a high level of unemployment, some government representatives huddles with the heads of the big giants conglomerates and try to coax them into devising new ways of creating jobs. This does not work all that well apparently because those big concerns depend themselves on the large consuming public. The public has only so much capacity for absorbing the goods that are offered in today's market.

I should like to suggest that people who could best remedy the unemployment situation are the small businessmen and that goes for businesswomen as well. When I say small I mean small.

Let me give you a typical example of the kind of thing I just went through with. A young man calls me on the telephone asking me for employment. He should like to learn the trade of piano repair (which is my business). Piano repair can be a good way to make a living for a competent technician. The unfortunate thing about it is that it takes years to learn this trade in order to gain the proficiency required for effective marketing of skill.

I arranged to meet this young men and decided that I should give him a try. The man is not unintelligent and seems to understand what is explained and showed him.

It became however very soon obvious that whatever little training he has had in school amounts to nothing.

I find myself spending as patiently as I can the time necessary to show him the various initial steps of the trade. Do you understand? Yes he does. You are sure? And so he goes. After three weeks he manages through some little oversight to drop a mechanism (cost one hundred fifty dollars). I decide to overlook this and proceed with the boy along the steps planned. After five weeks of this it becomes clear that this young man is starting to cost me time and money that I can not afford. I have to let him go. I am not so unsensitive that I do not perceive that this young man is deeply disillusioned with his being thanked and terminated. Could I have kept this apprentice on. Certainly I could but not Mr. Duncan at $2.30 an hour which is the required wage. Plus the social security that I have to match. Plus the TriMet, Plus the unemployment tax. Plus my time doing the accounting, plus my having to pay an accountant at the end of every three month to fill forms after forms, plus and plus and plus.

So I ask myself: am I some kind of cantankerous character?

Well may be not. Because I speak to other people who are in my kind of situation and what comes out is this: Avoid employing anybody like the plague. . . . The problems, penalties, and punishments inflicted on the small employer are beyond description. We have some committee made up of some Harvard or Yale graduates who don't have the slightest notion of what struggles have to be waged to barely remain in business, and these are the people who tell us what is right and wrong. Some years ago I had a young man working for me and going to high school. He worked every Saturday afternoon. Do you know Mr. Duncan that I had more mail coming through my mail box for those few hours of a teenager employment than I had for the whole running of my business and that includes the correspondence received for personnel reason. I am asking you Mr. Duncan. What would you do? I had to hire an accountant every month to fill the papers sent by all your agencies and I was awful close to believe that the whole future of the United States of America depended on the little withholding to be made on a salary of a few dollars a week. And then the State has the guts to talk about saving energy. It should be interesting to compute how many people were involved in the filling and filing and refilling and refiling of the papers connected just with one little high school boy working a few hours a week. The upshot the first chance I thanked him and terminated. It put money in my pocket and got rid of a whole bunch of mail to have attend to. Now you may say that this all sounds crazy. But multiply this situation by so many millions and the situation goes from crazy to tragic. My point: Get us rid of this cancerous bureaucracy, Get us rid of those monkey wrenches, Get us rid of those inspectors and form fillers and those innumerable clerks who are paid at our expenses to penalize us at every move we make, when trying to put a kid through school. Or giving a young person a chance to learn a trade. Or trying to improve our business so that we might provide better conditions for employing people all around. We are not asking for federal funding or state funding we are asking for a little bit of common sense on the part of those governing agencies who are like a growing abscess on the face of the nation.

Maybe Mr. Duncan, you should sound off that great segment of the society called the small business man and you may learn that what I say here in a rough and ready manner is nothing but the truth.

Respectfully yours,

ADRIEN BEZDECHI.

PORTLAND, OREG.

HOUSE OF REPRESENTATIVES—*Tuesday, May 4, 1976*

The House met at 12 o'clock noon.

Rev. Edgar M. Cooper, pastor, the New Hanover Lutheran Church, New Hanover, Pa., offered the following prayer:

In Thee, O God, do we trust.

Hold our thoughts in reverent awe of Thy majesty and power.

Clothe us with the humility of creatures in the presence of their Creator.

Give us an appetite for the deepest needs of life; satisfy our hunger for righteousness and freedom.

Tame our rebel hearts in the knowledge that all peoples and nations are Thine.

Take from us all arrogance; with eloquence speak to us in our daily need for renewal.

Patiently mold us into a people after Thine own heart though it pleases Thee to respect our freedom of will.

All praise to Father, Son, and Holy Spirit for Thy trust, O God, in us. 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 PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Roddy, one of his secretaries.

MESSAGE FROM THE SENATE

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

H.R. 2782. An act to provide for the reinstatement and validation of U.S. oil and gas lease numbered U-0140571, and for other purposes; and

H.R. 11876. An act to amend the Water Resources Planning Act (79 Stat. 244) as amended.

The message also announced that the Senate disagrees to the amendment of the House to the concurrent resolution (S. Con. Res. 109) entitled "A concurrent resolution setting forth the congressional budget for the U.S. Government for the fiscal year 1977 (and revising the congressional budget for the transition quarter beginning July 1, 1976)," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MUSKIE, Mr. MAGNUSON, Mr. MOSS, Mr. MONDALE, Mr. HOLLINGS, Mr. CRANSTON, Mr. BELLMON, Mr. DOLE, Mr. BEALL, and Mr. DOMENICI to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill on a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 2555. An act to establish a national rangelands rehabilitation and protection program; and

S.J. Res. 126. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas.

REV. EDGAR MAUNEY COOPER

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

Mr. SCHULZE. Mr. Speaker, it is a great privilege for me today to introduce an outstanding member of the clergy whom you have had the pleasure of meeting earlier, Rev. Edgar Mauney Cooper, who just offered the inspiring prayer. Reverend Cooper is pastor of the New Hanover Lutheran Church in New Hanover, Pa. He was ordained in October 1945, installed as pastor of the New Hanover Lutheran Church, November 11, 1945, and has been there ever since. Pastor Cooper is serving in a church that has a direct tie to the speakership of the House of Representatives. Our distinguished first Speaker was Frederick Muhlenberg who served in the Continental Congress and was elected Speaker in 1789 serving until 1791. Muhlenberg was also pastor of the New Hanover Lutheran Church from 1777 to 1778, as well as a signer of the American Bill of Rights. The church in which Pastor Cooper serves is the first Lutheran church of German origin organized in America. It was founded in 1700 by the Reverend Daniel Falckner.

Mr. Speaker, you addressed the congregation of the New Hanover Lutheran Church last November on the occasion of the 275th anniversary of the founding of the church and the 225th anniversary of the birth of Speaker Frederick Muhlenberg.

Pastor Cooper has been president of the

Boyertown Ministerial Association, chaplain of the Pottstown Automobile Club for 21 years, is presently a member of the New Hanover Bank advisory board, has served on the board of managers of the Artman Lutheran Home for the Aging, Ambler, Pa., also on numerous committees of the church at various levels. He is presently serving as president of the Eastern Pennsylvania Lutheran Historical Society. He served as a member of the Pottstown, Pa., Selective Service Board until it was phased out. I am sure my colleagues join in my thanks to Reverend Cooper for his inspiring prayer.

PRIVATE CALENDAR

The SPEAKER. This is Private Calendar day. The Clerk will call the first individual bill on the Private Calendar.

FIDEL GROSSO-PADILLA

The Clerk called the bill (H.R. 6817) for the relief of Fidel Grosso-Padilla.

Mr. BAUMAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

CARMELA SCUDIERI

The Clerk called the bill (H.R. 8065) for the relief of Carmela Scudieri.

There being no objection, the Clerk read the bill as follows:

H.R. 8065

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for purposes of the Immigration and Nationality Act, Carmela Scudieri shall be entitled to classification as a preference immigrant under section 203(a)(5) of the Act, upon submission of a petition filed in her behalf by Maria Nigra, a citizen of the United States, pursuant to section 204 of the Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

ANGELA GARZA

The Clerk called the Senate bill (S. 223) for the relief of Angela Garza.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the Senate bill be passed over without prejudice.

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

There was no objection.

MRS. HOPE NAMGYAL

The Clerk called the Senate bill (S. 1699) for the relief of Mrs. Hope Namgyal.

There being no objection, the Clerk read the Senate bill, as follows:

S. 1699

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Mrs. Hope Namgyal, who lost United States citizenship Immigration and Nationality Act, may be under the provisions of section 349 of the naturalized by taking prior to one year after the effective date of this Act, before any court referred to in subsection (a) of section 310 of the Immigration and Nationality Act, the oaths prescribed by section 337 of the said Act. From and after naturalization under this Act, the said Mrs. Hope Namgyal shall have the same citizenship status as that which existed immediately prior to its loss: *Provided,* That nothing contained herein or in any other provision of law shall be construed as conferring United States citizenship retroactively upon the said Mrs. Hope Namgyal during any period in which she was not a citizen.

SEC. 2. The oaths prescribed by section 337 of the Act shall be entered in the records of the naturalization court, and a certified copy of the proceedings under the seal of the court shall be delivered to the said Mrs. Hope Namgyal upon payment of the $25 naturalization fee, which certified copy shall be evidence of the facts stated therein before any court of record or judicial tribunal, or in any department or agency of the Government of the United States.

With the following committee amendment:

Strike out all after the enacting clause and insert in lieu thereof the following:

"That, for the purposes of the Immigration and Nationality Act, Mrs. Hope Namgyal shall be held and considered to have been lawfully admitted to the United States for permanent residence as of the date of the enactment of this Act, upon payment of the required visa fee."

The committee amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MRS. ROSE THOMAS

The Clerk called the bill (H.R. 1424) for the relief of Mrs. Rose Thomas.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MRS. LESSIE EDWARDS

The Clerk called the bill (H.R. 1762) for the relief of Mrs. Lessie Edwards.

There being no objection, the Clerk read the bill, as follows:

H.R. 1762

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purpose of the laws administered by the Veterans' Administration, the application for benefits which Mrs. Lessie Edwards, of New Cumberland, West Virginia, completed in September 1959 following the death on August 29, 1959, of her husband, the late George L. Edwards (XC20741307), shall be held and considered by the Veterans' Administration as timely filed; and the Administrator of Veterans' Affairs is hereby authorized and directed to make retroactive payments in accordance with the entitlement established pursuant to such application.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

MILDRED N. CRUMLEY

The Clerk called the bill (H.R. 7685) for the relief of Mildred N. Crumley.

Mr. WYLIE. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MURRAY SWARTZ

The Clerk called the bill (H.R. 1560) for the relief of Murray Swartz.

Mr. BAUMAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

FRANKLIN R. HELT

The Clerk called the bill (H.R. 2564) for the relief of Franklin R. Helt.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

CHESTER C. CLARK, MARY L. CLARK, AND DOROTHY J. WILBUR

The Clerk called the bill (H.R. 6507) for the relief of Chester C. Clark, Mary L. Clark, and Dorothy J. Wilbur.

Mr. BAUMAN. Mr. Speaker, I ask unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

TV FACTS, ROCHESTER, N.Y.

The Clerk called the bill (H.R. 9414) for the relief of TV Facts, Rochester, N.Y.

There being no objection, the Clerk read the bill as follows:

H.R. 9414

For the relief of TV Facts, Rochester, New York.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he hereby is, authorized and directed to settle and adjust the claim of TV Facts, Rochester, New York for advertisements published during the period September 29, 1974, through December 29, 1974, for the Department of the Navy, and to allow in full and final settlement of such claim the sum of $392. Such amount shall be payable from the applicable appropriation of the Department of the Navy.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

BOULDER DAILY CAMERA, BOULDER, COLO.

The Clerk called the bill (H.R. 9965) for the relief of Boulder Daily Camera, Boulder, Colo.

There being no objection, the Clerk read the bill as follows:

H.R. 9965

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and he hereby is, authorized and directed to settle and adjust the claim of the Boulder Daily Camera, Boulder, Colorado, for the Army Reserve Officer's Training Corps, University of Colorado, Boulder, Colorado, recruiting advertisement published in September 1972, and to allow in full and final settlement of such claim the sum of $57.12. Such amount shall be payable from the applicable appropriation of the Department of the Army.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

PAUL W. WILLIAMS

The Clerk called the Senate bill (S. 1494) for the relief of Paul W. Williams.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the Senate bill be passed over without prejudice.

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

There was no objection.

JOHN W. HOLLIS

The Clerk called the bill (H.R. 1402) for the relief of John W. Hollis.

There being no objection, the Clerk read the bill as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John W. Hollis, of Ballwin, Missouri, the sum of $5,148.35 in full settlement of all his claims against the United States for losses he sustained through the purchase and sale of residences and for travel and other expenses which failed to qualify for reimbursement, which he and his family incurred as a result of changes in his official station from Sandia Base, New Mexico, to Saigon, Republic of Vietnam in January 1969, and from Saigon to St. Louis, Missouri, on March 10, 1969, while he was employed by various agencies of the Department of Defense.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim. Any person violating the provisions of this section shall be fined not more than $1,000.

With the following committee amendment:

Page 1, line 6, strike "$5,148.55" and insert $4,114.45".

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

Mr. ROUSSELOT. Mr. Speaker, I ask unanimous consent that the further call of the Private Calendar be dispensed with.

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

There was no objection.

APPOINTMENT OF CONFEREES ON SENATE CONCURRENT RESOLUTION 109, CONGRESSIONAL BUDGET FOR FISCAL YEAR 1977

Mr. ADAMS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate concurrent resolution (S. Con. Res. 109) setting forth the congressional budget for the U.S. Government for the fiscal year 1977 (and revising the congresssional budget for the transition quarter beginning July 1, 1976), with the House amendment thereto, insist on the House amendment, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Washington? The Chair hears none, and appoints the following conferees: Messrs. ADAMS, O'NEILL, WRIGHT, ASHLEY, O'HARA, LEGGETT, MITCHELL of Maryland, BURLESON of Texas, DERRICK, LATTA, SCHNEEBELI, and DEL CLAWSON, and Mrs. HOLT.

SUBCOMMITTEE ON ENVIRONMENT AND SAFETY OF JOINT COMMITTEE ON ATOMIC ENERGY TO CONDUCT PUBLIC HEARINGS ON MANAGEMENT OF RADIOACTIVE WASTES

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

Mr. McCORMACK. Mr. Speaker, as chairman of the Subcommittee on Environment and Safety of the Joint Committee on Atomic Energy, I am pleased to announce that the subcommittee will conduct a series of public hearings on the management of radioactive wastes starting next Monday. The hearings will be held at 10 a.m., on May 10, 11, and 12 in the Public Hearing Room of the Joint Committee, S–407, U.S. Capitol.

The management and handling of radioactive wastes, including wastes from our nuclear energy industry, is a subject of intense concern throughout the country. There is not the slightest doubt but that the technology can be developed for isolating, encapsulating, and storing our nuclear wastes deep in the ground in such a way that they present no threat whatsoever to the biosphere, the environment, or the population. Furthermore, it should be possible to do this so economically that the additional cost for nuclear electricity associated with permanent waste management would be insignificant.

The time has come for a full public discussion of the technical alternatives associated with waste management.

PERMISSION FOR COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO SIT DURING 5-MINUTE RULE ON THURSDAY, MAY 6, 1976

Mr. FLYNT. Mr. Speaker, I ask unanimous consent that the Committee on Standards of Official Conduct may be permitted to sit during proceedings under the 5-minute rule on Thursday, May 6, 1976.

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

There was no objection.

ORPHANS OF THE EXODUS

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

Mr. PEYSER. Mr. Speaker, all of the nations which signed the Helsinki final act, including the Soviet Union, pledged to do everything possible to reunite families separated by political boundaries.

Because the Soviet Union is not living up to that promise, Members of Congress are conducting a vigil on behalf of the families which remain separated.

A case history of these families entitled "Orphans of the Exodus" dramatically details this tragic problem. At this time I would like to bring to the Members' attention the situation of the Mark Berlovich Grayer family.

MARK BERLOVICH GRAYER

Mark Grayer is a 28 year old electrical engineer. After he graduated from the Institute of Penza in 1971, he worked in the food industry. He had no access to secret documents, nor had he ever worked in military factories, nor had he even served in the army.

The Grayer family all applied for visas in March 1971. Believing that there were no grounds for refusal, they sold their living quarters and packed their belongings. Homeless, they struggled for 2½ years and somehow managed to survive—continually applying for visas, continually being refused. In June 1974, three visas were approved. In a desperate state, the family decided to leave with the younger son, a mechanic. Mark had to stay behind.

CONTINUATION OF PASSENGER AND CARGO AIRLINE SERVICE IMPORTANT TO ECONOMY OF RURAL AREAS IN SOUTH DAKOTA

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

Mr. PRESSLER. Mr. Speaker, I would like to call the attention of the House to the difficulty many smaller towns and cities have, in terms of airline service.

The Committee on Science and Technology is undertaking a study of aviation policy. This reminds me that in South Dakota many of our smaller towns and cities and rural areas are threatened with the discontinuation of airline service. It is of great importance to the economy of our rural areas and smaller towns that we continue airline service for both cargo and passenger purposes.

Mr. Speaker, I am also concerned that present plans of deregulation do not take fully into account the impact of the rural areas that the discontinuation of this serivce might have. I have discussed this matter with Secretary of Transportation Coleman—he assures me that steps are being taken to protect smaller airports.

I wish to emphasize how important that is to South Dakota.

APPOINTMENT AS MEMBERS OF COMMISSION ON EXECUTIVE, LEGISLATIVE AND JUDICIAL SALARIES

The SPEAKER. Pursuant to the provisions of section 225(b), Public Law 90-206, the Chair appoints as members of the Commission on Executive, Legislative, and Judicial Salaries the following members from private life: Edward H. Foley, of the District of Columbia, and Sherman Hazeltine, of Arizona.

NINTH ANNUAL REPORT OF THE UNITED STATES-JAPAN COOPERATIVE MEDICAL SCIENCE PROGRAM—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 94-485)

The SPEAKER laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, referred to the Committee on Interstate and Foreign Commerce and ordered to be printed:

To the Congress of the United States:

As required by the International Health Research Act of 1960, Public Law 86-610, I herewith transmit to the Congress the Ninth Annual Report of the U.S.-Japan Cooperative Medical Science Program.

GERALD R. FORD.

THE WHITE HOUSE, *May 4, 1976.*

CALL OF THE HOUSE

Mr. RONCALIO. 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. 230]

Anderson, Ill.	Evans, Ind.	Milford
Andrews, N.C.	Fish	Mitchell, N.Y.
Andrews, N. Dak.	Flowers	Moorhead, Pa.
Ashley	Foley	Murphy, N.Y.
Bell	Ford, Mich.	Nichols
Bevill	Fraser	Nix
Bonker	Gaydos	O'Hara
Bowen	Giaimo	Pattison, N.Y.
Buchanan	Harsha	Pepper
Burton, John	Hayes, Ind.	Rees
Cochran	Hechler, W. Va.	Scheuer
Collins, Ill.	Heckler, Mass.	Seiberling
Conyers	Hefner	Shuster
de la Garza	Heinz	Spellman
Dellums	Hinshaw	Staggers
Diggs	Johnson, Colo.	Stanton, James V.
Dingell	Jones, Ala.	Stephens
Edwards, Ala.	Karth	Teague
Esch	Kindness	Udall
Eshleman	LaFalce	
Evans, Colo.	Macdonald	
	Madden	

The SPEAKER. On this rollcall 370 Members have recorded their presence by electronic device, a quorum.

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

PERSONAL EXPLANATION

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

Mr. DU PONT. Mr. Speaker, yesterday afternoon I was absent on business in Delaware, and missed several recorded votes in the House. Had I been present, I would have voted in the following manner:

Rollcall No. 225, "aye."
Rollcall No. 226, "aye."
Rollcall No. 227, "aye."
Rollcall No. 228, "aye."
Rollcall No. 229, "aye."

CHILD DAY CARE STANDARDS ACT—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER. The unfinished business is the further consideration of the veto message of the President on the bill H.R. 9803, to facilitate and encouarge the implementation by States of child day care service programs conducted pursuant to title XX of the Social Security Act, and to promote the employment of welfare recipients in the provision of child day care services, and for other purposes.

The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

The gentleman from Oregon (Mr. ULLMAN) is recognized for 1 hour.

Mr. ULLMAN. Mr. Speaker, I am going to yield in a moment to the gentleman from California (Mr. CORMAN) to lay out the basic concepts involved in this very important day care matter. Before I do, however, let me point out there has been a great deal of misunderstanding about this proposal. Some people think that if the Members are opposed to the standards that we placed into effect, somehow they should support this veto, and the opposite is exactly the situation. The standards—and I personally concur—are a little too tight for most States.

I would like to see these standards moderated but the standards are in effect. The standards by act of this Congress went into effect the first of February of this year. This matter before us is the result of a concerted effort on the part of the committee and the House and the other body and the conference to delay those standards in order to do two things: First, to keep day care centers from closing because the standards are so rough the States cannot handle them; and second, also give the Congress some leeway in which to operate in case we do want to further change the standards.

This bill which we passed and the President vetoed does delay the standards until July 1. What I am saying is that if we want those standards delayed, we will vote to override the veto because that is the only way we can get the job done. The President very glibly said:

> Well, kill this bill and then let the Congress move to delay the standards.

All I am saying is that this is the effort of the Congress to delay the standards, this is the only way that can be accomplished in the complicated processes we have, and if the Members want the standards delayed then they must vote to override, because that in my judgment is the only way we can accomplish the purpose.

What the bill also does is to provide some financial relief for the States in shoring up for the problem as of July 1 when and if the standards would go into effect if we do override this veto.

This is a very important matter, so I am going to yield 10 minutes to the distinguished chairman of the subcommittee, the gentleman from California (Mr. CORMAN), who has worked very hard and diligently on this matter, so he may further define this issue for the Members.

I yield to the gentleman from California (Mr. CORMAN).

Mr. CORMAN. Mr. Speaker, I rise to support congressional override of the President's veto of the conference report on H.R. 9803, a bill to provide additional funds and modify certain standards for day care services under title XX of the Social Security Act.

My colleagues will recall that when the conference report was voted on by this body on March 23, 1976, the intent of the House of Representatives was manifested by an overwhelming 316 votes in favor of the legislation. The President has sent the conference report back to us with his disapproval, notwithstanding this overwhelming display of congressional support. I hope that our response to the veto will be an unequivocal reaffirmation of our support for the worthy objectives of this bill.

To summarize its provisions briefly, the conference agreement would provide $125 million additional funds between now and October 1, 1976, to enable States to bring child care services into compliance with the child care requirements of title XX as modified by this bill. It would continue, until July 1, 1976, the present moratorium on enforcement of the staffing standards for children in day care between the ages of 6 weeks and 6 years of age. Also effective until October 1, States would be allowed to waive the staffing requirements in certain situations and would be authorized to use title XX social service funds to make grants to day care providers for hiring welfare recipients to work in day care facilities.

The President's veto message criticized the day care standards which are to be implemented with the additional funds provided by the conference report. In the President's words, the standards are "an unwarranted Federal interference in State's administration of these programs." However, title XX has less stringent standards for day care than were in effect prior to October 1, and the staffing standards, the appropriateness of which has been questioned, are further relaxed by section 6 of this legislation. That section permits State welfare agencies to waive the Federal staffing requirements in the case of child care centers and group day care homes which meet State standards if the children receiving federally funded care represent no more than 20 percent of the total number of

children—or, in the case of a center, no more than five children—provided that it is infeasible to place the children in a center which does meet the Federal requirements. This section would also modify the limitations on the number of children cared for in a family day care home by providing that the family day care mother's own children not be counted unless they are under age 6.

It must be made clear that the Federal interagency day-care requirements apply not just to staff ratios, but they also set safety and health standards and general requirements for the suitability of physical facilities. All of these standards are justified to promote a decent and safe environment for the protection of children. Further relaxation of any of these standards would lower the quality of child care. To have Federal dollars expended on low quality child care would not only be a waste of Federal money, but more importantly, could seriously jeopardize the lives of young children.

This bill is devoted entirely to quality child day care services, and yet, contravening Mr. Ford's arguments against it, continues to leave broad discretion to the States in allocating funds among social services, and in determining who is eligible for social services.

The funds provided by this bill will allow day care standards to be met without massive reductions in the number of children served. As a result, former welfare recipients and other low income people who are now employed and are heavily dependent on day care services under title XX, will continue to have access to adequate child care to allow them to work.

A provision which further enhances the appeal of this bill is that it provides for the use of funds within the title XX ceiling to hire welfare recipients to work in day care centers serving children from low income homes. In testimony before the Senate Finance Committee, the commissioner of the New Jersey Department of Institutions and Agencies praised the section of the conference report which provides this incentive for hiring AFDC mothers in the day care centers. According to their statistics, just the availability of child care services has allowed 10,764 families formerly on welfare to become employed and leave the welfare rolls, thereby reducing welfare payments by $19.4 million per annum. It is felt that providing employment opportunities for welfare recipients in the day care centers will produce a greater effect by increasing the job market to allow more recipients to leave the welfare rolls.

According to a survey of States taken last October, approximately 30 States indicated employment opportunities on their day care staffs for welfare mothers. A substantial number of the States indicated that they would recruit from 80 to 100 percent of their additional staff from the ranks of welfare mothers. The State of Georgia has said that they can fill 100 percent of their need for additional staff with welfare recipients.

A rejection of this conference report would be costly in terms of the care and safety of young children, and the savings which would result from the employment of welfare mothers.

I would say to the House that the President has proposed to us that we convert title XX funds to block grants. This proposal would take effect October 1 if we adopt it. Our subcommittee has scheduled hearings. We will look at it. We will see if there is a better way to appropriate funds and do our best to be fair with the States and also with the national taxpayers; but none of those things can be put in place at this point. If this veto is not overriden, it means that every day care center which has been in violation of staffing standards or any other standards since February 1, 1976, will have to forfeit funds because they were not in compliance with the standards during that period.

To take an example of the impact on some of the States, Illinois estimates that from 35,000 to 40,000 children would be affected if these day care centers are taken from them. Minnesota would lose all their title XX day care programs. Texas would lose day care slots of 8,000. Georgia about 4,500 children.

There has been some question whether this bill is related to the Child and Family Services Act. First of all, that Act must stand on its own. I suspect it is good legislation. It has nothing to do with this program. This program is to fund day care centers which are in existence. Many of them have not been in compliance with standards. Those standards will be waived until July 1. In other words, we say, "We forgive you for your past transgressions and we give you $125 million to comply with the new standards as of July 1."

By October 1 we will know whether we are going to continue specific programs under title XX of the block grants.

I urge the Members of the House to vote to override the President's veto.

Mr. ULLMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. VANDER JAGT).

Mr. VANDER JAGT. Mr. Speaker and Members of the House, the political analysts tell us that the message that came through from Texas was that the American people are anti-Washington and antibig Federal Government. This legislation before us is a beautiful illustration of why the people ought to be, and are, fed up with Washington's answer to difficult problems that face this Nation.

When all of the smokescreen is penetrated, what this bill really amounts to, in effect, over the long haul, is the imposition of strict Federal staffing standards on local day care centers all across America, and locking us into funding those standards at an additional $250 million per year to meet those standards. That, in spite of the fact that I really believe 99.5 percent of those who will be voting to override the veto do not know what those standards are. I do not believe that any Member of this body, with knowledge that has been gleaned from the legislative process, knows whether or not those standards indeed are appropriate. Imposing standards that we do not know are correct or they are appropriate can only prompt the American people to say, "That is a lousy way to run a railroad."

