that all workers who are entitled to benefits under this program be made aware of its availability. Extensive efforts have been made by the State Employment Security Agencies through the news media and contacts with many interested groups to insure that knowledge of the program is widespread. While I am heartened by the fact that projected unemployment is lower than expected, I remain concerned that continued efforts be made to insure adequate dissemination of information to potential beneficiaries. I am inserting for the record the history of the workloads under this program through the latest week available, which supports the Department's revised projection of beneficiaries and cost.

SPECIAL UNEMPLOYMENT ASSISTANCE PROGRAM CLAIMS

Week ending (1975)—	Initial claims	Continued weeks claimed [1]	Cumulative, initial claims
Jan. 18	5,013	11,724	5,013
Jan. 25	18,744	21,764	23,757
Feb. 1	36,567	85,777	60,324
Feb. 8	30,950	107,381	91,274
Feb. 15	28,811	121,045	120,085
Feb. 22	30,376	136,924	150,461
Mar. 1	33,610	182,246	184,071
Mar. 8	32,221	179,334	216,292
Mar. 15	30,949	191,512	247,241
Mar. 22	28,599	193,978	275,840
Mar. 29	44,196	198,720	320,036
Apr. 5	41,057	202,647	361,093
Apr. 12	28,086	207,527	389,179
Apr. 19	26,433	200,555	415,612
Apr. 26	33,932	183,472	449,544
May 3	19,310	181,505	468,854
May 10	18,302	180,670	487,156
May 17	19,823	175,130	506,979
May 24	27,233	168,251	534,212
May 31	46,551	153,471	580,763
June 7	94,686	184,278	675,449

[1] Represents insured unemployment 1 week earlier.

THE FUTURE OF COURT-ORDERED BUSING IS UNCERTAIN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. MARTIN) is recognized for 15 minutes.

Mr. MARTIN. Mr. Speaker, the future of court-ordered busing is uncertain, to say the least.

We have had occasion to reflect on the shifting sands of sociological scholarship regarding the impact of court-ordered school assignments based on racial ratios. Hopefully, the recent publication of "second thoughts" in academia will lead to less zeal and more caution on the part of reform-minded jurists all across the country.

The problem, however, is broader than the single controversial issue of forced busing. The chairman of the Charlotte-Mecklenburg Board of Education, Mr. William E. Poe, has had longer direct experience with that burden than any other elected official in the United States. Yet he sees the basic problem as even more deepseated.

In a recent address before the National School Boards Association, he described the growing tendency of the Federal courts to supplant the day-to-day authority of school officials. The case list ranges from pupil assignments to disciplinary action for the unruly, to personnel policy, to curriculum, ad carborundum.

Poe, a highly respected attorney in Charlotte, has analyzed incisively how this tendency has grown, as life-tenured judges seek to advance the next step to utter immortality. The impulse to rewrite the Constitution, without regard to the slow procedure for amendments given in its article V, has too often proved irresistible. Eager, young lawyers can always find mistakes and contradictions in the actions of school boards—or anyone else—and have found that they can bypass the traditional political process by taking their case instead to a shrewdly selected judge whose views are known to be sympathetic.

The pattern may be a familiar one to each of our colleagues. In any case, Bill Poe has some important observations about where this ubiquitous judicial review is taking us.

Read it and wonder.

THE COURTS AS EDUCATIONAL POLICY MAKERS

INTRODUCTION

If these remarks had been presented just a few short years ago, it no doubt would have been in order to devote a substantial amount of time to a recitation of a large number of court decisions to validate the proposition that the judiciary—both state and federal, but largely federal—have assumed in drastically increasing proportions the roles of educational policy makers. To the uninitiated citizen who happens not to have a child in the public schools, the aggressive manner displayed by many judges in finding and decreeing constitutional principles to be at stake in matters once thought to be within the sole province of school administrators and school boards may have gone unnoticed or perhaps unheeded. But no school board member worthy of the name could fail to recognize the last decade as one in which

changes in school law—and more likely than not, that means school policy as well—have dominated board meetings, seminars and conferences, and a good bit of the literature which arrives in your mail from day to day—and not only that, but many a board member knows today that when the sheriff or the marshal arrives with a summons to serve, the plaintiff who filed the suit may very well be seeking to invade the pocketbooks of the individual defendants as well as trying to correct an alleged constitutional violation.

With the intervention of the courts, we have moved very rapidly and dramatically into an era of equal and desegregated education for all children based on the 1954 Brown decision and the numerous cases flowing from it; we have seen students accorded rights in the very nebulous area of free speech which few people even dreamed they had prior to the Tinker decision of 1969; teachers, refusing to be outdone by their students, and amply supported by their professional organizations, have obtained court decrees which have protected their jobs with newly-declared constitutional safeguards, as in the Roth decision of 1972; the whole structure of state financial support for public schools is under scrutiny in almost every state as a result of the Serrano decision in California and similar decisions by the highest courts of many other states; student disciplinary procedures within the public schools must be conducted with careful attention to due process rights under the Goss decision of the United States Supreme Court on January 22 of this year; and school board members will expose themselves to civil liability for monetary damages if in a student discipline case they know or reasonably should know that the action they take within the sphere of their official responsibility will violate the constitutional rights of the student affected, according to the Wood decision handed down by the Court on February 25 of this year. Obviously, the end is not yet in sight.

I. What brought about this era of judicial policy making in our public schools? Obviously, a great deal of the credit or the blame belongs to the lengthy struggle for equal rights which followed World War II and reached perhaps its high water mark in the Brown decision of 1954. Schools more than any other institution in our society were seized upon by the advocates of social reform as the most plainly visible and most readily accessible area of our life for attempts to be made to break down cultural and social patterns which existed in a great many places elsewhere but nowhere so obviously as at schools. Although numerous lawsuits were brought around the country with the avowed purpose of ending racial discrimination in the public schools, seldom if ever was there public debate over the issue in any forum other than the courts. The plaintiffs and their attorneys hardly ever went to a school board before filing suit and told the members that in their judgment certain constitutional rights of their particular group were being violated and that the board should take certain suggested steps to remedy the alleged wrong. Board members, after they were sued, usually sat around patiently awaiting the outcome of the last appeal, and didn't really try to anticipate the decision by making any changes in their way of doing things until they were compelled to do so. By and large local political and civic leaders, not members of school boards, took a hands off attitude and hoped that they would never have to deal with the problem. State legislators found themselves embarrassed because of many statutes on the books which they suspected might be unconstitutional, but they were frozen into inaction by the politician's cardinal belief that it is more important to represent the majority voice of his constituents than it is to pursue a progressive and sensible idea whose time has finally come. Senators and Representatives in Washington never have been able to develop and to legislate a national policy on school desegregation and even today are only watching as courts decree different standards and prescribe different remedies for school desegregation in city after city across this land.

Suffice it to say at this point that the federal judges with life tenure on the bench have proceeded in unrestrained fashion to dictate policies to school people that few boards or legislative bodies responsible to an electorate would be willing to adopt or to implement on their own. And because of the way in which the courts must operate, the decisions which are ultimately made in these cases result in there being a "winning" side and a "losing" side with the losers sustaining deep and sometimes costly wounds which don't heal overnight. The public at large, having had no significant role to play in the battle while it is being fought in the courts almost exclusively by lawyers, suddenly finds itself face to face with a newly decreed policy not subject to amendment or repeal through the political and legislative process which most citizens understand and upon which they have learned to rely for fair and sensible treatment.

The recent emphasis on individual rights in this country has also brought school law and its concomitant, judge-made school policy, into the forefront. As far as schools are concerned, it certainly seems appropriate to raise the question as to why professional educators and their policymaking boards of education aren't in a better position to determine and administer fair procedures in regard to student discipline, for example, than are federal judges. Since there are no purely objective standards written into the Constitution or elsewhere, the chances are extremely good that the treatment accorded an unruly student will be just as fair to him if prescribed and administered by the local authorities closest to him as it would be if prescribed and supervised by the nearest federal judge—and it ought to satisfy the Constitution as well.

The Supreme Court of the United States has seemed to say as much on at least two occasions. In *Eppersen v. Arkansas*, a 1968 decision, the Court stated: "By and large, public education in our Nation is committed to the control of state and local authorities. Courts do not and cannot intervene in the resolution of conflicts which arise in the daily operation of school systems and which do not directly and sharply implicate basic constitutional values." Again, in *Tinker v. Des Moines School District*, in 1969, we find this statement: "The Court has repeatedly emphasized the need for affirming the comprehensive authority of the States and of school officials, consistent with fundamental constitutional safeguards, to prescribe and control conduct in the schools." Yet, despite the reaffirmation of these seemingly fundamental principles in very recent cases, the Court has not been able to resist the temptation to find basic constitutional rights at stake in what appear to be rather routine school and classroom decisions which most of us have thought that teachers, principals, and certainly school board members, had a right to make without fear of being reversed in the courts. Many a school official is left to wonder just as did the Supreme Court when it wrote in the *Morrissey v. Brewer* opinion of 1972, "Once it is determined that due process applies, the question remains what process is due."

II. Why, then, have the courts been so free and willing to respond to the pleas of litigants in the area of educational policy making? I have no hard evidence to back up this statement, and it may seem a bit facetious to you anyway, but nevertheless, here it is: Many judges, if not most of them, honestly consider themselves to be educational experts—That shouldn't surprise you though, because if you have been on your board for as long as six months, you are aware of perhaps the greatest revelation that comes to all of us who share this office—everybody is an expert on schools—why shouldn't judges be? After all, they have spent from one-third to one-half of their lives going to one school or another. And when a school case comes before them they are generally but secretly delighted. For once they may deal with something that they really know about, and they are apt to decree very substantial changes because they have known for a long time that there was something wrong with the schools.

In a more serious vein, though, I am inclined to believe that there are two main reasons why judges have shown such a great propensity for embroiling themselves in school controversies in recent years. One of these reasons is that an aggressive, smart and well-heeled group of advocates has arisen from the ranks of the ACLU, the Legal Defense Fund and the Legal Aid Societies, to mention only a few of the best known groups around the country, which are constantly on the lookout for new ground to break in the broad area we sometimes call individual rights. Some judges have been peculiarly sympathetic to the repeated thrusts of the lawyers affiliated with these groups into frontier areas of the law which have been undisturbed for many years. Frequently, a new constitutional concept is uncovered and then profoundly proclaimed to have been there all the time like an uncut and unpolished diamond lying on the ground among ordinary stones.

Strangely enough—or maybe it isn't strange at all because basically, as a people, we respect the law and abide by it—Americans have on the whole accepted far-reaching judicial decrees without a real struggle. In doing so, we have accorded to the courts of this land immense prestige and power that is today challenging—and to some extent intimidating—all other forms of power in our government. Underneath those black robes, judges are human beings, and as such they couldn't help but enjoy the position they have come to occupy in our way of life. The real question is how long can the rest of us enjoy it too.

III. Let's take a look for a few moments at some of the results of judicial policy-making in public education.

A. We have already mentioned the Brown decision and its mandate for desegregation of the schools. Profound changes have occurred and are still taking place as a result of this decision which abruptly changed a national policy the Supreme Court itself had enunciated 58 years earlier in its history. Perhaps in its own good time, the political mechanism of this country could have made the shift in policy, but it could not have come soon enough to prevent many thousands of children from suffering the ravages of unequal educational opportunity. It took another decade, but Congress did follow the lead of the Court by adopting a Civil Rights Act that seemed to put it back in the driver's seat insofar as policy-making in this area of the law was concerned. But the courts haven't relented in their assault on the traditional policy-making mechanisms of our government or relinquished any of their new-found power. If anything, they seem inclined to stake out for themselves claims to more grandiose authority with each day that passes. Obviously, it is true that we have a need for an appropriate blending of the judicial and legislative policy-making functions, but just as obviously, it seems to me, the legislative branch with its members directly responsive to the electorate ought by all means to have the dominant role.

I go all the way back to the first inaugural

address of President Abraham Lincoln for this quotation:

Lincoln's First Inaugural Address, March 4, 1961 (VI Messages and Papers of the Presidents (Richardson ed. 1900), 5, 9–10:

"I do not forget the position assumed by some that constitutional questions are to be decided by the Supreme Court, nor do I deny that such decisions must be binding in any case upon the parties to a suit as to the object of that suit, while they are also entitled to very high respect and consideration in all parallel cases by all other departments of the Government. And while it is obviously possible that such decision may be erroneous in any given case, still the evil effect following it, being limited to that particular case, with the chance that it may be overruled and never become a precedent for other cases, can better be borne than could the evil of a different practice. At the same time, the candid citizen must confess that if the policy of the Government upon vital questions affecting the whole people is to be irrevocably fixed by decisions or the Supreme Court, the instant they are made in ordinary litigation between parties in personal actions, the people will have ceased to be their own rulers, having to that extent practically resigned their Government into the hands of that eminent tribunal. Nor is there in this view any assault upon the court or the judges."

More recently, last fall in fact, Justice William Rehnquist delivered a lecture at the University of Kansas, and here is a paraphrased version of some of his remarks:

"Americans are unfortunately gifted at the art of getting courts rather than legislatures to strike the balance between private and government interests. Our greatest governmental invention, judicial review, has become a bad habit. By carelessly expanding our increasingly fuzzy conceptions of constitutional rights, like privacy, we have made it easy to declare that constitutional rights are somehow at stake in most important social policy arguments. This forces courts to supplant legislatures as the arbiters of the issues that arise out of these disputes.

"As we increasingly turn political arguments into constitutional arguments, our powers of political argument (as distinguished from constitutional reasoning) atrophy. And the Supreme Court—nine men appointed for life—becomes our most important legislature. 'For myself,' wrote Judge Learned Hand about extravagant reliance on judicial review, 'it would be most irksome to be ruled by a bevy of Platonic Guardians.' "

And in his dissenting opinion in *Goss v. Lopez*, in January of this year, Mr. Justice Powell, himself a former school board member, said: "One of the most disturbing aspects of today's decision is its indiscriminate reliance upon the judiciary, and the adversary process, as the means of resolving many of the most routine problems arising in the classroom. In mandating due process procedures, the Court misapprehends the reality of the normal teacher-pupil relationship. There is an ongoing relationship, one in which the teacher must occupy many roles—educator, adviser, friend and, at times, parent-substitute. It is rarely adversary in nature except with respect to the chronically disruptive or insubordinate pupil whom the teacher must be free to discipline without frustrating formalities."

To put it another way, it would seem that our traditional reliance on skilled, caring and concerned school teachers and administrators, who along with their parents, have guided our youngsters from kindergarten through high school graduation and have exercised authority over them along the way is being seriously threatened by the imposition of judicial decrees which strike random blows at the system and intimidate its personnel without ever focusing on the system as a whole and certainly without assuming any responsibility for the results, measured in terms of education.

IV. Wherein lies the solution to this problem? Should we attempt to kick the habit of seeking to obtain by judicial review the answers to our most important policy questions in public education? The answers to these questions are not easy to come by and to a very large extent the answers you arrive at depend upon your own conception of the primary role or roles that schools should play in our society.

If, for example, you believe that public schools should concentrate largely upon the teaching of basic courses and skills with a few extras or frills where they can be taught without too much distraction from the mainline emphasis on hard core education, then you very likely would accept the philosophy that learning and a so-called learning atmosphere, are paramount and therefore rather stern and strenuous disciplinary procedures are welcomed and in fact encouraged. After all, why shouldn't we get rid of the troublemakers so that the rest of our youngsters can learn. You very likely accept the proposition also that schools aren't necessarily responsible for the total development of your child or anybody else's child, for that matter.

If, on the other hand, your view is that schools have many functions, only a few of which relate to the primary skills of teachers and school administrators, and that in fact most innovations in our society should start at school where young lives can be molded and a new society shaped during the fateful years of childhood and adolescence, then you may very well see the intervention of the courts in the day-to-day affairs of the schools as a healthy sign that school children are being recognized as individuals and thrust into the mainstream of society which should reform itself more rapidly because it has a new and younger component already aware of its rights (and maybe its responsibilities as well) and aggressive enough to assert them. To some extent you have lost patience with the time-honored process of political pressure, legislative debate and statutes enacted after endless compromise of conflicting and competing interests. You tend to believe that there is virtue in change and the quicker you can effect it the better you think it will be.

As you have suspected already, I have purposely overstated these two points of view, and you will of course recognize that there are many shades of opinion lying somewhere in between—most of them with some good arguments in their favor. Many professional school administrators I have known seem to bounce back and forth between the extremes with the resiliency of a super rubber ball. By and large, they demonstrate a remarkable propensity for adjusting the educational establishment to meet the demands of the latest fad which can find enough supporters to make an uncomfortable noise in a board room. And too often board members don't know the difference because they have not taken time to understand (much less direct) the dominant philosophies of their school district in the first place—They are far more concerned with trying to give the people what *they want* in their schools—oftentimes to the detriment of sound educational policy.

Whether you find yourself at one end or the other of the educational spectrum I have suggested or whether you simply flounder around somewhere in between, there are some principles relating to educational policy making and the courts upon which there may be more general agreement than we might suspect in the light of recent developments—Here are some of them:

(1) Educational policies are generally more realistic and effective when adopted at a level closest to the point of implementation, and appellate courts are not very close even to the litigants themselves.

(2) Citizen involvement and participation in educational policy making is not only an invaluable resource for school boards, but it builds a broad base of community support for its schools.

(3) The policy making function in education will inevitably seek the level of the source of the major funding for the schools. This principle is, therefore, leading us to more federal policy making as we move in that direction for financial support.

(4) Most major court decisions that have made educational policy have arisen out of unfortunate and extreme circumstances—There is a maxim in the law that bad cases make bad law, and this is a risk that we have run far too often. Reform-minded advocates pick their cases with great care. For this reason, their success rate has been relatively high, but judicial policies once made don't limit themselves necessarily to the bad case situations which swing the courts into action in the first place.

(5) Many people will find the means to send their children to a school at which they can influence the educational policies. And if public schools are to be controlled by policymakers who are remote and inaccessible to their patrons, a substantial number of these patrons will find an alternative school.

Obviously, it seems to me, there must be some limits placed on judicial policy making in the educational realm before great damage is inflicted upon the public school as an institution which has traditionally been able to rally its constituents on the local level to great heights of emotion and achievement because it was a friendly, yet respected place, run by people who loved and wanted to help children; and, if it got out of line a bit, it could quickly be straightened out by the people at hand who knew how to get at that somebody who for the moment had forgotten that he had to be right more times than anybody else around, because everybody was looking at him, analyzing him, and above all, counting on him to do no wrong—That's *due process* of a sort the Courts will never know or perhaps even begin to understand. But it is the kind of due process that depends on personal relationships, and these may be gradually slipping away from us in a world that is rapidly becoming depersonalized and more concerned with individual rights.

Assuming for the moment that we desire to reverse the rapid flow of court-made educational policy—or even to slow it down a bit in an effort to regain our perspective—what, if anything, can school board members and citizens at large do to discourage litigants and judges from using the courts as a means of revamping school policies and procedures. There are no easy answers, but here, at least, are some suggestions that may be worth serious consideration:

(1) Pay careful and studious attention to the decisions—especially those of the United States Supreme Court—which have been rendered to this point and make sure that these decisions are fully implemented in your school district. School boards and school supporters have a special responsibility to be law-abiding citizens even when they disagree with the law they are called upon to respect or enforce. At the same time be on the lookout for weak spots in other policies or procedures and take the initiative in correcting those before you are called to account in court. In other words, get rid of your "bad cases" before somebody sues you and the courts make some more "bad law." This frequently means making tough decisions at school board level where there is eyeball to eyeball contact with the public and tempers are sometimes white hot.

(2) Make sure that you understand and can properly evaluate the new tactics which are being employed by plaintiffs who cloak their causes in the popular rhetoric of con-

stitutional rights, but who are in fact primarily interested in promoting a cause that is largely designed to help or protect themselves—for example, job protection for the incompetent employee, avoidance of fair but stern disciplinary measures, compensatory damages and even punitive damages to improve their own economic lot in life. And still other plaintiffs are mere names being used by crusading opportunists hoping to hit the big time with the next spectacular "rights" case. Now that legal fees can be assessed against the school board that loses in court, the temptation to file the long shot civil rights case may simply become overwhelming. Suits that fall into any of the categories suggested here must be defended vigorously and by competent counsel. Failure to do so may simply encourage litigation of this nature and add to the already large legal defense item in your budget.

(3) State and local board members, as well as school patrons, must work especially hard at the job of telling their state legislators not only about their money requirements but also about revisions and additions that need to be made in the general statutory law affecting public schools. Many a lawsuit and its resulting judicial decree could have been prevented had responsible citizens insisted upon prompt action by the legislative body which at least in theory is best equipped to reconcile conflicting viewpoints and through the art of political compromise establish policies that best serve the needs of all the citizens subject to the laws it passes. It is an inexcusable copout for a state legislature to duck the hard issues confronting public education at any time but especially so when a court sitting nearby is about to appropriate unto itself the policy-making prerogative on an issue that has confronted the legislature but was not dealt with because it was found to be too tough to handle.

(4) Not only do we need to prod our state legislatures into taking appropriate action, but today as never before we need to insist that our senators and representatives in Washington continue to act where it has been appropriate for them to do so on educational matters and that on policy issues of national concern to education they move rapidly and aggressively to supplant the federal courts as the primary policy-makers. There is no shortage of reform-minded people within the educational agencies of the federal establishment itself, and Congressmen who are interested in knowing can quickly assemble the major viewpoints of any critical education issue in a very short time either from the agencies of the government itself or from many organizations and individual citizens who are armed with facts, philosophies and arguments. It may be that legislative bodies are more beholden to the majority view than are the courts, but nevertheless minority views are heard in every legislative debate on a major issue. It ought not to be surprising, or objectionable, that the outcome reflects the majority viewpoint most of the time.

(5) If the careless abridgment of somewhat vague and uncertain constitutional rights will endanger the pocketbooks of school board members in damage suits, then we must insist that the rules we live and work by be written in terms clearly understood by laymen, lawyers and judges alike. This may be the one and only way to get the courts back to judging rather than legislating. Can you envision the poor school board ordered by the judge to establish a "unitary" school system. The board says "All right, judge, we will—now, please tell us what a unitary school system is so we can establish one." The judge replies, "I don't really know, myself, but I think I will recognize one when I see it. And, by the way", he adds, "if you aren't unitary by the time school opens this fall and a student sues you for depriving him of his constitutional rights, I'm really going to sock it to you." And then, as if that were not enough already, he warns, "Don't forget about 'due process'. I can't tell you what that is either until I see what you have done in a given case, but if you make a careless mistake I'm going to sock it to you again."

It seems apparent to me that the Constitution and its esoteric interpretations by the appellate courts were never designed nor intended to serve as a manual of operating procedures for school boards across this land, nor is it reasonable to suppose that board members and school administrators untrained in the law should be compelled to operate at their peril unless they correctly construe the inferences, the nuances and the finely refined but nevertheless cryptic language of Supreme Court opinions. Drafters of statutory law emphasize clarity of language and meaning and they openly admit that they are writing new laws. Appellate judges sometimes seem to struggle to write obscure sentences with double meanings and they never admit that they are in fact legislating. The result is an uncomfortable dilemma for school board members who must function at the level where law and policy must be translated into action; yet they are far removed from and have no contact with the policy maker except through the board attorney who gives them uncertain and highly qualified opinions of what he thinks the court has said. There is bound to be a better way to run a school system.

Permit me one further comment by way of conclusion. It sounds a bit strange in the times during which we now live, but in 1821 in the case of *Cohens v. Virginia*, a justice of the United States Supreme Court wrote these words: "The people made the Constitution, and the people can unmake it. It is the creation of their own will and lives only by their will." That's a thought to remember, and in it there is great hope for the future.

TRIBUTE TO BRIAN LLOYD ON HIS 21ST BIRTHDAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. MINETA) is recognized for 5 minutes.

Mr. MINETA. Mr. Speaker, today is the 21st birthday of a young man who in those 21 years has brought pleasure, frustration, pride, and consternation to the hearts of his loving parents, Congressman and Mrs. JIM LLOYD. Their son, Brian, was born this day in 1954 in Coronado, Calif., and in that short span of years he has lived in a foreign country, Cuba, where, at the age of 7, he was fluent in Spanish. He was a part of the Cuban missile crisis evacuation of dependents from the U.S. Naval base at Guantanamo.

He won the district essay contest of his grade school at the ripe old age of 11. When he was 14 and 15, he won first prize at the California State science fair, the first year for an infra-red guidance system, the second year for a demonstration of practical aspects of an electromagnetic spectrometer.

By his 16th birthday, he had his private pilot's license and had discovered that girls were really more fun than motorcycles. At 17, he had his commercial pilot's license and had discovered that two girls were better than one. He graduated from South Hills High School in West Covina and proceeded to San Diego State College where he discovered that one girl was better than two. Then, during the course of all this, he convinced himself that the best way to go was through the aeronautical program by way of an academy. He made application to the U.S. Air Force Academy and was accepted. After a year there, he discovered that any girl was better than none.

His proud parents are pleased to report that Brian made a bargain that, if they would suitably reward him, he would neither drink nor smoke—at least until the age of 21—and, Brian having fulfilled this commitment, his parents are suitably rewarding him with a presentation of 1,000 silver dollars. The major reward, however, goes to his parents in the knowledge that they have a son who is not only intelligent and capable but who also is concerned about the welfare of his fellow man, his responsibility to his country, and who has a love for family and friends, the finest kind of tribute that his parents could possibly have.

ENERGY, ECONOMICS, AND THE ENVIRONMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. LEGGETT) is recognized for 10 minutes.

Mr. LEGGETT. Mr. Speaker, shortly after becoming chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment of the House Committee on Merchant Marine and Fisheries early this year, I was pleased to be invited to keynote the Pacific Coast Dredging Conference in San Francisco.

As all of us are aware, there is increasing strain between environmentalists and those whose primary concerns are expansion of our economy and the need for increased employment. I am not one of those who considers these concerns mutually exclusive but I do believe that a continuing dialog is necessary to assure that all of these important values receive appropriate consideration in our future decisionmaking.

Through the vehicle of the Pacific Coast Dredging Conference, the California Marine Affairs and Navigation Conference in cooperation with 20 western and national labor, maritime and industry groups, provided an opportunity for such a dialog. Some 200 Government, financial and labor officials, scientists, conservationists, and environmentalists came together on this occassion to hear and discuss a broad spectrum of views presented by economists, labor leaders, the Corps of Engineers, and Department of the Navy, port officials, recreational boating officials, academicians and scientists from several related disciplines, environmentalists and Federal regulatory officials on the Conference theme: "Energy, Economics, and the Environment."

Mr. Speaker, I wish to commend the sponsors of the Pacific Coast Dredging Conference for their leadership in providing this forum for the expression of divergent views, and the participants for their willingness to come together to discuss these issues of national importance. I hope that their excellent example will be repeated across our Nation.

My remarks on the occasion of the conference follow:

REMARKS OF HON. ROBERT L. LEGGETT AT THE PACIFIC COAST DREDGING CONFERENCE, FEBRUARY 20, 1975

It's indeed a pleasure and an honor to participate here today as the keynote speaker for the 1975 Pacific Coast Dredging Conference. It's especially gratifying to be speaking in San Francisco where an extensive research and development program is presently being conducted on the effects of disposing dredged materials into the Bay. Interested concerns throughout the country, including myself, are anxiously awaiting the results of this experimentation, particularly in view of the unique characteristics of the Bay's dredged spoils.

I come here in a new capacity, as Chairman of the House Merchant Marine and Fisheries' Subcommittee on Fisheries and Wildlife Conservation and the Environment. Among the Subcommittee's responsibilities, as many of you are undoubtedly aware, is the oversight of activities of the various Federal agencies charged with carrying out provisions of the "Marine Protection, Research, and Sanctuaries Act," commonly referred to as the "Ocean Dumping Act." It is the "Ocean Dumping Act," together with other legislation enacted over the past several years, including the National Environmental Policy Act, the Federal Water Pollution Control Act Amendments of 1972, and the amendments to the Fish and Wildlife Coordination Act, that has imposed specific requirements on dredging and/or dumping operations for inland and ocean waters.

During my address this morning, I will attempt to "set the stage" by summarizing the basic provisions of this legislation which have impacted on dredging operations, identifying some of the major problems over which many of you have expressed concern, and summarizing recent efforts by Congress to overcome several of these problems.

On January 1, 1970, President Nixon signed into law the *National Environmental Policy Act*, or "NEPA" as many know it by. NEPA, which originated on the House side of the Congress in the Merchant Marine and Fisheries Committee, requires, among other things, the preparation of environmental impact statements for any Federal program or legislation which significantly affects the quality of the human environment. Consequently, this act requires studies of the environmental effects of dredging and all of its alternatives, as well as the preparation of environmental impact statements before proceeding with any dredging project significantly affecting the environment. The enactment of this Act caught the U.S. Army Corps of Engineers, the agency chiefly responsible for dredging activities, with over 1200 waterways maintenance projects on hand, of which almost 350 are dredged in any given year. According to my recent discussions with Corps personnel, there are 95 projects to be dredged this year without environmental impact statements on file.

At the conclusion of the 92nd Congress, two laws were enacted which significantly affected dredging operations in U.S. inland and ocean waters.

The Federal Water Pollution Control Act Amendments (FWPCA) was passed in October, 1972 over President Nixon's veto. The Act, considered by many to be the most comprehensive environmental legislation ever enacted, set as its national goal the achievement of "zero discharge" of pollutants into navigable waters by 1985. Among its requirements, the FWPCA contained provisions under section 404 for the Secretary of the Army to issue permits for discharging dredged materials into navigable waters at specified disposal sites. For these purposes, navigable waters have been defined as including all inland waters of the United States.

Disposal sites for inland waters for dredged materials must be determined through the application of specific guidelines, developed by the Environmental Protection Agency in conjunction with the Secretary of the Army. Final guidelines, which are expected to be promulgated by the summer of this year, should be consistent with criteria for ocean discharges of dredged materials.

At the present time, regional interim criteria are being used in Region IX—which includes the States of California, Nevada, and Arizona—for specifying disposal sites for dumping dredged materials into inland waters of the United States.

In the cases where guidelines for inland disposal would prohibit the specification of a site, then other factors may be considered, including the "economic impact of the site on navigation and anchorage." The Administrator of the Environmental Protection Agency has the final authority to prohibit the specification of disposal sites for inland waters if he determines, after notice and opportunity for public hearings, that the discharges of the dredged materials would have an "unacceptable adverse effect on municipal water supplies, shellfish beds and fishery areas, and wildlife or recreational areas."

A third act which has significantly impacted on dredging operations, specifically in ocean waters, is the "Marine Protection, Research, and Sanctuaries Act" or "Ocean Dumping Act," passed in 1972 at the conclusion of the 92nd Congress. This act, also originating in the House Merchant Marine and Fisheries Committee, resulted from an Administration proposal based on a Council of Environmental Quality report (published in 1970) entitled "Ocean Dumping: A National Policy."

Section 103 of the "Ocean Dumping Act" authorizes the Secretary of the Army to issue permits, after notice and opportunity for public hearings, for the transportation of dredged material for the purpose of dumping it into ocean waters, where the Secretary determines that the dumping "will not unreasonably degrade or endanger human health, welfare, or amenities, or the marine environment, ecological systems, or economic potentialities."

When considering the issuance of permits, the Secretary of the Army is required to 1) apply certain environmental criteria, described under section 102 of the "Ocean Dumping Act", and (2) make an independent determination as to the need for the dumping, based on the effects of navigation, economic and industrial development, and foreign and domestic commerce. Before issuing permits for the dumping of dredged material into the oceans, however, the Secretary is required to notify the Administrator of EPA; if there is disagreement over the issuance of a permit, then the determination of the Administrator shall prevail.

Final regulations for ocean dumping criteria have been promulgated by the Environmental Protection Agency, although the regulations are presently being revised.

Another Act that has been on the books for some time now and has had a vital impact on dredging operations in the United States is the Fish and Wildlife Coordination Act, an Act which originated within the Committee on Merchant Marine and Fisheries. This Act requires that before the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened or otherwise modified for any purpose whatever, by any Federal Agency or by any public or private agency under Federal permit or license, such Federal Agency shall first consult with the United States Fish and Wildlife Service and with the appropriate fish and wildlife agency of the State involved; consultation between the Agencies should be directed at the conservation of fish and wildlife by preventing loss of and damage to such resources as well as providing for the development and improvement of these resources.

Although the Corps of Engineers, with respect to dredging projects, has the final say-so on whether a project will go forward (after consulting with the appropriate Federal and State Fish and Wildlife Agencies), this Act has actually been the vehicle that prevented a number of projects from being carried out, mainly on the grounds that the projects were thought to have adverse effects on the fish and wildlife resources in the project area.

In summary, these laws have changed dredging in the United States from an activity that once was, in essence, relatively free from any administrative red tape to one that is complicated by regulations and restrictions. Briefly, these laws have had the following effects:

a. An assessment must be made of the effects of the dredging and disposal operations on the environment.

b. If it is found that these operations significantly affect the quality of the environment, they must be described and justified in detail in an environmental impact statement.

c. A public notice concerning the project must be issued.

d. Any citizen who will be affected can demand that a public hearing be held on the project, with opportunity for anyone to protest against the dredging or disposal.

e. Fish and Wildlife Coordination Act procedures must be followed.

f. The dumping site in inland or ocean waters must be approved by the Environmental Protection Agency, and

g. EPA criteria for disposal in inland or ocean waters must be met.