That is exactly what this body said about that kind of action last October. The Members all remember that these standards were going to become effective last October 1, and we heard from our day care centers all across America when they said, "We cannot meet those standards. We will be broke, and on top of that, the standards are ridiculous." In fact, some mothers would not be able to live up to the standards with their own children, in their own families, in their own homes.

So, the Ways and Means Committee presented to the House a bill which said, "We ought to defer those standards, because we have not taken a look of them for 6 months, to give us an opportunity to determine whether they are appropriate or not." And, by almost 400 votes, this body did just exactly that.

Those 6 months have come and gone, and we have not spent 1 second—not 1 second—doing what we said was absolutely essential, and that is, take a look at the appropriateness of the standards before we straitjacket every American day care center into them.

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

Mr. VANDER JAGT. I yield to the gentleman from Minnesota.

Mr. FRENZEL. Is the gentleman telling me that we had no hearings, no witnesses, no experts talking about these standards after we went through the rigamarole and told people how we were going to study, and we did nothing?

Mr. VANDER JAGT. The gentleman is exactly correct.

Mr. FRENZEL. I am astonished and aghast.

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

Mr. VANDER JAGT. I yield to the gentleman from California.

Mr. CORMAN. One of the problems with the subcommittee on which I serve is that we have great difficulty in getting quorums, and one of the reasons is because Members are involved in so many things in addition to their legislative obligations in this House.

Mr. VANDER JAGT. I would add to the comment of the gentleman from California that there has frequently been good and sufficient reason, but the fact remains that we did not spend 1 second in doing what we said was absolutely essential, and that is take a look at determining whether these standards are appropriate or not.

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

Mr. VANDER JAGT. I yield to the gentleman from New York.

Mr. RANGEL. Whether we had hearings or not, are standards locked into law at the present time?

Mr. VANDER JAGT. The standards are not locked into law. This body can at any time remove the standards. The standards will take effect if we take no action, but we can do now what we did last October. That is, in 48 hours, which is what we did last October, we can pass legislation that would suspend the standards until October 1. There is legisla-

tion introduced that would do just that, and that is the appropriate response to this problem.

Mr. RANGEL. If we sustain the President's veto, then the standards which the gentleman so vigorously opposes will become the law?

Mr. VANDER JAGT. They will become the law, but we would have an opportunity to do exactly what we did in October, and that is, suspend the standards until October 1, until we have a chance to do what we said was absolutely essential, and that is look at them before we straitjacket day care centers into them.

If I might continue, I would call the chairman's attention to the fact that I have been yielding rather liberally, and I hope he bears that in mind if my time has expired.

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

Mr. VANDER JAGT. I yield to the gentleman from New Jersey (Mr. FORSYTHE).

Mr. FORSYTHE. Mr. Speaker, on March 23, 1976, I voted against the conference report on H.R. 9803, the Child Day Care Services Act. Today I must vote to sustain the President's veto of that legislation. I strongly feel that these votes are based on valid objections to the legislation, and I would like to briefly discuss those objections.

First, let me point out that the issue in this instance is not one of supporting the concept of child day care, although proponents of the bill have simplistically made that claim. Rather, the major issues we must face are, one, whether the Federal staffing standards involved here are appropriate, and, two, whether Congress should ignore its budget process in providing the additional funding necessary to implement those standards.

Let me briefly outline the exact situation in which we find ourselves today. Public Law 93–647 required that as of October 1, 1975, child day care providers meet specific standards known as the Federal interagency day care requirements in order to qualify for funding under the new title of the Social Security Act. Public Law 94–120 later postponed the staffing requirements until February 1, 1976. That date has come and gone. Those standards are now in effect. That is the source of the so-called emergency which this legislation is supposed to address. H.R. 9803 provides an additional delay and additional funding—to the tune of $125-million—to rescue the country from congressionally imposed standards which cannot yet be met. Unfortunately, in the flurry of attempting to handle this congressionally caused crisis, very few of my colleagues in the Congress are asking the crucial questions: Should these standards have been imposed to begin with and should we compound the problem by trying to aid in their imposition with emergency funding?

Just exactly what are these controversial staffing standards and what is the basis for mandating them nationwide? The standards require one adult for every four children between 6 weeks and 3 years of age; one adult for every five children between 3 and 4 years of age; and one adult for every seven children between 4 and 6 years of age. Unfortunately, the exact basis for arriving at these precise figures is somewhat obscure. At this point we have absolutely no proof that these staffing ratios will have any effect, let alone a demonstrably beneficial effect on the quality of child day care. Instead of such proof, the apparent reason for the imposition of uniform nationwide child day care standards is the vague feeling that if the Federal Government is going to participate in the funding of day care, then it has the right to require that the program be conducted according to its rules.

Let me point out that the Federal Government also participates in the funding of education nationwide, annually providing millions of dollars for educational purposes at all levels. Nowhere has the Federal Government attempted to impose specific student-teacher ratios or establish the exact size of classes, or specify the nature of the physical environments conducive to education. We wisely leave these determinations to the professional educators closest to the problem. But the legislation we are considering today, we are mandating uniform staffing requirements nationwide without the slightest substantiation for the appropriateness of those standards in relation to child day care centers throughout the Nation.

And let me emphasize that we are primarily mandating uniform staffing ratios. Matters of health or safety are not at issue here. Health and safety standards have already been implemented. Some supporters of the legislation have defended the additional funding in this bill as being essential for centers to meet Federal health and safety requirements.

Actually the Federal interagency day care requirements only require that day care centers comply with local health and safety codes. Health and safety matters, then, have been recognized as the responsibility of State and local governments, but staffing ratios have been reserved for the wisdom of Washington.

A primary issue in voting for this legislation, therefore, is not the wisdom of supporting child day care centers but the wisdom of requiring adoption of specific Federal staffing ratio standards without any apparent justification for those standards.

The other primary issue which I mentioned earlier is the advisability of allowing this self-fulfilling emergency to be used as a basis for violating the new budget procedures initiated by the Budget and Impoundment Control Act. I was very disappointed earlier that the House approved the rule allowing the conference report to come to the floor in spite of its violation of the Budget Act. For the first time in its history Congress is operating under a rational budget process which seems to be functioning admirably in its first true application. The additional funding of this legislation represents a violation of that budget process. If Congress creates a false emergency and then cites that emergency as the basis for deliberately ignoring its own budget procedures, then those procedures certainly will not have the far-reaching effects anticipated when they were enacted. The Budget Act, apparently, is considered by many of my colleagues to be nothing more than a new, rational facade concealing the continued irrationality of the old chaotic procedures; a convenient process to be cited as evidence of fiscal responsibility but one that can be conveniently ignored when too constricting. If that new budget process is to be anything more than a farce, we must adhere to it in instances such as are represented by this legislation.

In summary, Mr. Speaker, my vote today reflects my objection to passage of legislation mandating unexamined uniform national staffing standards for child day care and my objection to using those standards as a justification for ignoring the funding levels established in the new budget procedures. This is not a vote against the concept of suitable child day care centers, but a vote for responsible examination of the effect of mandating national standards whose implementation will provide a severe economic dislocation of established national priorities without any corresponding proof of positive results. I urge my colleagues in the House to sustain President Ford's veto of this ill-advised legislation.

Mr. VANDER JAGT. Mr. Speaker, I would like to point out that there is one difference between the situation now and last October. This time we are spending, in effect, $250 million a year to ride along with these new higher standards. I think the theory is that if you pay people enough, they will meet new standards, whether they are appropriate or not.

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

Mr. ULLMAN. Mr. Speaker, I yield 3 additional minutes to the gentleman from Michigan.

Mr. VANDER JAGT. Mr. Speaker, I think there are two classes of people who will be hurt. One is the taxpayers, who pay for it, and the other is the average blue-collar American who pays out of his pocket to send his kids to the day care center in order to work to pay the taxes to meet these additional standards.

It would really be worth it if it had anything to do with quality of day care. But throwing dollars to it is no solution. This Congress is closing its eyes to the problem and is just throwing dollars at it, in the hopes that it will go away.

On March 10 the mayor's task force of New York City said the administration of day care in New York City was amazingly incompetent, wasting millions, millions, and millions of taxpayers' dollars. Some slum landlords receive $140,000 a year in rent for a couple of rooms in a slum building. There is no wonder it costs less for a father to send his son to Harvard than it does the taxpayer to send his child to some of the day care centers in New York City. Now we want to raise that.

Mr. Speaker, the bucket is leaking like a sieve. The solution is not to pour more water into the bucket, but to close the leaks that are there.

The ridiculous thing about this bill is that we are suspending the standards until July 1 in this bill, but we are providing the funds to meet those standards

in this quarter, which is almost half over. We are providing retroactive payments to meet nonexisting standards for the time frame during which the payments are made for. That is how the other body has us twisted in a pretzel. If this work product is an example of the work of this Congress, if this bill represents the best work product that this Congress can come up with, then that 9-percent approval rating that we get from the American people is about 300 percent too high.

Mr. Speaker, I urge the Members to analyze this legislation, see what it does. If they do, I think they will vote to sustain a well justified Presidential veto.

Mr. ULLMAN. Mr. Speaker, I yield 4 minutes to the gentleman from New York (Mr. RANGEL).

Mr. RANGEL. Mr. Speaker, if the gentleman that preceded me is so concerned with children being forced to have day care centers in slums, then it seems to me that he would not be attaching what he now calls high standards. But if someone does take issue with the standards, where were they when the law was passed? This bill does not create any new laws as pertains to standards. A vote to sustain the veto in this case means we are locking in the standards, whether we support them or not, and it would require new legislation in order to get more flexible standards.

What happens now with the law that is in effect if we vote to sustain the President's veto? Incidentally, I think the President may have more support on this floor than obviously he had in Texas, but there are different vibrations that we get from that. But I would suspect that HEW would be forced to put into effect regulations that would sustain the standards as created by existing law, and any jurisdiction that fails to to meet those standards would be penalized as results in Federal matching funds.

So if the Members really vote to sustain the veto, what they are doing is voting to have the standards go into effect, and then we will not provide the funds that are necessary for the day care centers around this country to meet those standards.

In addition to that, I understand that the President is concerned with jobs, the President is concerned with the cost of unemployment, and the President is concerned with the cost of welfare. We have incorporated in this piece of legislation not only an opportunity for people who are willing and able to work to have some place secure for their children as they seek and gain employment but, in addition to that, we have an incentive provided by the day care centers so that the welfare mothers can get off welfare and become employed.

Mr. Speaker, I would like to repeat what my subcommittee chairman has said and what the chairman of the Committee on Ways and Means has said, and I hope someone will understand that if we vote to sustain this veto, we are not changing any standards or we are not raising the standards but what we are doing is penalizing the States in dollars and cents, and there are States which cannot meet the standards that will certainly be enforced if this veto is sustained.

Mr. Speaker, today the Congress has an opportunity to reiterate its support for the objectives of the day care bill by overriding the President's veto of that legislation. When this measure was before the House on March 23, it was passed by a vote of 316 to 72, but President Ford has obstinately put his stamp of disapproval on this legislation in the face of such strong congressional support.

The fate of H.R. 9803 will determine the availability and effectiveness of existing day care programs under title XX of the Social Security Act. If the bill is not passed, it will mean that many former welfare recipients now working and other low income people will no longer be able to participate in the labor market because of the lack of child care services now available under title XX.

The bill would provide between now and October 1, 1976, $125 million currently needed by the States to meet Federal requirements without a cutback in services. The most controversial issue which has emerged is centered on the staff-ratio requirements. This bill does modify and liberalize those standards because it waives compliance with the staffing requirements for day care programs where the enrollments are equal to or less than 20 percent title XX children. The bill will also suspend staff requirements until July 1, 1976 to give the programs time to hire the additional staff necessary. In addition, many people overlook the fact that Federal requirements also mandate certain health and safety standards for the protection of young children.

The biggest bonus of this bill is the measure which provides that funds under title XX can be used to help cover the costs of hiring welfare mothers to staff the child care centers. In light of reports from the States indicating their intention to take advantage of this incentive to hire welfare recipients, and the resultant savings to the Federal and State governments in the form of reduced food stamp, AFDC, and medicaid expenditures, this feature of the bill could be an effective weapon against the increasing welfare costs.

I strongly urge my colleagues to vote to override the veto of this bill.

Mr. ULLMAN. Mr. Speaker, I yield 5 minutes to the gentleman from Illinois (Mr. MICHEL).

Mr. MICHEL. Mr. Speaker, in a very perceptive article in the Washington Post recently, Suzanne Woolsey, former director of Social Services and Human Development in the office of the Assistant Secretary of HEW, analyzed the successes and failures of day care in general, and Federal programs in particular.

Commenting on the legislation befor us today, she comes to the conclusion that it is even worse than "throwing money at the problem." It is, she says, "throwing problems at the problem."

It is indeed. It does not make day care services more widely available, it simply makes them more costly. A lot more costly—like $250 million a year more. And to do what? To reach more mothers and children? No. Merely, like the classic bureaucracy in action, to hire more staff.

And yet it is being sold to this Congress as a bill to delay the imposition of new regulations mandating the hiring of more staff. As such it is a classic in another way—a classic of devious legislation.

Let every Member here understand that if he thinks he is voting for a bill to postpone those controversial Federal staffing standards, which have been rejected by three out of every four States, he has been deceived. This is a bill to do just the opposite—it is a bill which will mandate those costly, inflexible Federal standards on the numbers of supervisors that a day care center serving title XX children must have.

I say those standards are bad. I say they are ill considered, and I say that they have not really been examined by the Congress at all. Indeed, we have a study underway—approved right here by the Congress itself—with results due next year. So why on Earth do we insist on moving forward now? I say the idea of the standards ought to be postponed, and then it ought to be rejected.

The Federal Government has no business setting such regulations for neighborhood day care centers in Peoria.

Now, it is also important that we understand the relationship of this bill to those families who are not eligible under title X, but who are users of day care facilities.

Suppose they use facilities supported by title XX money, on a fee basis. Many of them do, and Members who vote to override this veto need to understand that they are voting to increase the costs of day care for these families by that action. Because, with the mandating of these standards, those costs are going to go up, make no mistake about it.

They are probably also going to go up for families who use nonfederally supported facilities, as the inexorable laws of competition work their ways.

And then we must consider the effect of this legislation on those centers who have some, but not too many, title XX eligible children. There is a loophole in the bill, which exempts from the Federal standards facilities with less than 20 percent of such children. This is bound to result in some centers reducing their enrollments of title XX children in order to get in under the limit.

So the result is less day care than we have now, really. By forcing up the price for fee-paying families, we will cut some of them out of the market, and by encouraging enrollment manipulation on the part of many of the centers, we will force some poor children out.

That is not my idea of a good day care bill, and so I want to encourage all my colleagues to support the President's veto. Then, having rid ourselves of this unfortunate bill, we can turn to the real need and pass a simple extension of the moratorium on the new standards and move on to consider the President's very sensible proposal to allow the States to set and enforce their own day care staffing standards.

Mr. ULLMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Oklahoma (Mr. JONES).

Mr. JONES of Oklahoma. Mr. Speaker, I introduced the first bill, I believe, to postpone the staffing ratios that were brought about under these day care regulations.

Today I rise to ask that we override the veto of H.R. 9803.

The situation we find ourselves in is a true "Catch 22" situation because if we do not override then the regulations on health, safety, and staffing, and all the others will go into effect anyway; and there will be no funds to offset the costs of these regulations.

Mr. Speaker, I have serious reservations about the federally mandated staffing ratios, and I think there is going to be an opportunity to work to correct these regulations when we get into the bill for fiscal year 1977; but we do not have that opportunity today. That is not what we are considering.

The President vetoed this bill, as I understand it, because he prefers a block-grant approach to the title XX money to go to the States and allow the States to set the regulations. This will be considered this summer when we take up the fiscal year 1977 appropriations and authorizations.

Mr. Speaker, that is not what we are considering today. What we are considering today is whether or not we should override this veto to give the States and the day care centers the funds they need to meet the regulations which are going to be in effect regardless of what we do today.

The Governor of Oklahoma, who is also very much opposed to the Federal staffing regulations, has come out in favor of overriding this veto because he points out what is common to so many States, that these regulations are going to cost the States and the day care centers millions of dollars. In Oklahoma's case, it is about $8 million, according to the Governor.

Mr. Speaker, if we do not override, my best judgment is that one of two things will happen: We are either going to see a number of day care centers closed, or some States will take what I consider to be a backward step and bring about dual licensing, licensing in one case for public assistance children and in another case for non-public-assistance children. This certainly is not the direction in which this Congress ought to be going.

Mr. Speaker, this bill does have an exemption, as was brought out by the previous gentleman, so that if a day care center has fewer than 20 percent or fewer than five children on public assistance, that day care center is exempted from the regulations.

I think that the bill is the best compromise that we can get between the House and the other body.

Mr. Speaker, I urge that we override this veto; and then when we get to the substantive issues that have been discussed earlier today and to the only substantive issue on which there has been disagreement, and that is the staffing ratios, let us strike that out this summer. Let us strike that out for the fiscal year 1977, and let us get on with allowing the States and the day care centers to do their job so as to allow working mothers who previously were on welfare to remain on the job so that we will not add further to the welfare costs of this Nation.

Mr. Speaker, I urge that this veto be overridden.

Mr. ULLMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, when this bill was passed, I voted for recommittal because I believed that the choice presented to the House then was a poor one. We were asked to vote for a lousy bill, or have no bill at all. I did vote for the bill on the theory that a flawed bill is better than none at all.

Today we must decide whether to sustain or override a veto of H.R. 9803. The choice is a little different. In the first place, it is a clearer choice. A vote to override is a stronger affirmation of the bill. A vote to sustain today can mean that a good bill can then be passed, for surely the Congress will not let the matter die.

Under these circumstances, I shall vote to sustain the veto.

I want to review what is wrong with the bill:

First. It adds a quarter of a billion dollars of extra annual cost;

Second. It validates local standards which are of unknown merit;

Third. It perpetuates, after October, the questionable Federal standards, which are generally agreed to have no basis in fact;

Fourth. It does not increase services. It only increases costs;

Fifth. It also increases costs for fee-paying families;

Sixth. It puts day care back on categorical grant bases and opens up by precedent a similar approach for other social services; and

Seventh. It solves no problem. It only postpones the inevitable.

We do seem to have plenty of evidence of ineffective, costly programs in New York City. Every Member can point to such programs in another person's district, but many seem tempted to vote for the bill only to preserve a beleaguered program at home. I am told Minnesota will be badly hurt by the standards. But if the bill passes, the pain will only be averted until October. Then we will have to contend with the same standards, still based on no data, and still expensive. Only then they will be even more expensive.

We are told only to wait until October and we will postpone the standards again. We did not postpone them this time. We held no hearings on them. We did not even seem to be concerned about them.

This is not throwing money at a problem. It is throwing gasoline on a fire. We ought to sustain the veto now. Then we ought to pass a 2-year suspension of those baseless standards. Then we ought to have some studies and hearings to see what, if any, standards we really do need. Only in that way can we really do any good for child care services. The bill should be defeated.

Mr. VANDER JAGT. Mr. Speaker, will the gentleman yield?

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

Mr. VANDER JAGT. Mr. Speaker, the chairman of the Committee on Ways and Means has indicated that he thinks the standards may be too rigid and the gentleman from Oklahoma says he takes a dim view of maintaining Federal standards.

I think the majority seems to believe we should go ahead with the objectionable standards anyway. Then we can undo them after October 1. Does the gentleman really believe that if we provide for the hiring of the additional supervisory personnel that we will then be willing to fire them, or does he acknowledge that we will be locked into this personnel obligation for the future?

Mr. FRENZEL. We can do no better than we have in the past.

The SPEAKER. The time of the gentleman has expired.

Mr. ULLMAN. Mr. Speaker, I yield 5 minutes to the gentlewoman from New York (Mrs. CHISHOLM).

Mrs. CHISHOLM. Mr. Speaker and my peers, I want to say that we must not do something here today that will result in making us penny wise and pound foolish. The fact of the matter is that there are thousands of women in this country who have to work, and they are not working because of the necessity of trying to acquire some pin money. The labor market is constantly increasing in terms of the number of women who desire to be productive citizens of this country and not be on the public assistance or welfare roles, and it becomes very, very essential for them to put their children in the child care centers.

We are constantly speaking about the bloated budget and that we have got to be able to balance the budget, and that you do not solve problems by throwing more money at these problems. I would just like to draw an analogy to the Defense Department; we have been throwing much money in that direction in terms of trying to solve some of the problems in that area.

Here we are dealing with the most important resources that we have in this Nation and that is our human resources. We have to recognize that as a result of the regulations in title XX that if the States are not able to come into compliance with all of the different standards pending concerning nutrition, health, staffing ratios, and health requirements, that many of the States will have to close their centers. Once these centers are closed, then it means that these individuals will have to go back to the public assistance roles.

A mere $125 million to enable the States to come into compliance with the standards inevitably will rebound to the benefit of this Nation as a whole as contrasted to the millions of dollars that will have to go into the public assistance programs of our society to take care of these women who will have no place to turn.

Let us look at this issue from the standpoint of just pure economics to our country at this moment. We know that we are trying to fight many different problems, but the States need this as-

sistance so that the bloated welfare roles, if you will, will not continue to escalate.

There is no other way that they are going to be able to take care of their families unless they stay home with these children and then get the public assistance, the food stamps, and all of the other things that we get up here on the floor and constantly talk about. Some say people do not want to work; people just want welfare; they want food stamps. Yet when the opportunity comes, when they are asking for a mere $125 million just so the States will get into compliance, they give all kinds of excuses.

The time has come for us to be concerned with the preservation and conservation of the most important resource this Nation has, and that is its children. I would hope that we would vote today to override and not sustain that veto because, Mr. Speaker, we have not seen anything yet in terms of additional burdens on the economy when we may have to be giving assistance to thousands of women in this country. So let us not be pennywise and pound foolish. Let us vote to override the veto on this very, very important measure.

Mr. ULLMAN. Mr. Speaker, I yield 5 minutes to the distinguished minority leader, the gentleman from Arizona (Mr. RHODES).

Mr. RHODES. Mr. Speaker, when I listened to the gentlewoman from New York who preceded me in the well, I received the impression that if this veto is sustained, day care centers would be closed. I do not understand it that way. This bill is a bill to finance higher Federal standards for personnel. Other funds which are available for the operation of day care centers will still be available. They are operating now without this bill; they will continue to operate. If we do not finance the promulgation of the standards we certainly will soon see legislation on the floor of this House, to postpone the operation of these new standards or to repeal them.

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

Mr. RHODES. I yield to the gentlewoman from New York.

Mrs. CHISHOLM. I thank the gentleman for yielding.

If the States are not able to comply with the standards, much of the money that they have been getting from the Federal Government will be forfeited, in addition to the additional funds for meeting all kinds of standards—nutrition, staffs, personnel. It is not only a question of staff and personnel. I testified before the committee and gave the entire report with respect to what the Senate committee had found in this case to be the needs of the States.

Mr. RHODES. I am sure the gentlewoman will agree with me that if the standards are not put into operation, there would not be that type of expense and that type of loss of revenue. I was just about to say I think the new personnel standards should be postponed, and eventually we should repeal this part of the law. I see nothing wrong with the States being able to set personnel standards. We let them set standards for health and safety for the day care centers, which to me are much more important. I am much more interested in that than I am in the personnel standards. We do not try to set the standards for the number of teachers there will be in classrooms; we let the States and the local communities do that.

What is wrong about repealing this particular part of the law so that we need not be worried about the situation which the gentlewoman from New York describes so aptly?

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

Mr. RHODES. I yield to the gentleman from Georgia.

Mr. LANDRUM. I thank the gentleman for yielding.

The gentleman mentioned setting standards for teachers, particularly elementary teachers. Is it true that the Federal standards—not necessarily in this bill—would set a ratio of one supervisor for each four?

Mr. RHODES. That is my understanding.

Mr. LANDRUM. Is that correct?

Mr. RHODES. That is my understanding.

Mr. LANDRUM. If the gentleman will yield further, is it then true that the average ratio in the kindergarten is about 1 to 15 or 1 to 20?

Mr. RHODES. That is my understanding also.

Mr. LANDRUM. And the ratio for the elementary schools is about the best we can get, which is about 1 to 25?

Mr. RHODES. That is correct.

Mr. LANDRUM. If we allow the situation to develop where the standards proposed by the Federal Government—putting in one to four here—can develop, is there some likelihood that we would put additional expenditures on the State public departments of instruction?

Mr. RHODES. Not that I can tell. I thank the gentleman.

Another point I think we should bear in mind—I do not know whether anybody else has mentioned it, but it certainly should be borne in mind—is that this House some 2 years ago set a cap on social services expenditures of $2½ billion. What we are really doing here is breaking that $2½ billion cap and making it $2,750 million. I do not know whether or not we intend to break it in other categories of social services, but certainly it seems to me that once we break the cap, it then follows that breaking it for one purpose could very well make it easier to be broken again. And we still have at least a $40 to $50 billion deficit facing us for the next fiscal year.

I just asked the Members of the House: Is it so important that we substitute our judgment for the judgment of the people of the States in this matter that we want to break that cap and cause deficits to be even higher than they would otherwise be?

I am the last to want to harm the day care centers. I believe in them. I support them on the national level and I support them at home. But to me this is an expenditure which is not necessary, and which we would be very wise to postpone. I think the great Committee on Ways and Means would be very wise to bring in legislation which would repeal these personnel standards and tell the States once again that we do have confidence in them, that we do feel the members of the State legislatures have some sense and that they can analyze their own situations and provide the standards for personnel which are best adapted to their own communities.

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

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

Mr. RANGEL. Would the minority leader agree that if we sustain the President's veto and if this body fails to suspend the standards, that day care centers in this country would be in a great deal of trouble?

Mr. RHODES. I do not think they would be necessarily in a great deal of trouble. I think it is necessary for us to change the standards.

Mr. ULLMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. MIKVA).

Mr. MIKVA. Mr. Speaker, this seems to be a kind of Alice-in-Wonderland procedure we are going through. We hear the distinguished minority leader say he is opposed to staffing standards and therefore we should sustain the veto which postpones the standards; which means if the House in effect sustains the veto the standards go into effect not only as of now but retroactively, which means that the HEW which is auditing my State currently, will cause day care centers to close down.

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

Mr. MIKVA. I yield to my colleague, the gentleman from New York (Mr. CONABLE).

Mr. CONABLE. Mr. Speaker, the gentleman said this bill suspends the standards.

Mr. MIKVA. Postpones them.

Mr. CONABLE. Postpones them only until July 1 and thereafter it funds them, so in fact it accepts them.

Mr. MIKVA. It does not accept them. If the bill is vetoed, the standards are in effect as of last October 1 in Illinois, for example, and this is going to happen in the gentleman's State, too. I regret to tell my colleague; they will be applied retroactively.

Mr. CONABLE. I understand that, but it is perfectly within the province of this body, rather than to accept these standards and to fund them, to postpone them.