While I am in a relatively new position on the Subcommittee, I am nevertheless cognizant of the fact that the viability of our economy is largely dependent upon our ability to keep the channels of our waterways, ports, and harbors open to navigation. Faced with rising unemployment rates, it is interesting to note that in the San Francisco Bay area alone it has been estimated that one-third of the jobs are directly or indirectly related to commerce and industry that depend on deep-water navigation in some way. Last year, for instance, 48.6 million tons of materials were shipped through the Golden Gate, providing an income to the Federal Government in customs alone of approximately $450 million.

In addition to providing jobs and revenue, the waterways provide access to major energy facilities in the Bay area that are important to the energy needs for Northern California and the Pacific Coast regions of the United States. Several refineries and power plants are located on the shores of the Suisun Bay area, and with completion of the Alaska pipeline, activity along existing channels in the Bay area will increase significantly.

Thirdly, the waterways in the Bay area serve an additional function of providing access to several important defense installations, many of which will require improvements to meet the needs of transshipment of important munitions using modern-sized ships and modern cargo-handling techniques.

As a result, as many of you are undoubtedly aware, any failure to maintain a viable system of navigation for our waterways, ports and harbors could cause a variety of adverse socioeconomic impacts on our society.

Consequently, the problems which we face are fairly obvious. On the one hand, we must concern ourselves with the effects on navigation, economic and industrial development, and foreign and domestic commerce. Also, we must ask ourselves, how many jobs will be created or eliminated? What effect will undredged waterways have on our ability to obtain adequate energy supplies? How will

this affect our local, State, and regional planning and development on the West Coast?

On the other hand, with unregulated dumping of dredged materials, we face the possibility of contributing substantially to the environmental demise of inland and ocean waters. Unfortunately, no one is absolutely certain at this time of the effects of dumping dredged spoils into our waterways, particularly of the chemical and physical changes that occur when dredged material is dumped through the water columns. In this regard, certain questions arise such as—How will dumping affect human health and welfare, including economic, esthetic, and recreational values? What is the effect of dumping dredged materials on fisheries, shellfish, shorelines, and beaches? How much are we continuously redredging?

I am happy to say that significant efforts have been undertaken in recent years to provide the answers to these and many other questions which you might have. Only last week I met with a contingent of representatives from the Council of Environmental Quality, the U.S. Army Corps of Engineers, and the Environmental Protection Agency to obtain a status report of dredging activities in the San Francisco Bay and of efforts being taken by the Agencies to resolve several of these aforementioned problems. Let me relay to you some of the information which we developed.

Soon after enactment of NEPA, the U.S. Army Corps of Engineers began an accelerated program of environmental studies leading to preparation of several thousand environmental impact statements that would be required on all of its projects—including those in the preliminary investigation stage, those under design, those under construction, and those that were in operation. According to the Corps, only eleven suits have been filed against dredging projects in the nation, of which five were dismissed, three were enjoined, and three are pending. The Corps is hoping that in the next few years, they will have completed the required environmental studies on all of their projects.

With respect to these eleven suits, by far the most popular complaint voiced against the dredging projects has been the preparation of inadequate environmental impact statements (EIS) under the National Environmental Policy Act (NEPA). Of the dredging cases involved, the following reasons have been cited by plaintiffs in their suits against the dredging prospects:

(1) Failure to consider alternatives to dredging;

(2) Lack of coordination with other Federal agencies;

(3) Unreasonable environmental assessment in concluding that an EIS was not necessary;

(4) Violation of NEPA and other statutes, including State water quality standards under the Federal Water Pollution Control Act Amendments of 1972, and the Marine Protection, Research, and Sanctuaries Act.

In reference to this last point (i.e., whether the Corps is required by law to meet, in some cases, more stringent State standards under the FWPCA for dredging operations), the U.S. Army Corps of Engineers has contended that they are not required to meet the more stringent State standards and, in this regard, are awaiting the chance to test the State-preemption question in the courts.

Of the eleven cases mentoned above, at least two deal with this issue. One case, Wisconsin v. Callaway et al is presently enjoined and the Corps is in the process of preparing an environmental impact statement. A second case, Florida Department of Pollution Control v. U.S. Army Corps of Engineers, has been dismissed on a technical violation by the Florida Department of Pollution Control.

Secondly, EPA has informed me that they are hopeful that ocean dumping regulations which are in the process of being revised, will be published in "revised final form" sometime next month. The inland criteria, which must be consistent with the ocean criteria, should be published as "final regulations" during the summer. These criteria will examine various aspects of dumping dredged materials, including the effects on human health, marine life, esthetic, recreation and economic values, alternative locations and methods of disposal, and alternate uses of the oceans. Most of these areas fall specifically under the jurisdiction of my Subcommittee.

Thirdly, I am happy to report that the research and development project at Vicksburg, Mississippi, authorized by Congress a few years back, is well underway. The program, projected over a five-year time frame at an estimated cost of $30 million, was designed to "maximize the beneficial effects and minimize the detrimental effects of dredging, while keeping the cost rise of dredging and disposal operations to a minimum." This is the largest research program ever undertaken by the Corps of Engineers, and has the highest priority of any of their research efforts. It was reassuring to find that EPA was working closely with the Corps on this project in efforts to provide answers to many unsolved questions. I have been informed that 60 percent of the research is being accomplished by contract with universities, consultants, and private research firms throughout the country. The research project is about 30 percent complete.

In addition to the $30 million research project being carried out at Vicksburg, the Corps is also undertaking a $2½ million research and development program in the San Francisco Bay area. One of the basic problems which is being analyzed is the environmental effect of the pollutants in the dredged materials (particularly mercury, copper, and other heavy metals) on the water columns at the dumping sites. Approximately 80 percent of the project has been completed, with the final product—about ten reports—expected during this year.

It was indicated that in order to carry out the dredging operations in the San Francisco Bay in accordance with "regional interim criteria" for inland waters—which is the only area that has adopted the "regional interim criteria"—it would cost between $12 and $15 million, or roughly ten times the $1½ million budgeted for the Bay for dredging. On a national level, if the Corps' dredging program was brought up to these standards, it was indicated that the costs would run between $1 and $2 billion. As I stated in my introductory remarks, however, the problems in the San Francisco Bay area are unique, largely on account of the heavy metals in the Bay region (mercury and copper).

Other EPA regions are apparently not operating under the same criteria for inland dumping of dredged materials as those criteria of Region IX. Instead, many of the other regions are using "internal criteria," developed under an EPA policy prior to enactment of the Federal Water Pollution Control Act Amendments of 1972.

Therefore, it was reassuring to learn that the cost of a national level of carrying out dredging operations in accordance with regional criteria to be followed would not run between $1 and $2 billion, but considerably less, since the basis for this projection was based on the San Francisco Bay area project which is unique in nature and strictly an experimental program as it related to this unusual area. How much it will cost us nationally, we do not know and just how much we have bought with this $15 million that we will have been expended in the San Francisco Bay area, we do not know. However, in closing, I would like to assure each and every one of you these are matters my Subcommittee will be looking into.

As I mentioned earlier, one of the major responsibilities of my Subcommittee is to exercise an oversight of the "Ocean Dumping Act". While oversight on this legislation was initiated in the spring of last year, we are planning on continuing the oversight hearings this Congress in more depth. Additional areas which we will be closely examining are the regulations developed by the Environmental Protection Agency in issuing permits, as well as the specific criteria for dumping dredged spoils. I am hoping that the research which is being conducted in Vicksburg and San Francisco will assist the Committee in its deliberations and I welcome input which any of you are able to provide me in the months ahead.

THE VOTE ON THE DEBT CEILING

(Mr. VANIK asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. VANIK. Mr. Speaker, yesterday the House of Representatives defeated the debt ceiling of $599.99 billion by a vote of 175 for and 225 against.

One hundred and thirty Democrats or 44.9 percent of the Democrats voted for the debt ceiling while only 45 Republicans or 30.8 percent of the minority side supported the debt ceiling proposal.

This legislation is essential to orderly conduct of the Federal Government. It has become essential for the President to urge Members of his party to act responsibly and support legislation critical to the financial integrity of the Government.

WESTERN HEMISPHERE FREEDOM OF THE PRESS DAY

(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, June 7 marked the 23d observance of Freedom of the Press Day throughout the hemisphere. This special day was established by the Inter-American Press Association to provide an opportunity for reflection on the role of the press in the democratic process whose common heritage binds together the people of North and South America.

The events of the last few years have underscored for all of us in the United States of an independent and free press. It is thus with renewed and strengthened conviction that I salute the men and women of the press who daily strive to insure that truth is the common language of both governors and the governed.

In recognition of Freedom of the Press Day, I call to the attention of my colleagues a statement by the President of the Inter-American Press Association, Mr. Julio de Mesquita Neto, publisher of Brazil's O Estado, São Paulo, who is himself a fierce champion of press freedom.

FREEDOM OF THE PRESS DAY

(By Mr. Julio de Mesquita Neto)

Only those who truly enjoy freedom are able to celebrate Freedom of the Press Day because only they know its price and value. There are many newspapers in the New World community that will not be able to join other Inter American Press Association members in the June 7 celebration. Many of them

suffer under arbitrary government censorship and cannot celebrate what they have not yet been able to achieve. Unfortunately there are also many that consciously submit themselves to the wishes of totalitarian regimes, thus betraying a public they are supposed to serve.

But the IAPA was created more to preserve freedom than to celebrate it and, when necessary, to courageously fight for it through all available means. Today, therefore, we wish to reassert our position as spokesmen and supporters of those whose rights have been trampled on, so that they may express and defend themselves through our organization. We also wish to reassert the IAPA's position as a conduit of dialogue and information for the enlightenment of those who have access only to a distorted official "truth."

Among the latest distortions is the strategem of expropriating newspapers, magazines and news agencies with the demagogic argument that they will be truly representative if handed over to professional organizations and unions. We have never felt that the property of publications, whether individual, familial or corporate, could be harmful to freedom of information and opinion. But this freedom is irretrievably harmed when governments arbitrarily decide on the ownership of publications, hardly disguising the scorn they feel for independent criticism, as well as their desire to control public opinion through control of the press.

These facts strengthen our belief that freedom of the press will never be an isolated freedom but that it is interdependent with all the basic freedoms that form the substance of democratic regimes.

STATE DEPARTMENT TESTIFIES ON BALTIC STATES

(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, because of the widespread interest in Congress in the Baltic nations of Estonia, Latvia, and Lithuania I wish to bring to the attention of the House a series of statements submitted to the International Relations Committee by the State Department concerning U.S. policy. All the statements refer to U.S. policy in negotiations with respect to the Conference on Security and Cooperation in Europe.

The first statement on U.S. policy is a letter from Assistant Secretary of State for Congressional Relations, Robert J. McCloskey, in response to a request from Chairman MORGAN for departmental views on a large number of congressional resolutions. The text reads as follows:

DEPARTMENT OF STATE,
Washington, D.C., April 11, 1975.

Hon. THOMAS E. MORGAN,
Chairman, Committee on International Relations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to your letter of February 26 requesting the Department's comments on H. Con. Res. 3, H. Con. Res. 11, H. Con. Res. 79, H. Con. Res. 105, H. Con. Res. 111, H. Con. Res. 118, H. Con. Res. 122, H. Con. 132, H. Con. Res. 140 and H. Con. Res. 149, expressing the sense of Congress concerning nonrecognition by the Conference on Security and Cooperation in Europe of the Soviet Union's annexation of the Baltic States.

The Department affirms that it remains the policy of the United States not to recognize the forcible annexation of the Baltic States by the USSR.

The Department of State agrees with the resolutions' stipulations that the United States delegation to the Conference should not agree to the recognition by the Conference of the Soviet Union's forcible annexation of Estonia, Latvia and Lithuania. We expect that the Conference will adopt a declaration of principles which will include respect for "frontier inviolability" but in our view this will not involve recognition of the forcible annexation of the Baltic States. At the same time, at the initiative of the Western delegations to the Conference, the declaration of principles will include specific references to the possibility of peaceful border changes, to self-determination, and to respect for human rights.

The Office of Management and Budget advises that from the standpoint of the Administration's program there is no objection to the submission of this report.

Sincerely,

ROBERT J. MCCLOSKEY,
Assistant Secretary for Congressional Relations.

The following statements are excerpts from testimony May 6, 1975, before the International Political and Military Affairs Subcommittee by Assistant Secretary of State for European Affairs, the Honorable Arthur A. Hartman, on the Conference on Security and Cooperation in Europe:

From an exchange between Congressman DERWINSKI and Mr. Hartman:

Congressman DERWINSKI. Do I understand, then, Mr. Hartman, notwithstanding any interpretation that the Soviets might give to the final language and assuming that perhaps we could induce the Department to issue a proper public statement as part of the concluding phase of the conference that it does and will continue to remain the policy of the United States not to recognize the incorporation of the Baltic states into the USSR?

Mr. HARTMAN. That is correct.

From an exchange between Mr. Hartman and me:

Mr. FASCELL. Mr. Hartman, does the United States still follow its position on the Baltic states?

Mr. HARTMAN. It has not changed.

Based on these statements, Mr. Speaker, I am confident that the Department of State is carrying out the expressed concern of a great many Members of Congress that the U.S. delegation to the European Conference on Security and Cooperation in Europe not agree to recognition of the Soviet Union's annexation of Estonia, Latvia, and Lithuania. I do agree, however, with Congressman DERWINSKI that the United States should at an appropriate time and in an appropriate manner make clear to all other nations participating in the conference and especially the Soviet Union the United States view toward the Baltic nations.

The memory of the Soviet Union's cruel actions against the people of the Baltic countries may be receding in some quarters, but that is no reason why the United States should abandon either its longstanding opposition to the forcible annexation of territory or its support for the freedom and independence of the people of Estonia, Latvia, and Lithuania. I am pleased that the Department of State has reiterated to our committee its intention to maintain our previous and current policy toward the Baltic nations.

HOME HEALTH CARE FOR THE CHRONICALLY ILL

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, recently, fiscal problems in New York City threatened the continued existence of a unique institution of rehabilitative care for the disabled and handicapped of our city, Goldwater Memorial Hospital. The threatened closing brought an overwhelming demonstration of support from public officials, health care professionals, patients, their families, and concerned citizens. Ultimately, the New York City Health and Hospital Corporation confirmed the important role of this facility in the city's health care delivery system by deciding to continue its use.

Prior to the board's decision, I made a number of visits to the 645-bed institution, located on Roosevelt Island adjacent to my congressional district. As a visitor, one is impressed by the cheerfulness and camaraderie of the patients, most of whom suffer from chronic disabilities. At the same time, I was struck by the number of patients who appeared capable of caring for themselves and who might return to their homes or families if medical and rehabilitative services were available to them in their communities.

Prolonged and unnecessary hospitalization of such patients is the unavoidable result of the absence of community based home health care services. My bill—the Home Health Care Act of 1975, H.R. 4772—is designed to make such unnecessary hospitalization avoidable by expanding the range of home health care benefits under medicaid and medicare through a reduction of the current restrictions on the number of visits following hospitalization. The legislation will provide a program of health care at home for those who are too often forced to seek institutionalization in a hospital or nursing home.

Few studies have been undertaken to document the extent of unnecessary hospitalization of the chronically ill. Nor, as I have pointed out on previous occasions, do the medicaid or medicare programs effectively evaluate, on an ongoing basis, a patient's need for continued hospitalization or plan for their discharge.

In order to better understand the extent of unnecessary utilization of hospital facilities by the chronically ill, I recently asked the medical staff of Goldwater Hospital to survey their patient census so as to provide me with a profile of those persons thought to be typical candidates for home health care. The following cases represent a fraction of the estimated 25 percent of the 636 patients at Goldwater who physicians believe are capable of being discharged to their homes under a home health care program. Each case, however, typifies a level of need or disability to which home health care programs are capable of responding at less cost. The persons listed below would require continuing rehabilitative services on an outpatient basis:

CASE NO. 1

Name: R.R.
Age: 37.
Diagnosis: Quadraplegia due to stab wound.
Home: With mother in New Jersey.
Needs:
1. Uses wheelchair—house may require modest alterations to become wheelchair accessible.
2. Urinary bladder program.
3. Assistance with dressing in morning and bowel management.
4. Vocational rehabilitation and counselling.
Management:
1. Attendant for mornings.
2. Medical care and outpatient services.
3. Transportation to clinic.
4. Vocational rehabilitation.
5. Urological evaluation every six months.
6. Maintainance and repair of equipment and medical/nursing supplies.

CASE NO. 2

Name: R.C.
Age: 23.
Diagnosis: Mild hemiparesis due to traumatic brain damage.
This patient is in the skill nursing section of Goldwater Hospital at a reimbursement of a little more than sixty dollars per day.
R.C. is an excellent candidate for home health care. He needs a minimum supervised environment, social/recreation program, and vocational program. He would need some supervision in housekeeping and "social" decisions.

CASE NO. 3

Name: J.L.
Age: 51.
Diagnosis: Multiple Sclerosis (Foley Catheter).
Needs:
1. Urine checked every two weeks.
2. Assistance in dressing, bathing, toileting, and transferring to and from wheelchair.
3. Wheelchair accessable apartment.
4. Visit to rehabilitative service on an outpatient basis about once a week.
5. Blood tests about once a week.
6. Social/recreational program.
Management:
1. Nursing attendant for basic care, shopping, housekeeping, and food preparation.
2. Medical/nursing supplies.
3. Transportation.
4. Outpatient rehabilitation service.

CASE NO. 4

Name: E.C.
Age: 29.
Diagnosis: Subdural hematoma, hemiplegia.
Needs:
Came from a fourth floor walk-up, need a level apartment or elevator building.
Unable to prepare own food and would need occasional visits for nursing observation, one per week. Physical therapy, three times a week to develop further independence.
Management:
Monthly blood tests—takes Dilantin.
Transportation to clinics and therapy.
Work-up for vocational rehabilitation.
With some assistance in housekeeping and food preparation, this patient could easily receive all care in an outpatient department equipped for rehabilitation.

CASE NO. 5

Name: P.G.
Age: 28.
Diagnosis: Spina bifidia, myelomeningocele paraplegia, scoliosis, Bricker (ureter-ileostomy).
Needs:
1. Assistance in transferring from wheelchair to bed.
2. Assistance in dressing.
3. Dependent person—needs to be involved in a day care center, i.e., recreation, library, vocational training, and mental health counseling.
4. Medical check-up, including blood work, once a month.
Management:
1. Attendant to assist in dressing, bathing, and getting in and out of bed.
2. Outpatient medicine and nursing services about twice a month.
3. Involvement in some activity. Outpatient social/recreation groups.

The unnecessary confinement of these patients to Goldwater Hospital underscores the inappropriateness of the institutional orientation of our Nation's health care delivery system, especially for the chronically disabled. This bears a tragic toll on those unnecessarily institutionalized as well as having important fiscal implications. At a medicaid per diem reimbursement rate of $208 per patient, the annual cost of maintaining a patient at Goldwater Hospital exceeds $75,000. This reimbursement rate applies equally to all patients irrespective of their particular need for more intensive hospital-based care. The distribution of health care dollars in my State, New York, is predictable given this arrangement. Over 48 percent of the medicaid expenditures in New York State were for hospital care, more than 24 percent went for nursing home care, and only a fraction was allocated to what clinical studies show to be a more cost-effective form of care: home health care.

In an era of scarce and costly health care resources, this imbalance must be redressed. Our health policies must discourage this "reflex reaction" to institutionalize persons. As Dr. Edward G. Lindsay, director of health services for the New York State Communities Aid Association has stated:

The real heart of the cost crisis is not that quality hospital and nursing home costs are high. Good health care in an age of expanding space technology will always cost money, much money. The real issue . . . is our penchant for over-use of costly hospital and institutional facilities.

The cost savings advantages of home health care have been confirmed by numerous studies and were summarized in a recent report to Congress by the Comptroller General. These studies have tended to focus on the savings realized through early transfer of patients from hospitals to home health care programs. The Home Health Care Association of Rochester, N.Y. study showed an estimated reduction of 13,713 patient-days and a savings of $1,055,000 in calendar 1970 and an estimated reduction of 12,579 days and savings of $1,068,000 in calendar year 1971 as a result of their policy of early release of patients to home health care programs.

An evaluation by the Denver Department of Health and Hospitals on the results of the early hospital discharge program showed a savings of $515,729 in hospital costs for medicare patients was achieved in calendar year 1970 through early discharge of 292 patients from hospitals to home health care programs.

A 1970 report by the Health Services Research Center of the Kaiser Foundation Hospitals in Portland, Oreg., shows the comparitive daily costs were $5.26 for home health care, $39 for extended care facilities, and $72.62 for hospitals.

More recent studies updating earlier analyses and studies in preparation reconfirm significant cost savings of early discharges from hospitals to programs of home health care.

While the unnecessary hospitalization of patients at Goldwater Hospital is characteristic of so much of hospital care across the country, Goldwater's patients are uncharacteristic. They suffer a level of disability—many are totally paralyzed—that would normally inhibit even the most determined person's efforts to return to an active social role. Yet that is the great irony and the source of this remarkable institution's uniqueness. The patients at Goldwater are proud and determined—determined to overcome the limitations of their respective disabilities, determined to return to work or education, determined to make a contribution to our society. Within this attitude rests the importance of home health care for the future of the chronically ill. Without access to comprehensive home health care services, Goldwater Hospital will be the only home a patient knows.

EVEN TO THE DEAD: JUSTICE DELAYED IS JUSTICE DENIED

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, in January of this year I read a news report which stated that James H. Price, whose testimony helped convict a person in the 1973 murders of seven Hanafi Muslims, was placed in the same cell with that very individual along with three others of the five Black Muslims who had been convicted in that case. The next day, Price was found dead in the cell.

I wrote to then Attorney General William Saxbe asking that the matter be investigated on the grounds that local law enforcement officials may have violated the civil rights of Mr. Price in placing him in such a dangerous situation. I would like to place the entire correspondence in the RECORD at this point. The most recent letter from the Department of Justice states that local authorities have "charged three inmates with the murder of Mr. Price" and that a trial is pending.

I believe the response not to be adequate in that it is not sufficient to simply charge the inmates with the murder of Mr. Price without conducting an investigation to ascertain whether local police officers are implicated under the circumstances which placed Mr. Price in that particular cell. Mr. Pottinger in his response to me stated:

In accord with our policy of deferring to local action, we are following the present proceedings. A decision regarding additional investigation will await the outcome of the trial.

Without passing judgment on whether local prison officials are implicated, I believe that a crime committed by a law enforcement officer is more heinous in its implication than that committed by a

common felon; and those law enforcement officials who commit such crimes, must be pursued relentlessly.

The material follows:

CONGRESS OF THE UNITED STATES,
Washington, D.C., January 7, 1975.

Hon. WILLIAM B. SAXBE,
Attorney General,
Department of Justice,
Washington, D.C.

DEAR MR. ATTORNEY GENERAL: I am enclosing a news report of January 3d which appeared in the *New York Times* and which made my blood run cold.

The report states that an informer, James H. Price, whose testimony helped convict another person in the 1973 murders of 7 Hanafi Muslins, was placed in the same cell with that very individual along with three others of the five Black Muslins who had been convicted in that case. The next day, Price was found dead in the cell.

There was no shortage of cells in the maximum security block; 37 were vacant. While three guards at the prison have been suspended, none has been charged with the killing.

I am writing to you because I believe the federal government has a responsibility here under the Civil Rights Act. This responsibility must be exercised just as it has been in the past in dealing with local police officers who have violated the civil rights of an individual.

When I read the story all that I could see in my mind was a picture of a mouse being thrown into a snake pit. Unless this matter is pursued, the word will go forth that informers have no protection and indeed may be placed in jeopardy by prison officials guilty of misfeasance or malfeasance and who are depriving such a person of his or her civil rights under color of law.

I would hope that you would initiate an immediate investigation of this matter and advise me of its outcome.

Sincerely,

EDWARD I. KOCH,
Member of Congress.

SLAIN INMATE SHARED CELL WITH A MUSLIM HE'D HELPED CONVICT

PHILADELPHIA, January 3.—An inmate who was slain in jail last Monday shared a cell with a man whom he had helped convict in the 1973 murders of seven Hanafi Muslims, the superintendent of Philadelphia's prisons said today.

James H. Price, 25 years old, was found dead in his cell at Holmesburg Prison. Officials contended after an autopsy that he had been strangled and that the slaying had been made to look like a suicide.

No one has been charged in the killing.

The Philadelphia Bulletin said the confinement of Mr. Price and Theodore Moody, 20, in the same cell was a violation of state law that requires that prisoners awaiting trial be kept separate from other prisoners.

Louis T. Aytch, the superintendent of prisons, said, however, that no law was violated. The purpose of the law, he said, is to keep prisoners awaiting trial separate from convicts.

Mr. Price was awaiting trial on robbery charges and Mr. Moody on murder charges. The charges against both of them were unrelated to the Hanafi murders.

The Bulletin quoted Walter Cohen, the city's prison master, as saying the two inmates were placed in the same cell although 37 cells in the maximum security block were vacant.

Although Mr. Price never testified against the other defendants, his written statement and confession were credited with breaking the Hanafi case. Seven members of the sect were slain in a house in Washington owned by Kareen Abdul-Jabbar, the professional basketball player.

Five of seven defendants were convicted, one was acquitted and Mr. Price was still to be tried. Four of the five Black Muslims convicted in the case were housed in the cell with Mr. Price.

Three guards at the prison have been suspended. Mr. Aytch said they had failed to lock all unoccupied cells in the area where Mr. Price was jailed.

DEPARTMENT OF JUSTICE,
Washington, D.C., January 13, 1975.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: The Attorney General has asked me to acknowledge and thank you for your correspondence of January 7, 1975, pertaining to a January 3rd article which appeared in the *New York Times.*

Because of its specific nature, I have referred your request to John Keeney, Acting Assistant Attorney General, Criminal Division, Department of Justice, Washington, D.C., and have asked that office to reply directly to you.

If I can be of additional assistance in this matter, please call upon me.

Sincerely,

W. VINCENT RAKESTRAW,
Assistant Attorney General.

DEPARTMENT OF JUSTICE,
Washington, D.C., February 6, 1975.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN KOCH: This is in response to your recent correspondence concerning the death of James H. Price, an informer in the case involving the murders of seven Hanafi Muslims in Washington, D.C., in 1973. Mr. Price was found dead after he had been placed in a cell with one of the defendants in that case.

We have directed the Federal Bureau of Investigation to investigate this incident. Should it develop that a violation of federal law was involved, appropriate action will be taken by this Division.

Sincerely,

J. STANLEY POTTINGER,
Assistant Attorney General,
Civil Rights Division.

CONGRESS OF THE UNITED STATES,
Washington, D.C., February 12, 1975.

J. STANLEY POTTINGER,
Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C.

DEAR MR. POTTINGER: I am very appreciative of your response of February 6th reporting that the FBI will be investigating the murder of James H. Price, as requested in my letter of January 7th to Attorney General Saxbe.

I would be most obliged if you would let me know the outcome of that investigation.

Sincerely,

EDWARD I. KOCH.

DEPARTMENT OF JUSTICE,
Washington, D.C., March 7, 1975.

Hon. EDWARD I. KOCH,
26 Federal Plaza,
New York, N.Y.

DEAR CONGRESSMAN KOCH: This is in reply to your recent correspondence requesting to be informed of the outcome of our investigation into the death of James H. Price, an informer in the case involving the murders of seven Hanafi Muslims in Washington, D.C., in 1973.

The investigation being conducted by the Federal Bureau of Investigation is not yet complete. When such investigation has been completed, we will inform you of its outcome.

Sincerely,

J. STANLEY POTTINGER,
Assistant Attorney General,
Civil Rights Division.

DEPARTMENT OF JUSTICE,
Washington, D.C., June 2, 1975.

Hon. EDWARD I. KOCH,
26 Federal Plaza,
New York, N.Y.

DEAR CONGRESSMAN KOCH: This is in reply to your letter of April 29, 1975 requesting the status of our investigation of the death of James H. Price.

We have been informed that local authorities have charged three inmates with the murder of Mr. Price. Trial has been set for mid-June barring any continuances. In accord with our policy of deferring to local action, we are following the present proceedings. A decision regarding additional investigation will await the outcome of the trial.

Sincerely,

J. STANLEY POTTINGER,
Assistant Attorney General,
Civil Rights Division.

CONGRESS OF THE UNITED STATES,
Washington, D.C., June 17 1975.

Hon. J. STANLEY POTTINGER,
Assistant Attorney General, Civil Rights Division, Department of Justice, Washington, D.C.

DEAR MR. POTTINGER: I want to acknowledge your letter of June 2. I am distressed that you would defer an investigation into whether or not local law enforcement officials have violated the civil rights of James H. Price simply because the "local authorities have charged three inmates with the murder of Mr. Price." Even were these inmates to be found guilty that would not relieve, in my judgment, the Justice Department of its responsibility to pursue an investigation into whether local law enforcement agencies were criminally involved by having placed Mr. Price into the dangerous situation which occasioned his death.

I would appreciate your comments on the above matter.

Sincerely,

EDWARD I. KOCH.

THE ESSENTIAL ELEMENTS OF A REAL ENERGY PROGRAM

(Mr. HARRIS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HARRIS. Mr. Speaker, for the last week, the Congress has considered H.R. 6860, the Energy Conservation and Conversion Act. We have been successful in amending the bill in several ways. We have stricken the gasoline tax, and imposed mandatory fuel efficiency standards on car manufacturers. The bill will place limitations on oil imports and provide tax incentives for conservation and conversion. Most importantly, we have rejected the idea that the way to save energy is to inflate the prices paid by middle and lower income persons.

I urge my colleagues to conclude debate on H.R. 6860 and to enact that bill into law. We will very shortly have an opportunity to act on bills to increase domestic oil production on Federal lands, and on the Outer Continental Shelf. I hope we will delay all scheduled recesses and holidays until the House has enacted the energy bill now undergoing markup before the Interstate and Foreign Commerce Committee.

The following is an excerpt from a column by Mr. Hobart Rowen of the Washington Post of Sunday June 1, and I commend it to my colleagues:

The essential elements of a real energy program still include some direct limitation on imports so as to weaken the cartel; government action to allocate reduced supplies; a legislated efficiency requirement for gas-guzzling cars; other conservation measures in heating and air-conditioning; and a shift to other forms of energy, especially coal, while new sources of oil are being developed.

WEATHER MODIFICATION

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, I would like to bring to my colleagues' attention an exchange of correspondence Senator PELL, Congressman FRASER, and I have recently had with the White House concerning Federal weather modification activities. On April 23, we wrote the President the following letter urging the creation of a lead agency to coordinate Federal work on weather modification and urging that such research be conducted by civilian agencies rather than the Defense Department:

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 23, 1975.

THE PRESIDENT,
The White House.

DEAR MR. PRESIDENT: As authors of several resolutions for outlawing environmental modification as a weapon of war, we now write recommending government work in the peaceful uses of such modification that could help to promote energy conservation, safeguard the environment and stabilize agricultural production. In sending these recommendations, we wish to make clear that we support continued research, particularly into weather modification for peaceful purposes, regarding which we believe there currently exist numerous opportunities for its applications.

The role of weather modification in energy conservation was sharply outlined in a recent example which came to our attention. Coming from Boston to Washington, a recent flight was delayed by bad weather and according to one passenger's calculations, as much fuel was exhausted around Washington while the plane waited to land as was consumed during the entire flight from Boston. This is only one example of the energy costs of bad weather, but weather conditions being what they are, it is a frequent case. Research into fog dissipation is precisely the kind of work which can reduce those costs.

We are only beginning to research and understand how our own industrial development has inadvertently modified weather and environment. Studies are beginning to show differences in temperature and air quality over urban and industrial areas, which affect the immediate environment as well as influence weather downwind. There is sufficient growing suspicion that inadvertent environmental modification can help produce extremes of weather, such as drought, to warrant further investigation and research.

The implications of weather modification for agriculture are obvious and various efforts to enhance rainfall have been going on for years. These efforts, however, need coordination and careful study to help determine what approaches are productive, what types of weather formation are most susceptible to modification and how modification in one area affects weather elsewhere. Clearly, the potential for increased agriculture output—both domestically and worldwide—is great.

Given these opportunities, it is unfortunate that civilian directed research has been diffuse. The fiscal 1975 budget shows weather modification projects in six agencies and a division by function as follows:

	Fiscal year—		
	1973	1974	1975
Department of Agriculture	366	270	150
Department of Commerce	4,779	4,673	4,575
Department of Defense	(1,209)	(1,161)	(1,300)
Army	160	96	-------
Navy	404	399	555
Air Force	645	666	745
Department of the Interior	6,370	3,900	3,445
Department of Transportation	1,067	1,397	1,520
National Science Foundation	5,790	4,000	4,270
Total	19,581	15,401	15,270

DIVISION BY FUNCTION

	Fiscal year—			
	1973	1974	1975	Agencies
Precipitation modification	5,472	3,735	3,279	DOC, DOI.
Fog and cloud modification	1,541	1,194	1,264	DOD, DOT.
Hail suppression	2,860	2,000	2,100	NSF.
Lightning modification	624	330	356	DOA, DOD, NSF
Hurricane and severe storm modification	1,818	1,741	1,816	DOC.
Social, economic, legal, and ecological studies	1,740	1,310	1,110	DOI, NSF.
Inadvertent modification of weather and climate	3,252	3,643	4,398	DOC, DOT, NSF.
Support and services	2,274	1,475	937	DOC, DOI, NSF.
Total	19,581	15,401	15,270	

Although in some respects the National Oceanographic and Atmospheric Administration gathers data on all these projects, it does not really function as a lead agency or exert sufficient direction, coordination or control over the civilian or military projects. It is clear from the second chart, furthermore, that considerable overlap and possible duplication exists. We believe, however, that in a field as diverse and speculative as this, a greater degree of centralization is desirable. This same recommendation has been made on a number of occasions by the National Advisory Committee on Oceans and Atmosphere:

NACOA finds that, although we appear to stand on the threshold of practical weather modification, and some facets are operational, in other applications a great deal of complex research still needs to be done. Unless the scientific manpower and funding are better directed, we assuredly will continue to make very slow progress towards weather control. NACOA therefore reiterates its recommendations of last year that:

"The many small programs in weather modification now scattered widely through the Federal agencies be focused and coordinated under NOAA's head; basic cloud physics and dynamics be given higher priority; and that the legal, social, and economic impact of weather modification be thoroughly examined and appropriate regulatory and licensing legislation be sought." (*A Report to the President and the Congress*, NACOA, June 29, 1973, page viii.)