Mr. MIKVA. It is not within the province of this body. It is within the province of this Congress, and if the gentleman from New York can assure me what the other body is going to do on a bill I will be surprised. We both have a great deal of difficulty figuring out what the other body will do. This body can postpone the standards in only one way and that is to override the veto of the bill. If we do that, we postpone the standards. Otherwise there is nothing before us. Maybe a bill will come out of the Ways and Means Committee and maybe it will not. Maybe the bill will pass the House and maybe it will not pass the House. Maybe such a bill will pass the other

body, and I doubt that it will. And if the bill does not pass the other body, the standards are in effect as of last October.

Mr. VANDER JAGT. Mr. Speaker, will the gentleman yield?

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

Mr. VANDER JAGT. Mr. Speaker, I appreciate the gentleman yielding.

The gentleman was touching upon the probability of the other body being willing to go along with a possibility of other standards, but I do not think we should rule that out. Senator PACKWOOD, who was previously in favor of strong Federal standards, made a motion to eliminate, and not relax but eliminate all Federal standards, but that failed by only a 9-to-9 vote.

Mr. MIKVA. But it failed. I again want to point out to the Members that, if they are against Federal standards—and some people are and some people are not—the only way to keep those standards from going into effect retroactively is to override the President's veto. That is a fact of life. The Members may not like it, but that is a fact.

The President said he thought the people in the States ought to decide what staffing standards they ought to have. I am inclined to agree. I was not here when the standards were put into effect and, therefore, I can claim "not guilty" on those standards. But other standards apply also, such as the health and safety standards, and nobody wants to take the responsibility for postponing them and then having a fatal fire occur.

Most of this money is going to go to allow the local day-care centers to meet their own health and safety standards. If the money is not there, they will not be able to meet those standards. HEW has said that they will not fund any firetraps and, therefore, they are going to deny even other available funds to those centers which do not meet health and safety standards.

In my State alone, 35,000 out of 40,000 children that are now in day care centers will not be in day care centers if this veto is not overridden, not because of staffing standards, but because of health and safety standards.

Finally, the money argument. There is $125 million involved. Illinois would get $13 million. If we do not get $13 million, we will be spending 50 million Federal dollars on more welfare for families that will go back on the dole when the day care centers are closed up.

Mr. Speaker, for all the reasons that the distinguished minority leader, the distinguished minority whip and my friend, the gentleman from Michigan, said—for all their reasons—I urge that we override the veto.

Mr. ULLMAN. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. KETCHUM).

Mr. KETCHUM. Mr. Speaker, I am one of the minority who will vote to override this veto. I suppose that the reason I am going to do it is that I understand the problem. I have attended, I think, all the meetings of this committee, with maybe one or two minor exceptions. I understand the day care center problems.

I think the day care center bill that we have and the way we do it is absolutely atrocious. It needs to be changed; but for the moment it is not politically realistic to believe that we are going to do it in a couple weeks or even a couple months.

Now, meeting health and safety standards is, I think, extremely important. The gentlewoman from California (Mrs. BURKE) and I worked for 3 years in the California legislature to close up some loopholes in the health and safety code. What did it take to get that changed? Seven people had to die in a fire in my district in order to get the health and safety standards established.

I, for one, am willing to face facts and override the veto, supply this money for the fiscal year 1976.

The gentleman from California (Mr. CORMAN), the chairman of the subcommittee, has assured us we will hear a block-grant program, which in my opinion is far superior to what we have today, so that we can meet the day care standards that are different in Chicago than they are in Bakersfield.

I think it is the only way to go; but when did we get this block-grant proposal? We got it only after the subcommittee had started hearings on this bill. If, indeed, the administration was concerned about this problem and wanted to address it, it seems to me they should have addressed it far earlier this year.

I am going to support block-grant standards. I think it is a good way to go; but in the meantime, I am going to vote to override this veto, because I know that the day care centers will close if we do not.

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

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

Mr. CORMAN. Mr. Speaker, I want to point out to the House that the subcommittee tried to hold hearings on the third of May. The Department of Health, Education, and Welfare told us it was not ready to testify on the block-grant program and we have scheduled it for the 21st. We will move as expeditiously as we can. Every date we have on the block-grant money expires at the end of September, so that we can revise the whole thing at the same time.

Mr. KETCHUM. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I deeply regret that they did not seek to go with the block-grant proposal. It is the only way to go; this is a stop-gap measure to get us through 1976.

Mr. Speaker, I request an override.

Mr. ULLMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Louisiana (Mr. WAGGONNER).

Mr. WAGGONNER. Mr. Speaker, there is no self-righteous position with regard to this measure. There is nothing sacrosanct about a vote to override or a vote to sustain, because it is not that clear-cut.

I am going to vote to override for what I think are some very simple and practical reasons. If I had my choice, I would now or at any time in the future, as long as I am a Member of this body, vote to suspend Federal staffing requirements.

But, I do not have that single choice. I do not have it now, nor do I visualize having that choice at any time in the foreseeable future. I have made the practical judgment, based upon my knowledge of the other body, the Members involved over there, my own senior Senator and some other members of that committee, that they are not going to allow us that vote. I wish that they would. I would prefer it that way.

But, the dispute is not today over child staffing ratios. This is not the dispute today, because if the veto is not overridden, there will be no postponement of these staff ratios. They will be effective immediately and, yes, I readily admit that the postponement is only for the rest of this old fiscal year, through June 30, but that does give us some time to try to do better, to try to react to the administration's proposal, which is yet being developed or still under development with regard to block grants.

Rather, the dispute here today is over keeping these centers open, letting them have a reasonable share, their proportionate share, of this $125 million to help meet among other things the safety standards that these child care centers ought to meet.

I do subscribe to the idea that if the veto is overridden, it will in the final analysis be cheaper that the cost of this $125 million, because there is no doubt but that the majority of the children in these child care centers today can be classified as dependents of the so-called low-income people, the working poor, and if they are forced to take those youngsters out of there, the cost in other Federal programs is, in my opinion, going to be excessive. Work is better than all welfare.

So, in the interim, even if we want to suspend or postpone the staffing ratios for 60 days, it seems to me that we can only do that by overriding the veto. Whether we like it or not, that is the only possible way that we have, and that is the big reason I am going to vote to override.

Mr. VANDER JAGT. Mr. Speaker, will the gentleman yield?

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

Mr. VANDER JAGT. Mr. Speaker, I know the gentleman is deeply sincere when he says that he would like to suspend federally-mandated standards. I do want to call the gentleman's attention to the fact that on the recommittal vote, which would have simply suspended those standards, the gentleman voted no. I think, in a sense, a veto sustaining the veto is the same as a recommittal vote. Does not the gentleman agree that if we remove the money, we would be able to remove the standards just as we did in 48 hours last October?

The SPEAKER. The time of the gentleman from Louisiana has expired.

Mr. ULLMAN. Mr. Speaker, I yield 3 additional minutes to the gentleman from Louisiana.

Mr. WAGGONNER. First, let me respond to my vote on the recommittal. The gentleman is absolutely correct; I did vote no. I had then made the prac-

tical determination about what the attitude of the other body was. I made it as a result of having sat with them in conferences, and I was then and I am still completely convinced that they would not do otherwise, so I considered it to be an exercise in futility.

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

Mr. WAGGONNER. I yield to my colleague, the gentleman from Louisiana.

Mr. TREEN. Mr. Speaker, I will vote to support the President's veto. There is little that I can add to the President's very concise and clear veto message.

Let us be frank with the American people. The issue we are voting on is not whether to fund more day care. A very substantial amount of the funds authorized in H.R. 9803 will have to be used to hire personnel to serve the very same children already in day care centers, including those whose parents' income disqualifies them for title XX services. Nor is the issue the financing of day care centers' abilities to comply with the State and local fire and health codes, as some journalists and proponents of this legislation have contended. In the single day of hearings on this bill held in the Senate, no testimony was received on the subject of fire and health dangers. There were, as I am sure all of my colleagues are aware, no hearings on the House side on this legislation.

The single issue is the reasonableness of the Federal interagency day care standards. I have taken the floor on numerous occasions to point out the unreasonableness of these standards as applied to privately managed day care. We must decide today whether the taxpayer will pay the bill for the imposition of these standards which neither the Department of Health, Education, and Welfare, the American Public Welfare Association, the State directors of offices of child development, on the one hand, nor the day care industry, on the other hand, have found necessary.

We have only one justification for spending $125 million more borrowed dollars in fiscal year 1977. That is our stubbornness in refusing to reconsider the inclusion of FIDCR in title XX. The public no longer will accept the automatic substitution of Federal judgment for the considered decision of each of the 50 States. The President has very wisely proposed returning to the States the decision on the minimum size of staff which will be permitted to serve title XX children in day care centers. We should be holding hearings on that proposal today, not deciding whether to overturn the President's veto.

Mr. ULLMAN. Mr. Speaker, I yield 1 minute to the gentlewoman from New York (Ms. HOLTZMAN).

Ms. HOLTZMAN. Mr. Speaker, the President says he is opposed to standards imposed by the Federal Government with respect to day care centers. That, however, is not the question before us. No standards are imposed by this bill. Federal day care standards are already in existence, and so the question before the House of Representatives is whether the Federal Government is going to bear the cost of meeting the standards for health, safety, nutrition, and staffing that it has imposed, or whether it will force the States to do so.

The States and localities are the most vulnerable segments of our economy. They have been hard hit by reduced revenues and increased expenditures as a result of the recession. It is unfair to make them pay for Federal standards, and in fact most States will not be able to do so.

If the States cannot spend the money to bring all of their day care centers into compliance, they have three choices. First, they can cut back their day care programs severely and focus all of their resources on bringing a few centers into compliance. Second, they can eliminate day care entirely. Third, they can continue to operate without complying and lose Federal day care funds retroactively to October 1, 1975. Each of these choices is unthinkable, the first two because they would throw thousands of women out of work and on to the welfare rolls, the third because no State can afford to operate day care without Federal reimbursement.

The sensible answer is simply to override the bill.

Mrs. MINK. Mr. Speaker, I rise to urge my colleagues to join with me in voting to override the President's veto of H.R. 9803, the child day care standards bill.

H.R. 9803 is an emergency measure, an effort to assist the States in meeting the new Federal interagency day care requirements under title XX. At present virtually every State is threatened with a loss of Federal day care funds due to noncompliance. Under title XX the failure to implement any one standard results in a loss of funds retroactive to October 1975.

With nearly all our States facing such a drastic loss of funds, the impact on the Federal day care program under title XX would be disastrous.

Noncompliance is clearly not the goal of the States and certainly not the intent of title XX as Congress approved it. Congress first concern in its passage of title XX was the provision of quality day care services to the children of our Nation.

H.R. 9803 meets an emergency situation and provides assistance to the States in meeting new Federal interagency day care requirements while remaining firm in its insistence upon the enforcement of Federal minimum standards for day care services.

I believe it is vitally important that we retain and reaffirm our commitment to quality day care services. I urge this House to override the President's veto of H.R. 9803.

Mr. OTTINGER. Mr. Speaker, once again the President has vetoed a badly needed bill with a claim that it would cost the American taxpayer too much. It appears that just as the administration prefers prolonging our terrible unemployment rate and granting unemployment compensation rather than spending Federal funds to put people back to work, it also prefers withholding badly needed money for day care which would enable many welfare mothers to take jobs.

The bill that is before us today would suspend until next July 1 the child day care staffing standards required for Federal funding under the Social Services Amendments of 1974. For each of the last two quarters of calendar year 1976 some $62.5 million would be authorized to aid States in bringing day care staffing ratios up to Federal standards. Grants to day care providers could be used to employ welfare recipients in these staff positions. In this respect the bill has a dual goal of giving children adequate protection and at the same time providing jobs for some of their parents. Further, the Federal welfare recipient employment expense tax credit for profit-making centers would be extended until September 30, 1976.

The President claims that it is not the responsibility of the Federal Government to establish and enforce day care standards and that any attempt on the part of the Federal Government to carry out this function represents an infringement on States' rights. I strongly feel that in view of the large amount of Federal money that goes toward supporting welfare payments, it is incumbent upon the Federal Government to aid in providing high quality day care as a means of reducing dependency on welfare and to rescue the children of welfare so that life on welfare doesn't become an endless self-perpetuating phenomenon.

We must remember that this bill is an emergency measure and that if the veto is sustained, virtually every State will lose a substantial portion of its funding for day care centers. A survey of State Governors has shown that most States need these additional funds to comply with other requirements in addition to the staffing standards—requirements such as health and safety codes, medical and nutritional standards, management and other program standards mandated under title XX. Failure to comply with any one of these standards will mean the loss of all funding retroactive to October 1, 1975. Such a loss would force the closing of many centers, eliminate more jobs at a time when the economy cannot provide alternative employment and further exacerbate the problem of spiraling welfare costs. I believe that the country can ill afford the effects of the administration's action and that we have a solemn responsibility to both children and parents to pass this bill over the President's veto.

Mrs. SCHROEDER. Mr. Speaker, I rise to speak in support of the override of President Ford's veto of H.R. 9803, the Day Care Services Act.

Today we are faced with the opportunity of saying yes to the children and parents of poor families in our districts, as well as to the taxpayers of our States. Both will suffer if we do not reject this Presidential veto.

First, an increasing number of parents want to get off welfare by working, but cannot do so unless care is available for their children. Providing day care, even at Federal expense, makes more sense than keeping people on welfare, since they not only could be usefully employed, but also would return some of their earnings to Federal, State, and local governments in the form of taxes.

Second, rejection of this bill does not change day care standards which are in effect. When Congress passed title XX legislation, it mandated that all standards be implemented—health, safety, and nutrition, as well as staff ratios. Furthermore, the States have set their own standards in these areas. However, a recent GAO audit finds that 80 percent of the centers surveyed are out of compliance with their own State standards.

Third, a vote against this bill will signal the imposition of penalties in many of our States and threaten the existence of our day care system. Programs out of compliance with even one of the mandated health, safety, or staffing regulations will not only be closed, but State governments will be assessed fines totaling their operating budget for each month of noncompliance, retroactive to October 1975. Not only will this eliminate day care services for thousands of poor children, it will also be a staggering blow to State budgets.

The question today is whether we will help States meet the mandated standards, to provide much needed day care, and to reduce the welfare rolls, or refuse Federal assistance, forcing the closure of many title XX day care services with the resulting financial burden on the States.

Mr. Ford has long harped about welfare dodgers, but when push comes to shove, he would apparently rather keep them under his thumb. They make good campaign rhetoric.

I urge my colleagues to reject this viewpoint by voting to override the veto of H.R. 9803.

Mr. DOMINICK V. DANIELS. Mr. Speaker, I wish to associate myself with the remarks of my colleague, and express my own strong support for the override of President Ford's veto of the child day-care standards bill.

If the veto of H.R. 9803 is sustained, virtually every State will lose a substantial portion of its funding for day-care centers. A recent survey of State Governors has shown that most States need additional funds to comply with the new Federal interagency day-care requirements other than staffing ratios. Failure to comply with any other FIDCR standards—including health and safety codes, and medical, nutritional, and management standards—will result in the loss of all funding retroactive to October 1, 1975.

A loss of funding will force the closure of many day-care centers, or result in serious cuts in service. This, in turn, translates into job losses for many working mothers who will be forced onto the welfare roles because they cannot find or afford day-care centers for their young children. Additionally, welfare recipients currently working in day-care centers will be forced out of jobs.

Mr. Speaker, the day-care program in the State of New Jersey has freed 12,680 heads of household for employment, which adds $65 million to the State's economy.

The 5,540 persons employed in day-care centers add $22.8 million per year, and 10,764 families formerly on AFDC are now employed. This amounts to a $19.4 million reduction in payments through New Jersey's welfare system.

Mr. Speaker, the President's community services block grant program would not solve the day-care funding problem for the State of New Jersey. The President's proposal offers no new funds. Instead, there would be a reduction in total funds for social services due to the inclusion of training funds under the title XX ceiling. And, one must also bear in mind that increased operating costs further decrease the availability of adequate funds for day-care and social service programs.

The only way that the State of New Jersey could respond to the lower funding in the block grant program would be to reduce its day-care standards. I do not believe it is a wise public policy to force a retreat from excellence.

Further, I believe that the administration has completely overlooked the unemployment impact of this veto action. What is the administration answer to the working mothers that will have to leave their jobs because they cannot afford day care for their children? What is their answer to the welfare recipients who now have jobs in day-care centers, but who will be made jobless if the veto is sustained?

And, Mr. Speaker, most important of all—what is the answer of the Congress to this misguided veto? I hope that our answer will be a resounding override of the President's veto message.

I urge my colleagues to join with me in voting to overturn the President's veto on this vital bill.

Ms. ABZUG. Mr. Speaker, when President Ford vetoed H.R. 9803, the vital legislation which would insure the ability of States to upgrade the quality of federally aided day care for children he cited "burdensome Federal restrictions" that would be imposed upon the States under this legislation.

Mr. Speaker, throughout the debate on title XX day care standards, opponents of the provisions have sought to create the impression that the Congress has brought forth some new and ill-conceived program. Let me set the record straight. These standards are not new. They were ordered by Congress in 1967 and have been in effect since 1968. They have always applied to day care funded under title IV–A, which title XX superseded. The standards under title XX are less restrictive than those the Federal Government has previously required. Congress has already authorized HEW to undertake a comprehensive study to determine whether further changes in the standards should be made, and in fact that study is already underway.

The Federal interagency day care requirements—FIDCR—were originally promulgated pursuant to a congressional mandate in section 522(d) of the Economic Opportunity Act of 1964 as amended by Public Law 90–222 in 1967. The FIDCR specifically stated that "acceptance of Federal funds is an agreement to abide by the requirements," and "noncompliance may be grounds for suspension or termination of Federal funds." The standards applied to all day care programs initially funded and to those refunded after July 1968, with a 1-year grace period "provided there is evidence of progress and good intent to comply."

Since the standards were promulgated in 1968, Congress has reaffirmed them on at least three occasions—in the Economic Opportunity Act of 1972—Public Law 93–644—and most recently in title XX. In its latest affirmation of FIDCR the Congress relaxed the child staff ratios for children of school age and infants, eliminated the requirement for an education component title XX day care programs, and ordered HEW to undertake an "appropriateness study" to review the requirements.

Mr. Speaker, these standards represent a minimal level of protection for children and must not be weakened or abandoned yet this is precisely what the President has accomplished with his veto.

I also believe, Mr. Speaker, that there is another agenda being followed by the Ford administration regarding this veto. This not very hidden agenda is their "game plan" for passage of their block grant proposal in the social services fields. What they are purporting to do is make title XX so onerous to Congress, so onerous to those people that are actually running the programs that we will all flock to the concept of no regulations, no requirements for title XX. This is evident not only in the veto of H.R. 9803 but also in the administration's response to the concerns of the senior citizen centers which we in Congress have dealt with before. The administration already has the Governors on board for their block grant programs and now they are trying to get the rest of us on board. I for one, Mr. Speaker, refuse to flock to the block.

I urge my colleagues to override this recent Presidential veto.

Mr. HANNAFORD. Mr. Speaker, the President's veto of child day care standards is an example of false economy to the point of stupidity. The money that will be "saved" by implementing the President's nearsighted fiscal policy will be lost many times over in unemployment offices throughout the Nation. Many mothers must have child care available if they are to work or receive job training to get off of welfare. Without child care those people who want to be self-sufficient will be reduced to a nonproductive welfare status that will further damage our Nation's economic recovery.

The President's veto is another unfortunate example of the misplaced priorities of this administration. Since the establishment of the ceiling on social service funds available under title XX of the Social Security Act of 1972 we have witnessed a continuing erosion of child day care services due to inflation. A lack of inflation adjustment alone will cause the termination of day care services for almost 7,000 children in California. But the veto jeopardizes the well-being of more than 55,000 California children who receive the different services partially funded by this law. Such a termination of services will not only be a disaster

economically but will also serve to further remove thousands of children from low income families from our efforts to improve our Nation's general social situation. Such neglect of our children could only serve to have the long-term deleterious effects of further blighting the lives of these already disadvantaged young people.

Mr. Speaker, it is essential to our Nation's economic recovery and social well-being that the President's veto of child day care standards be overridden.

Mr. STOKES. Mr. Speaker, I rise in support of the override of President Ford's veto of H.R. 9803, the child day care standards. Mr. Chairman, as you know the President's veto was significant for two reasons. First, it marked Mr. Ford's 21st veto in this 94th Congress. Clearly, this affords him the dubious distinction of being the most retrogressive President in this century. Second, and most significant, Mr. Ford's veto was a callous disregard for what I consider the most important social service initiative of the year.

Mr. Speaker, H.R. 9803 is crucial to the survival of day care centers throughout this Nation. This measure would authorize a total of $125 million for the last quarter of fiscal year 1976 and for the quarter beginning July 1, 1976, and would allow centers to continue to qualify if their standards complied with State law and are no lower than those in effect in September 1975.

Some 2 million children and their working parents will suffer, for unless the President's veto is overriden these facilities will be forced to close. Moreover, former welfare mothers who work for these facilities will face unemployment and their children will be denied affordable child care. This latter concern is of major importance for H.R. 9803 is designed to benefit the children.

Mr. Speaker, in President Ford's veto message he has made several ill-advised remarks in his criticism of H.R. 9803 to which I shall respond. According to the President:

H.R. 9803 . . . runs directly counter . . . to the vesting of responsibility in State and local government. . .

Mr. Ford is wrong. As the bill is presently structured it leaves broad discretion to the States in allocating funds between the kinds of social services and the determination of who is eligible for these social services. Mr. Ford has also stated that the issue is "day care standards." The President is wrong. The dispute concerns the $125 million the States need to meet their own health and safety standards. For if the veto is overridden, the staffing standards are to be suspended; if the veto is sustained, the standards remain in effect and the States continue to be subjected to financial penalty. Mr. Ford has also alleged that the measure would make day care "more costly" and "would not make—services more widely available." Again, Mr. Ford is wrong. H.R. 9803, not only expands the use for which social services money may be utilized but relaxes staffing requirements. The President consistently neglects to mention that day care centers are a necessity, for his economic proposals have caused drastic reductions in welfare, food stamp, and medicaid entitlements. And to make matters worse, the President has vetoed every major job-creating proposal of the 94th Congress. Now he would destroy the day care program and further increase unemployment.

Mr. Speaker, it is disturbing that we must fight so long and so hard for $125 million for this is but the bare minimum needed to sustain the day care program. Mr. Speaker as you know in 1972 Mr. Nixon imposed a Federal ceiling on day care money and that ceiling has not been amended. However, in 1974 Congress recommended sound staffing standards and health and safety standards yet failed to appropriate the funds to offset the increased costs. Now the Ford administration intent upon destroying the day care program has used noncompliance with the regulations as an excuse for closing centers

So what we are actually talking about is the administration's priorities. Shall it be 12 $10 million F–15 fighter planes or shall 2 million Americans benefit from a $125 million day care program? Mr. Speaker, I submit to you that we cannot allow Mr. Ford to answer this question for us. His veto was answer enough. Mr. Speaker, I ask you to join me today as you did in the override of the President's veto of the Labor/HEW appropriations. By our unified support of H.R. 9803, let us show Mr. Ford that the children of this Nation are important.

Mr. ANDERSON of Illinois. Mr. Speaker, I rise in support of this attempt to override the President's veto of H.R. 9803 which would assist States in complying with Federal day care standards. I oppose the President's veto of this legislation because I frankly do not see any realistic or immediate alternative to resolving the very real crisis situation which now confronts most States over the continued provision of these vitally needed day care services. While I am in sympathy with the administration's community services block grant approach which could give States the responsibility for setting and enforcing their own day care standards, that is not what is at issue here today, nor is it any alternative for meeting the present crisis.

Mr. Speaker, my own State of Illinois is a case in point. Existing Federal day care funds are being withheld pending an HEW investigation of compliance with those health and safety standards which took effect last October. Moreover, the staff ratio requirements took effect on February 1 of this year, and sustaining this veto will in no way resolve that situation; States will still be subject to financial penalty for not complying with those requirements. Illinois is in jeopardy of losing $15 million in Federal funds for costs already incurred over the past two quarters, not to mention another $15 million for this quarter and the transition. And those funds are primarily for maintaining current services and do not begin to address the additional costs which are involved in fully complying with all the new Federal standards. In short, Mr. Speaker, our State, like many others, faces the real prospect of a near total collapse of its day care program.

Mr. Speaker, I think we must ask ourselves what such a collapse in day care services will mean. In my State these day care services are reaching some 40,000 children, most of whom are from families which were formerly or are currently on welfare. Their parents are now either employed or in work training programs. According to the director of family services in Illinois, Ms. Mary Lee Leahy, it is estimated that every year some 6,600 people go off welfare when day care services are made available. Since it costs three times as much to support a family on public assistance as it does to provide day care services, curtailment of these services would obviously increase welfare costs and deprive these parents of both the pride and self-sufficiency they now enjoy as productive workers. In short, the curtailment of existing day care services is going to force up the unemployment and welfare rolls and the attendant costs to the American taxpayer.

Mr. Speaker, if we do not provide States with the additional funds provided in this bill to keep open day care centers and permit them to improve their standards, we are going to be sticking the American taxpayer with a much bigger bill than the $125 million provided under this legislation. The supervisor of the juvenile division of the Freeport, Ill., Department of Probation and Court Services wrote the following to me:

Because of the nature of the day care program and the people it serves, vetoing this bill is actually more expensive than enactment. With the closing of centers, many of the women using this service will be forced out of the labor market and on to welfare rolls in order to care for their children. The children themselves will be the losers in that the benefits derived from day-care programs are such that help stem the tide in school dropouts and delinquency.

Perhaps typical of the many day care centers in this Nation which receive some Federal assistance is the Open Sesame Child Care Center in Dixon, Ill. One-third of its 40 children are from low-income families and are funded either wholly or in part through title XX. The director of that center, Mrs. Ted Rodd, wrote to me as follows:

To impose more stringent requirements without the funding to help us meet those requirements does not seem quite fair. I am afraid we may be forced either to close or to serve only higher income families, and I do not want to see either of these things happen. Having good child care available in Dixon is making it possible for several families to keep together, to make it on their own and stay off public aid, and in a couple of cases to get further training in skills which will enable them to become self-supporting. I feel strongly that money spent for strengthening child care programs is well spent both for the present and for the future.

I have received letters from large numbers of parents in my district who have children in day care centers, over 25 alone from parents with children in the El Primer Paso Day Care Center in Belvidere,

Ill. These are all working parents who depend on the availability of such day care facilities so that they can work for a living. Mr. Speaker, we hear a lot of rhetoric, especially in this election year, about cutting the welfare rolls and putting people on the work rolls. Now is the time for us to put our money where our mouth is so that we can keep people on the work rolls and off the welfare rolls. This legislation makes sound sense from that standpoint.

To sustain this veto, in my opinion, would be an act of fiscal irresponsibility since it will only force more people to drop their jobs to care for their children. And that in turn will mean more taxpayers' dollars for welfare, unemployment compensation, food stamps and all the other benefits needed to support the already swollen ranks of the unemployed in this country. The money authorized by this bill is a paltry sum in comparison to what we would shell out in welfare benefits and lose in tax revenues from these working parents. I therefore urge that this veto be overridden.

Mr. ULLMAN. Mr. Speaker, to conclude the debate, I yield 2 minutes to the gentleman from California (Mr. CORMAN), the chairman of the subcommittee.