We also believe it is particularly important that any such coordination should be in the hands of a civilian agency; indeed, that all such research should be conducted by civilian agencies.

Considerable doubt has been raised in the past over the nature of some of the research conducted by the Defense Department in the area of weather modification. You will recall the not too successful efforts to increase rainfall over the Ho Chi Minh Trail several years ago at a cost of $21.6 million. We have grave doubts about the merits of any project such as this, but we are also concerned about the way in which the incident was handled by the Government. The project was at first flatly—and repeatedly—denied publicly and before Congress by the Department of Defense, but the basic facts were ultimately conceded some years later by former Defense Secretary Laird in a letter to the Senate Foreign Relations Committee, which confirmed the allegations that had been made.

Such incidents have given rise to continuing concern on our part over the scope of federal research and development on environmental and weather modification. What is significant about these incidents is that they continue to occur in respect to Defense Department research, even though DOD asserts such research has only peaceful applications, such as airport fog dispersal. If this is the case, then it would seem both logical and appropriate to place such research in civilian agencies where it can be carried on with the same degree of precision and success, since weapons' applications are not involved, and where it would not cause new suspicions about the real nature of the work.

Weather modification is a field of great potential, promising considerable benefits to agriculture and transportation, to mention only two prime areas of research. At the same time the potential military applications of weather modification research are serious. Last summer's agreement with the Soviet Union to meet to discuss a ban on weather warfare is most encouraging. We hope that in the light of that agreement, you will be able to give favorable consideration to our recommendations.

Sincerely,

GILBERT GUDE,
Member of Congress.
CLAIBORNE PELL,
U.S. Senator.
DONALD M. FRASER,
Member of Congress.

On June 5, we received the following response from Norman E. Ross, Jr., Assistant Director of the Domestic Council:

THE WHITE HOUSE,
Washington, June 5, 1975.

Hon. GILBERT GUDE,
House of Representatives,
Washington, D.C.

DEAR MR. GUDE: The President has asked me to respond to your letter of April 23, 1975, in which you recommend a coordinated program of governmental work in the peaceful uses of weather modification.

A considerable amount of careful thought and study has been devoted to the subject of weather modification and what the Federal role and, in particular, the role of various agencies should be in this area. As a result of this study, we have developed a general strategy for addressing weather modification efforts which we believe provides for an appropriate level of coordination.

For the most part, as your letter points out, we are just beginning to understand the possibilities for weather modification and the complexities that are involved. Inadvertent modification of weather and environment through industrial development is indeed a prime example.

There are many problems generated by various weather phenomena such as loss of crops through hail damage and destruction of property caused by hurricanes and flooding. In many cases the approaches to solving these problems may or may not be best met through weather modification techniques. Other solutions such as community preparedness, better land use planning, and protective measures may more effectively and realistically achieve the objectives.

For this reason, we believe that the agency which is charged with the responsibility for dealing with a particular national problem should be given the latitude to seek the best

approach or solution to the problem. In some instances this may involve a form of weather modification, while in other instances other approaches may be more appropriate.

While we would certainly agree that some level of coordination of weather modification research efforts is logical, we do not believe that a program under the direction of any one single agency's leadership is either necessary or desirable. We have found from our study that the types of scientific research conducted by agencies are substantially different in approach, techniques, and type of equipment employed, depending on the particular weather phenomena being addressed. For example, there is very little in common between hurricane suppression and attempting to increase rain or snow. Fog dispersal efforts have almost nothing in common with any other weather modification. Each type of weather modification requires a different form of program management and there are few common threads which run among all programs.

To the extent that there are common problems and solutions among the programs, the Interagency Committee on Atmospheric Sciences (ICAS) is bringing together agency representatives who are involved in weather modification research, for the purpose of sharing their ideas and approaches to various problems. In addition, a series of lead agencies have been established to concentrate efforts in particular areas: Interior in precipitation; Agriculture in lightning suppression; Commerce in severe storms, including hurricanes; NSF in hail research; and Transportation in fog suppression. These lead roles provide for coordination in areas with common characteristics and have gone a long way toward eliminating duplicative efforts. Although more than one agency is involved in a general area such as inadvertent modification, their efforts are keyed toward particular objectives.

I hope this information will be helpful to you and I would like to thank you for sharing your views with us. We would be happy to provide you any additional information you may need concerning current efforts in the weather modification area.

Sincerely,

NORMAN E. ROSS, Jr.,
Assistant Director, Domestic Council.

The administration's response is disappointing in that it rejects the recommendation of a lead agency, despite the fact that the National Advisory Committee on Oceans and Atmosphere has regularly recommended it. The reply ignores completely the crucial second point of military involvement in weather modification research. I commented on this problem in some detail in my testimony of September 24, 1974, before the Foreign Affairs Subcommittee on International Organizations and Movements:

DANGERS OF WEATHER MODIFICATION—CONTROL

Why should we be so alarmed about a technique that is not nearly as lethal as other forms of warfare? First, there are distinct control and command problems associated with geophysical warfare and weather modification in particular. We simply do not have effective short or long term control over the climates of the world. We can create certain disturbances, but as civilian experiments have shown, control is not precise. In a military environment, control over the results of weather experimentation is even more uncertain in respect to military targets, and there is practically no hope of preventing military efforts from spilling over into civilian life with devastating effect, particularly in developing agricultural countries. Here, wind changes, rainfall changes, or even changes in the composition of rain could seriously disrupt the livelihood of most of the country's citizens and create severe food supply problems, all far distant from the chosen military target. This is partly due to the so-called downwind effect, carrying weather changes with weather movements. But weather unpredictability—enhanced by modification efforts themselves—may make it impossible to determine where "downwind" will be at any given time. This means that the use of weather modification is inevitably indiscriminate. We cannot flood only military targets or cause drought in areas producing only military rations. The technology will be used against people regardless of their uniform or occupation and will inevitably strike civilians harder than nearby military objectives.

The command problem is no less acute. Since the technology to date does not involve great expense or sophisticated equipment, it is not difficult to imagine the use of weather modification by many different military subunits. In fact, there have been reports that we have trained the South Vietnamese to use weather modification. There are no double-key safing mechanisms here, no exclusive possession as with nuclear weapons.

DANGERS OF WEATHER MODIFICATION—IDENTIFICATION AND DETECTION

These issues of command and control highlight another disturbing characteristic of weather modification, the difficulty of detection. Unlike other weapons, it may be possible to initiate military weather modification projects without being detected. In other words, the military results may not be visibly tied to the initiating party. This raises the possibility of the clandestine use of geophysical warfare where a country does not know if it has been attacked. The uncertainty of this situation, the fear of not knowing how another country may be altering your climate is highly destabilizing. This feeding of national paranoia—a pervading suspicion of the motives and actions of a neighboring country—could well be amplified into the laying of blame for any adverse climate conditions or weather disasters on one's neighbors.

This was clearly brought home by the recent admission of the Department of Defense that it had indeed been involved in weather modification activities in Southeast Asia from 1967 to 1972, even at a time when Department witnesses were denying such involvement in their congressional testimony.

In a January 28, 1974, letter to the Senate Foreign Relations Committee, former Defense Secretary Laird corrected his testimony of April 18, 1972, in which he stated, "We have never engaged in that type of activity over North Vietnam." Laird admitted that just such activities were conducted over North Vietnam in 1967 and 1968. It was clearly one of the most useless programs ever conceived by the Government. The rainmaking effort accomplished nothing except washing $21.6 million down the drain, and it was undertaken with no thought as to the very dangerous situations which could evolve from such a policy.

EFFECTS OF WEATHER MODIFICATION RESEARCH

There is no question that much valuable research is now being done under the heading of weather modification. Airport fog dispersal operations, cloud seeding in farm areas threatened by drought, efforts to increase the winter snow pack, and experiments in hurricane control are all legitimate scientific efforts that can meet important domestic and international needs. This work into peaceful applications of environmental modification technology should continue. Unfortunately, Pentagon involvement in weather modification research—whether classified or for peaceful purposes—has serious consequences for the U.S. civilian scientific community, the American public, and the international community.

Geophysical warfare, to use a figure of speech, can poison the atmosphere surrounding legitimate international programs such as the global atmospheric research program, the international hydrological decade and meteorology in general. We have already seen that it caused the U.S. delegation at the Stockholm Conference to water down a recommendation on climate changes. The potential for embarrassment is great.

Our scientific community could come under suspicion or attack at these international meetings. The fine work and trust built up over the years by our excellent atmospheric scientists could be dispelled in one stroke of Pentagon experimentation.

But it is not only our scientists who lose credibility—it is the Defense Department itself. Through its involvement in research which may have military applications, even though it is intended for peaceful purposes, the Pentagon has laid itself open to allegations of a variety of clandestine activities.

Two cases will illustrate the point. The Defense Department engages in considerable medical research, some of which is related exclusively to military needs, while some parallel research carried out by civilian institutions. The Navy, for example, has had a research unit in Egypt studying equatorial diseases for many years. By conducting such research "in-house," so to speak, instead of obtaining it through civilian research agencies, the Navy leaves itself open to charges that it is actually studying or developing germ warfare or the like. As unfounded as such charges may be, they are very difficult to combat, especially in the current climate of suspicion about many Pentagon activities. Yet, there is no reason why this kind of research could not be conducted by the civilian agencies of Government and its results made available to the Defense Department. In cases where Defense required information on subjects not currently under investigation, it could levy requirements on the National Science Foundation which would in turn conduct or contract for the needed research, thus reducing the opportunities for controversy to develop, controversy which might itself hamper research, especially abroad.

In the area of weather modification, I have been assured that Air Force interest in these techniques is limited to developing methods for airfield fog dispersal or suppression and other life-saving measures. These techniques are just as important to business and civil aviation and the general public, and there is no reason why such research cannot be conducted by a civilian agency.

As a general principle, therefore, I would urge that wherever an adequate scientific base exists for conducting specific types of applied research outside of the Department of Defense and associated agencies, it would be wise policy to conduct all such research through non-defense agencies, such as NOAA, NIH, NSF or private institutions. In addition to helping resolve Pentagon credibility problems, such a procedure will tend to reduce duplication of effort and may therefore produce some cost savings.

Thus, although the subject of this hearing is an international treaty banning the use of weather modification techniques as weapons, it is important that we go beyond that and deal directly with the development of such research within our own Government, so as to clearly divorce all weather modification activities from the military and leave no doubt that American interest in this field is strictly peaceful and humanitarian.

This administration and its predecessor have made progress toward an international treaty banning the use of weather modification as a weapon of war, but neither administration has really understood the important link between banning weather warfare and taking weather modification research out of the hands of the military. We cannot credibly negotiate a weather warfare treaty at

the same time we are funding classified Defense Department research projects in weather modification. Since the Defense Department has maintained that its research only involves peaceful applications, it is difficult to understand why such research cannot be placed in civilian hands. The administration is unwilling to move in that direction, and legislative action may be necessary. I am in the process of preparing just that, and I plan shortly to submit my proposals for House consideration.

JAMES A. FARLEY

(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, in the Hallandale Digest of Thursday, May 15, Marty Berg, who used to write a boxing column for the New York Evening Post during the years when Jim Farley served as chairman of the New York State Athletic Commission and has known Mr. Farley for a long time, under his caption "A Bird's Eye View" paid a beautiful but richly deserved tribute to one of the great and good men of America, as he has just celebrated on May 30 his 87th birthday, James A. Farley.

At a time when politicians are generally in a questionable status, if not in disrepute, in America, this supreme politician of the Nation's history stands out today as he did when he was Franklin D. Roosevelt's Postmaster General and the architect of the phenomenal leadership of the Democratic Party in national affairs, as a man of unquestioned integrity, a man of universally acclaimed honor, a man deeply dedicated to the service of God and his country. Jim Farley, the man, indeed the successful businessman, is as much respected today for being the man he is as he was when he was at the height of his great power—next to the President the most powerful man in the country.

The numerous academic, religious, and political honors James Farley has received are a recognition of the stature of the man—his exceptional ability and his concern for people—people everywhere.

Jim Farley remains famous not only for his phenomenal memory for names and faces but for being a politician whose word was his bond, whose character was unassailable and whose interest was the public good. No suggestion of corruption, no intimation of personal profit from his political power, whether it be as a boxing commissioner of the State of New York, or Postmaster General of the United States, and leader of the Democratic Party, ever touched Jim Farley. He was not only a politician's politician, he was a people's politician.

Those were great days when Jim Farley was forging the political organization that vaulted Franklin D. Roosevelt into the White House as President and when he guided the Democratic Party to one of the greatest victories ever achieved in American political history and Jim Farley was the peerless leader of those great days with Roosevelt. How fortunate we are that such a man still lives, strong of body, keen of mind, warm of spirit, at 87—the counselor of his party and of his country, the sage of politics, the symbol of what a political leader should be. His continued good health and his warm qualities of friendship still endear him to innumerable Americans.

As one of those privileged to enjoy the friendship of Jim Farley, with my wife, I join in saluting Jim Farley on his 87th birthday and in the prayer and hope that America for many, many more years will be blessed by the continued health, nobility, and leadership of Jim Farley. Mr. Speaker, I insert this beautiful eulogy of this great man by Marty Berg in the RECORD immediately following my remarks:

A BERG'S EYE VIEW

(By Marty Berg)

This is the time of year when my ever livin' and I explore the gift and sundry shops for a birthday card. Natal day cards aren't such a much as a purchase, and they're usually too slobbery or too dirty. We exercise great care in our selection, because this man to whom we're going to send it is more than a special guy; a great, verily a skyscraper among pygmies.

This card mustn't flatter, because this man is possessed of tremendous humility, notwithstanding honors and degrees heaped upon him by a virtual Who's Who of universities, societies and governments, not excepting the coveted Laetare Medal bestowed upon him last year by the University of Notre Dame, the highest award possible to an American Catholic layman.

No religious message is needed in this card, for this man is a tower of religious strength, deep in his Catholic convictions, yet so free of bigotry, prejudice or bias he inspires others of different faiths to live their religions as devoutly and with as much fulfillment as he.

We don't seek a card that mentions age, for he has little time in a full career to even think of his four score and seven years as other than passages of time much too short for him to accomplish the many tasks he's set for himself. When you reach 87, as he will on Decoration Day, your only concern is in getting things done quickly, so that you can get on to the next chore.

I have been privileged to live on the perimeter of the vast shadow cast by this great man, and I cherish it because I know the many thousands who demand of his time, and the care with which he chooses to dispense it. I am jealously proud of a stack of letters from him accumulated through the years; some brief notes acknowledging receipt of one from me, apologizing for the brevity due to the daily mass of correspondence he first gets out of the way before attending to his business, almost as heavy now as it was before he was named Honorary Chairman of the Board.

There are three and four page single spaced letters from him in which he elaborates his views on the national and world scenes, comments made with such perception, clarity and analytic brilliance, it's small wonder he's revered as the politician's politician. What a President he'd have made!

In this day, when politicians are anathema, and so many of them indicted, resigned, jailed, holding office while suspect, it's refreshing to be able to point to him and say, "There's an honest politician, a man with abiding love of faith in his country." No one dares contradict you.

That's James A. Farley. He'll celebrate his 87th birthday on May 30, and the Almighty never blessed a finer man with such years. Congratulations will pour in from the entire world, but he'll be happiest that day talking with his daughters, his son and grandchildren.

I first met Jim when he was appointed to the NY State Athletic Commission in 1924 (whew!) by Governor Al Smith. Tuesday morning sessions of the Boxing Commission, as it was better known, were dominated by this 6'4" man whose "We'll cross that bridge when we get to it," squelched many a promoter, fight manager or newspaperman who sought a snap decision. He succeeded Bill Muldoon as chairman in 1925 and, through 1933, when he resigned to become President FRD's Postmaster General, he ruled the sport through its most tumultuous years.

There never has been a challenge to the statement that it was Farley who won the Presidency for FDR through the legion of friends in the Democratic Party he'd garnered during his years as National Convention delegate, and National Committee chairman. He delivered the votes. Not even the Kennedys could equal his vast personal organization, completely loyal, uncorruptible.

The Sunday morning crowd outside St. Patrick's Cathedral on Fifth Avenue never failed to recognized the couple walking down the steps after services—"There's Jim Farley and his wife Elizabeth." They made an impressive pair, and you could see the great love Jim had for her as he guided her down the steps.

You can understand then, I hope why my spouse and I are looking forward to going North with such eagerness. We hope he'll be able to see us, if only for a brief moment. Should he, it will be a thrill to go to his Coca Cola Export Corporation's Madison Avenue offices, be met at the entrance by a staff member, be hugged by his secretary, and then be ushered into his presence.

He'll smile that warm Irish smile of his, rise from his chair, come around his desk, and my wife will reach around him affectionately, the top of her head reaching below his chest.

We'll chat for a while. He'll ask after our health, and then talk about his greatly loved grandchildren, baseball, and boxing's decline. From the multitude of photos of the world's religious, political, social and sports greats that cover the office walls from floor to ceiling, there'll be smiles.

We'll take our leave, and I'll be ten feet tall. Happy birthday, Jim! God love you!

ADDRESS ON REAL ESTATE

(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, workable solutions are slow in coming to the complex problems of a depressed home building industry, riddled with its attendant lagging housing starts and paucity of available long-term mortgage moneys. The renewed vitality of much of our economic life will depend upon a viable home loan financing system which will in turn find its life support with the confidence of our great financial institutions.

We read almost daily about the loosening of funds in the home mortgage industry, about declining interest rates and the upturn in housing construction which is likely to be forthcoming any day. Yet, little of this "upturn" has been translated into a cash flow from lender to borrower, the necessary bottom line in signaling the emergence of a rejuvenated partnership between builders, borrowers and financiers.

Before the distinguished Real Estate Finance Conference of the American

Bankers Association held recently in Denver, Colo., an eminent spokesman for the banking industry, Mr. Arthur H. Courshon, presented a thought-provoking address on the concept of tying home mortgage rates to the changing rate of inflation—an indexing system which would adjust continually to the peaks and troughs of the housing market.

Mr. Courshon, chairman of the board of Washington Federal Savings and Loan Association, Miami Beach, Fla., has long been a pace setter in the financial affairs of south Florida. He has also had a very profound impact upon the savings and loan industry in Latin America. He drafted the law which has worked very successfully in Chile providing for a variable interest rate and variations in deposits of a depositor according to the index of inflation and that system has worked through all of the vicissitudes that Chile has passed through. So the counsel of Mr. Courshon in this critical area is worthy of the consideration of my colleagues and my fellow countrymen. Hence, Mr. Speaker, I include Mr. Courshon's able address to appear in the body of the RECORD following my remarks:

ADDRESS BY ARTHUR H. COURSHON

It's a pleasure for me to be on the program this morning, and to talk about the very hot topic of variable rate mortgages.

In fact, the timing of this conference of the American Bankers Association couldn't have been more precise insofar as the prominence of the subject of our panel today.

The VRM's have been on the front burner in Congress for the past three weeks, and from the looks of things on Capitol Hill the variable rate mortgage may be something that we will just talk about for awhile, rather than actually engage in.

That may be just as well, because in my view the opponents of the VRM have a very valid point: we are asking to de-control one side of the balance sheet without de-controlling the other.

Now that may be heresy coming from a savings and loan manager, but I believe we are very hard pressed to make a successful argument when we ask for authority to change the contract rate on a mortgage, but at the same time, seek to control the liability side of our businesses.

This is not to suggest that the savings and loan industry should seek removal of rate controls, or the differential between our associations and banks, but it does suggest that when we are ready for variable rate mortgages, or some variation of that vehicle, we should be ready for totally free markets.

I think, moreover, that when we speak about variable rate mortgages, we are really talking about another band-aid for the mortgage market.

It's not a cure-all, and I think everyone in this room knows that.

What it does is to cushion the fall. The problem is that we still can fall.

I'd like to see some serious examination of a device that goes further than the variable rate mortgage loan, and accomplishes a great deal more—including true equity for all parties in the mortgages; the saver, the borrower and the lender.

I'm talking about an adjustable mortgage, which is accompanied by an adjustable savings balance—all tied to the rate of inflation.

The word, in case you didn't get that, is "indexing."

You know, we all tend to shrink away with horror when the term indexing is used. We conjure up visions of Latin American revolutions and inflation rates of 500 per cent and more.

But what we tend to forget when we speak about indexing in those terms is the simple—and really inescapable—fact that it works.

The most recent edition of the MGIC Newsletter has in it an article by Professor Edward E. Edwards of Indiana University. In the article, Dr. Edwards talks about the interest rate risks that we lenders must take every time we make a long term fixed rate mortgage in a society that is going to have double digit inflation for some time to come.

Dr. Edwards flatly rejects variable rate mortgages as the answer to this dilemma, but here is what he says about indexing, and I quote:

"Indexing," he says, "is the fairest way of dealing with inflation in long term financial contracts. If indexing had been permitted, its use would at least be understood and perhaps be widespread. But the private market has not had freedom to develop new methods. A good case can be made that it is this lack of freedom, this excessive government regulation, that has brought home mortgage markets to their present state." End quote.

I could not agree more with what Dr. Edwards says in this article—up to this point. Where we disagree is that he dismisses the possibility of indexing the mortgage market because he doesn't think it can be sold to the Federal Government.

While he may be right, I think we ought to at least give it a chance—since he does concede that "it represents the fairest way of dealing with inflation in long term financial contracts."

We are all too eager to accept continued Government intervention in our marketplace in the forms of additional subsidies. Why not try to sell the Government on a device that is equitable to everyone . . . that gives the small saver his due . . . that gives the borrower and the lender the protections they need against Government policies that repeatedly fall short of the mark.

My own experience with a form of indexing is based on a program I helped develop as far back as 1958, in Chile.

I was sent to Chile by the State Department's Agency for International Development, expressly to develop a savings and loan system for that developing country.

The conditions for such a system when I arrived there were incredibly bad. Chile was in the grip of a runaway inflation where it required eleven hundred pesos to equal an American dollar. This was an increase of four hundred pesos in two years, and the rapid increase in the inflation rate destroyed any business incentive to make long term loans for housing or for any other purpose.

The impact of this situation on the housing market was as you might expect—a disaster. Home construction was at a standstill, and no one was making a mortgage loan if he could help it.

We saw about the same thing in the United States last year.

With the assignment in Chile in 1958, what was recommended to the Government at the time was that the rate of inflation had to be a prime consideration before any savings and loan system could be feasible.

This was the element that had to be dealt with first.

What we recommended at that time was to set up a savings and loan system that adjusted savings and mortgages with the inflation, with both the mortgages and savings accounts guaranteed by the Government of Chile.

We were suggesting that in order to make a mortgage a sound business loan, the rate of inflation needed to be taken into consideration.

I submit we can say the same thing about mortgage loans in our own country.

But the Chilean system was more than a simple adjustable mortgage clause. If that were the only thing we went after, we'd have had a variable rate mortgage loan.

And it is here I think that the proposals for VRM loans fall down. They never consider the other side of the coin.

Let me point up what recommended—and which has worked—in Chile.

First, we felt that the solution to the problem required the re-establishment of confidence that monies saved or loaned would be repaid in Pesos with equal purchasing power.

This meant that the principal amounts deposited in savings accounts or loaned on a long term mortgage basis would be protected against inflation through readjustments of principal balances which reflect the inflation.

In this way a depositor in a savings account knows that whenever he withdraws his funds he is going to get money that had been adjusted on the basis of the current value of the money in purchasing power. He also would receive dividends on the funds deposited which would be paid on the basis of a readjusted principal balance each year.

Likewise on money loaned on a long term mortgage to finance housing, the principal balance of the loan would be readjusted each year to reflect changes in the same inflation index.

There would also be changes each year in the amount of the monthly payments to be made by the borrower which will increase in the same percentage as the increase in the inflation rate.

The lender would be assured that it is obtaining repayment of the loan in funds with equal purchasing power, together with the interest earned on the loan.

As in the case of savings, the interest earned on the loan would likewise be computed on the basis of the balances of principal outstanding from year to year as readjusted to reflect changes in the inflation index.

The system adopted a procedure whereby if the inflation index has risen in several years, and then there is an annual period when the index falls, the readjustment is downward. However, in no case would the amount of the principal of a mortgage be reduced below the amount originally loaned, including credit for principal repayments.

Another feature of the program we recommended in Chile, and which was adopted and continues to thrive is one where the borrower pays no more than a stated percentage of his income toward the mortgage. We settled on 25 per cent as the recommended percentage of earnings.

All right, what about the index? That has been the big hangup in the United States insofar as the variable rate mortgage is concerned, and it seems that no one is able to arrive at one where everybody is happy.

In Chile we recommended the index be based on the average increase in earnings for the labor force.

We wanted to come up with something that would be equitable to the lender, so he could make a long term mortgage and not worry about the inflation rate. We also wanted to be equitable to the borrower, who would have to pay the mortgage.

We settled on an index reflecting the average increase in earnings because it bears a reasonable and steady relationship, over a period of time, to changes in the cost of living.

Changes in the average salaries and wages are subject to less variations and represent a steadier course of adjustments—and what's more the changes in the monthly payments in the mortgage would then be within the ability of the borrower to pay, since monthly payments in mortgages would be initially computed on the basis of a fixed percentage of earnings, which percentage of earnings then remains constant.

Now quite obviously, I'm not suggesting a carbon copy of the Chilean system for the United States. We have 50 states, all with differing laws and customs related to real estate transactions.

But I am suggesting that the Chilean system, which, by the way, preceeded by several years the highly touted Brazilian system of indexing, has a seventeen year track record of success.

It works.

And what's more it works even when inflation does go to 500 per cent a year as it did while the Marxist regime of Salvatore Allende was in power in Chile. But even then the savings and loan system not only survived but grew tremendously.

I believe the problems of today's mortgage market are compounded by our extremely acute manner of applying tourniquet after tourniquet to stop our bleeding.

My feeling however is that if we would ever stop and say "enough" we might recognize that the free—and I mean truly free—market is really the only lasting salve for our wounds.

And if that means recognizing that inflation is here to stay for the foreseeable future then we ought to deal with that problem squarely.

Indexing not variable rate loans to my mind is a far more equitable far more realistic solution.

Thank you very much.

DR. REYES SPEAKS ON CUBA

(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 most knowledgeable spokesmen in America about the character—indeed the danger of the Castro Communist regime—is Dr. Manolo Reyes, Latin-American commentator on channel 4, the CBS outlet, in Miami, Fla. Dr. Reyes was a distinguished commentator in Cuba before he was forced to leave his native land by the threat of incarceration from Castro. He has innumerous and very valid sources of information as to what is going on in Cuba from contacts he has. He is a student of the Castro regime and of American relations with that Communist government. Dr. Reyes is also an authority on Russian penetration into the affairs in the island of Cuba under Castro and also the growing Russian military threat in the Caribbean to our country. So when Dr. Reyes speaks about America's relations with Cuba and the proposals which some have made that we normalize such relations, he speaks with authority and his views merit the consideration of our Congress and our fellow countrymen. Dr. Reyes made an able address recently before the Tiger Bay Club, a very prominent club in Miami, upon this subject and I commend his remarks to all who will read this RECORD as being informative and, I hope, persuasive upon the reader. Accordingly, Mr. Speaker, I include Dr. Reyes outstanding address to appear in the body immediately following these remarks:

SPEECH BY DR. MANOLO REYES

The United States is a Sovereign nation and can establish relations with the nations it wishes, according to the best interests of its people. But the policy of the United States toward the Fidel Castro regime, I believe is a special political phenomena that has abruptly changed in the last 2 years in a sudden turn of a 360 degrees angle by using "Secret Diplomacy."

For years the Cuban Case was not on the priority list of the United States.

For years it seemed that the United States had frozen the Cuban Case as a "showcase" for the Americas. Isolation was the word. But it is obvious now that the Cuban Case today is a top priority item for the United States foreign policy and not to get rid of the Fidel Castro regime, not to help overthrow him, but to legalize his regime by restoring diplomatic and economic relations with Havana.

The Foreign Policy makers of the United States have followed a course of rapproachement with Castro since the beginning of 1973, and how are they doing it? They are using a new way in the international field, a new system without the knowledge of the general people—"Secret Diplomacy". When Secretary of State, Henry Kissinger, announced several days ago that the OAS had reached a general understanding on a formula to lift the Cuban embargo—he added—"Now, leave the room for secret diplomacy".

"Secret diplomacy", that can be translated in "secret understanding" which need no approval of the Senate—like the secret understanding with South Vietnam to use American forces again—if North Vietnam violated the so-called Paris Peace Agreement.

In Cuba we have had two of those secret understandings: 1) The Kennedy-Kruschev Agreement of 1962 after the Missile crisis. 2) The Nixon-Bhreznev secret understanding on the "Mini-Crisis" of 1970 after the Soviet Union built at a cost of 25 million dollars—a nuclear Soviet submarine facility in Cienfuegos in Cuba. The facility is today in full operation. And probably a third Secret understanding between Moscow and Washington about the Middle East situation with repercussions to Cuba—Guantanamo and the Panama Canal Zone. I'll explain this later.

The nations of the Western World and particularly of the Americas—have always respected the leadership of the United States and that leadership can be exercised by action or abstention.

Let us make some history and let us bring about some of the examples by action:

1961

January—The United States is forced to break diplomatic relations with Cuba.

April—Bay of Pigs Fiasco.

1962

President Kennedy pledged: He will return the Brigade's flag in a free Havana.

1964

Castro sentenced by the OAS for sending weapons to the Communist guerrillas in Venezuela. The embargo was put on the Castro regime not on the Cuban people.

1967

Ernesto Guevara, alias El Che, was killed in Bolivia.

1970

Cuban mini-crisis on Cienfuegos.

But since 1973 it is obvious that the foreign policy makers of the United States are directing the return of Castro to the OAS. Since the beginning of 1973 the United States leadership on the Cuban issue has been one of abstention—like it happened in Quito last year—and let the Latin nations decide by themselves about Cuba.

That in itself is a great change on United States policy and the Latin nations have detected it.

From 1961 to 1968 the United States policy was: "We will not permit a second Cuba in the Hemisphere".

In 1968 the United States policy to Cuba was this: To make a re-evaluation of United States policy to Cuba.

1) Castro has to stop exporting his revolution.

2) Castro has to stop training guerrilla activities in Cuba.

3) Castro has to break his strong military ties with the Soviet Union.

4) Castro has to change his hostile attitude toward the United States. But since the beginning of 1973 there has been a rush to restore diplomatic relations with Cuba at any cost. And United States has not repeated the previous conditions that we just mentioned.

In fact the one putting the conditions now is Castro demanding the Cuban Embargo to be lifted.

In February 1973, Washington and Havana signed a treaty to finish air-piracy. By this treaty the United States reinforced Castro's position in Latin America, weakening the Cuban exile position because United States reaffirmed in it the Neutrality Law. A few months after, Castro ended the Freedom Flights. Since the beginning of 1973 a total blackout has been almost in effect:

1) The Russian threat from Cuba with some 20,000 Soviet soldiers inside the Island—Mig planes—Naval forces, etc.—In the last World Maneuvers of the Soviet Union in the Atlantic, Pacific and Indian Ocean—just 3 weeks ago—Cuba was used by the Soviets as a military base. The huge Soviet bomber took off from Cuba for this military exercise.

2) A black-out has been almost in effect about the Castro guerrilla training groups and exporting his revolution to other latitudes.

Let me tell you some very interesting paragraphs:

"Castro has consistently recruited from other American Republics, and trained in Cuba, guerrillas to export the Cuban-type communist agrarian revolution. However, radical revolutionary elements in the hemisphere appear to be increasingly turning toward urban terrorism in their attempt to bring down the existing order.

"The recent visit of the Soviet fleet to Havana is one evidence of growing warmth in their relations. This Soviet performance in Cuba and throughout the Hemisphere is to be contrasted to the official Soviet government and communist party protestations not only of peaceful coexistence but of disassociation from Castro and his program of terrorism in the American Republics.

"Clearly, the opinion in the United States that Communism is no longer a serious factor in the Western Hemisphere—is thoroughly wrong."

You know when this was written?—In 1969.

Who wrote it? Nelson Rockefeller after he was on a fact finding trip to Latin America.

Recently I wrote a letter to the Vice President of the United States asking if that report still stands. Would you please listen to the answer:

DEPARTMENT OF STATE,
Washington, D.C., May 7, 1975.

Dr. MANOLO REYES,
Miami, Fla.

DEAR DR. REYES: The Vice President has asked me to reply to your letter of March 1.