Mr. CORMAN. Mr. Speaker, we will vote in just a few minutes, and I do not know that anything any of us has said has changed any minds. But I would like to underscore a couple of things. First, these standards are not going to be suspended or vetoed. That is clear. The Senate will not permit that. We sat in conference for a long, long time, debating that fact. And so it is simply that we are going to suspend them until July 1 and then fund compliance, or we are going to have them in effect as of February 1 and every State required to repay to HEW funds they have already spent for day care centers that did not comply with the standards.

The gentleman from Michigan (Mr. VANDER JAGT) said that some mothers could not comply with these staffing standards, and that is true. If a mother has quadruplets and if she has two sets of twins within 2 years, she could not comply with these standards. But I think we will find, in those rare instances, that there is a grandmother or somebody around, and the staffing problems come back into focus.

Mr. VANDER JAGT. Mr. Speaker, will the gentleman yield?

Mr. CORMAN. I yield to the gentleman from Michigan (Mr. VANDER JAGT).

Mr. VANDER JAGT. I thank the gentleman for yielding.

Mr. Speaker, the supervisor in the day care centers concentrates full time on those children. The mother has a myriad of other duties. So I submit the statement is right on.

Mr. CORMAN. If she has four children, she does not have much time for anything else.

Mr. Speaker, I urge my colleagues to override this veto. I promise the Members the Subcommittee on Public Assistance will bring back a bill on social services. We had a lot of trouble with the senior citizen centers. We suspended those rules until October 1. Everything we have done in social services will end on October 1. We will give them ample opportunity to prove their ability to overcome these problems.

Mr. Speaker, I urge a vote to override.

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

The previous question was ordered.

The SPEAKER. The question is, Will the House, on reconsideration, pass the bill, the objections of the President to the contrary notwithstanding?

Under the Constitution, this vote must be determined by the yeas and nays.

The vote was taken by electronic device, and there were—yeas 301, nays 101, not voting 30, as follows:

[Roll No. 231]

YEAS—301

Abdnor	Eckhardt	Lagomarsino
Abzug	Edgar	Leggett
Adams	Edwards, Calif.	Lehman
Addabbo	Eilberg	Lent
Allen	Emery	Litton
Ambro	English	Lloyd, Calif.
Anderson, Calif.	Esch	Lloyd, Tenn.
	Evins, Tenn.	Long, La.
Andrews, N.C.	Fary	Long, Md.
Annunzio	Fascell	Lundine
Ashley	Fenwick	McClory
Aspin	Findley	McCloskey
AuCoin	Fish	McCormack
Badillo	Fisher	McDade
Baldus	Fithian	McFall
Baucus	Flood	McHugh
Beard, R.I.	Florio	McKinney
Bedell	Foley	Maguire
Bergland	Ford, Mich.	Mathis
Biaggi	Ford, Tenn.	Matsunaga
Biester	Fountain	Mazzoli
Bingham	Frey	Meeds
Blanchard	Fuqua	Melcher
Blouin	Gaydos	Metcalfe
Boggs	Giaimo	Meyner
Boland	Gibbons	Mezvinsky
Bolling	Gilman	Mikva
Bonker	Ginn	Miller, Calif.
Bowen	Gonzalez	Mills
Brademas	Goodling	Mineta
Breaux	Green	Minish
Breckinridge	Gude	Mink
Brinkley	Guyer	Mitchell, Md.
Brodhead	Hall	Mitchell, N.Y.
Brooks	Hamilton	Moakley
Brown, Calif.	Hanley	Moffett
Burgener	Hannaford	Mollohan
Burke, Calif.	Harkin	Moore
Burke, Mass.	Harrington	Moorhead, Calif.
Burton, John	Harris	
Burton, Phillip	Hawkins	Moorhead, Pa.
Butler	Hays, Ohio	Morgan
Byron	Hébert	Mosher
Carney	Heckler, Mass.	Moss
Carr	Hefner	Mottl
Chappell	Helstoski	Murphy, Ill.
Chisholm	Henderson	Murtha
Clausen, Don H.	Hicks	Natcher
	Hillis	Neal
Clay	Holland	Nedzi
Cleveland	Holtzman	Nolan
Cohen	Horton	Nowak
Conte	Howard	Oberstar
Conyers	Hubbard	Obey
Corman	Hughes	O'Brien
Cornell	Hungate	O'Hara
Cotter	Hyde	O'Neill
Coughlin	Jacobs	Ottinger
D'Amours	Jeffords	Passman
Daniels, N.J.	Jenrette	Patten, N.J.
Danielson	Johnson, Calif.	Patterson, Calif.
Davis	Johnson, Pa.	
Delaney	Jones, N.C.	Perkins
Dellums	Jones, Okla.	Pettis
Dent	Jones, Tenn.	Peyser
Derrick	Jordan	Pickle
Diggs	Karth	Pike
Dingell	Kastenmeier	Pressler
Dodd	Kazen	Preyer
Downey, N.Y.	Ketchum	Price
Drinan	Keys	Pritchard
Duncan, Oreg.	Koch	Railsback
du Pont	Krebs	Randall
Early	LaFalce	Rangel
Rees	Shipley	Traxler
Regula	Shriver	Tsongas
Reuss	Sikes	Ullman
Richmond	Simon	Van Deerlin
Riegle	Sisk	Vander Veen
Rinaldo	Skubitz	Vanik
Risenhoover	Slack	Vigorito
Roberts	Smith, Iowa	Waggonner
Rodino	Smith, Nebr.	Walsh
Roe	Solarz	Waxman
Rogers	Spellman	Weaver
Roncalio	Staggers	Whalen
Rooney	Stanton, J. William	White
Rose		Whitten
Rosenthal	Stark	Wilson, Bob
Rostenkowski	Steed	Wilson, C. H.
Roush	Stephens	Wilson, Tex.
Roybal	Stokes	Winn
Russo	Stratton	Wirth
Ryan	Stuckey	Wolff
St Germain	Studds	Wright
Sarasin	Sullivan	Yates
Sarbanes	Symington	Yatron
Scheuer	Talcott	Young, Alaska
Schroeder	Taylor, N.C.	Young, Ga.
Sebelius	Thompson	Young, Tex.
Seiberling	Thone	Zablocki
Sharp	Thornton	Zeferetti

NAYS—101

Alexander	Forsythe	Milford
Archer	Frenzel	Miller, Ohio
Armstrong	Goldwater	Montgomery
Ashbrook	Gradison	Myers, Ind.
Bafalis	Grassley	Myers, Pa.
Bauman	Hagedorn	Paul
Beard, Tenn.	Haley	Poage
Bennett	Hammer-schmidt	Quie
Broomfield		Quillen
Brown, Mich.	Hansen	Rhodes
Brown, Ohio	Harsha	Robinson
Broyhill	Hightower	Rousselot
Buchanan	Holt	Runnels
Burke, Fla.	Hutchinson	Ruppe
Burleson, Tex.	Ichord	Santini
Burlison, Mo.	Jarman	Satterfield
Carter	Kasten	Schneebeli
Cederberg	Kelly	Schulze
Clancy	Kemp	Shuster
Clawson, Del	Krueger	Snyder
Cochran	Landrum	Spence
Collins, Tex.	Latta	Steelman
Conable	Levitas	Steiger, Ariz.
Conlan	Lott	Steiger, Wis.
Crane	Lujan	Symms
Daniel, Dan	McCollister	Taylor, Mo.
Daniel, R. W.	McDonald	Teague
Derwinski	McEwen	Treen
Devine	McKay	Vander Jagt
Dickinson	Madigan	Wampler
Downing, Va.	Mahon	Whitehurst
Duncan, Tenn.	Mann	Wiggins
Erlenborn	Martin	Wylie
Flynt	Michel	Young, Fla.

NOT VOTING—30

Anderson, Ill.	Flowers	Madden
Andrews, N. Dak.	Fraser	Murphy, N.Y.
	Hayes, Ind.	Nichols
Bell	Hechler, W. Va.	Nix
Bevill	Heinz	Pattison, N.Y.
Collins, Ill.	Hinshaw	Pepper
de la Garza	Howe	Stanton, James V.
Edwards, Ala.	Johnson, Colo.	
Eshleman	Jones, Ala.	Udall
Evans, Colo.	Kindness	Wydler
Evans, Ind.	Macdonald	

The Clerk announced the following pairs:

On this vote:

Mr. Murphy of New York and Mr. Nix for, with Mr. Nichols against.

Mr. Pattison of New York and Mr. James V. Stanton for, with Mr. Bevill against.

Until further notice:

Mr. de la Garza with Mrs. Collins of Illinois.

Mr. Fraser with Mr. Madden.

Mr. Evans of Colorado with Mr. Howe.

Mr. Flowers with Mr. Macdonald of Massachusetts.

Mr. Pepper with Mr. Jones of Alabama.

Mr. Udall with Mr. Evans of Indiana.

Mr. Hayes of Indiana with Mr. Hechler of West Virginia.

So, two-thirds having voted in favor thereof, the bill was passed, the objec-

tions of the President to the contrary notwithstanding.

The result of the vote was announced as above recorded.

The SPEAKER. The Clerk will notify the Senate of the action of the House.

GENERAL LEAVE

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the veto message on the bill just considered.

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

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON ENERGY RESEARCH, DEVELOPMENT AND DEMONSTRATION OF COMMITTEE ON SCIENCE AND TECHNOLOGY TO SIT DURING 5-MINUTE RULE THIS AFTERNOON

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that the Subcommittee on Energy Research, Development and Demonstration of the Committee on Science and Technology may be permitted to sit during the 5-minute rule this afternoon, May 4, 1976.

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

There was no objection.

DOMESTIC VOLUNTEER SERVICE ACT AMENDMENTS

Mr. HAWKINS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12216) to amend the Domestic Volunteer Service Act of 1973 to extend the operation of certain programs by the ACTION Agency, as amended.

The Clerk read as follows:

H.R. 12216

Be it enacted by the Senate and House of Representatives of the United States of America assembled, That this Act may be cited as the "Domestic Volunteer Service Act Amendments of 1976".

SEC. 2. Section 114(a) of the Domestic Volunteer Service Act of 1973 (hereinafter in this Act referred to as the "Act") is amended by inserting at the end thereof the following new sentence: "In any fiscal year in which the funds appropriated for the purposes of the University Year for ACTION program under section 112 exceed $6,700,000, the limitation provided in the preceding sentence shall not apply with respect to that portion of such appropriation which exceeds $6,700,000.".

SEC. 3. (a) Section 122(c) of the Act is amended by adding at the end thereof the following new sentence: "The Director is authorized to undertake and support volunteer service programs, and to recruit, select, and train volunteers to carry out the purpose of this part.".

(b)(1) Part C of title I of the Act is amended by adding at the end thereof the following new section:

"TECHNICAL AND FINANCIAL ASSISTANCE FOR IMPROVEMENT OF VOLUNTEER PROGRAMS

"SEC. 123. The Director may provide technical and financial assistance to Federal agencies, State and local governments and agencies, and private nonprofit organizations, which utilize or desire to utilize volunteers in connection with carrying out the purpose of this part. Such assistance may be used to facilitate and improve (1) methods of recruiting, training, or utilizing volunteers, or (2) the administration of volunteer programs. In providing such technical and financial assistance, the Director shall utilize, to the maximum extent feasible, existing programs, and shall seek to avoid duplication of existing programs in the public or private sectors.".

(2) The table of contents for the Act is amended by inserting immediately after the item relating to section 122 the following new item:

"Sec. 123. Technical and financial assistance for improvement of volunteer programs.".

SEC. 4. (a)(1) Part A of title I of the Act is amended by adding at the end thereof the following new section:

"LIMITATIONS

"SEC. 108. Of funds appropriated for the purpose of this part under section 501, not more than 20 per centum for the fiscal year ending September 30, 1977, and for each fiscal year thereafter, may be obligated for the direct cost of supporting volunteers in programs or projects carried out pursuant to grants and contracts made under section 402(12).".

(2) The table of contents for the Act is amended by inserting immediately after the item relating to section 107 the following new items:

"Sec. 108. Limitations.".

(b) Section 402(12) of the Act is amended by striking out "(except for volunteers serving under part A of title I thereof)" and inserting in lieu thereof "(except as provided in section 108)".

(c) The amendments made by subsection (a) and subsection (b) of this section shall be effective on October 1, 1976, and shall not apply to any agreement for the assignment of volunteers entered into before such date during the period of any such agreement.

SEC. 5. (a) Section 405 of the Act is amended by adding at the end thereof the following new subsection:

"(d) In the event that a National Advisory Council to the ACTION Agency is established by administrative action after January 1, 1976, the provisions of subsections (a), (b), and (c) of this section shall apply to any such Council.".

(b)(1) Title IV of the Act is amended by striking out section 413.

(2) The table of contents for the Act is amended by striking out the item relating to section 413.

SEC. 6. (a) Section 501(a) of the Act is amended by striking out "and" immediately after "June 30, 1975," and by inserting immediately after "June 30, 1976," the following: "September 30, 1977, and September 30, 1978,".

(b) Section 503 of the Act is amended by striking out "and" immediately after "June 30, 1975," and by inserting immediately after "June 30, 1976," the following: "September 30, 1977, and September 30, 1978,".

(c) Section 504 of the Act is amended by striking out "and" immediately after "June 30, 1975," and by inserting immediately after "June 30, 1976," the following: "September 30, 1977, and September 30, 1978,".

SEC. 7. Section 211 of the Act is amended by adding at the end thereof the following new subsections:

'(c)(1) Any public or private nonprofit agency or organization responsible for providing person-to-person services to a child in a project carried out under subsection (a) of this section shall have the exclusive authority to determine, pursuant to the provisions of paragraph (2) of this subsection—

"(A) which children may receive supportive person-to-person services under such project; and

"(B) the period of time during which such services shall be continued in the case of each individual child.

"(2) In the event that such an agency or organization determines that it is in the best interests of a mentally retarded child receiving, and of a particular Foster Grandparent providing services in such a project, such relationship may be continued after the child reaches the chronological age of 21: *Provided,* That such child was receiving such services prior to attaining the chronological age of 21.

"(3) Any determination made by a public or nonprofit private agency or organization under paragraphs (1) and (2) of this subsection shall be made through mutual agreement by all parties involved with respect to the provision of services to the child involved.

"(d) For the purposes of this section, the terms 'child' and 'children' mean any individual or individuals who are less than 21 years of age.".

The SPEAKER. Is a second demanded?

Mr. QUIE. 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 California (Mr. HAWKINS) will be recognized for 20 minutes, and the gentleman from Minnesota (Mr. QUIE) will be recognized for 20 minutes.

The Chair now recognizes the gentleman from California (Mr. HAWKINS).

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

Mr. Speaker, H.R. 12216 is a bill to extend the authorization for appropriations for the Domestic Volunteer Service Act of 1973, as amended. This act established the ACTION Agency which is an umbrella organization for various volunteer programs.

This bill has been developed in close cooperation with the ranking minority member of the Subcommittee on Equal Opportunities and in consultation with the ACTION Agency.

H.R. 12216 was unanimously reported by the Education and Labor Committee this morning, May 4. Because of the necessity to move the bill quickly to the floor, I am submitting for myself and Mr. QUIE an explanatory statement on the bill in lieu of a committee report at the conclusion of my remarks.

We are asking that the bill be brought up under suspension of the rules in order that the requirements of the Budget Act may be complied with by both the House and Senate.

H.R. 12216 amends the Domestic Volunteer Service Act of 1973, by extending the authorization for appropriations through fiscal year 1978. It allows certain changes in other provisions of the act as well.

During the course of the hearing held by the Subcommittee on Equal Opportunities on the extension of authorization for ACTION, certain problems came to light with regard to some ACTION programs. As Chairman of the subcommittee and cosponsor of H.R. 12216, I am inserting on behalf of my and Mr. QUIE's comments into the RECORD on some of these matters. In addition, I am also in-

serting the committee's comments on the Foster Grandparents program.

UNIVERSITY YEAR FOR ACTION

It is our belief that the funding for a program which has proved its worth and effectiveness—the University Year for ACTION should be preserved. There is no opposition to expansion of other programs which encourage students to participate in service-learning projects, however, it is believed that this expansion should not occur at the expense of UYA. Therefore, the 10-percent restriction on the use of UYA funds for other service-learning programs may be lifted only when the appropriation for UYA exceeds $6.7 million. The lifting of the restriction applies only to those funds in excess of $6.7 million.

SPECIAL VOLUNTEER PROGRAMS

The amendment to section 122(c) of the act is intended to clarify the authority of the Director to undertake and support volunteer service programs, and to recruit, select, and train volunteers to carry out the purposes of part C of title I of the act.

It is recognized that the Agency may wish to establish programs using business volunteers. It is believed that the authority in section 122(a) is sufficient to establish such programs. While recognizing that this authority is contained in section 122(a), it is not intended that the Director may establish programs which in any way duplicate programs authorized under title III of the act and administered by the Small Business Administration.

TECHNICAL AND FINANCIAL ASSISTANCE

Section 3(b) of H.R. 12216 amends the act by adding a new section 123 which authorizes the agency to provide technical and financial assistance to Federal agencies, State and local governments and agencies, and private nonprofit organizations, which use or desire to use volunteers to carry out the purpose of part C of title I of the act.

It is intended that the authority granted the agency to render technical and financial assistance for improving volunteer programs is restricted to the provisions of services which are not already rendered by existing programs in the public and private sectors.

NATIONAL ADVISORY COUNCIL

With respect to section 405(a) regarding the membership of the National Advisory Council, the language of the statute is not intended to restrict membership to those benefited by programs carried out under this act and the Peace Corps Act. Public-spirited individuals with interest and experience in volunteerism and others whose expertise and talent qualify them for service as advisors to the Director may also be selected. It is not the intention of the committee to require that the Advisory Council be made up of any fixed number of members or that some places on the council be reserved for members with a highly specific type of service in certain individual programs, except as provided by section 405(a) of the Domestic Volunteer Service Act of 1973, as amended.

LIMITATIONS

The new section 108 allows a change in the funding of VISTA projects. Previously the funding for VISTA projects came almost entirely from the agency with local sponsors contributing the cost of transportation and supervision. With the new provision the agency is authorized to establish volunteer programs with local sponsors in which the local sponsor may be required to contribute to the direct cost of supporting volunteers. The agency is authorized to use up to 20 percent of the funds appropriated for this part for such purposes.

Previously, the type of funding which section 108 allows was restricted to programs authorized by part C, title I of the act. Two of the principal programs developed under this authority were the program for local service—PLS—and the action cooperative volunteer.

In some instances the PLS has been used as a manpower type of program in areas where the level of unemployment has become very high. Such was the case in the State of Washington. There is some concern regarding the use of the PLS in this manner. It is believed that such programs are more effectively and efficiently administered by the appropriate agencies of the Department of Labor. In addition, the stipends paid under the PLS are less than the minimum wage. Therefore, instead of truly alleviating the effects of unemployment and resulting economic deprivation, the PLS could perpetuate its participants in poverty. There is opposition to such use of PLS and any other programs which may be established or continued under the authority given to the agency to enter into agreements with local sponsors for volunteer programs which call for contracts, grants or cost-sharing.

FOSTER GRANDPARENT PROGRAM

The committee recognizes that through the years, the foster grandparent program has focused its attention on "children" and that "children" have traditionally been defined by agency regulations as being "persons under 18 years of age." As part of Public Law 94–135, the Older Americans Amendments of 1975, the Congress took steps to allow individuals who are mentally retarded and are receiving services in foster grandparent programs to continue to receive services past the chronological age of 21. This flexibility was given through language inserted in the statement of managers which was part of the House-Senate conference report rather than in the law itself. Since that action was taken, however, the committee has concluded that considerable confusion still exists and therefore has included in the language of the legislation itself what it believes to be definitive guidance in this matter.

The provision allows that any public or private nonprofit agency or organization which is providing foster grandparent services has the complete and exclusive authority to determine:

First, which children may receive such services; and,

Second, the length of time a child may receive those services.

In giving total discretion and control to local program operators, the committee recognizes that the individuals on the local level are best able to make the judgment of what is best for the individuals who receive program services as well as what is best for the foster grandparents who provide them.

At the same time, by allowing total flexibility, the committee does not intend that the general traditional focus of "children" will be discarded. The foster grandparent program has been successful in working with the traditional "children" population and it is expected that programs throughout the country will continue to do so.

The committee recognized one major exception to this rule, as it pertains to the mentally retarded. The committee was aware that there are programs in which the same retarded individuals have been receiving services for several years and now many of these individuals are approaching the chronological age of 21 or have even passed it. Because agency regulations in the past have prohibited continuation in the program, those over the chronological age of 21 had to be dropped. The committee placed a provision in the legislation which supplements the local determination authority. If the agency or organization responsible for operating the foster grandparent program determines that it is in the best interest of a mentally retarded child who is participating in the program, and the foster grandparent who is providing the service to that child, then that "child" may continue in the program past the chronological age of 21. In the legislation the committee inserted a provision which says that if an individual is to be retained beyond the chronological age of 21, such continuation shall be made through the mutual agreement by all parties involved with respect to the provision of services to the child involved." This means that if an agency desires to continue a retarded child past the chronological age of 21, the agency and the grandparent must agree that it is in the best interest of the child to do so. If there is no mutual agreement, then the child may not be continued in the program.

It must be emphasized that it was not our intent that the foster grandparent programs be thrown open to any retarded individual regardless of chronological age; the committee put in the specific proviso which limits the participation of any mentally retarded child who has passed the chronological age of 21 to only those individuals who were enrolled in and receiving services from the project prior to attaining the chronological age of 21.

Mr. Speaker, I yield such time as he may consume to the gentleman from Kentucky (Mr. PERKINS), the chairman of the full committee.

Mr. PERKINS. Mr. Speaker, I would like to take this opportunity to thank the gentleman from California (Mr. HAWKINS) and the gentleman from Minnesota (Mr. QUIE) for their diligent work in bringing to the floor of the House today legislation to extend the authorization of appropriations for the various pro-

grams carried out by the ACTION Agency.

The ACTION Agency was established with the passage of the Domestic Volunteer Service Act of 1973 to administer and coordinate various domestic volunteer programs. ACTION serves as an umbrella agency for antipoverty, older American, and small business volunteer programs previously scattered throughout the Federal Government departments.

H.R. 12216 extends the authorization of appropriations for these programs through fiscal year 1978. In addition, the bill: First, adds a new section which would allow up to 20 percent of the funds appropriated for part A, title I—VISTA—to be used for grant and contract programs; and second, lifts the 10-percent restriction on expenditure of funds for service-learning programs in any year that the funds for the University Year for ACTION program exceed $6.7 million. The restriction is lifted for that portion of the funds which exceeds $6.7 million.

The bill maintains the funding floor for the antipoverty programs at $29.6 million. Such sums as may be necessary are authorized to be appropriated for title I—poverty programs, title III—small business volunteer programs, and title IV—administration and coordination.

A letter and cost estimate of the bill follows:

CONGRESS OF THE UNITED STATES,
CONGRESSIONAL BUDGET OFFICE,
Washington, D.C., April 30, 1976.

Hon. CARL D. PERKINS,
Chairman, Committee on Education and Labor, U.S. House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 12216, a bill to amend the Domestic Volunteer Service Act of 1973.

Should the Committee so desire, we would be pleased to provide further details on the attached cost estimate.

Sincerely,

ALICE M. RIVLIN,
Director.

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE, H.R. 12216

A bill to amend the Domestic Volunteer Service Act of 1973 to extend certain authorizations of appropriations for two additional fiscal year, and for other purposes.

PURPOSE OF BILL

This bill modifies a number of provisions of the Domestic Volunteer Service Act of 1973. Several sections of the bill limit the use and allocations of appropriated funds, while others make certain administrative and programmatic changes. The major purpose of the bill, from the standpoint of cost, however, is the extension through FY 1978 of authorizations for appropriations for certain programs administered by ACTION. These extensions would allow "such sums as may be necessary" to be appropriated for fiscal years 1977 and 1978.

COST ESTIMATE

(dollars in millions)

Assumed Funding Level, FY 77, 56.2; FY 78, 59.1; FY 79, —; FY 80, —; FY 81, —.

Costs—FY 77, 28.8; FY 78, 55.4; FY 79, 28.7; FY 80, 2.4; FY 81, —.

BASIS FOR ESTIMATE

Since this bill authorizes "such sums as may be necessary" to be appropriated, it was necessary to make a determination of the funding levels needed to meet the goals of the programs reauthorized by this bill. Congress' latest determination in this regard is represented by these programs' FY 1976 appropriations levels. It was therefore assumed that by maintaining that FY 1976 level in real terms, the goals of the programs in FY 1977 and FY 1978 would be met. Thus, the funding level above was calculated by inflating that FY 1976 level ($53.2 million) by the latest CBO-established Consumer Price Index in FY 1977 and FY 1978. Costs were then determined using agency estimated spending patterns.

ESTIMATE COMPARISON

Not Applicable.

PREVIOUS CBO ESTIMATE

Not Applicable.

ESTIMATE PREPARED BY

Roger C. Faxon (225-4972).

ESTIMATE APPROVED BY

James L. Blum, Assistant Director for Budget Analysis.

Mr. QUIE. Mr. Speaker, I rise in support of H.R. 12216. As the gentleman from California indicated, there were some amendments that were adopted and I believe that they are excellent amendments. They will give more flexibility to ACTION, the agency which administers the volunteer programs.

There is tremendous benefit and support to individuals of the country through the concept of volunteerism. Many Members know some of the programs. Probably the Foster Grandparent Program is the one the Members may know better than any other, but there are programs for young people too.

The legislation before us extends the ACTION Agency for 2 more years. I believe that during the short life of this Agency it has proven to be a capable and responsible force for encouraging, developing, and promoting volunteerism throughout the country. Through the years, it has given thousands of Americans the opportunity to share part of their lives with others and make a contribution which has real meaning.

Because the Agency has been working well, the committee did not feel the need to make many changes in the law. As a matter of fact, the changes are quite moderate but I believe are quite significant in that they will give the Agency far more flexibility to carry out its basic mission.

The first change will allow the Director the flexibility to use up to 20 percent of the funds under part A of title I of the act for grant and contract programs. Part A authorizes among other things, the VISTA program. With the 20 percent flexibility, the Director will be able to utilize the "cost-sharing" concept which he is not permitted to do under the existing law. I became aware of the importance of the cost-sharing concept when I visited the United Tribes Vocational School in Bismarck, N. Dak. They presently operate several programs funded by the ACTION Agency, including a VISTA program. They indicated to me that they could operate a VISTA program much better through a grant arrangement.

Given the financial limitations of Indian tribes in general, I felt it significant that they liked ACV even with 50 percent cost-sharing. Cost-sharing should improve the program and permit the agency to actually increase the number of volunteers without increasing the Federal funds. I believe that if communities are willing to share the costs of supporting a volunteer program, it will be a true measure of the value that they place on volunteer services. I think that this is a positive step which will enhance the program.

To say that the administration is totally in support of this bill would not be accurate. The President's budget requested less money for VISTA, less money for the University Year of ACTION than we authorize in our bill. As we developed the bill in the committee, I felt that some concern existed about a possible ulterior motive because we wanted to change the law and give greater flexibility to the Director to cost share in VISTA programs. In order to guarantee that there was no ulterior motives on our part, I agreed to continue the floor at $26,300,000 for VISTA and $6,700,000 for the University Year of ACTION, so that the other changes would not in any way reduce those programs that had been felt by some people to be of utmost importance and that they wanted continued.

Mr. Speaker, I think it is necessary to explain what the committee did regarding the National Advisory Council to the ACTION Agency. The committee retained the language authorizing but not requiring the Director to establish a national council. The language was retained simply as a guide so that if the present Director or a future Director chooses to reconstitute the Advisory Council, he may do so. It is my understanding that the chairman of the subcommittee (Mr. HAWKINS) is inserting in the RECORD today the committee's report. In the report, the committee added the following language which gives guidance as to what the Director may do and replaces the instructions placed in the "Joint Explanatory Statement Regarding: House/Senate Compromise on S. 1148/H.R. 7265," inserted in the RECORD, September 19, 1973.

The new report language says:

With respect to Section 405(a) regarding the membership of the National Advisory Council, the language of the statute is not intended to restrict membership to those benefited by programs carried out under this Act and the Peace Corps Act. Public spirited individuals with interest and experience in volunteerism and others whose expertise and talent qualify them for services as advisors to the Director may also be selected. It is not the intention of the Committee to require that the Advisory Council be made up of any fixed number of members or that some places on the Council be reserved for members with a highly specific type of service in certain individual programs except as provided by section 405(a) of the Domestic Volunteer Service Act of 1973, as amended.

The committee made one other significant change in the legislation. We added

a provision which will allow mentally retarded children who are enrolled in the Foster Grandparent program to remain in the program past the chronological age of 21. The following is an explanation of the committee's reasons and the action we took:

The committee recognized that through the years, the Foster Grandparent program has focused its attention on children and that children have traditionally been defined by agency regulations as being "persons under 18 years of age." As part of Public Law 94–135, the Older Americans Amendments of 1975, the Congress took steps to allow individuals who are mentally retarded and are receiving services in Foster Grandparent programs to continue to receive services past the chronological age of 21. This flexibility was given through language inserted in the statement of managers which was part of the House-Senate conference report rather than in the law itself. Since that action was taken, however, the committee concluded that considerable confusion still exists and therefore has included in the language of the legislation itself what it believes to be definitive guidance in this matter.

The provision allows that any public or private nonprofit agency or organization which is providing Foster Grandparent services has the complete and exclusive authority to determine:

First, which children may receive such services; and

Second, the length of time a child may receive those services.

In giving total discretion and control to local program operators, the committee recognized that individuals on the local level are best able to make the judgment of what is best for the individuals who receive program services as well as what is best for the Foster Grandparents who provide them.

At the same time, by allowing total flexibility, the committee does not intend that the general traditional focus of "children" will be discarded. The Foster Grandparent program has been successful in working with the traditional "children" population and it is expected that programs throughout the country will continue to do so.

The committee recognized one major exception to this rule, as it pertains to the mentally retarded. The committee was aware that there are programs in which the same retarded individuals have been receiving services for several years and now many of these individuals are approaching the chronological age of 21 or have even passed it. Because agency regulations in the past have prohibited continuation in the program, those over the chronological age of 21 had to be dropped. The committee placed a provision in the legislation which supplements the local determination authority. If the agency or organization responsible for operating the Foster Grandparent program determines that it is in the best interest of a mentally retarded child who is participating in the program, and the Foster Grandparent who is providing the service to that child, then that "child" may continue in the program past the chronological age of 21. In the legislation the committee inserted a provision which says that if an individual is to be retained beyond the chronological age of 21, such continuation "shall be made through the mutual agreement by all parties involved with respect to the provision of services to the child involved." This means that if an agency desires to continue a retarded child past the chronological age of 21, the agency and the Grandparent must agree that it is in the best interest of the child to do so. If there is no mutual agreement, then the child may not be continued in the program.

It must be emphasized that it was not our intent that the Foster Grandparent programs be thrown open to any retarded individual regardless of chronological age; the committee put in the specific proviso which limits the participation of any mentally retarded child who has passed the chronological age of 21 to only those individuals who were enrolled in and receiving services from the project prior to attaining the chronological age of 21.

I urge my colleagues to support this legislation and support those floors that we left remaining in the bill. The floor for VISTA is the same as in the present act. The floor for the University Year of ACTION is not in the present act. I believe as we look at these levels and the new cost-sharing provisions in the next few years, we will find that they will expand the opportunity of ACTION to stimulate the kind of volunteerism, not only in the present programs as they exist, but in giving assistance to the private sector, to encourage them to be more in volunteerism than they have been in the past.

I think this is going to make our country operate better. We do it with less Federal direction. We do it where we encourage people in the private sector to be helping each other. Most of all, those who are less fortunate are going to benefit immensely from this. I believe the amendments are good and the money we spend on them is well spent.

Mr. BROWN of Michigan. Mr. Speaker, will the gentleman yield?

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

Mr. BROWN of Michigan. Mr. Speaker, I inquire of the gentleman as to when the bill was reported out of the committee. Having gone to the desk, I found the only thing available under the designation of H.R. 12216 was a simple extension.

Mr. QUIE. We reported it out of the Committee on Education and Labor this morning. The bill, as amended, is here at the desk, if anybody wants to see it, as we changed it. We reported it out of the subcommittee some time ago; but the gentleman from California and I had some differences of opinion. We were working out the language for a long period of time and that was the reason for the delay. Because the full committee does not meet at all times, today was the first meeting of the committee in which we could take it up. This was the last day under suspension. This is why it came out in that close order.

Mr. BROWN of Michigan. Mr. Speaker, I notice the measure before us is a subcommittee print and it shows a date of April 23, 1976, which would be the date, I believe, it was introduced as a subcommittee print.

I would respectfully suggest that is not a long time ago.

Second, I would inquire of the gentleman as to why it is necessary to act at this time? When does the program expire, so that the extension would be necessary?

Mr. QUIE. I would say the subcommittee print was printed recently, but the action taken by the subcommittee was done some time ago. The law expires on June 30 of 1976. We could defer action, but we have the budget resolution requirement that legislation be brought out of our committee by May 15. I understand the desire now is to complete work on it so we can make our plans for appropriations in the budget resolution.

Mr. BROWN of Michigan. Will the gentleman yield further?

Mr. QUIE. Yes, I yield.

Mr. BROWN of Michigan. Then this action is being taken at this time to avoid the impact of the budget resolution on May 15?

Mr. QUIE. That is correct.

Mr. BROWN of Michigan. And if the gentleman will yield further, the gentleman is saying there is no opportunity to bring this up under a suspension or on the Consent Calendar between now and then?

Mr. QUIE. I would imagine there may have been a possibility, but I would yield to the gentleman from California if he wants to address himself to the question of bringing it up now.

Mr. BROWN of Michigan. I would respectfully suggest, that with respect to other measures where we have taken rather rapid action on them, that there was at least something for a Member to see in the way of a report or explanation prior to its coming to the floor. The gentleman knows that we could not, at the desk or elsewhere have picked up the piece of legislation we are now being asked to act upon. It was not available even as of this noon, unless one came over to the committee's desk. Is that not correct?

Mr. QUIE. That is correct, and I know it is not the way we usually operate, but I just want to assure the gentleman that in my view this legislation is sound legislation that is going to make the program function much better. I urge my colleagues to support it.

Mr. BROWN of Michigan. If the gentleman will yield further, I am forced to oppose this legislation on the basis of the mechanics by which it is being brought before the House, since I have had absolutely no opportunity to properly consider its merits.

Mr. QUIE. I hope the gentleman will reconsider, because he does have the bill before him which he can read, and he has had time here in which it could be read. He can determine whether it has

the merits or not. If any Member wants to ask any questions of myself or the gentleman from California (Mr. HAWKINS) we would be glad to respond, if there are any questions at all about the legislation and its details and its merits.

Mrs. MINK. Mr. Speaker, I rise in support of the bill before us, H.R. 12216, the Domestic Volunteer Service Act Amendments of 1976, extending the authorization for the operation of domestic service programs by the ACTION Agency through fiscal year 1978 and allowing for variations in the funding of certain programs.

I have been a strong supporter of our volunteer programs such as VISTA and the Peace Corps since their inception in the 1960's. After their consolidation into the ACTION Agency, I have closely followed the progress of these programs and continue to be vitally concerned with their impact and continued success.

In the past I cosponsored authorizing legislation for the ACTION Agency and today am pleased to support the bill before us which among many provisions extends the Domestic Volunteer Service Act of 1973 through fiscal year 1978, adds a new section allowing up to 20 percent of the appropriated funds for the VISTA program to be used for grant and contract programs, lifts the 10 percent restriction on expenditure of funds for service learning programs in any year that funds for the University Year for ACTION program exceed $6.7 million, and provides that mentally retarded adults over the age of 21 can continue to be served by the Foster Grandparent program volunteers if they were enrolled in the program prior to attaining 21 years.

I am pleased that the Education and Labor Committee, of which I am a member, unanimously reported out this legislation and sent it to the floor today. I urge my colleagues to give it the same strong support.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. HAWKINS) that the House suspend the rules and pass the bill, H.R. 12216, as amended.

The question was taken.

Mr. BROWN of Michigan. 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 367, nays 31, not voting 34, as follows:

[Roll No. 232]

YEAS—367

Abzug	Annunzio	Bedell
Adams	Armstrong	Bennett
Addabbo	Ashley	Bergland
Alexander	Aspin	Biaggi
Allen	AuCoin	Biester
Ambro	Badillo	Bingham
Anderson, Calif.	Bafalis	Blanchard
	Baldus	Blouin
Andrews, N.C.	Baucus	Boggs
Andrews, N. Dak.	Beard, R.I.	Boland
	Beard, Tenn.	Bolling
Bonker	Guyer	Moorhead, Pa.
Bowen	Hagedorn	Morgan
Brademas	Hall	Mosher
Breaux	Hamilton	Moss
Breckinridge	Hammer-schmidt	Mottl
Brinkley		Murphy, Ill.
Brodhead	Hanley	Murtha
Brooks	Hannaford	Myers, Ind.
Broomfield	Harkin	Myers, Pa.
Brown, Calif.	Harrington	Natcher
Brown, Ohio	Harris	Neal
Broyhill	Harsha	Nedzi
Buchanan	Hawkins	Nichols
Burgener	Hays, Ohio	Nolan
Burke, Calif.	Heckler, Mass.	Nowak
Burke, Fla.	Hefner	Oberstar
Burke, Mass.	Heinz	Obey
Burlison, Mo.	Helstoski	O'Brien
Burton, John	Hicks	O'Hara
Burton, Phillip	Hightower	O'Neill
Butler	Hillis	Ottinger
Byron	Holland	Passman
Carney	Holt	Patten, N.J.
Carr	Holtzman	Patterson, Calif.
Carter	Horton	
Cederberg	Howard	Perkins
Chappell	Howe	Pettis
Chisholm	Hubbard	Peyser
Clancy	Hughes	Pickle
Clausen, Don H.	Hungate	Pike
	Hyde	Pressler
Clawson, Del	Ichord	Preyer
Clay	Jacobs	Price
Cleveland	Jeffords	Pritchard
Cochran	Jenrette	Quie
Cohen	Johnson, Calif.	Quillen
Conable	Johnson, Pa.	Randall
Conlan	Jones, N.C.	Rangel
Conte	Jones, Okla.	Rees
Conyers	Jones, Tenn.	Regula
Corman	Jordan	Reuss
Cornell	Karth	Rhodes
Cotter	Kasten	Richmond
Coughlin	Kastenmeier	Riegle
D'Amours	Kelly	Rinaldo
Daniel, Dan	Kemp	Risenhoover
Daniel, R. W.	Ketchum	Robinson
Daniels, N.J.	Keys	Rodino
Danielson	Koch	Roe
Davis	Krebs	Rogers
Delaney	Krueger	Roncalio
Dellums	LaFalce	Rooney
Dent	Lagomarsino	Rose
Derrick	Latta	Rostenkowski
Derwinski	Leggett	Roush
Devine	Lehman	Rousselot
Dickinson	Lent	Roybal
Diggs	Levitas	Ruppe
Dingell	Litton	Russo
Dodd	Lloyd, Calif.	Ryan
Downey, N.Y.	Lloyd, Tenn.	St Germain
Downing, Va.	Long, La.	Santini
Drinan	Long, Md.	Sarasin
Duncan, Oreg.	Lott	Scheuer
Duncan, Tenn.	Lujan	Schroeder
du Pont	Lundine	Schulze
Early	McClory	Sebelius
Eckhardt	McCloskey	Seiberling
Edgar	McCollister	Sharp
Edwards, Calif.	McCormack	Shipley
Eilberg	McDade	Shriver
Emery	McEwen	Sikes
English	McFall	Simon
Erlenborn	McHugh	Sisk
Evins, Tenn.	McKay	Skubitz
Fary	McKinney	Slack
Fascell	Madigan	Smith, Iowa
Fenwick	Maguire	Smith, Nebr.
Findley	Mahon	Solarz
Fish	Martin	Spellman
Fisher	Mathis	Spence
Fithian	Matsunaga	Staggers
Flood	Mazzoli	Stanton, J. William
Florio	Meeds	
Foley	Melcher	Stark
Ford, Mich.	Metcalfe	Steed
Ford, Tenn.	Meyner	Steelman
Forsythe	Mezvinsky	Steiger, Wis.
Fountain	Mikva	Stephens
Frenzel	Miller, Calif.	Stokes
Frey	Miller, Ohio	Stratton
Fuqua	Mills	Stuckey
Gaydos	Mineta	Studds
Giaimo	Minish	Sullivan
Gibbons	Mink	Symington
Gilman	Mitchell, Md.	Talcott
Ginn	Mitchell, N.Y.	Taylor, N.C.
Goldwater	Moakley	Thompson
Gonzalez	Moffett	Thone
Goodling	Mollohan	Thornton
Gradison	Montgomery	Traxler
Grassley	Moore	Treen
Green	Moorhead, Calif.	Tsongas
Gude		Ullman
Van Deerlin	Whalen	Wydler
Vander Jagt	White	Wylie
Vander Veen	Whitehurst	Yates
Vanik	Whitten	Yatron
Vigorito	Wilson, Bob	Young, Alaska
Waggonner	Wilson, Tex.	Young, Fla.
Walsh	Winn	Young, Ga.
Wampler	Wirth	Zablocki
Waxman	Wolff	Zeferetti
Weaver	Wright	

NAYS—31

Archer	Jarman	Schneebeli
Ashbrook	Kazen	Shuster
Bauman	McDonald	Snyder
Brown, Mich.	Mann	Steiger, Ariz.
Burleson, Tex.	Michel	Symms
Collins, Tex.	Milford	Taylor, Mo.
Crane	Paul	Teague
Flynt	Poage	Wiggins
Haley	Roberts	Young, Tex.
Hansen	Runnels	
Hutchinson	Satterfield	

NOT VOTING—34

Abdnor	Fraser	Murphy, N.Y.
Anderson, Ill.	Hayes, Ind.	Nix
Bell	Hébert	Pattison, N.Y.
Bevill	Hechler, W. Va.	Pepper
Collins, Ill.	Henderson	Railsback
de la Garza	Hinshaw	Rosenthal
Edwards, Ala.	Johnson, Colo.	Sarbanes
Esch	Jones, Ala.	Stanton, James V.
Eshleman	Kindness	
Evans, Colo.	Landrum	Udall
Evans, Ind.	Macdonald	Wilson, C. H.
Flowers	Madden	

The Clerk announced the following pairs:

Mr. de la Garza with Mr. Hébert.
Mr. Fraser with Mr. Abdnor.
Mr. Evans of Colorado with Mr. Railsback.
Mr. Flowers with Mr. Henderson.
Mr. Pepper with Mr. Hechler of West Virginia.
Mr. Udall with Mr. Kindness.
Mr. Hayes of Indiana with Mr. Pattison of New York.
Mrs. Collins of Illinois with Mr. Rosenthal.
Mr. Evans of Indiana with Mr. Landrum.
Mr. Murphy of New York with Mr. Anderson of Illinois.
Mr. Nix with Mr. Esch.
Mr. Bevill with Mr. Madden.
Mr. Macdonald of Massachusetts with Mr. Bell.
Mr. James V. Stanton with Mr. Eshleman.
Mr. Sarbanes with Mr. Edwards of Alabama.
Mr. Charles H. Wilson of California with Mr. Jones of Alabama.

Mrs. LLOYD of Tennessee changed her vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. FORD of Michigan. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 12216, the bill just passed.

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

There was no objection.

APPOINTMENT AS MEMBERS OF U.S. GROUP OF NORTH ATLANTIC ASSEMBLY

The SPEAKER. Pursuant to the provisions of section 1, Public Law 689,

84th Congress, as amended, the Chair appoints as members of the U.S. Group of the North Atlantic Assembly the following Members on the part of the House: The gentleman from Ohio, Mr. HAYS, chairman; the gentleman from New Jersey, Mr. RODINO; the gentleman from California, Mr. PHILLIP BURTON; the gentleman from Illinois, Mr. ANNUNZIO; the gentleman from Oklahoma, Mr. JARMAN; the gentleman from California, Mr. BOB WILSON; the gentleman from California, Mr. DEL CLAWSON; and the gentleman from Alabama, Mr. EDWARDS.

PROVIDING FOR CONSIDERATON OF H.R. 12704, AUTHORIZING APPROPRIATIONS TO THE OFFICE OF RESEARCH AND DEVELOPMENT, ENVIRONMENTAL PROTECTION AGENCY

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1142 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1142

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12704) to authorize appropriations for environmental research, development, and demonstration. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER. The gentleman from California (Mr. SISK) is recognized for 1 hour.

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

Mr. Speaker, House Resolution 1142 provides for consideration of H.R. 12704 authorizing appropriations for the Environmental Protection Agency's Office of Research and Development.

This is a 1-hour open rule with time equally divided and controlled by the chairman and ranking minority member of the Committee on Science and Technology.

H.R. 12704 was originally reported to the House on March 25, 1976. It was recommitted to the Committee on Science and Technology on April 7, 1976, and reported back to the House with a proposed amendment on April 8, 1976. The proposed amendment requires the chairman of the Council on Environmental Quality, in cooperation with the heads of Federal agencies, to conduct an ongoing inventory of environmental research and development programs. The purpose of the amendment is to provide a repository for information about all efforts being conducted by all Federal agencies in the area of environmental research and development. It is hoped that such information could be used to determine where duplication of efforts are taking place and those areas where additional efforts might be made.

The bill authorizes a total of $256,567,000 for fiscal year 1977 for EPA's environmental research and development program. This amount is $16,633,100 above the administration's request. The committee has recommended that several programs in the functional categories of air, water quality, and interdisciplinary research and development receive funding in addition to that proposed by the administration.

Mr. Speaker, I urge my colleagues to adopt House Resolution 1142 so that we may proceed to the consideration of H.R. 12704.

Mr. Speaker, I know of no opposition to the rule and urge the adoption of the resolution.

Mr. Speaker, I reserve the remainder of my time.

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

Mr. Speaker, as explained by the gentleman from California (Mr. SISK), this rule provides for 1 hour of general debate on H.R. 12704, EPA research and development authorization, and that the bill shall be open to all germane amendments.

The purpose of this bill is to authorize $256,567,000 for fiscal year 1977, which is $16,633,100 above the administration's request.

Mr. Speaker, the administration supports this legislation.

Mr. Speaker, I have no requests for time, I support the resolution, and I yield back the remainder of my time.

Mr. SISK. Mr. Speaker, I ask unanimous consent that on page 2 of House Resolution 1142, in line 2, a correction in spelling be made in connection with the word "adoption."

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

There was no objection.

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 12234, LAND AND WATER CONSERVATION FUND ACT AMENDMENTS AND NATIONAL HISTORIC PRESERVATION ACT AMENDMENTS

Mr. YOUNG of Georgia. Mr. Speaker, by direction of the Committee on Rules I call up House Resolution 1157 and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1157

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12234) to amend the Land and Water Conservation Fund Act of 1965, as amended, and to amend the Act of October 15, 1966, to establish a program for the preservation of additional historic properties throughout the Nation, as amended, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interior and Insular Affairs, the bill shall be read for amendment under the five-minute rule by titles instead of by sections. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit. After the passage of H.R. 12234, the Committee on Interior and Insular Affairs shall be discharged from the further consideration of the bill S. 327; and it shall then be in order in the House to move to strike out all after the enacting clause of said Senate bill and insert in lieu thereof the provisions contained in H.R. 12234 as passed by the House.

The SPEAKER. The gentleman from Georgia (Mr. YOUNG) is recognized for 1 hour.

Mr. YOUNG of Georgia. Mr. Speaker, I yield the usual 30 minutes for the minority to the distinguished gentleman from Mississippi (Mr. LOTT), pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 1157 provides for an open rule with 1 hour of general debate on H.R. 12234, a bill to amend the Land and Water Conservation Fund Act of 1965, as amended, and to amend the act of October 15, 1966, to establish a program for the preservation of additional historic properties throughout the Nation.

The resolution also provides that after the passage of H.R. 12234, the Committee on Interior and Insular Affairs shall be discharged from further consideration of the bill S. 327, making it in order for the House to strike all after the enacting clause of S. 327, and insert in lieu thereof the provisions contained in H.R. 12234 as passed by the House.

Mr. Speaker, this is one of the most important conservation measures to come before the 94th Congress. The bill would enlarge the land and water conservation fund and increase Federal matching funds available for the preservation of historic properties.

This legislation is an opportunity for wise investment to insure permanent protection of invaluable natural and historic treasures, and to enhance and expand the recreational and cultural resources available to the American people.

H.R. 12234 would increase the annual authorization for the land and water conservation fund from the present level of $300 million to $450 million in fiscal year 1978, $625 million in fiscal 1979, and $800 million each year after that, through fiscal 1989. These are substantial, but reasonable and badly needed increases in funds available to acquire Federal parklands, such as those in the

national park system, and to provide matching grants to the States for parks and recreation facilities.

The bill also provides for an important new parks policy initiative by directing the Secretary of the Interior to review urban recreation needs, problems and opportunities, and to report back to the Congress in 1 year on options for meeting urban outdoor recreation needs. The Interior Committee has made it clear that the National Park Service and other Federal land managing agencies should play an active role in this study. Hopefully the result will be a specific plan for urban parks, and we can proceed to implement it.

The other major feature of this bill would increase funds for matching grants to the States for preserving historic properties from the present Federal level of $24.4 million to $75 million in fiscal years 1978 and 1979, and $100 million annually from fiscal year 1980 through 1989.

LAND AND WATER CONSERVATION FUND

Mr. Speaker, I would like to comment briefly now on the land and water conservation fund, which is a particularly suitable mechanism for meeting our conservation and recreation needs. Almost all of the money for the fund comes from offshore oil leasing receipts. It is appropriate that part of the Federal revenues from sale of the Nation's natural resources—in this case, offshore oil—can be reinvested in parks and recreation with permanent value to the people of this Nation.

The conservation fund, currently authorized at a level of $300 million annually, is allocated as follows: 60 percent goes to State and local governments in 50–50 matching grants for planning, acquisition, and development of parks and recreation facilities; 40 percent goes to Federal land acquisition. The fund is now the sole Federal funding source for purchasing land in the national park system.

Since the fund was established in 1964, $1.2 billion has been appropriated—and matched by State and local sources for State park systems and community outdoor recreation programs. Governmental units in my State of Georgia have received $24.5 million in these matching grants for planning, acquisition, and development for parks and recreation throughout the State.

The fund has provided an additional $800 million for land acquisition by the Federal agencies involved in managing recreation lands, such as the National Park Service.

There are several very solid reasons why Congress should now enlarge the land and water conservation fund.

For one thing, as the Interior Committee points out in its report on this bill, inflation has reduced the purchasing power of the fund.

For another, the fund has been receiving a declining percentage of offshore oil leasing receipts. In the early years of this program, about one-third of the leasing receipts went into the conservation fund. As the leasing program expanded, however—in recent years offshore oil leasing receipts have averaged more than $4 billion annually—a smaller percentage of the receipts went to the fund. Only about 5 percent of current receipts can be committed to the fund today.

The most compelling reason for increasing the fund is the obvious need to expand our park and recreation programs at all levels of government.

On the "Federal side" of funds available from the land and water conservation fund, for example, we now have a backlog of more than $500 million worth of lands already authorized to be included in the national park system, but not yet acquired. It would take an additional $1 billion or more to acquire recreation lands needed in the national forests.

On the "State side" of the fund, there are similar legitimate and urgent demands for additional money. The committee has cited a recent study which found that the States right now could activate about $600 million worth of projects if matching grants were available.

Finally, we need to increase the amounts available from the land and water conservation fund because the Nation must make a commitment to better park and recreation opportunities in our urban areas, where the people are—and obviously land costs are going to be relatively high in these areas. We should act before these land values go even higher, as they are sure to do.

To those who are concerned about larger Federal expenditures, I would ask: If we do not enlarge the land and water conservation fund now, what will we say 15 or 20 years from now, when the cost of resources and facilities needed for parks and recreation has doubled or tripled? Or what will we say 50 years from now, when there is no more land and water to conserve?

Mr. Speaker, as a cosponsor of this legislation and a similar measure in the previous Congress, I urge the adoption of it without weakening amendments.

Let me take this opportunity to commend the Interior Committee, and especially the Subcommittee on National Parks and Recreation, for the hard work and careful thought which have produced this bill. The subcommittee chairman, ROY A. TAYLOR, has decided to retire at the end of this term after a distinguished career of public service. During the 9 years in which Representative TAYLOR has chaired the Subcommittee on National Parks and Recreation, the Congress has doubled the acreage in our national park system. In other words, the subcommittee under the leadership of Representative TAYLOR has displayed remarkable foresight and genuine care about our diminishing natural treasures and our recreational needs. The legislation before us today can be another milestone in the achievements of Representative TAYLOR and his committee colleagues.

Mr. Speaker, let me conclude by observing that this legislation has the strong support of leading environmentalists and conservation groups in Georgia.

Additionally, many national organizations have worked for and are supporting passage of this. An example of this national support can be found in a memorandum, which I hereby submit for the RECORD, from a number of these groups to our colleague Representative JOHN F. SEIBERLING, who is a member of the Subcommittee on National Parks and Recreation and a leading advocate of the objectives of the legislation before us.

MEMORANDUM

APRIL 27, 1976.

Re views on H.R. 12234.

To Hon. JOHN F. SEIBERLING,

U.S. House of Representatives:

In response to your request for views on Land and Water Conservation Fund Act and Historic Preservation Act amendments, several organizations discussed the various aspects of H.R. 12234 and other anticipated amendments.

As many of us have previously testified, we strongly support the principal aspects of H.R. 12234—increasing the Land and Water Conservation Fund incrementally over a three-year period to $800 million, and establishing a historic preservation fund, increasing incrementally to $100 million in FY 80.

The record of Land and Water Conservation Fund Act and Historic Preservation Act implementation clearly sets them above many other Federal efforts. Over the last ten years for instance, LWCF resources have aided over 13,500 state and local park planning, acquisition and development projects. State and local governments have matched this Federal commitment.

Public demand for park and recreation resources continues at a high level. In 1975, National Park System recreation visits exceeded 200 million; state park visits exceeded 550 million; and use of local park and recreation resources exceeded 2 billion visits.

This demand translates directly into funding needs. After consultation with 54 state outdoor recreation liaison officers in 1974, the Bureau of Outdoor Recreation estimated that $45.6 billion would be necessary to meet state and local park and recreation capital projections over a 15-year period. This means a $23 billion LWCF demand. At the current authorized level ($300 million) over the remaining statutory life of LWCF, only $2.7 billion or 12 percent of these dollars will be available.