You asked whether Cuba's policy of "export of revolution", described in the 1969 "Rockefeller Report", remains its current policy. Although a majority of Latin American and Caribbean countries apparently no longer regard themselves threatened by Cuba as evidenced by their decisions either to reestablish relations with Cuba or to vote for lifting of OAS sanctions against Cuba, a number of other countries do regard Cuba as threatening their internal security. And Cuban rhetorical hostility to Chile and some other Latin countries is manifested almost daily. However, Cuban support to export of revolution is largely limited to rhetoric, to financing, and to providing training against a few specific countries. Our position on this subject was discussed at some length in the Department's April 4 letter to Senator Stone which I understand was released to the Miami press in both English and Spanish versions.

The Vice President's many commitments do not make it possible for him to meet with members of the Cuban and Cuban-American

communities in the near future. I would be happy to meet with you in the Department at a mutually convenient time.

With best wishes,

Sincerely,

CULVER GLEYSTEEN,
Coordinator of Cuban Affairs.

As you see nothing is said about the Soviet Union or the Russians in Cuba. The same blackout has fallen upon the Cuban exiles. Today the new trend is good reports about Castro but the Cuban exiles cannot give their viewpoints nationwide or coast to coast.

In rare occasions they appear giving their political viewpoints. And when they are mentioned is to say that many of the Cuban exiles are rich now. And I maintain that the same time or space given to Castro should be given also to the Cuban exiles so the American people can see the other side of the coin and could make a fair decision. And the big question is—why—why this 360 degrees change on United States policy toward Cuba?

Has Castro something to offer to the United States?

Archbishop Coleman F. Carroll said recently that Castro has nothing to offer to the United States. I say the only thing that Castro has to offer is a big debt of 6 billion dollars with the Soviet Union.

When and if the relations are restored the American people will be helping to pay that debt with their taxes.

Castro will remain in Cuba and the Soviets will remain on their honeymoon with Castro. Because now—Cuba is the Vietnam of the Russians. Is there any change in Castro? None whatsoever.

His hostile attitude against the United States continues. He blasted against this country when Senators Javits and Pell were in Havana last September—and did it again when Senator McGovern left Cuba this month.

Last month, the Internal Security Subcommittee of the Senate made a publication pointing out that the "Venceremos Brigade" is a system of espionage of Castro in the United States.

Castro is still holding in Cuba 700 American citizens with some 1,300 Cuban relatives. They want to leave the island but Castro does not allow it, saying they are Cubans, not Americans. Even though he pledged he will let them out at the end of the Freedom Flights. Human rights continue to be violated. There are still in Cuban jails thousands of Cuban political prisoners.

And sea and air piracy continued in Cuba.

I have been told that 2 vessels from the United States: Willy May and Josefa Maria left Key West in a fishing trip on March 4 with 7 persons aboard. Today, these persons are in Cuba—in Camaguey province—after being apparently captured in international waters. A plane left Grand Cayman—en route to Fort Lauderdale at the end of March with 4 persons aboard—apparently the plane was forced to land in Cuba—and nobody knows what happened to the people aboard.

And then we repeated the same question: Why?

"Secret Diplomacy" between Washington and Moscow. And the name of the game under Russian pressure is: There will be peace in the Middle East if there is peace in Latin America. And the 2 weak spots in Latin America are:

Number One: Castro—the embargo—the relations and Guantanamo Naval Base. We have reports that the United States is little by little dismantling Gitmo.

Number 2: The Panama Canal Zone—that is why the foreign policy makers of the United States are in such a rush to make a new treaty about the Canal Zone with the strongman of Panama, Omar Torrijos, who is threatening with a blood bath if the United States is not giving up the Zone.

Guantanamo and Panama are the only 2 American Military bases in a Communist country like Cuba—and a country under heavy Communist propaganda like in Panama.

These are vital positions of the Western World. And the United States—in their good natured viewpoint looking for peace at any cost—could fall again in a "no win" policy.

Last year the North Vietnamese signed a peace treaty in Paris respecting the rights of South Vietnam.

Even the two main negotiators for the Communists and the United States received the Nobel Peace Prize, a year later the Communists have taken over South Vietnam—violating their agreement. This cannot happen in the Americas.

And history is only written by victory.

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. EMERY) to revise and extend their remarks and include extraneous matter:)

Mr. BIESTER, for 5 minutes, today.

Mr. STEIGER of Wisconsin, for 5 minutes, today.

Mr. MARTIN, for 15 minutes, today.

(The following Members (at the request of Mr. BALDUS) to revise and extend their remarks and include extraneous material:)

Mr. MINETA, for 5 minutes, today.

Mr. GONZALEZ, for 5 minutes, today.

Ms. ABZUG, for 20 minutes, today.

Mr. MURPHY of New York, for 10 minutes, today.

Mr. DIGGS, for 5 minutes, today.

Mr. LEGGETT, for 10 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MARTIN, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $834.

Mr. BROWN of California, just prior to the passage of the suspension on H.R. 6387.

Mr. HECHLER of West Virginia, and to include extraneous matter in his remarks during debate on the continuing resolution.

(The following Members (at the request of Mr. EMERY) and to include extraneous matter:)

Mr. CRANE.

Mr. STEIGER of Wisconsin.

Mr. COHEN.

Mr. ANDERSON of Illinois in two instances.

Mr. DEL CLAWSON.

Mr. DERWINSKI in two instances.

Mr. TREEN.

Mr. MCCLORY.

Mr. MYERS of Pennsylvania.

Mr. PEYSER in 10 instances.

Mr. MARTIN in two instances.

Mr. BAUMAN in 10 instances.

Mr. MCKINNEY.

Mr. WINN.

Mr. CARTER.

Mr. LAGOMARSINO.

(The following Members (at the request of Mr. BALDUS) and to include extraneous matter:)

Mr. RUSSO in five instances.

Mr. DIGGS.

Mr. GONZALEZ in three instances.

Mr. ANDERSON of California in three instances.

Mr. SIMON.

Mr. JOHN L. BURTON.

Mr. VIGORITO.

Mr. BIAGGI in 10 instances.

Mr. SOLARZ in three instances.

Mr. STOKES in two instances.

Mr. HANNAFORD in five instances.

Mr. THOMPSON.

Mr. MCDONALD of Georgia in two instances.

Mr. BRECKINRIDGE.

Mr. DOMINICK V. DANIELS.

Ms. ABZUG.

Mr. BEDELL.

Mr. VANIK.

Mr. MATSUNAGA in two instances.

Mr. DRINAN.

Mr. DOWNEY of New York.

Mr. SANTINI.

Mr. BRINKLEY.

Mr. FUQUA.

Mr. EVINS of Tennessee in two instances.

Mr. MILLER of California.

Mr. FOLEY.

Mr. MAGUIRE.

SENATE BILLS AND CONCURRENT RESOLUTION REFERRED

Bills and a concurrent resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 18. An act to amend the Act of August 31, 1922, to prevent the introduction and spread of diseases and parasites harmful to honeybees, and for other purposes; to the Committee on Agriculture.

S. 584. An act to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

S. Con. Res. 45. Concurrent resolution expressing the sense of the Congress that the Federal Home Loan Bank Board shall refrain from authorizing variable rate mortgages unless and until authorized by the Congress; to the Committee on Banking, Currency and Housing.

ENROLLED BILL SIGNED

Mr. HAYS of OHIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 4221. An act relating to the operation of certain education laws.

ADJOURNMENT

Mr. BALDUS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 30 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 18, 1975, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1233. A letter from the President of the United States, transmitting proposed budget amendments for fiscal year 1976 and for the transition period July 1 through September 30, 1976, for the Department of State (H. Doc. No. 94–188); to the Committee on Appropriations and ordered to be printed.

1234. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of Act No. 1–18, "To extend the effective dates of the District of Columbia Public Postsecondary Education Reorganization Act, and for other purposes," pursuant to section 602(c) of Public Law 93–198; to the Committee on the District of Columbia.

1235. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Navy to offer to sell certain defense article and services to the Government of the Netherlands, pursuant to section 36(b) of the Foreign Military Sales Act, as amended; to the Committee on International Relations.

1236. A letter from the Acting Administrator, U.S. Environmental Protection Agency, transmitting a prelimiary assessment of suspected carcinogens in drinking water, pursuant to section 1442(a)(9) of the Public Health Service Act, as amended (88 Stat. 1683); to the Committee on Interstate and Foreign Commerce.

1237. A letter from the General Counsel for the National Council on Radiation Protection and Measurements, transmitting the audit of the Council's financial statements for calendar year 1974, pursuant to section 14(b) of Public Law 88–376; to the Committee on the Judiciary.

1238. A letter from the General Counsel of the Department of Defense, transmitting a draft of proposed legislation to amend title 5, United States Code, to repeal section 5343(d) and make conforming amendments; to the Committee on Post Office and Civil Service.

1239. A letter from the Deputy Administrator, U.S. Environmental Protection Agency, transmitting a revised report on the 1974 survey of the estimated costs of construction of needed publicly-owned wastewater treatment works, pursuant to section 516(b) of the Federal Water Pollution Control Act, as amended; to the Committee on 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. LONG of Louisiana: Committee on Rules. House Resolution 549. Resolution providing for the consideration of H.R. 4415. A bill to amend the Intergovernmental Personnel Act of 1970 to provide more effective means to improve personnel administration in State and local governments; to correct certain inequities in the law; and to extend coverage under the law to the Trust Territory of the Pacific Islands. (Rept. No. 94–304). Referred to the House Calendar.

Mr. MADDEN: Committee on Rules. House Resolution 550. Resolution providing for the consideration of H.R. 6334. A bill to amend further the Peace Corps Act (Rept. No. 94–305). Referred to the House Calendar.

Mr. MURPHY of Illinois: Committee on Rules. House Resolution 551. Resolution providing for the consideration of H.R. 7567. A bill to amend the Arms Control and Disarmament Act, and for other purposes (Rept. No. 94–306). Referred to the House Calendar.

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. BEARD of Rhode Island:

H.R. 7944. A bill to amend the U.S. Housing Act of 1937, and the National Housing Act, to provide that future social security benefit increases shall be disregarded in determining eligibility for admission to or occupancy of low-rent public housing or the rent which an individual or family must pay for such housing, and that such increases shall also be disregarded in determining rents in other federally-assisted housing and eligibility for (and the amount of) other Federal housing subsidies; to the Committee on Banking, Currency and Housing.

By Mr. DERWINSKI:

H.R. 7945. A bill to establish a program of comprehensive medical, hospital, and dental care as protection against the cost of ordinary and catastrophic illness by requiring employers to make insurance available to each employee and his family, by Federal financing of insurance for persons of low income, in whole or in part according to ability to pay, and by assuring the availability of insurance to all persons regardless of medical history, and on a guaranteed renewable basis; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. DODD (for himself, Mr. BEARD of Rhode Island, Mr. DRINAN, Mr. ROYBAL, and Mr. MURPHY of New York):

H.R. 7946. A bill to amend the Civil Rights Act of 1964 and the act commonly called the Civil Rights Act of 1968 to prevent discrimination in employment and housing against disabled persons; jointly to the Committees on Education and Labor, and the Judiciary.

By Mr. FREY (for himself, Mr. BYRON, Mr. ABDNOR, Mr. ANNUNZIO, Mr. BAFALIS, Mr. BEDELL, Mr. BELL, Mr. BLOUIN, Mr. BURKE of Florida, Mr. Mr. COCHRAN, Mr. COLLINS of Texas, Mr. DUNCAN of Tennessee, Mr. EILBERG, Mr. ENGLISH, Mr. FUQUA, Mr. HAGEDORN, Mr. HEFNER, Mr. HENDERSON, Mr. HICKS, Mr. JONES of Tennessee, Mr. KASTEN, Mr. KAZEN, Mr. KETCHUM, Mr. LAGOMARSINO, and Mr. LENT):

H.R. 7947. A bill to amend the Communications Act of 1934 with respect to the renewal of licenses for the operation of broadcasting stations; to the Committee on Interstate and Foreign Commerce.

By Mr. FREY (for himself, Mr. BYRON, Mrs. LLOYD of Tennessee, Mr. LUJAN, Mr. MCEWEN, Mr. MADIGAN, Mr. MANN, Mr. MARTIN, Mr. MELCHER, Mr. MILFORD, Mr. MILLS, Mr. MITCHELL of New York, Mr. MOORHEAD of Pennsylvania, Mr. MYERS of Indiana, Mr. PERKINS, Mr. PRESSLER, Mr. PREYER, Mr. QUIE, Mr. QUILLEN, Mr. RONCALIO, Mr. SANTINI, Mr. SARASIN, Mr. SCHNEEBELI, Mr. SHRIVER, and Mr. SNYDER):

H.R. 7948. A bill to amend the Communications Act of 1934 with respect to the renewal of licenses for the operation of broadcasting stations; to the Committee on Interstate and Foreign Commerce.

By Mr. FREY (for himself, Mr. BYRON, Mr. STEED, Mr. THONE, Mr. TREEN, Mr. WAGGONNER, Mr. WALSH, Mr. WEAVER, Mr. WINN, Mr. YOUNG of Alaska, and Mr. JARMAN):

H.R. 7949. A bill to amend the Communications Act of 1934 with respect to the renewal of licenses for the operation of broadcasting stations; to the Committee on Interstate and Foreign Commerce.

By Mr. HAYS of Ohio (for himself, and Mr. DENT):

H.R. 7950. A bill to amend the Federal election Campaign Act of 1971 to extend the authorization of appropriations for the Federal Election Commission for fiscal years 1976, 1977, and for other purposes; to the Committee on House Administration.

By Mr. HANLEY:

H.R. 7951. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. HARRINGTON (for himself, and Mr. CONTE):

H.R. 7952. A bill to provide for accelerated research and development in the care and treatment of autistic children, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. HARRINGTON:

H.R. 7953. A bill to establish a National Energy Information Administration and a National Energy Information System, to authorize the Department of the Interior to undertake a survey of U.S. energy resources on the public lands and elsewhere, and for other purposes; jointly to the Committees on Interstate and Foreign Commerce and Interior and Insular Affairs.

By Mr. KETCHUM:

H.R. 7954. A bill to amend the Federal Water Pollution Control Act, as amended, to define the term "navigable waters" as it applies to Corps of Engineers responsibility and authority to regulate the discharge of dredged or fill material; to the Committee on Public Works and Transportation.

H.R. 7955. A bill to extend to all unmarried individuals the full tax benefits of income splitting now enjoyed by married individuals filing joint returns; to the Committee on Ways and Means.

By Mr. MCHUGH:

H.R. 7956. A bill to apply to rail anchors the same tariff treatment that applies to rails; to the Committee on Ways and Means.

By Mr. PASSMAN:

H.R. 7957. A bill to amend the Communications Act of 1934 with respect to the renewal of licenses for the operation of broadcasting stations; to the Committee on Interstate and Foreign Commerce.

By Mr. BARRETT (for himself, Mr. BROWN of MICHIGAN, Mr. MOORHEAD of Pennsylvania, Mr. STEPHENS, Mr. MITCHELL of Maryland, Mr. HANLEY, Mrs. BOGGS, Mr. AUCOIN, Mr. REES, Mr. MCKINNEY, and Mr. REUSS):

H.R. 7958. A bill to assist low-income persons in insulating their homes; to the Committee on Banking, Currency and Housing.

By Mr. BIESTER (for himself, Mr. ANDERSON of Illinois, Mr. BROWN of Michigan, Mr. BURGENER, Mr. CONTE, Mr. DOWNEY of New York, Mr. EDGAR, Mrs. FENWICK, Mr. GILMAN, Mr. HORTON, Mr. JEFFORDS, Mr. LAGOMARSINO, Mr. MARTIN, Mr. MOSHER, Mr. REES, Mr. ROE, Mr. STEIGER of Wisconsin, and Mr. WINN):

H.R. 7959. A bill to create a Joint Committee on Intelligence Operations, to the Committee on Rules.

By Mr. BINGHAM:

H.R. 7960. A bill to amend the Elementary and Secondary Education Act of 1965 to assist school districts to carry out locally approved school security plans to reduce crime against children, employees, and facilities of their schools; to the Committee on Education and Labor.

By Mr. BYRON:

H.R. 7961. A bill 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; to the Committee on Science and Technology.

By Mr. CLANCY:

H.R. 7962. A bill making emergency employment appropriations for the fiscal year ending June 30, 1975, and for other purposes; to the Committee on Appropriations.

H.R. 7963. A bill to amend the Communications Act of 1934 with respect to the renewal of licenses for the operation of broadcasting stations; to the Committee on Interstate and Foreign Commerce.

H.R. 7964. A bill to amend the Internal Revenue Code of 1954 to provide that natural wines containing certain flavorings shall continue to be treated as special natural wines for purposes of the excise taxes on wines; to the Committee on Ways and Means.

H.R. 7965. A bill to regulate lobbying and related activities; jointly to the Committees on the Judiciary, and Standards of Official Conduct.