The Federal LWCF demand is also substantial, and BOR estimated that $2.9 billion is necessary to meet current known and estimated funding needs. For instance, in 1975 an estimated $698 million was needed to complete acquisition in authorized areas of the National Park Service, Forest Service, Fish and Wildlife Service and Bureau of Land Management. Over $1.4 billion is needed to purchase National Forest System and National Park System inholdings, and the estimated cost of pending or proposed legislation exceeds $550 million.

Historic preservation funding needs are equally substantial. Grants to state and local governments for planning, stabilization and restoration of historic preservation have totaled only $61.2 million since 1966, while identified state and local funding estimates for FY 76 alone exceeded $214 million.

The LWCF is now funded in part through Outer Continental Shelf lease and royalty receipts and the historic preservation fund would also be supported from these national resources, now totalling about $3 billion annually. It is appropriate, we believe, to reinvest these revenues in other natural and cultural resource programs providing long-term public benefits.

While some of the undersigned organizations differ on other proposed amendments we are united in our support for the LWCF and historic preservation fund authorization levels proposed in H.R. 12234.

National League of Cities.

U.S. Conference of Mayors.
Sierra Club.
National Governors Conference.
The Nature Conservancy.
North American Wildlife Federation.
National Association of County Park and Recreation Officials.
Izaak Walton League of America.
Citizens Committee on Natural Resources.
Defenders of Wildlife.
National Recreation and Park Association.
Preservation Action.
National Association of Counties.
Friends of the Earth.
National Association of State Park Directors.
Wildlife Management Institute.
Sport Fishing Institute.
National Conference of State Legislatures.
National Wildlife Federation.
National Association of State Outdoor Recreation Liaison Officers.

Mr. Speaker, I urge the adoption of House Resolution 1157 in order that we may discuss, debate and pass H.R. 12234.

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

Mr. Speaker, as explained by the gentleman from Georgia, House Resolution 1157 provides for a 1 hour, open rule for the consideration of H.R. 12234, the Land and Water Conservation Fund Act Amendments of 1976. The rule further permits the bill to be read by titles instead of by sections and makes in order in the House a motion to strike all after the enacting clause of S. 327 and insert in lieu thereof the provisions of H.R. 12234 as passed by the House.

The principal features of this legislation are to increase the funding and change the distribution formula for the land and water conservation fund. The current limit in the law for the fund per year is $300,000,000. This bill proposes to raise that limit in steps to $800,000,000 by 1980. The allocation formula for distribution of moneys to the States is revised in the bill so that the more populous States may receive a larger percentage of the fund at the upper authorized levels.

The land and water conservation fund is the source of land acquisition money for our Federal recreation lands. The National Park System, Forest Service recreation areas, and certain other lands are all purchased with appropriations made from the fund. In addition, approximately 60 percent of the fund will go to the States under this bill in the form of matching grants for outdoor recreation programs. These grants will go to every State in the Union to support local park and recreation areas.

H.R. 12234 also proposed to amend the Historic Preservation Act of 1966 to establish a fund at a level of $24,400,000 for 1977 and up to $100,000,000 yearly by 1980 to expand the program of matching grants for historic preservation. This fund is designed to draw its revenue from Federal Outer Continental Shelf leasing receipts.

Mr. Speaker, I support this rule, but I have some problems with the legislation itself. As the bill now proposed, 36 States stand to lose money and only 14 States stand to gain under the change in the distribution formula provided in title I. The reason given for this revision, as I understand it, is so that more recreational facilities and parks can be built in the urban areas. I do not question the need of the cities for these parks, but I do not believe it is equitable to take funds normally earmarked for rural regions and spend them in other sections of the country. Rural America has just as great a need and just as great a desire to participate in these recreational programs as do the cities.

Therefore, while I favor passage of the rule, I do object to the formula change. I am advised that an amendment will be offered to correct this situation, and I would encourage support for this amendment.

Mr. YOUNG of Georgia. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. TEAGUE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous matter on the subject of the bill (H.R. 12704).

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

There was no objection.

AUTHORIZING APPROPRIATIONS TO THE OFFICE OF RESEARCH AND DEVELOPMENT, ENVIRONMENTAL PROTECTION AGENCY

Mr. TEAGUE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12704) to authorize appropriations for environmental research, development, and demonstration.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. TEAGUE).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 12704), with Mr. SMITH of Iowa in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from Texas (Mr. TEAGUE) will be recognized for 30 minutes, and the gentleman from Kansas (Mr. WINN) will be recognized for 30 minutes.

The Chair now recognizes the gentleman from Texas (Mr. TEAGUE).

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

Mr. Chairman, the bill under consideration by the House, H.R. 12704, authorizes $256,567,000 to support the research program of the Environmental Protection Agency during the forthcoming fiscal year.

The amount requested by the administration for this purpose was approximately $240,000,000, a decrease of about $16 million from the funding level requested by the administration for these purposes last year. Considering the impact of inflation, the administration's request for fiscal year 1977 represents an even more substantial reduction in the level of effort in this important work.

Let me point out that the research program originally proposed by EPA for fiscal year 1977 was reduced by the Office of Management and Budget by more than $42 million. The committee voted to restore only about one-third—$16.6 million—of the OMB reduction, and this small increase will be applied to selected types of research.

The legislation before this body is the result of long hours of hearings and the hard work of the Subcommittee on the Environment and Atmosphere under the leadership of the subcommittee chairman, GEORGE BROWN, and ranking minority member, LARRY WINN. I commend them both for their *dedication* and effort.

Mr. Chairman, the research conducted by EPA's Office of Research and Development provides the valid scientific data which is the essential foundation for the standards and regulations promulgated by the Agency in performance of its mission—the protection and enhancement of the environment.

The modest increases proposed by our committee in this bill were made largely to support research on the health and ecological effects of environmental pollution. This is extremely important work. Expert testimony brought out the fact that there is growing evidence indicating the causes of most cancer in humans, perhaps as much as 80 percent of all malignancies, are environmentally related. Continued research is the only way we can hope to have a full understanding of this problem.

Mr. Chairman, EPA's research program is carried out under the mandates of six Federal statutes. Congress has made it clear that the unthinking contamination of our water and air which occurred in the past must be stopped. We now have a national commitment to a healthy environment.

We believe the authorization for environmental research provided by this bill is fully justified. It has the support of our entire committee, and I urge the support of all our colleagues in the House.

Mr. Chairman, I yield such time as he may consume to the gentleman from California (Mr. BROWN), the chairman the subcommittee, to handle the bill.

Mr. BROWN of California. Mr. Chairman, I rise in support of H.R. 12704. I think we can be relatively brief with this legislation. This bill authorizes the fiscal year 1977 program for the Office of Research and Development of the Environmental Protection Agency. This is the office which conducts the basic research and generates the scientific data on which the Environmental Protection Agency's regulations are based.

Mr. Chairman, it is the view of the members of the committee that it is ex-

tremely important that we have a sound base in necessary research in order to support the promulgation of regulations by the EPA. Within the subcommittee, with the close cooperation of the gentleman from Kansas (Mr. WINN), the acting ranking minority member, we have had practically no disagreement about the details of the bill or the figures contained in this legislation. As was pointed out by our distinguished colleagues from the Committee on Rules, the bill authorizes $256.5 million, which is a very slight increase of only $16.6 million over the administration's request. The committee's increases apply to certain selected programs where the administration seemed to have cut into areas of research in which the House had previously indicated a stronger interest than usual, and we felt that the Members of the House would not particularly appreciate that, so we restored a portion of these funds.

Mr. Chairman, the intent of EPA's research and development program is to produce scientifically valid information and pollution control technology to support our national policy on environmental protection as expressed in at least eight major pieces of legislation adopted in the past decade. Environmental research authorized by this bill supports the development of effective pollution control strategies and the promulgation of reasonable and viable environmental standards and regulations.

EPA's research program emphasizes the identification and solution of current real-world pollution problems, and provides technical support to EPA's Regional Offices, and to State and local governments. Such scientific support is essential to the ultimate success of the overall EPA mission—the protection of human health and the environment.

H.R. 12704 authorizes a total budget for EPA's Office of Research and Development of $256.5 million for fiscal year 1977. This amounts to $16.6 million more than the administration's request, but the increase merely brings the budget up to the level requested by the administration for the current fiscal year. When inflation is taken into account, the budget we recommend today is substantially less than last year's budget.

Our Subcommitee on the Environment and the Atmosphere, which I have the honor to chair, held extensive hearings on this bill, and the modest changes we are recommending were selected very carefully. Of the $42 million cut from the Agency's proposed research budget by OMB, our committee voted to restore only $16.6 million. A major portion of these funds will be devoted to the study of health and ecological effects of environmental pollution.

Mr. Chairman, research into the health effects of environmental pollution is one of the Nation's most urgent tasks. Contaminants in our air and water are increasingly recognized as major contributors to illness, and in some cases death, of our people. The toll exacted by pollution is not yet fully understood, but there is growing evidence that the causes of many of our most terrible diseases, including cancer, can be traced to exposure to pollutants in our air and water which men have unwittingly placed there. If ever there was a strong justification for a vigorous research program, it certainly exists in this case.

Mr. Chairman, environmental research is exceedingly complex. Many new pollutants are entering the environment every year. Unfortunately, we know little about their effects either on man or the ecosystem. While it is true that modern industrial technology is advancing at a rapid rate, the institutional structure for dealing with environmental problems is still in the process of evolving. EPA is only 6 years old. In our opinion, no other regulatory agency intimately affects so many aspects of today's complex society.

In order to make the best possible decisions under these circumstances, an active research program to develop accurate scientific and technical information is of the utmost importance. The results of EPA's research program will allow those who bear the responsibility for these difficult matters to reach well-informed and balanced decisions.

Prudent environmental management can only rest on a sound scientific and technical basis. Even then it is often the case that decisions must be made under circumstances of great uncertainty. The purpose of EPA's research arm is to define the problem, propose alternative solutions and thus bound the scientific and technical uncertainty as much as possible. This objective scientific information then serves as input into a decionmaking process that must weigh other factors such as competing national needs, in deciding if, what kind, and when action should be taken to address an environmental problem.

Mr. Chairman, EPA is expected to play a leadership role in environmental matters not only in the United States, but abroad as well. This responsibility to provide leadership encompasses the Agency's regulatory actions and also its research programs which provide the foundation for the regulatory actions. EPA serves as a focal point for many environmental concerns and problems. Its research program is faced with the challenge of identifying the magnitude and significance of these problems, and developing and assessing alternative solutions.

Let me close by saying that EPA's research program authorized by H.R. 12704 is smaller than I, personally, would prefer. It will be supported in fiscal year 1977 by a lower budget than the current fiscal year, and this is the second year in a row that the research budget has declined.

This authorization bill reflects a sensitivity to the financial constraints which our Nation faces, and I believe it deserves the support of all our colleagues in the House.

I might point out briefly that while there is no substantial argument with regard to the dollar figures contained in this bill, this does not mean that the EPA research program is without controversy in some areas. There was considerable debate within the subcommittee and within the full committee with regard to whether we are achieving the necessary research information that we need to justify some of the EPA regulations.

There is a problem with regard to coordination with research. I think we have pointed out that the Environmental Protection Agency does not conduct all of the environmental research conducted by the Federal Government. It does about 20 percent of it, and there is a serious question as to whether the totality of the environmental research conducted by some 18 agencies makes a comprehensive whole which fulfills the needs of the Nation. So, we have been concerned about this matter of coordination of the research program.

With the cooperation of the gentleman from Kansas (Mr. WINN) the subcommittee sought to include language in this bill which would lay greater stress upon this need for more adequate coordination.

I might add that the committee devoted a full day of hearings within the last month to the question as to whether or not certain research results relating to sulfur dioxide had been properly guided a few years back, and that is a matter of continuing investigation because the integrity of the research has to be above question.

These are some of the areas in which the subcommittee feels continuing attention is necessary, aside from the actual amount of dollars which are authorized and expended to support EPA's research program which, as I said earlier, are not really substantially in question. The bill was reported on a voice vote, with no objections, in the subcommittee. The same thing occurred in the full committee.

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

Mr. BROWN of California. I yield to the gentleman from New York.

Mr. OTTINGER. During markup before the Subcommittee on Environment and the Atmosphere I offered an amendment which would have restored $800,000 to the research and development effort of EPA's Office of Radiation, for a total of $1.6 million.

My concern in offering that amendment was to be certain that EPA would have the capability to have some oversight over radiation health effects research being undertaken by the Nuclear Regulatory Commission and the Energy Research and Development Administration. Those two agencies already have substantially higher radiation research budget authorizations than has EPA. Also, EPA must have sufficient resources for this purpose to exercise its statutory standard-setting responsibilities.

Mr. BROWN of California. That is correct, and the subcommittee did not approve your amendment because of EPA's apparent willingness to go along with the determination of the Office of Management and Budget that additional funding for EPA would involve duplication with NRC and ERDA.

Mr. OTTINGER. Yes, I accepted that reasoning at the time. But I must say that I am deeply concerned that the fox is being authorized to guard the chicken

coop. It is now my understanding that EPA is entering into agreements with NRC and ERDA for the specific kinds of research EPA feels necessary to fulfill its standard-setting responsibilities on radiation levels.

Mr. BROWN of California. Yes, I understand that, too. I must say that I am glad you raised this issue. We must be watchful over the course of the next year to make certain that the other agencies meet EPA's needs for standard setting.

Mr. OTTINGER. That is for certain. If we find that this is not the case, that EPA's needs are not satisfied by the other agencies involved, then I think the Congress must review the entire radiation monitoring and standard-setting programs. In the interest of protecting public health, we may have to revamp the program entirely.

Mr. BROWN of California. Yes, it is my view that if, after carefully monitoring what the three agencies do in the course of the coming year, we determine that there is need for major change, I will certainly be prepared to work on that, and I am sure the gentleman from New York will as well.

Mr. OTTINGER. I certainly will, and I thank the gentleman for his time on this important matter.

Mr. BROWN of California. Mr. Chairman, I want to thank the gentleman from New York (Mr. OTTINGER) for his continued support.

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

Mr. Chairman, I want to thank the gentleman from Texas (Mr. TEAGUE), the chairman of the full committee, and the gentleman from California (Mr. BROWN), the chairman of the subcommittee, for the cooperation that they have given the members of the subcommittee and for the many, many hours of hearings that we have held in trying to ascertain what is best for the research and development programs.

Mr. Chairman, I do think that it is necessary at this stage of the game to clarify some of the main things that we discussed and some of the main topics that took most of our time in those many hours of hearings.

Mr. Chairman, I rise in support of H.R. 12704, the fiscal year 1977 authorization bill for the Environmental Protection Agency's R. & D. programs.

H.R. 12704 authorizes the EPA $256,567,000 for its R. & D. programs in fiscal year 1977. This amount is $16,633,100 above the administration's request or about 6.9 percent higher. This is a relatively modest increase which merely maintains the EPA programs at about their current levels.

Environmental research and development is a term which has become common only in the past 10 years. Environmental research differs from research in the traditional scientific disciplines in that it usually entails a combination of several disciplines. Advances must be made in chemistry, physics and biology in tandem and then integrated to address a particular issue. For example, the issue of the possible depletion of the ozone layer by fluorocarbons requires a knowledge of the chemistry of catalytic reactions as well as a knowledge of the physics of gaseous diffusion. Environmental R. & D. is thus interdisciplinary R. & D.

The major portion of the fiscal year 1977 budget, $129,223,500, is devoted to research under the Clean Air Act. The Clean Air Act directs EPA to investigate the causes, effects and control technology of air pollution. EPA's R. & D. is supposed to furnish the knowledge required to establish appropriate environmental controls. The program is designed to measure the effects of air pollutants on humans, animals, plants and the general environment. It seeks to develop models capable of predicting the behavior of emissions and to verify the models by actual testing. Part of the program aims at developing a standardized set of monitoring criteria. Consistent monitoring methods are essential if data from around the country are to be analyzed in a meaningful way.

Water quality research seeks to develop efficient waste water treatment technology, useful monitoring techniques and workable strategies to control the spills of hazardous materials. The 1976 program includes emphasis on the health effects of waste water and sludge on land. The 1977 program will encompass ecological effects research on ocean dumping, disposal of dredge soil, and health effects research on waste water and sludge treatment, disposal, and use.

EPA's solid waste program is directed toward the development of improved solid waste management, disposal technology, and resource recovery technology. Such advances would permit local agencies to cope with their solid waste problems effectively and economically. The program also seeks to develop the scientific base for possible establishment of standards for hazardous wastes.

The solid waste program's major thrust includes the background analysis necessary to support the development of a regulatory program for the treatment of toxic chemicals, the migration of hazardous wastes through soils and the evaluation of sanitary landfills. The toxic chemical area includes the EPA's pesticide program which develops data in support of administrative reviews, develops new methods of pest control, and searches for substitute chemicals as alternatives for hazardous pesticides.

The environmental impact of energy projects is of major concern to the EPA. The increased use of coal and nuclear power together with the anticipated use of solar, geothermal and shale oil demand current attention. Each energy source has its own set of features and side-effects which must be analyzed. The environmental effect of a particular energy activity is a necessary element in properly implementing it.

The primary goal of the energy R. & D. program is to provide controls for those extraction, processing and utilization activities known to cause significant health and ecological damage. This is a very broad topic which includes stack gas scrubbers, oil shale and coal extraction. I would urge the EPA to cooperate with other federal agencies and private enterprise in reaching mutually satisfactory agreements. Many people perceive the EPA as a stumbling block or nemesis in the search for new energy sources. It would be better for the EPA to work with energy producers in resolving environmental questions rather than to become a perennial bane. We would like to hear of the EPA accelerating new energy sources instead of delaying them.

Mr. Chairman, the EPA's research and development program is directed at establishing and maintaining a healthy environment in which we may work and live. The authorization levels in H.R. 12704 will permit the EPA to continue its contributions at a steady level of support. I urge my colleagues to join me in voting affirmatively.

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

Mr. WINN. I would be glad to yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Chairman, as I read the report, it appears that this is merely authorizing expenditures for research.

Mr. WINN. Research and development.

Mr. MYERS of Indiana. Is there anything in this bill that grants more authority to EPA to regulate and to close industries, and so forth?

Mr. WINN. No; that does not come under the jurisdiction of this subcommittee or of this committee. We have nothing to do with the regulatory requirements of EPA.

Mr. MYERS of Indiana. Mr. Chairman, I thank the gentleman.

Mr. TEAGUE. Mr. Chairman, I have no further requests for time, and I reserve the balance of my time.

Mr. WINN. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. Chairman, I briefly want to discuss the Science and Technology Committee Report on this bill. The single committee view, on page 10, discusses the need for interagency coordination. I believe we have solved the problem discussed in that view with the compromise language in section 5 of the bill.

The view goes farther, however, and implies that the committee considers that passthrough funding is a better mechanism and even that the technique is being "undermined by the transfer of authority and resources from EPA, and appropriations being made directly to ERDA." That implication and the rest of the second paragraph are simply wrong, with the one exception of the last two lines, which state that we agree that there should be a formal coordination mechanism. We did agree on that need and that is why we put in section 5. The rest of the paragraph does not accurately represent the committee's view, and I believe that the voting on section 5 in the full committee supports my views.

To attempt to set the record straight, let me lay out the background to this discussion on passthrough funding from EPA to ERDA. The dollar figures are approximate.

BACKGROUND OF PASSTHROUGH FUNDING

In the fiscal year 1975 budget submission to Congress the President requested a special energy supplement of $106 million.

In this request, OMB added $23.0 million including $6.5 million for construction and equipment to the AEC/ERDA budget for health and environmental research related to nuclear energy development, $9.0 million to the NSF budget and $74 million to the EPA budget.

The $74 million was added to the EPA budget because OMB was unable to assign these funds to specific agencies and it was specified that these funds would be held for passthrough to other agencies at a later time.

Congress reduced the passthrough total of this special energy request by $24 million.

Three million dollars was added from control technology funds to increase the total of the passthrough exercise to $78.5 million.

OMB established an Interagency working group to develop a plan for energy-related health and environmental research needed to insure energy independence, identify agencies who were best qualified to conduct the research, and recommend level of effort for each objective and/or task.

The working group report, the King-Muir report, was submitted to OMB in November 1975, and this report has been used to distribute the passthrough funds to appropriate agencies.

Although EPA has stated in their fiscal year 1977 budget submission that they have been established as the lead Federal agency in directing energy research and development, OMB has not designated any agency as lead agency.

EPA has the responsibility with the assistance of other involved Federal agencies to coordinate and manage such an interagency effort with passthrough funds used to support the energy-related health and environmental research and development.

In the deliberations of the interagency working group, AEC/ERDA received $12 million in passthrough funds for specific tasks in fiscal year 1975.

OMB decided that $6 million of the $12 million received by ERDA would be absorbed in ERDA's fiscal year 1976 base budget; the remaining $5.2 million—reduced because of a 12.5 percent decrease in EPA's fiscal year 1976 budget—would come by the passthrough route.

No additional passthrough funds will be absorbed in ERDA's fiscal year 1977 budget.

The $3.6 million reduction in EPA's fiscal year 1977 budget request does not imply additional dollars will be absorbed by ERDA.

Instead, EPA wrongly states that this reduction—$3.6 million—

. . . is more than offset by an increase in the budget for the Energy Research and Development Administration for energy-related environmental research.

In fact, the increase in the fiscal year 1977 budget submission for ERDA's Division of Biomedical and Environmental Research is only $5.2 million, less than a cost-of-living increase.

As this discussion clearly has shown, the notion that anyone is undermining anything is unjustified. To provide additional detail on this subject, I am attaching a letter and a speech given on this subject by Dr. Jim Liverman who heads ERDA's environmental programs. I hope all Members will be enlightened on this passthrough fantasy which is included in the committee view.

The letter follows:

OCTOBER 2, 1974.

Dr. WARREN MUIR,
Council on Environmental Quality, Washington, D.C.

DEAR DR. MUIR: You asked for my frank comments on the review process used to "look over" and "make judgments and recommendations about" the Environmental Effects funds appropriated to AEC, NSF, and EPA.

I gave the enclosed speech at a meeting of the Association of Independent Research Institute in Oklahoma City on September 15. It drew a lot of discussion since the people present, most of whom manage $1–5 million/year programs, had never encountered governmental decision-making processes at close range. It was fun (but tough) answering their questions. I, of course, took the writer's perogative to embellish here and there in order to dramatize the process. My conclusion was and is that, with modifications, there is probably no better way to arrive at a "right" decision.

Let me, however, give you a little more detail on the final 2 or 3 pages of the talk.

I believe that our interagency exercise would have gone off much more smoothly had the Chairman of the Group been clearly in charge from the beginning. The initial stages of the exercise were characterized, as were the closing days, by an attempt on the part of EPA to orchestrate the whole show. This is an understandable attitude and I do not resent it, but it is not the way to get the job done among peers when one group is more equal than another. So for lesson 1, I suggest that the group elect an overall chairman who has the ability to get the job done. This chairmanship should probably rotate from year to year among agencies to prevent domination of the exercise by any one agency or philosophy.

The second truly important point is that there should be a non-partisan secretariat which works equally with all involved agencies and provides equal logistic support to call. The Secretariat should have access to extensive data banks—automated—on current research, on status of knowledge in various areas, etc., which can serve as a quality control of, and be useful to, the system. In addition, there is a VITAL need for each agency to identify (1) their programs (in some detail and with levels of support) which are ENERGY RELATED, and (2) those portions of their programs that overlap with the energy-related programs but which are in support of their general responsibilities. Requiring the agencies to identify their programs in this fashion would tend to prevent an agency from claiming today that certain programs were "energy related" and claiming tomorrow that these same programs were related to another objective for which they seek funds. It would, in effect, prevent double bookkeeping.

Thirdly, the agencies should be asked first to identify those National needs which are being filled (and by whom), those needs which urgently need funds to get answers (and the basis for this urgency), those which are necessary but can be given a lower priority and those which are desirable but which, for some reason or other, can be deferred. Following this PROGRAM NEED identification, the exercise should then proceed to indicate the levels of effort across the whole spectrum that would be provided giving at least three fiscal levels of support. One of these probably should represent the ideal mix of program, one less desirable and one absolutely minimum.

Fourthly, the agencies that propose to do the work should specify where the work is to be done (i.e., in a civil service staffed laboratory, by prime contract in FCRC, in universities, etc.). In addition, means by which funds might be passed between agencies and the management of these funds and programs should be clearly stated.

Guidelines emerging from such an interagency exercise could be used by the individual agencies, by the OMB and by the Congress as a standard to determine what high priority programs were being missed, which programs were being overworked and which programs could be deferred without great detriment to the programs of all the agencies. These guidelines could be updated by the interagency working groups during regular annual or semi-annual program review sessions. With such current guidelines both the OMB and the Congress would be in a better position to measure the adequacy of the total national effort.

While many other things could be said, I believe these points are those crucial to an effectively working group.

Sincerely,

JAMES L. LIVERMAN,
Assistant General Manager for Biomedical and Environmental Research and Safety Programs.

THE SEARCH FOR A WAY

(By James L. Liverman, Assistant General Manager for Biomedical and Environmental Research and Safety Programs, U.S. Atomic Energy Commission, Washington, D.C., presented September 19, 1974, at the 13th Annual Meeting of the Association of Independent Research Institutes, Oklahoma City, Okla.)

One of the major problems facing research administrators at all levels is finding a sound basis for resource allocation on a sensible priority scale. Nowhere is this truer than in those areas of research supported by the Federal Government for which the responsibility is so broad that no single agency can lay claim to having sole authority. A specific case in point is the matter of insuring the preservation, enhancement, and protection of the environment in which we live while meeting our energy requirements.

The National Environmental Policy Act (NEPA) and the ensuing Court precedents require the preservation of environmental sanctity both by regulatory agencies and development agencies. The degrees to which agencies are attuned to the need for environmental integrity, and the R&D which they feel a necessity to conduct, vary with individual agencies regardless of their type. The story I want to bring to you tells of one attempt to devise—indeed improvise—a way for resource allocation, an attempt that has been under experiment for the past 15 months. The story, although not yet fully written, is one into which I, myself, have been cast. Try as I may, there probably will be times during this narration when it is impossible for me to view the whole process in a completely objective and unemotional manner because of my bias as the representative of one agency with a major interest in the outcome of the exercise.

BACKGROUND

From the standpoint of my agency, the Atomic Energy Commission, the prelude to this story goes back at least a decade to a time when the AEC made the deliberate decision to make its national laboratories available to other agencies of the Federal Government for work of great national urgency. My own career, first in Washington, then Oak Ridge, and now back in Washington, has been much affected by that AEC decision, for I was until recently in the process of aggressively seeking funds to broaden the biomedical and environmental programs of the AEC's Oak Ridge National Laboratory. Other National Laboratories followed suit. Because of this broadening of programs aided by funds from agencies other than AEC, our laboratories were able to respond to NEPA and to the related Calvert Cliffs decision which directed the AEC to consider *all* environmental impacts of its operations, both radiological and others, in connection with its licensing of nuclear activities. The Joint Committee on Atomic Energy (JCAE) subsequently broadened the AEC charter (the Atomic Energy Act) to encourage studies on all energy sources. Jim Schlesinger, then Chairman of the AEC but now Secretary of Defense, pushed the Division of Biomedical and Environmental Research to broaden its own programs to include a wide spectrum of nuclear and non-nuclear research and development. As a result of these several actions, much of the spring and fall of 1972 and the spring of 1973 was spent in discussions with the various AEC National Laboratories in formulating health and environmental programs covering the whole spectrum of energy sources.