By Ms. COLLINS of Illinois (for herself, Mr. ADDABBO, Mr. CONYERS, Mr. DIGGS, Mr. EDGAR, Mr. FASCELL, Mr. KOCH, Mr. LEHMAN, Mr. REES, Mr. RODINO, Mr. SCHEUER, Ms. SPELLMAN, and Mr. STARK):

H.R. 7966. A bill to protect purchasers and prospective purchasers of condominium housing units, and residents of multifamily structures being converted to condominium units, by providing for the establishment of national minimum standards for condominiums (to be administered by a newly created Assistant Secretary in the Department of Housing and Urban Development), to encourage the States to establish similar standards, and for other purposes; to the Committee on Banking, Currency, and Housing.

By Mr. CORNELL (for himself, Mr. BAUCUS, Mr. SOLARZ, and Mr. STARK):

H.R. 7967. A bill to provide public financing of primary and general elections for the Senate and the House of Representatives; to the Committee on House Administration.

By Mr. DRINAN (for himself, Mr. RODINO, Mr. EDWARDS of California, and Mr. OTTINGER):

H.R. 7968. A bill to amend chapter 7 (relating to judicial review of agency action) of title 5 of the United States Code to provide for the recovery of attorney fees as a part of costs in certain civil actions to obtain judicial review; to the Committee on the Judiciary.

By Mr. DRINAN (for himself, Mr. RODINO, and Mr. EDWARDS of California):

H.R. 7969. A bill to amend the Civil Rights Act of 1964 to provide reasonable attorney fees in cases involving civil and Constitutional rights; to the Committee on the Judiciary.

By Mr. DUNCAN of Tennessee:

H.R. 7970. A bill to amend title XVIII of the Social Security Act so as to clarify the meaning of the term "outpatient physical therapy services" insofar as such term includes speech pathology services provided by certain persons; to the Committee on Ways and Means.

H.R. 7971. A bill to amend title XVIII of the Social Security Act to provide for coverage of comprehensive hearing health care services, including provision for hearing amplification devices financed in part by the Federal Government; to the Committee on Ways and Means.

H.R. 7972. A bill to amend title XVIII of the Social Security Act to provide for comprehensive and quality health care for persons with communicative disorders under the health insurance program (medicare) including preventive, diagnostic, treatment, and rehabilitative functions; jointly to the Committees on Ways and Means, and Interstate and Foreign Commerce.

By Mr. FOLEY:

H.R. 7973. A bill to amend the Federal Trade Commission Act (15 U.S.C. 44, 45) to provide that under certain circumstances exclusive territorial arrangements shall not be deemed per se unlawful; to the Committee on Interstate and Foreign Commerce.

By Mr. FRENZEL:

H.R. 7974. A bill to amend the Internal Revenue Code of 1954 to provide reasonable and necessary income tax incentives to encourage the utilization of recycled solid waste materials and to offset existing income tax advantages which promote depletion of virgin natural resources; to the Committee on Ways and Means.

By Ms. HOLTZMAN (for herself, Mr. BINGHAM, Mr. JEFFORDS, Mr. MELCHER, Mr. SARBANES, and Mrs. SPELLMAN):

H.R. 7975. A bill to amend title XVI of the Social Security Act to insure that cost-of-living increases in supplemental security income benefits are granted to recipients of such benefits in all States, to provide a housing supplement to certain recipients of such benefits, to prevent reductions in such benefits because of social security benefit increases, to allow recipients of such benefits in cash-out States to elect to receive food stamps, to provide for emergency assistance to recipients, and for other purposes; to the Committee on Ways and Means.

By Mr. KETCHUM (for himself, Mr. WHITE, Mr. DOMINICK V. DANIELS, Mr. HARRIS, Mrs. SPELLMAN, Mr. MINETA, Mr. JENRETTE, Mr. UDALL, Mr. TAYLOR of Missouri, and Mr. BEARD of Tennessee):

H.R. 7976. A bill to amend title 5, United States Code, to provide that annual leave lost by a Federal employee because of an unjustified or unwarranted personnel action shall be restored to the employee, and for other purposes; to the Commitee on Post Office and Civil Service.

By Mr. LEVITAS (for himself, Ms. COLLINS of Illinois, Mr. COCHRAN, Mr. ROSE, Mr. STUCKEY, Mr. CARR, Mr. BRODHEAD, Mrs. MEYNER, Mr. HARRIS, Mr. HENDERSON, Mr. HARRINGTON, Mr. GRADISON, Mr. EMERY, Mr. CORNELL, Mr. WHITEHURST, Mr. SIKES, Mr. WEAVER, Mr. SPENCE, Mrs. LLOYD of Tennessee, Mr. HYDE, Mr. KREBS, Mr. HOLLAND, Mr. BEARD of Tennessee, Mr. BEDELL, and Mr. DEVINE):

H.R. 7977. A bill to permit either House of Congress to disapprove certain rules proposed by executive agencies; jointly to the Committees on the Judiicary, and Rules.

By Mr. LEVITAS (for himself, Mr. LONG of Louisiana, Mr. LANDRUM, Mr. YOUNG of Georgia, Mr. WAGGONNER, Mr. HUBBARD, Mr. ALEXANDER, Mr. HAYES of Indiana, Mr. FOUNTAIN, Mr. SIMON, Mr. MONTGOMERY, Mr. PATTERSON of California, Mrs. PETTIS, Mr. WIRTH, Mr. PRESSLER, Mr. KEMP, Mr. D'AMOURS, and Mr. LEHMAN):

H.R. 7978. A bill to permit either House of Congress to disapprove certain rules proposed by executive agencies; jointly to the Committees on the Judiciary, and Rules.

By Mr. LEVITAS (for himself, Mr. WRIGHT, Mr. SISK, Mr. MEZVINSKY, Mr. FITHIAN, Mr. BUTLER, Ms. SCHROEDER, Mr. PRITCHARD, Mr. ANDERSON of California, Mr. DAVIS, Mr. BOWEN, Mr. STEPHENS, Mr. LAFALCE, Mr. KRUEGER, Mr. HEFNER, Mr. BEVILL, Mr. BREAUX, Mr. KASTEN, and Mr. BRECKINRIDGE):

H.R. 7979. A bill to permit either House of Congress to disapprove certain rules proposed by executive agencies; jointly to the Committees on the Judiciary, and Rules.

By Mr. MAGUIRE (for himself, Mr. DOWNEY of New York, Mr. FRASER, Mr. HARRINGTON, Mr. MCCLOSKEY, Mr. PATTISON of New York, Mr. ROE, Mr. SOLARZ, and Mr. THOMPSON):

H.R. 7980. A bill to designate a national network of essential rail lines; to authorize the Secretary of Transportation to acquire, rehabilitate, and maintain rail lines; to require minimum standards of maintenance for rail lines; to provide financial assistance to the States for rehabilitation of rail lines, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mrs. MEYNER:

H.R. 7981. A bill to prohibit the military departments from using dogs in connection with any research or other activities relating to biological or chemical warfare agents; to the Committee on Armed Services.

By Mr. MONTGOMERY (for himself, and Mr. SPENCE):

H.R. 7982. A bill to amend title 5, United States Code, to correct certain inequities in the crediting of National Guard technician service in connection with civil service retirement, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MOORHEAD of Pennsylvania:

H.R. 7983. A bill to establish an Agency for Consumer Protection in order to secure within the Federal Government effective protection and representation of the interests of consumers, and for other purposes; to the Committee on Government Operations.

By Mr. PEYSER (for himself, Mr. KETCHUM, Mr. MATSUNAGA, Mr. PATMAN, Mrs. SPELLMAN, Mr. STUDDS, Mr. KOCH, and Mr. MCCLOSKY):

H.R. 7984. A bill to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers; to the Committee on Education and Labor.

By Mr. RINALDO:

H.R. 7985. A bill to regulate commerce by establishing a nationwide system to restore motor vehicle accident victims and by requiring no-fault motor vehicle insurance as a condition precedent to using a morto vehicle on public roadways; to the Committee on Interstate and Foreign Commerce.

By Mr. RISENHOOVER:

H.R. 7986. A bill to amend the Communications Act of 1934 with respect to the renewal of licenses for the operation of broadcasting stations; to the Committee on Interstate and Foreign Commerce.

By Mr. ROBERTS:

H.R. 7987. A bill to amend title 38, United States Code, to provide special pay and incentive pay for certain physicians and dentists employed by the Department of Medicine and Surgery of the Veterans' Administration in order to enhance the recruitment and retention of such personnel, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. ROGERS (for himself, Mr. PREYER, Mr. SYMINGTON, Mr. SCHEUER, Mr. WAXMAN, Mr. HEFNER, Mr. FLORIO, Mr. CARNEY, Mr. MAGUIRE, Mr. CARTER, Mr. BROYHILL, Mr. HASTINGS, and Mr. HEINZ):

H.R. 7988. A bill to amend the Public Health Service Act to revise and extend the program under the National Heart and Lung Institute, to revise and extend the program of National Research Service Awards, and to establish a national program with respect to genetic diseases; and to require a study and report on the release of research information; to the Committee on Interstate and Foreign Commerce.

By Mr. SCHULZE (for himself, Mr. BURGENER, Mr. CARR, Mr. EMERY, Mrs. FENWICK, Mr. GRADISON, Mr. HARRIS, Mr. HASTINGS, Mr. HYDE, Mr. KELLY, Mr. MAZZOLI, Mr. MEEDS, Mrs. PETTIS, Mr. RODINO, Mr. SARBANES, Mr. SEIBERLING, Mr. SOLARZ, Mr. STARK, Mr. TREEN, and Mr. YOUNG of Florida):

H.R. 7989. A bill to authorize the Secretary of the Interior to establish the Valley Forge National Historical Park in the Commonwealth of Pennsylvania, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TEAGUE (for himself, Mr. MOSHER, Mr. SYMINGTON, Mr. FREY, Mr. ROE, and Mr. THORNTON):

H.R. 7990. A bill to strengthen staff capabilities for providing advice and assistance to the President with respect to scientific and technological considerations affecting national policies and programs; to the Committee on Science and Technology.

By Mr. WHITE:

H.R. 7991. A bill to amend the Communications Act of 1934 to establish orderly procedures for the consideration of applications for renewal of broadcast licenses; to the Committee on Interstate and Foreign Commerce.

By Mr. CHARLES H. WILSON of California (for himself and Mr. Nix):

H.R. 7992. A bill to authorize any officer or employee of the United States to accept the voluntary services of certain students for the United States; to the Committee on Post Office and Civil Service.

By Mr. LEVITAS (for himself, Mr. CARR, Mr. DOWNEY of New York, Mr. EILBERG, Mr. KREBS, Mr. MATHIS, Mr. MITCHELL of Maryland, Mr. PATTISON of New York, Mr. WON PAT, and Mr. MINETA):

H.J. Res. 514. Joint resolution to establish a National Commission on Social Security; to the Committee on Ways and Means.

By Mr. MOTTL:

H.J. Res. 515. Joint resolution proposing an amendment to the Constitution of the United States to permit the States to provide financial assistance to religiously affiliated schools; to the Committee on the Judiciary.

By Mr. FRASER (for himself, Mr. BINGHAM, Mr. MATSUNAGA, Mr. RICHMOND, Mr. SOLARZ, and Mr. VANDER JAGT):

H. Con. Res. 309. Concurrent resolution expressing the sense of the Congress with respect to International Women's Year; to the Committee on International Relations.

By Mr. MARTIN:

H. Con. Res. 310. Concurrent resolution to disapprove the regulations of the Department of Health, Education, and Welfare relating to nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from Federal financial assistance; to the Committee on Education and Labor.

H. Con. Res. 311. Concurrent resolution to disapprove certain sections of the Department of Health, Education, and Welfare regulations relating to nondiscrimination on the basis of sex in education programs and activities receiving or benefiting from Federal financial assistance applicable to athletic programs and grants; to the Committee on Education and Labor.

By Mr. SOLARZ (for himself, Mr. BINGHAM, and Mr. ROSENTHAL):

H. Con. Res. 312. Concurrent resolution disapproving the obligation of Middle East special requirements funds for certain projects in Syria; to the Committee on International Relations.

By Mr. CLAY:

H. Res. 547. Resolution for the impeachment of Liam S. Coonan, Special Crime Strike Force Prosecutor for the United States Department of Justice; to the Committee on the Judiciary.

By Mr. MONTGOMERY (for himself, Mr. WAMPLER, Mr. ROONEY, Ms. SCHROEDER, Ms. SMITH of Nebraska, Mr. BARRETT, Mr. EDGAR, Mr. CONTE, Mr. MICHEL, Mr. GRADISON, Mr. KINDNESS, Mr. ASHLEY, Mr. BROWN of Ohio, Mr. JAMES V. STANTON, Mr. MILLER of Ohio, Mr. MOTTL, Mr. REGULA, Mr. CLANCY, Mr. STOKES, Mr. VANIK, Mr. ASHBROOK, Mr. WYLIE, Mr. MOSHER, Mr. BROOMFIELD, and Mr. TAYLOR of Missouri):

H. Res. 548. Resolution establishing a select committee to study the problem of U.S. servicemen missing in action in Southeast Asia; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII,

190. Mr. AUCOIN presented a memorial of the Legislature of the State of Oregon, relative to American citizens missing in Southeast Asian and China; to the Committee on International Relations.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. O'HARA:

H.R. 7993. A bill for the relief of Mrs. Kap-Sun Yi; to the Committee on the Judiciary.

By Mr. ZEFERETTI:

H.R. 7994. A bill to extend the term of two design patents, Nos. 191,069 (dated August 8, 1961) and 191,770 (dated November 14, 1961), for bottles, granted to Louis Schacher, Dennis F. Wheeler, and John F. Drum; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 3474

By Mr. DINGELL:

On Page 38, line 4, strike all through the period in line 12 and renumber the succeeding sections.

On page 38, line 22, strike the period and insert a colon and the following: "*Provided, that* such moneys shall first be authorized for such expenses in annual authorization Acts."

On page 44, between lines 4 and 5 insert the following:

"SEC. 310. No Federal employee performing any function or duty under this Act or any other law administered by the Energy Research and Development Administration shall have a direct or indirect financial interest in any firm or business engaged in nuclear and nonnuclear energy research and development. Whoever knowingly violates the provisions of the above sentence shall, upon conviction, be punished by a fine of not more than $2,500, or by imprisonment for not more than one year, or both. The Administrator shall (1) within sixty days after enactment of this Act publish regulations, in accordance with 5 U.S.C. 553, to establish the methods by which the provisions for the filing by such employee and the review of statements and supplements thereto concerning their financial interests which may be affected by this section, and (2) report to the Congress on March 1 of each calendar year in the actions taken and not taken during the preceding calendar year under this section."

On page 42, between lines 19 and 20, insert the words: "Part C—Other General Provisions" and on page 43 strike line 15.

By Mr. RICHMOND:

Page 33, line 6, strike the figure "$38,800,000" and insert in lieu thereof the figure "$48,700,000".

H.R. 6334

By Mr. HARRINGTON:

On page 1, in line 6, strike out "$88,468,000" and insert in lieu thereof "$90,718,000" and in line 8, strike out "$27,887,800" and insert in lieu thereof "$28,742,800".

H.R. 7001

By Mr. LONG of Maryland:

On the first page, immediately after line 8, insert the following:

"SEC. 2. Unless the President determines that the national security requires such license or authorization, and makes a report of such determination to the Congress (which report shall be available to every Member of the Congress) at least 60 days prior to the issuance of such license or authorization, the Nuclear Regulatory Commission shall not use any of the funds herein authorized to license or otherwise authorize any export of nuclear fuel or nuclear technology—

"(1) to any country which furnishes or agrees to furnish uranium enrichment or nuclear fuel reprocessing plants to a country not a party to the nuclear nonproliferation treaty; or

"(2) to any country which is not a party to the nuclear nonproliferation treaty and which develops either any enrichment or reprocessing plant without concluding an agreement with the International Atomic Energy Agency or Euratom by which all present and future nuclear facilities are made subject to safeguards established by either such agency against diversion of nuclear material."

SENATE—*Tuesday, June 17, 1975*

(Legislative day of Friday, June 6, 1975)

The Senate met at 11 a.m., on the expiration of the recess, and was called to order by Hon. ROBERT MORGAN, a Senator from the State of North Carolina.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O God, from whom all blessings flow, draw near to us as we draw near to Thee, and grant that Thy spirit may pervade the deliberations of this body. Be with us when we stand to speak, or sit to listen, or walk the aisles, or quietly confer. When we vote, make us obedient to the promptings of conscience and the light of Thy guiding spirit. May we not be molded by pressures from without, but help us to mold the world after the pattern of Thy kingdom on Earth.

O God of all mankind, grant us the spirit of fraternal good will as we welcome the emissary of another nation. Give us ears to hear his words, minds to comprehend his message, and hearts to respond in friendship to the people whom he represents, that there may be reconciliation, brotherhood, and peace among the nations. Help us ever so to comport ourselves as to remain "one Nation under God."

And to Thee shall be all the praise and thanksgiving. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Monday, June 16, 1975, be approved.