You will surely remember that it was during this time also that the energy shortages and the energy-environment issue reached such a climax that the President on June 29, 1973, sent a major message on reorganization and energy to the Congress and directed that a series of actions be taken by the Chairman of the AEC. Although it was not obvious on June 29, the Arab oil embargo later in the year gave added urgency to the effort.

This is the point where my story really begins.

The President asked three things: (1) the Congress was asked to create an Energy Research and Development Administration, which it is about to do, (2) the Chairman of the AEC (Dr. Dixy Lee Ray) was asked to recommend a program for the expenditure of an additional $100 million in FY 1974, and (3) she was asked to formulate for submission to the President by December 1, 1973, a 5-year, $10 billion program on energy R&D to enable the nation to meet its long-term energy needs with much less dependence on foreign sources.

THE $100 MILLION EXERCISE

The battle lines to obtain funds for health and environmental R&D programs began to be drawn in that first $100 million FY 1974 exercise when guidelines were set which provided funds only for technology development. No funds were provided within the $100 million for basic science, for environmental or health research, nor for research on environmental control technology. Although strong representations were made for the need for R&D support in these crucial areas, they were without effect until the Office of Management and Budget review during which pressures presumably from EPA and others resulted in an increase of $15 million which went for environmental effects and control technology R&D. Although the AEC had worked closely with EPA in this activity all of these FY 1974 add-on funds were legislatively allocated to EPA. I felt then, and I feel now, that it was a mistake to allocate all of these additional funds to EPA for two reasons: First, as mentioned above, the AEC laboratories have a broad capacity to encompass a spectrum of energy related environmental R&D, and secondly, there is a very marked divergence in philosophy of the conduct of R&D by AEC and EPA. EPA concentrates on the specific project closely coupled to a technology and generally of short duration. AEC takes a broad look across technologies and generally aims at understanding mechanisms. Standards setting and long-term biological effects demand that both philosophies permeate the structure of science.

The first exercise on priority setting and resource allocation made two points very clear to me. First, that the health and environmental groups in the various agencies had to work together on the $10 billion exercise if they were to make a case for adequate funding for environmental R&D funds in competition with the technologies. Secondly, each agency with interests in the environmental field would have to look out for itself in the battle for a segment of the environmental funds.

THE $10 BILLION EXERCISE

Formulation of the $10 billion, 5-year program was a massive effort. Separate panels were set up to consider each major technology as well as environmental and basic research. These latter two areas were considered to be in support of all the technologies and an additional $1 billion for the 5-year period was provided for them (including manpower development). This additional $1 billion dollars was split as follows: $650 million for environment and health; $300 million for basic research; and $50 million for training. Of the $650 million 5-year program, $106 million was recommended for environment and health R&D for FY 1975.

I want you to note a very specific difference between the $1 billion in supporting research and the $10 billion for technology development. The $10 billion includes all of the current programs, whereas the $1 billion is incremental to all ongoing efforts.

The requested report was delivered to the President on December 1, 1973, by Chairman Ray. In retrospect it appears most unfortunate that the OMB was not involved, at least as an observer, throughout the exercise. As it was, OMB, starting from a zero base on the learning curve on December 1, had to review the report, have hearings with the agencies and make recommendations to the President for inclusion in the FY 1975 budget against a very tight schedule of one month. Absolute confusion prevailed, particularly in the environmental area, because of the multiple agency involvement. While energy technologies were largely confined to single agencies, making fund assignments a relatively simple matter, there was no such clear split by agency for the environmental funds. *My talk centers on this confused state in the environmental area and how priorities and resource allocation were made with respect to the $106 million.*

THE $106 MILLION EXERCISE

By September 1973, the AEC, and most other agencies, had already submitted their regular FY 1975 budgets for OMB review. Many of them had already been given a tentative level of support. The major environmental agencies were now confronted with a requirement for submission of an additional budget for the "energy add-on" funds. In early December, AEC requested $75 million ($61 million operating, $14 million consrtuction) of this $106 million to perform energy related environmental and health research which it considered important. Justification for a request of this size lay in part in the fact that AEC had spent some 18 months of intensive internal planning for a non-nuclear energy-related program on environment and health and that AEC has the largest energy related biomedical and environmental program in the nation. The NSF requested $36 million. The EPA requested $144 million, the amount which the Interagency Environmental Panel for the $10 billion program had recommended as the optimum funding level for multiagency participation. Thus, the total of the requests from the three agencies far exceeded the Report's $106 million. Out of the OMB furnace toward the end of January, AEC received $23 million, NSF $9 million, and the EPA the remaining $74 million. The EPA $74 million was not, however, all for EPA, but was set up as "pass through" funds whose agency distribution was to be decided after the President had presented the FY 1975 budget to the Congress. Activities begun in mid-February culminated in early March with the creation by OMB of a working group of agency representatives charged with the responsibility to come up with a workable program and budgets for this distribution.

A staff member from the State Department, and one from CEQ, were brought in to serve as Chairman and Co-Chairman, respectively, of the Panel. The AEC provided a full time scientist and a secretary as staff to help get the job done.

Each of the 8 agencies with major research interests in the environment and health, as well as four others with somewhat lesser interests, were asked by OMB to designate a representative with authority to commit their agency to program and funding levels to serve on the working group.

The first meeting resulted in a number of what can best be described as "air clearing" and "territorial assertion" statements typical of bureaucracies and bureaucrats. Much wasted motion resulted before the Chairman was able to make clear to the Committee that they were to make recommendations to the OMB specifically on (*1*) needed programs, (2) the priorities for expenditures and (*3*) the agency to conduct or manage the work. From the beginning, the EPA tried to orchestrate the study—a perfectly natural bureaucratic reflex since the "pass through" funds were to be formally appropriated to that agency. The Chairman of the Committee had, however, been given instructions that EPA was to be a participant like everyone else. The Chairman was able to steer this first meeting to a reasonably logical conclusion and the agencies were asked to return to their drawing board and identify problems related to energy technology development which might have adverse health or environmental consequencs—AEC for nuclear technologies, Interior for coal and oil, NSF for solar, geothermal, tidal, etc. In addition, the agencies were asked to determine when the technologies might be coming on line (time lines) and the magnitude of their use. The group came back together in about 10 days with these problem lists and time lines as a point of initiation for the study. EPA provided much of the information and the format by which the time lines were pulled together.

By the second meeting many of the agencies began to press their territorial imperatives with force and vigor. The group decided to form three panels—Health, Environment, and Non-Pollutant Effects—each of which was to establish basis for priority setting and program development. AEC and HEW people were appointed Co-Chairmen of the Health Panel, EPA Chairman of the Environmental Panel and NSF Chairman of the Non-Pollutant Effects Panel.

These groups, through a series of independent meetings, established means of arriving at priorities within each of the technologies and between technologies. Such factors as level of current programs, state of knowledge about effects of the various technologies, urgency to obtain the knowledge

and the extensiveness of use of the technology were considered. An example or two will clarify this point. We know a lot more about nuclear effects than we do about coal liquefaction or gasification effects. The emphasis in the "add-on" funds then would go to coal because we must burn a lot of it and soon. In the case of effluents from shale use or solar, however, in spite of the dearth of information, we know that the use of shale would be limited in the short term and that it would be some time before solar would be used to any appreciable degree. Thus, the need for information for shale and solar, while important, could be deferred somewhat. The priority ranking for funding then would be coal, shale, solar for a particular factor. Simultaneously, each of the agencies was refining the TIME LINES for technology utilization, i.e., whether it was to produce energy, to dispose of waste, to control waste releases, etc. With these two kinds of information it was possible and ultimately became mandatory (for the first time in most of the agencies) to link environmental R&D programs to the urgency of the technologies—i.e., to insure that the lack of health and environmental information or the ability to regulate in a meaningful way would not be the limiting factor in development or deployment of the technology (i.e., retrofitting, delay or non-acceptance could be avoided).

Three agencies with both basic and applied research experience (AEC, NIEHS and NSF) pointed out that linking the studies too closely on a case by case base to each problem in each technology could lead to ephemeral programs, perturbations in programs and massive overlaps in efforts. The group, while recognizing the very real value of time lines and technology-oriented priorities, also realized that many of the problems (and their solutions) had common denominators. For example, many shale, oil and coal processing and combustion technologies release the same toxic substances into the environment. Thus, while priorities should be set by time lines, it made little sense to conduct separate research programs for each of these substances *for each technology* when a cross-technology effort could attack all of the problems without unnecessary overlap.

With the time lines and urgent problems before us (including those problems that took a long lead time for answers as well as those that needed immediate answers to guide the technologies) we could finally begin to formulate realistic and responsive programs.

The agencies were asked to re-examine their base programs, to prepare brief statements on which technology problems were being addressed adequately by current efforts and which technologies needed additional effort.

Once this technology-related information was available the groups reformed into subgroups fitting closely the original Ray report program categories: Transport; pollutant measurement, monitoring, and characterization; Health Effects; Environmental Effects; and Integrated Assessment including social and economic effects and policy implication. The groups were instructed to sort out the proposed areas of research according to these program categories and to begin to set priorities within the categories according to a number of different parameters.

The panels ranked the original list of programs submitted on the basis of urgency. A line was arbitrarily drawn under all programs that fell below a certain level. The Interagency Group as a whole then looked again at all parameters and all programs to be sure that there were not inadvertent deletions and to prevent closing programs that would keep options open. The first submission from the various groups totaled approximately $150 million, for a maximum of $74 million available in EPA "pass through" funds. The Interagency Committee then gave budget targets to each of the panels. While the struggles and strifes were rather heated at times the group did in fact hammer out a quite effective program that would have moved against the time lines in a fairly orderly manner—necessary knowledge would be produced in time for some of the technologies and only a bit late for most of the others. Even though it was very clear that the available funds ($74 million) would not provide enough effort to produce all the information needed within the available time, a very responsive and responsible program was developed. Each agency had compromised a bit during the course of the negotiations, but the distribution of effort (and money) was considered reasonable by most of the participants.

At about this time the House Appropriations Committee slashed the "EPA" $74 million budget to $50 million. This step threw the whole exercise into complete disarray. There was not enough time to go back to the drawing board and rework the whole program or to reconsider the priority issues across the complete spectrum, particularly in the face of ongoing work in the various agencies. At this point the knives came out and internecine warfare really started both within each group and between the groups. Agency desires, responsibilities and strengths became the issues. Many negotiating sessions were held by the panel and in the final analysis each agency, almost without exception, was trying to place its claims on more of the money than was available. I, of course, like to believe that AEC acted completely responsibly in all of its actions but I'm sure that there are different viewpoints on that matter. For myself, I was glad we were through and I only wanted to get the work started.

It was at about this point in the exercise that President Nixon vetoed the Agriculture-EPA appropriations bill, the source of the "pass through" funds. The second last-minute action threw the exercise into a complete cocked hat. Right now we have no idea when or whether the Congress will modify or pass the appropriations bill or whether the EPA budget will continue along at their last year's levels of funding. The latter possibility could result in a real disaster for all of the environmental research programs of the nation, handicapping their abilities to respond to the urgent needs of the energy problem.

At this stage of the game we, as an interagency working group, have come up with a fairly detailed package of information which can be used for future planning. This package speaks to the priority R&D items and their levels of support for a 5-year period, to the agencies which can best conduct the work, to the agencies which have the broad programs with a direct focus on energy-related issues and to those with rather peripheral interests or spotty competences. The materials are being reviewed by all agencies and the package is being wrapped up for OMB consideration. In terms of the money that will be made available this year one could conclude (and some have) that the exercise has been a cumbersome and wasteful effort. That view, however, doesn't consider all, or perhaps even the most important, values that have emerged from the experience. Let me critique it a little more thoroughly with a particular eye to answering the question "is this a way to develop priorities for work," or "were the results worth the man years of effort that went into the attempt?"

As I indicated at the beginning—one of the most difficult areas in which to focus the spotlight of priority is in the environmental and health areas as they relate to energy matters. In the first place living systems don't really recognize the difference, in many instances, between one insult and another—i.e., chemicals and radiation whose ultimate in biological effects are manifested through chemical transformations causing mutations or somatic effects or in a modification of ecosystems. While the specific experimental approaches used to look at the effects of the many effluents are slightly different the end points in many cases are the same—shortened life, death, mutation, reduced growth, disease, etc. The problem then becomes one of determining those areas that should be supported by "energy-environment" money as opposed to "environmental matters" money. Again, it makes little difference to the environment or to health that mercury may have come from the burning of coal or from a caustic chlorine operation unrelated to energy activities. The environment cannot distinguish between the sulfur deriving from the use of coal for reducing iron ore or the use of coal for fuel to power electric generating plants. Nor does the research scientist care about the source of his dollars, as long as he can get on with his work. The questions then become: who should do the energy related work; which committees of Congress should worry about the programs and the funds, and which segment of the OMB should review the programs, etc.

Confronted with this complexity of issues it becomes an almost impossible task for OMB, the Congress or the agencies themselves acting in isolation to arrive at answers to simple questions like (1) is there unnecessary duplication of effort, (2) is the size of the effort going into the program adequate, (3) is this a program more nearly of interest and need to the energy business or to health matters generally, etc. In spite of the traumas experienced in getting agencies around the table to talk and persuading them to sacrifice some of their hopes on the altar of common good if priority demands, I believe a process similar to that through which we have come is the only way out. Clearly there are needs for rule changes if we are to repeat this exercise, or related exercises in an effective manner. I have some suggestions about how to proceed.

1. An Interagency Group should be formed from the agencies which have particular responsibilities for the problem under consideration or which have a particular competence or facilities to do the work. A Chairperson should be chosen early on, and the Interagency Group mandate should be made clear to him *and* to all participants before they begin their deliberations.

2. The Interagency Group should be instructed to develop a national program giving adequate coverage to the research and development needed to ensure that the energy technologies can come on line as rapidly as the technology permits, and not be limited by the lack of health and environmental information. This first step should not be limited by any but the most broad budget restraints, in order to develop a complete list of concerns for later use in priority decisions.

3. The exercise we have just been through shows a clear need for an unbiased secretariat to provide logistic support, informational resources, policy guidance, and to act as a clearinghouse for the various activities.

4. After a national program has been planned which includes priority ranking of R&D needed incremental to existing programs then budget constraints and the time lines can be considered along with technology urgency for a final setting of priorities for research to be done.

5. If there are to be "pass through" funds, clear understandings on the duration of support is needed, since the 90 day cancellation concept (the Ghengis Khan School of Management) leads to short-sighted goals and research programs.

6. The Interagency Group can then suggest the most effective way of conducting the work by reasonably general agreement among themselves as to which agency should do the work. These guidelines could then serve as a basis for various agencies, OMB, and Congressional decisions on who should be doing what things and at what approximate levels. Additionally, the agencies, the OMB, and Congress would be aware of the severe impacts likely to be encountered if the total funding was not forthcoming.

7. The Interagency Group should reconvene periodically to review progress and priorities.

Clearly this approach places some constraint upon each of the agencies. Equally clearly, however, from it comes a better coordinating mechanism, a better means of reaching agreement on national priorities, and a better means of reaching agreement on national priorities, and a better means of insuring that those things that need to be done do not fall through the cracks for lack of attention. In addition, the program is given the credibility that comes from the serious consideration of responsible individuals and agencies that will make it possible to help orchestrate the technologies of clear national need and priority now pushing for recognition and adoption by society generally. Perhaps most importantly of all, the forced looking at the programs from the content of need for national priorities will insure a viable energy-related environmental program for the nation. This is not being done at this moment.

Back then to my original thought—to find a way. The way I have discussed is not the only way. But it is one way of placing in the hands of the agencies that must implement the programs the best rounded and tempered programs which they can pursue and not be ratcheted by the system so that the overall national program suffers as it does now.

Would I rerun a similar experiment with modified guidelines. Yes. Not only would I do it if asked, I feel strongly enough about the national need that if necessary I will be the catalyst to achieving it.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

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

Mr. BROWN of California. Mr. Chairman, if I understand the statement of the gentleman from California (Mr. GOLDWATER) correctly, I think I would concur with the view that he expressed that the statement on page 10, entitled "Committee Views" is not directly related to the issue of coordination which is addressed in section 5 of the bill.

The statement on page 10, with regard to the pass through mechanism is a separate issue, although related, to some degree; and it is a matter which I am sure the gentleman's own statement will help clarify.

Section 5 of H.R. 12704 has been the subject of considerable testimony and discussion by the committee. During the course of marking up this bill, section 5 has been rewritten several times. The version before us today is considerably different than the original drafts. I support the current draft for a variety of reasons, including the fact that the EPA already has the authority and the responsibility to provide leadership in the coordination of environmental research throughout the Federal Government.

However, because there has been some question about the nature and scope of EPA's role in environmental research, I believe I should provide, for the record, some background on this subject.

The basic grant of authority to the Environmental Protection Agency comes from Reorganization Plan No. 3 of 1970. In announcing that reorganization plan, the President stated:

Our national government today is not structured to make a coordinated attack on the pollutants which debase the air we breathe, the water we drink, and the land that grows our food. Indeed, the present governmental structure for dealing with environmental pollution often defies effective and concerted action.

The Presidential message goes on to say:

In organizational terms, this requires pulling together into one agency a variety of research, monitoring, standard-setting and enforcement activities now scattered through several departments and agencies. It also requires that the new agency include sufficient support elements—in research and in aids to State and local anti-pollution programs, for example—to give it the needed strength and potential.

To accomplish this goal, the President transferred responsibility for general ecological research from the Council on Environmental Quality to the Environmental Protection Agency. This transfer was not meant to reduce the role of CEQ, but rather it was meant to enhance the role of the EPA as the "line" agency in support of the CEQ. As the President's message put it:

In short, the Council focuses on what our broad policies in the environmental field should be; the EPA would focus on setting and enforcing pollution control standards. The two are not competing, but complementary—and taken together, they should give us, for the first time, the means to mount an effectively coordinated campaign against environmental degradation in all its many forms.

Since the establishment of the EPA, there have been several specific functions assigned to it. Among these functions is a very specific mandate for the EPA to coordinate environmental research in a variety of mediums. Specific statutory authority for the EPA follows:

VARIOUS STATUTORY AUTHORITIES FOR EPA TO COORDINATE FEDERAL ENVIRONMENTAL RESEARCH

Federal Water Pollution Control Act (P.L. 92-500):

RESEARCH, INVESTIGATIONS, TRAINING, AND INFORMATION

SEC. 104. (a) The Administrator shall establish national programs for the prevention, reduction, and elimination of pollution and as part of such programs shall—

(1) in cooperation with other Federal, State, and local agencies, conduct and promote the coordination and acceleration of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention reduction, and elimination of pollution;

(2) encourage, cooperate with, and render technical services to pollution control agencies and other appropriate public or private agencies, institutions, and organizations, and individuals, including the general public, in the conduct of activities referred to in paragraph (1) of this subsection;

Clean Air Act (42 U.S.C. 1857 et seq.):

RESEARCH, INVESTIGATION, TRAINING, AND OTHER ACTIVITIES

SEC. 103. (a) The Administrator shall establish a national research and development program for the prevention and control of air pollution and as part of such program shall—

(1) conduct, and promote the coordination and acceleration of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to the causes, effects, extent, prevention, and control of air pollution;

(b) In carrying out the provisions of the preceding subsection the Administrator is authorized to—

(2) cooperate with other Federal departments and agencies, with air pollution control agencies, with other public and private agencies, institutions, and organizations, and with any industries involved, in the preparation and conduct of such research and other activities;

Federal Insecticide, Fungicide, Rodenticide Act (P.L. 92-516):

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.

Solid Waste Disposal Act (P.L. 89-272):

RESEARCH, DEMONSTRATIONS, TRAINING, AND OTHER ACTIVITIES

SEC. 204. (a) The Secretary shall conduct, and encourage, cooperate with, and render financial and other assistance to appropriate public (whether Federal, State, interstate, or local) authorities, agencies and institutions, private agencies and institutions, and individuals in the conduct of, and promote the coordination of, research, investigations, experiments, training, demonstrations, surveys, and studies relating to—

(1) any adverse health and welfare effects of the release into the environment of material present in solid waste, and methods to eliminate such effects;

(2) the operation and financing of solid waste disposal programs;

(3) the reduction of the amount of such waste and unsalvageable waste materials;

(4) the development and application of new and improved methods of collecting and disposing of solid waste and processing and recovering materials and energy from solid wastes; and

(5) the identification of solid waste components and potential materials and energy recoverable from such waste components.

Noise Control Act of 1972 (P.L. 92-574):

FEDERAL PROGRAMS

SEC. 4. (a) The Congress authorizes and directs that Federal agencies shall, to the fullest extent consistent with their authority under Federal laws administered by them,

carry out the programs within their control in such a manner as to further the policy declared in section 2(b).

(SEC. 2(b) states ". . . purpose of this Act to establish a means for effective coordination of Federal research and activities in noise control . . .")

(c)(1) The Administrator shall coordinate the programs of all Federal agencies relating to noise research and noise control. Each Federal agency shall, upon request, furnish to the Administrator such information as he may reasonably require to determine the nature, scope, and results of the noise-research and noise-control programs of the agency.

The committee has been concerned that these specific authorities are not being properly exercised. Part of the problem has been financial, and part of the problem has been administrative. It is easy to find fault with the current state of environmental research, and this committee has been at the forefront in offering constructive criticism. We have not been alone in our observations. The Congressional Office of Technology Assessment, in its review of the EPA's first 5-year research plan, stated:

THE OVERRIDING ISSUE

The Office of Research and Development (ORD) lacks a sense of scientific mission; it is preoccupied with the day-to-day demands of the regulatory process. Applied research in support of the regulatory process is necessary, to be sure, but this should not preclude a strong commitment by ORD also to basic science. Specifically, there are two opportunities that require an enhancement of ORD's scientific role:

When environmental debates stem from scientific questions, such as the effects of sulfates or pesticides, ORD, with the assistance of the scientific community, could assess the state of knowledge on the subject, and establish a rationale and objective basis for these debates, independent of EPA's current regulatory position.

Because there are numerous government agencies conducting environmental research, leadership in determining research goals and priorities is essential; ORD is the logical center for such leadership.

Numerous environmental questions require research in which ORD should take the prime initiative. What balance should be struck between research on pollutants affecting people today and those that could affect future generations, through genetic mutations or gradual changes in the environment? Can control technologies reduce pollution fast enough to keep pace with economic growth? Can major shifts in the economy, such as new industry, be made compatible with environmental quality?

ORD has the scientific excellence to answer such questions. But it appears to lack the time under pressures of applied research crash programs. Yet, if ORD does not produce the basic scientific knowledge to guide future legislation, who will?

Similarly, the General Accounting Office, in response to a request from the Subcommittee on Environment and the Atmosphere, confirmed that—

There is no overall Federal leadership for environmental research nor does there appear to be adequate coordination of the water, air, and pesticide reserach efforts.

The full text of the GAO letter, which accompanied their April 7, 1976, report to the committee, follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C.

Hon. GEORGE E. BROWN, Jr.,
Chairman, Subcommittee on Environment and the Atmosphere Committee on Science and Technology, House of Representatives.

DEAR MR. CHAIRMAN: In various meetings with our staff during November and December 1975, you said that numerous Federal agencies were spending about $1.2 billion a year on environmental research, of which the Environmental Protection Agency spent about 20 percent, but apparently there was no leadership for such research nor did there appear to be adequate coordination of the research effort. You said that the Subcommittee was very much concerned about this.

We have made several reviews of Federal environmental research programs during which we examined the extent of coordination among the Federal agencies involved in such research. On January 16, 1974, we issued a report to Congress entitled "Research and Demonstration Programs To Achieve Water Quality Goals: What the Federal Government Needs to Do" (B-166506). On December 11, 1975, we issued a report to the Chairman, Subcommittee on Environment, Senate Committee on Commerce, entitled "Federal Programs For Research On the Effects of Air Pollutants" (RED-76-46). We have also looked into Federal pesticide research programs (no report was issued) and are currently reviewing noise and solid waste programs. We discuss these reports and reviews in detail in the appendix.

In our January 16, 1974, report we said that the Environmental Protection Agency had not had a water quality research and development (R&D) strategy setting forth goals, objectives, and priorities since it was formed in December 1970. We recommended that the Administrator prepare an R&D strategy to carry out the agency's R&D requirements under the Federal Water Pollution Control Act Amendments of 1972. The agency said that it basically agreed with our recommendation and had taken or was planning to take action to modify its R&D planning process to insure greater responsiveness to the R&D needs of its operating and regulatory programs and to start preparing R&D strategies to interface with these programs.

To a large extent, Federal water pollution R&D activities have been diverse, fragmented, and uncoordinated. We found that no formal mechanism existed for coordinating the Federal water pollution R&D efforts among the many Federal agencies. Several studies have also identified the need for better coordination of Federal water pollution research information.

Because of the Office of Management and Budget is responsible for insuring that Federal programs are coordinated and that funds are spent in the most economical manner, we recommended that the Director, Office of Management and Budget, designate a Federal agency as a focal point to coordinate and promote the dissemination of water pollution research results. As of March 1976 the Office had not designated such an agency.

In our December 1975 report, we said that air pollution research was not formally coordinated among the Federal agencies, although the Clean Air Act directed the Administrator to "* * * promote the coordination and acceleration of research * * *." We found that the agency had taken little action to promote coordination of research. We therefore recommended that the Administrator develop written policies and regulations that will enable the agency to fulfill its responsibility to coordinate research under the Clean Air Act. In a reply to this recommendation, the agency listed various coordinating efforts in progress. We still believe that the Environmental Protection Agency needs to take further action on the matter.

Our review of Federal pesticide R&D programs showed that there were coordination problems similar to those discussed in our reports on air and water research. Our work on noise and solid waste R&D is only in the preliminary stages, and therefore we have not reached conclusions as to the adequacy of coordination of such R&D among the various agencies. We will provide you with copies of any reports we issue in the future on this work.

In summary, our reviews confirm that there is no overall Federal leadership for environmental research nor does there appear to be adequate coordination of the water, air, and pesticide research efforts.

ELMER B. STAATS,
Comptroller General of the United States.

Besides the GAO and OTA, other groups such as the National Academy of Sciences and the Congressional Research Service have made similar criticisms.

This background material demonstrates why the committee decided it should attempt to resolve the problem of coordination. The Office of Management and Budget strongly opposed our original efforts, and in the spirit of comity, we have agreed to what is now in section 5.

It should be clear from the legislation already on the books, and the language before us, that there can be no substitute for effective management from the Office of the President. The Congress could be more specific in its legislation, and probably will be if this problem is not resolved, but proper executive branch leadership could remedy this serious deficiency in environmental management.

The CHAIRMAN. The time of the gentleman from California (Mr. GOLDWATER) has expired.

Mr. WINN. Mr. Chairman, I yield 2 additional minutes to the gentleman from California.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield further?

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

Mr. BROWN of California. Mr. Chairman, what we were seeking to point out with these committee views was that as a result of the study made 2 years ago with regard to the environmental impacts of new energy research and development, a certain sum of money was allocated to EPA for distribution to other agencies. This was done in accordance with recommendations of a task force created by OMB. The amount of money earmarked to be passed-through EPA to other agencies in subsequent years has been reduced.

In all honesty, it is my opinion that after a period of years the pass-through technique will probably be completely eliminated. I am not saying that this is bad, although the pass-through technique is understood to have made positive contributions to interagency coordination of research. I think the statement in the committee view is intended merely to indicate that we need to be concerned about the elimination of any technique

that contributes to improving the coordination of research among the many agencies of Government that are engaged in environmental research. I am happy the gentleman brought the matter up.

Mr. GOLDWATER. I appreciate the comments by the chairman because it did not appear to me that the committee views coincided with the amendment and the adoption of section 5, which expressly spells out who is to be the coordinator and that is not the administrator of the Environmental Protection Agency.

Mr. WINN. Mr. Chairman, I yield 5 minutes to the gentleman from California (Mr. KETCHUM).

Mr. KETCHUM. Mr. Chairman, having had the distinct privilege of serving on the Committee on Science and Technology, I wish to assure both the chairman and the ranking minority member that it is certainly not my intention to do anything to complicate or sabotage in any way a bill coming out of this most nonpartisan of all committees of the Congress.

I am going to offer two amendments during the amending process under the 5-minute rule and they have been noted as major amendments to this legislation. Let me assure the Members that they are major in intent but there is no intent on my part to hamstring the Environmental Protection Agency any more than I intend to in applying these rules to every authorization bill that comes through.

Mr. Chairman, one of these amendments deals with the subject that is much talked about all over the United States and that is, of course, regulatory reform. Our people out in the districts over the United States have been complaining and complaining and complaining that they are burdened and overburdened with regulations emanating from the various agencies of Government. It is not just EPA, it is DOT, HEW; you name the whole alphabet. That is what this one amendment deals with, returning suggested regulations that may or may not emanate from this R. & D. section of the bill, insuring that they return to the Congress so that the Representatives of the people can indicate whether or not it is a good regulation.

The other amendment is strictly a people's amendment and that deals with hearings. So very often a proposal is made affecting any political subdivision of the Government, whether it be city, county, municipality or what have you, and those individuals lack the ability for any input whatsoever because the hearings are never held where the people are.

I will go further into that when I offer my amendment, as my specific reasons for offering them, but I want to assure everyone that these two amendments will be offered to every authorization bill going through the Congress from now on. I would like to inform the Members that this amendment has already been applied and accepted, by both sides, on the coastal zone board. Despite the fact that this is an R. & D. bill, I feel it should apply here in the remote possibility that a regulation might emanate as a result of this bill.

I am going to ask for a vote on these amendments and I certainly hope that the Members will be able to accept them.

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

Mr. KETCHUM. Certainly I yield to my friend, the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Chairman, I want to commend the gentleman for bringing his proposed amendments to the attention of the House before he offers them and in particular for presenting them in the form of an amendment to this legislation. It is the kind of a legislative effort that has been long overdue.

As the gentleman knows, I have been working with the Committee on the Judiciary on rulemaking changes and regulatory procedures, along with many Members of the Congress. It is vitally important that the people involved in an area should have the opportunity to be heard through public hearings before a rule is promulgated and implemented.

The Congress must exercise more oversight and review over the rulemaking and regulatory procedures. The people are very much up in arms over this issue and firmly believe that the rules and regulations go far beyond the intent of the law as passed by the Congress.

With the passage of these suggested amendments, we, in the Congress, can see that the regulators are checked and the public's interests are protected.

I compliment the gentleman for his initiative on this matter.

Mr. KETCHUM. I thank the gentleman for his generous statement. I do believe this is one thing that is bothering the American public more than anything else in that they feel so removed from Government because we put in all bills, "The Secretary shall promulgate regulations to implement this act," and they have been promulgating like mad.

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

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

Mr. ROUSSELOT. I thank the gentleman for yielding.

I appreciate my colleague's effort to offer these amendments, especially the one relating to the requirement that Congress be involved in the rulemaking process or at least have some strong review capabilities.

We all remember so well the very famous seatbelt interlock system that was mandated for cars as a result of the so-called safety or passive restraint requirements that Congress wrote into law. The actual implementation of the rulemaking authority went far beyond what anybody had anticipated.

The CHAIRMAN. The time of the gentleman has expired.

Mr. WINN. Mr. Chairman, I yield 2 additional minutes to the gentleman from California.

Mr. ROUSSELOT. If the gentleman will yield further, the American people are tired of this Congress acting like it "can't do anything" or its "hands are tied" when it comes to agency rulemaking authority. This is especially true regarding our oversight of the Environmental Protection Agency which has been in many instances "authority-mad" in what it has assumed it has the power to do.

We know, for instance, in the State of California that the EPA has become involved in making decisions on how many "parking lots" we should have near a hospital or a school, or a shopping center, et cetera. So my colleague, the gentleman from California, is offering a constructive and positive amendment that I am sure the American people would automatically encourage us to support. I compliment my colleague for his willingness to reaffirm congressional oversight authority, although I know there will be those who will rise and say we cannot do this. They will say we are trying to presume too much; we do not understand the technicalities of this highly complicated agency. My answer to that would be "pure bunk." But I do appreciate my colleague's offering this amendment.

Mr. KETCHUM. I thank the gentleman for his comments and would remind the body that when we discussed the possibility of reviewing grants, when all of us were subject to enormous criticism over some of the studies on, for example, the sweat glands of the aborigines, and why tots fall off of tricycles, and why people get hurt in bathtubs, and that sort of thing, there was a rather substantial vote in favor of that. I think the people's House, this great House of Representatives, can no longer go home and tell people it was not their fault and that it was the fault of an agency when, indeed, the fault lies here.

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

Mr. WINN. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. GOLDWATER).

Mr. GOLDWATER. Mr. Chairman, on April 9, 1976, a joint hearing was held by the Committee on Interstate and Foreign Commerce's Subcommittee on Health and the Environment, and the Committee on Science and Technology's Subcommittee on Environment and the Atmosphere, chaired by my colleague, the gentleman from California (Mr. BROWN). The purpose of the hearing was to conduct a preliminary inquiry into charges made in a news article alleging that the project and report of the Environmental Protection Agency community health and environmental surveillance system—CHESS—was so faulty in its management and scientific quality as to raise serious doubts about its legitimacy and acceptability.

The joint committees met from 9:30 in the morning until 7 o'clock in the evening on the 9th of April. The committees heard from 23 witnesses, and each committee was given the opportunity for cross-examinaton. In addition, committee members were given an opportunity to submit written questions to

the witnesses, which is being done currently now.

In this piece of legislation which we are considering today there is money to publish a monograph on the health effects of exposure to sulfur-oxides—results compiled were obtained from the human epidemiology studies or community health environmental surveillance study—CHESS—program. In other words there is money in here to publish the monograph which is under serious question.

I am wondering if the chairman is aware of this and whether he is concerned enough about the charges that were made that he will continue perhaps to monitor this program to perhaps eventually put this allegation to rest once and for all.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. GOLDWATER. I yield to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. I want to assure the gentleman that I share his concern with regard to the integrity of EPA's research and the questions which have been raised with regard to that integrity by the series of articles that the gentleman has mentioned. We are talking particularly here about the health effects of sulfates and sulfur-dioxide in the atmosphere. The all-day hearings which the gentleman referred to held by our two subcommittees revealed that there are some matters which have not been satisfactorily answered and resolved with regard to the conduct of this program.

If the gentleman will yield further, because there are unanswered questions, it is the intention of our subcommittee to continue with a vigorous investigation, and I hereby offer for the RECORD a memo from me to the chairman of the Science and Technology Committee, the distinguished gentleman from Texas, requesting authorization for the additional staff and resources necessary to carry out this investigation:

COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, D.C., April 23, 1976.

MEMORANDUM

To: Olin E. Teague, Chairman

From: George E. Brown, Jr., Chairman, Subcommittee on the Environment and the Atmosphere

Subject: Investigation: Sulfate Health Effects Program (CHESS) and EPA Evaluation Plan

After reviewing the results of the Joint hearing of my Subcommittee and Mr. Rogers' Commerce Subcommittee on April 9th, I feel we should keep up the momentum established by undertaking further investigations by our Committee. In previous hearings (as well as on April 9) we have established that there were technical and methodological problems with the original CHESS studies. For example, a Subcommittee report now being printed will recommend that EPA conduct another sulfate health effects study with goals similar to the CHESS goals, but avoiding the mistakes of CHESS.

However, our earlier hearings have not documented in detail what were the problems with earlier studies, exactly how these studies impact EPA regulatory policy (i.e., why they are so important), and how the next generation study should be done. In order to do this, we need to get a clear understanding of the reliability and precision of the health effects data in the concentration levels reported in the CHESS monograph, and see how the data relate to present and projected SO_2 and sulfate standards. Further, we need to see if more substantive conclusions might be drawn from analysis of the subsequent four years of data taken and not yet translated. A second task of the investigations will be to review the EPA program for sulfate health effects determination, testified to by Mr. Train on April 9, to see if the program appears likely to produce the timely results required to support standards and if the resources planned for that program are adequate.

The draft study plan is attached. The field visits portion of the investigation will require three staff people plus the assistance of two or three GAO investigators for at least two weeks. We will require several days travel to the CHESS data gathering sites for two people at each site two days. The team will require a week at EPA Triangle Park Lab in Durham, North Carolina. The balance of the investigation can be carried out in Washington, D.C. Your concurrence and approval of this program is solicited.

INVESTIGATION PLAN

EPA SO_2 and sulfate epidemiology research program (CHESS)

Scope and Objective

The purpose of this investigation is twofold: first, we wish to follow up on the hearings held jointly on April 9 by the Science and Technology and Interstate and Foreign Commerce Committees. The hearings were initially called to investigate the allegations in the Los Angeles Times of improper interpretation of the CHESS study data. As a result of the hearings the question has shifted from one of impropriety in the conduct of the CHESS studies to a question as to the scientific rigor and adequacy of the CHESS studies. To answer this remaining question requires review of the data gathering techniques used in the program with associated limitations, uncertainties, etc., together with a review and evaluation by unbiased experts of the methods used in analyzing and interpreting the data to assess if unwise or biasing techniques were used in arriving at the results in the CHESS monograph. These reviews will lead to a review of the issue as to whether or not the CHESS results alone provide a sound basis for establishing primary and/or secondary air quality standards for sulfates. It may well be that the uncertainty recognized for these results at lower concentration levels are such that any biasing of analysis can have little or no effect or influence on the standards. Nonetheless, the rigor and adequacy of government sponsored research must be established or measures must be found to correct any deficiencies uncovered in this review.

The second issue which arose in the April 9 hearings is the pressing need for a sound technical basis for establishing air quality standards for sulfates. The EPA Administrator testified that a program was in place to do just this. The investigation team should review the EPA program considering all unevaluated and unpublished CHESS data and other studies that have been made to access if the program appears sound and expeditious and to assess whether or not necessary resources are available to assure success in the program.

Phase I—CHESS Data Gathering

There were 6 or 7 data gathering regions each with several instrumented sites. The research program in each region was carried out by a team of researchers.

Each area program will have to be reviewed by interviews with scientists who conducted the study and examination of procedures and data. The review will address at least the following items:

Data sites

Review of test procedures and practices

Time and intervals of data acquisition

Instrumentation used, calibration techniques, etc.

Special deviations from standard practice

List of data gathered

Known differences from other areas or sites

All anomalies established at each site during test interval

Averages/totals/regressions/etc., carried out on data before it was forwarded to the management center for compiling

Interview researchers as to comments on how data was gathered and its use in summaries reported in CHESS monograph.

Each area will take two to three days by two investigators—each two-man team can cover two areas in a week. This phase of the investigation can be carried out by six men in one week. They should return with taped interviews and data review results.

Phase II—Review of Analysis of CHESS Data

In Phase II investigators must visit the EPA Traingle Research Center Lab and interview researchers who participated in computation and analysis of the data. The following information will be sought:

What area data not used—why?

Follow-through the entire procedure used for compiling, combining, averaging, and otherwise stratifying, summarizing, and interpreting data. What bands of confidence established—why?

Interview researchers who participated for reaction to correctness or soundness in handling data.

This place should take three men one week.

Phase III—Review and Final Drafting of CHESS Report

In the third phase the investigators will obtain names of EPA and outside reviewers of the draft results of the CHESS Report and recommendations generated from the research program for sulfur oxide air quality standards. The following steps will be taken:

Compare first draft and final version

Find which suggested modifications were and which were not used—why?

Interview selected EPA officials and consultants

Track modifications to draft results suggested by above officials and consultants.

This phase should take four men three to five days.

Phase IV—Review EPA Sulfate Health Effects R&D Plan

This phase will include the following items:

Review a compilation of all results of sulfate health effects studies now in EPA's hands, together with new data from CHESS program

Review EPA R&D plan with agency personnel

Inventory of projects in EPA—elsewhere

Staffing

Budget

Feedback session with EPA

This phase should take three men four days.

Phase V—Report of Investigation

Phase V will encompass the following:

Write report of findings.

The report generation will take three men one to two weeks.

Note: Each investigative group must have one member familiar with and experienced in research methods and hopefully epidemiology studies and/or accepted statistical data analysis techniques.

Completion of the study will require three scientific consultants augmented by three to four statistical or other personnel from GAO.

We want to get to the roots of all of these allegations with regard not only to whether or not there was a deliberate falsification of the data, which may not have occurred, and we feel probably did

not, but in addition, whether there are basic weaknesses which may have existed with regard to the research procedure.

As the testimony brought out, there are 4 years of unanalyzed data which might contradict the data which have already been published fully. We are going to ascertain what the reasons for these things are. The gentleman may be assured as far as this Member is concerned we are not going to rest until we are absolutely certain we get the best possible data base for this important program.

Mr. GOLDWATER. I thank the gentleman.

I do agree these are very serious charges. I am appreciative of the gentleman's remarks and I think it is appropriate that we do what is necessary to answer the charges because they are very serious and because they impact upon the quality of work that EPA is conducting in its various research programs. It impacts upon the whole question of whether ERDA, a regulatory agency, should be in direct command of its basic research to support its regulations. I do think this is appropriate. I thank the Chairman for his response.

Mr. Chairman, on April 9, 1976, a joint hearing was held by the Interstate and Foreign Commerce Health Subcommittee and the Science and Technology Environment Subcommittee.

The purpose of the hearing was to conduct a preliminary inquiry into charges made in the Los Angeles Times alleging that the EPA Community Health and Environmental Surveillance System—CHESS—project and report was so faulty in its management and scientific quality as to raise serious doubts about its legitimacy and acceptability.

Furthermore, the joint hearing was to look into charges in the Times article that project managers, and specifically one, may have managed the conclusions and recommendations of the report to fit preconceived personal and EPA administrative policy considerations.

The committee met from 9:30 a.m. until 7 p.m. on the 9th of April. The committee heard from some 23 witnesses. Each member of the committee had approximately 5 minutes to ask questions after each witness presented prepared testimony. In two cases, panels of six or seven witnesses presented individual statements. The members than had 5 minutes to ask questions of the panel.

At this time, the committees are reviewing the transcripts in preparation for determining whether further inquiry is required and the directions those inquiries should take.

Committee members were given permission to submit written question to the witnesses. I am acting upon that authority and have already submitted one set of questions to a witness and expect to do the same with three or four others.

I must say that I do not feel the inquiry was complete or exhaustive. In all fairness, it was not designed to be. For example, with three or four exceptions, all of the witnesses are either currently employed by EPA, are under contract with EPA as individuals or through their place of employment, or are active consultants with EPA. And, because of the time constraints and the great complexity of the subject, questioning was limited in its depth and technicality.

Both Chairman ROGERS and Chairman BROWN were fair and balanced in their handling of the hearing and in its preparation. They placed no constraints on the directions that committee members could pursue. They are to be commended and I take this opportunity to do so.

What disturbed me before the hearing is the same thing that bothers me today. What is the answer to the recurring intimations and "off-the-record" statements, by current and former EPA employees who worked on the CHESS project, that serious technical and managerial problems existed; that some of them were definitely made known to senior EPA officials; that scientifically minimum quality control was either absent from the beginning or was allowed to break down or be violated; and that these problems have been covered up and concealed from the Congress.

Further, even though the committees received testimony from EPA Administrator Train and others that CHESS is only one of several legitimate scientific inquiries that both the agency and Congress have relied on in formulating policy and legislative recommendation or requirement—including pending legislation. No evidence was produced to show that this is clearly the case. In particular, I find it disturbing that only a portion of the total CHESS study has been made public and that I keep finding statements by EPA officials that either heavily rely on the CHESS monograph through footnotes, allusions to individual studies within the monograph, or that flatly state that EPA sulfur oxide control strategies and recommendations "rest heavily" on CHESS.

Finally, one of the things that was fairly clear in the hearing was the concern of many of the witnesses that scientific research and inquiry may be too heavily influenced by EPA's policy needs and that the research should be separated from the EPA.

The Environment Subcommittee of the Science Committee will, I believe, shortly begin a further inquiry into the CHESS program.

I now come to what I believe, for me, is the most disturbing part of this CHESS affair. In today's edition of the Los Angeles Times there is an article on this issue and on the hearings. Simply put, the article alleges that witnesses before the April 9 hearing withheld facts from the Congress and in some cases made statements to the committee that are in direct contradiction to statements they made to the Times.

In effect, my fellow colleagues, the article on a point by point basis goes over some of the important aspects of this affair and reveals that serious contradictions on basic facts exist.

Unfortunately, the joint hearings did not use subpena authority. There was a feeling, honestly arrived at on the part of the committee members, that it would not be necessary. After you have read the following article, you may come to feel as I do that we may have made a serious mistake and that we may not have gotten the facts.

Before including the text of the most recent Times article, I feel a few points need to be clarified. First, none of the recent congressional attention to CHESS of which I have been a part has ever had as its objective the discrediting of CHESS in its entirety. Second, my interest stems directly from my belief that the Congress and the taxpaying public are always entitled to the best scientific information available. My concern over CHESS is that a less than careful or scientifically reasonable procedure was used in conducting the program and in writing the monograph. Only the best scientific process should be used in helping the Congress do its job. To let a partially inferior or sloppy example stand without correction and improvement will have serious consequences for everyone, particularly the Nation. Third, I am concerned over the degree to which the Congress has relied or been encouraged to rely on CHESS. By EPA's own admission the CHESS project is unique and innovative. It is the only major study of its kind. It is a study, conducted in the field, of contemporary human health situations as they relate to possible negative health effects of sulfur oxide pollution.

If the report is not absolutely acceptable in some respect, if its findings have been overstated, or if it has been given a certitude greater than is prudent the Congress should know the true situation. Fourth, serious allegations have been made against EPA that its policy needs and considerations may have had an unacceptable influence on both the conduct of the CHESS program and on some portions of the CHESS monograph. As the Congress has been relying in good faith on the scientific impartiality of the CHESS monograph it is important to know the degree of that impact, whether it is atypical or not, and whether something should be done to prevent a recurrence.

Finally, the Congress is preparing to legislatively extend and strengthen the Clean Air Act. There is a substantial difference of opinion over the role CHESS has played in encouraging Congress to take these actions. If, for example, the CHESS monograph has provided the basic rationale and major, compelling scientific evidence that continuous source control is the only way to protect the public against sulfur oxide health threats we need to know it. Without the understanding the Congress cannot determine if it is relying on scientific evidence that is flawed. If the strategy is based on flawed portions of the report, we need to know it and know it now.

If the following article is correct, it is apparent we have not yet gotten to the bottom of the matter and that in fact the Congress may have been materially misled.

[From the Los Angeles Times, May 3, 1976]

SCIENTISTS SOFTEN STANDS ON CHANGES IN EPA STUDY—TESTIFY AT CONGRESSIONAL INQUIRY, CONTRADICT EARLIER ACCOUNTS OF COLLEAGUE'S HANDLING OF SULFUR REPORTS

(By W. B. Rood)

The scientists had been called to appear at a congressional inquiry into charges which they felt were the most serious that could be leveled at a member of the scientific community.

The reason for the inquiry was a Feb. 29 story in The Times reporting charges that a former Environmental Protection Agency scientist "systematically distorted" agency research reports to prove sulfur pollution had adverse health effects.

Among those who appeared as unsworn witnesses at the April 9 hearing conducted jointly by two House subcommittees were several scientists from EPA and Dr. John F. Finklea, the man charged with the distortion.

Several of the witnesses had talked freely in private interviews a little more than two months before.

In those interviews, they had described events of the summer of 1972 when they had helped prepare a series of reports as part of EPA's Community Health and Environmental Surveillance System (CHESS).

They had depicted Finklea—who at that time headed their laboratory—as a man with a driving desire to produce unequivocal evidence that certain forms of sulfur pollution in the air caused serious health problems.

They said Finklea had rewritten their reports, often dropping what they thought were important qualifiers.

And they detailed how Finklea had ordered the use of such statistical techniques as data pooling to downplay evidence that tended to cast doubt on the case against pollutants. Numerous analyses had been ordered and only those that "looked good" were published, they said.

Asked in those interviews if problems had been corrected prior to final publication of the CHESS reports, one scientist said:

"Rather than going back and cleaning it up, we were told that the next thing to hit was going to be (another set of studies), and we were to start on those papers immediately.

"So we never really had the manpower or the time or the directive from higher up to go back and make some sense out of what we had done, which I believe was a mistake."

By the time of the April 9 congressional hearing, the story told by this and other EPA scientists had changed dramatically.

Leaning toward microphones on the witness table in a crowded Washington, D.C., hearing room, they starkly contradicted the accounts they had given not only to The Times but also to fellow EPA scientists and nongovernment researchers as well.

Instead of pointing the finger at Finklea as numerous persons had heard them do before, they told the congressmen that there were merely differences of interpretation that were quite normal in research.

In the hearing, they depicted Finklea as a fine scientist who worked extraordinarily hard and expected the same of others. In private and to scientific colleagues, they had portrayed him as a threat to the scientific objectivity of the research program.

Contacted after the hearing, one of the EPA witnesses said, "I was sory to see Jack (Finklea) come out looking like a God at those hearings and I wasn't the only one who hated to see that."

William C. Nelson, chief of the laboratory's statistics and data management office, did suggest to the congressmen the glimmer of a problem.

"In (the published CHESS reports) there is some tendency toward overinterpretation of results. That is, in some individual studies, the authors seem to ignore some internal lack of consistency which does not support the existence of a healthy effect of air pollution and instead to emphasize those results which do indicate the existence of a health effect," Nelson said in a prepared statement.

But, Nelson said, "it is important to note this . . . comment applies to the interpretation of the results and not to the integrity of the data files or to the validity of the analyses."

On balance, though, the testimony of Nelson and other agency witnesses added up to a strong endorsement of both Finklea and the published CHESS studies.

And EPA Administrator Russell E. Train told the committee that even if the charges about the CHESS studies were true, it would be of little practical importance.

The agency, Train said, had not relied heavily on these studies to support any of its regulatory actions or its position on clean-air legislation.

Later, in an appearance on CBS's Face the Nation, Train repeated that view, calling the whole controvery "a tempest in a teapot."

A tempest, maybe. But the scope of the controversy was somewhat larger than a teapot.

And interviews with witnesses at the April 9 hearing and many others have shown that national debate stirred by The Times story caused a number of witnesses to give testimony which conflicted with what they told The Times.

For instance, one witness testified he knew of nothing that would indicate Finklea had downplayed scientific evidence to make a case against polution or had done anything to bias results of the CHESS studies.

That same witness said after the hearing that he feared there would be "an attempt by the power companies to discredit the research entirely."

Here are his answers to a series of questions posed in an interview after the hearing:

Question—Did Kinklea overstate conclusions in the CHESS reports?

Answer—There's no question about it.

Q.—Did Finklea selectively pick the statistical analyses that tended to prove the connection between pollution and adverse health effects and ignore the others?

A.—He did. He did.

Q.—Did you have time after Finklea was promoted out of your lab to go back and correct problems like that?

A.—That's a question of degree. I don't think it was done to the degree it should have been.

Q.—Didn't you tell Dr. Hutchison of Harvard that Finklea had ssytematically distorted CHESS studies studies?

A.—OK, I used those words to him. He's a professional but I prefer not to use those kind of words out in public because of the reaction it has.

Q.—You've said nothing in this interview that would indicate Finklea didn't tend to exaggerate the connections between pollutants and health.

A.—Right. I'll grant you to whatever degree there was certainly a tendency to do that.

Another witness contacted after the hearing contradicted his testimony that he knew of nothing to indicate Finklea had distorted the CHESS reports.

"I had ggotten three or four phone calls (he declined to identify the callers) not telling me, but more or less advising me that it probably would not be a good idea to get involved in a name-calling contest," he said

"So there was nothing I could do. You see what I mean? Nobody wants to fight; nobody wants to take on Finklea. That was the problem."

Here are his answers to a series of questions posed after the hearing:

Q.—Have you heard anything that would shed any light on whether the charges about Finklea are true or not?

A.—Yeah, I have.

Q.—Have you ever heard any of the witnesses who worked on the CHESS studies complain that their work was manipulated by Finklea to exaggerate the health effects of pollutants?

A.—Sure, in fact I know of two of them, three of them that did.

Q.—Would you feel the testmony the CHESS researchers gave at the hearing was consistent with what they have told you?

A.—No.

Documentary evidence uncovered since the hearing shows that Administrator Train did not convey to the House subcommittees the real impact of CHESS on legislation and public policy.

Following publication Feb. 29 of the charges against Finklea, some who made the charges found they had become grist in a political furore over EPA policies and pending amendments to the Clean Air Act.

Industry groups leaped on the charges, contending that, if true, they cast doubt not only on the disputed CHESS studies but on the entire spectrum of EPA research.

The major finding of the published CHESS reports was that sulfates, a byproduct of the sulfur dioxide emitted in large quantities from fossil fuel burners such as power plants, were consistently linked at low concentrations to a variety of adverse health effects.

The importance of the finding was that it appeared to justify multibillion-dollar pollution controls more stringent than necessary to meet the existing air quality standard for sulfur dioxide.

The finding also appeared to justify pending legislation aimed at protecting air quality in pristine areas eyed as prime sites for power plants which existing pollution laws would bar from urban areas.

Utilities and other industrial groups opposed to such legislation began using the controversy over the CHESS studies in their lobbying effort.

Among health researchers, there is little dispute that sulfates at some level are a health hazard or that CHESS is a valuable contribution to the evidence supporting that view.

The critical question is how low the harmful sulfate levels are.

The crux of the scientific debate over CHESS is whether the published papers stretched science and statistics to prove that low sulfate levels were harmful. And there is widespread evidence that this, indeed, was the case.

"Dr. Finklea," one scientist said, "had an intuition that these (low) sulfate levels were harmful, and I think he felt that even if the data didn't show it, he could draw certain conclusions and he would be borne out by later studies."

Notably missing from the witness list at the April 9 hearing were members of an ad hoc committee formed more than a year ago at EPA's request to investigate criticisms that agency scientists were "overinterpreting their data."

Members of that committee, including Dr. George B. Hutchison of Harvard, had recounted to The Times complaints voiced by agency scientists involved in the CHESS program.

Hutchison had told of his interviews with scientists who said their CHESS reports had been "systematically distorted in the direction of tending to demonstrate more association (between pollution and health) than in fact exists."

And Finklea, Hutchison said, "was more responsible than anybody else we know of."

Yet Hutchison declined an invitation to appear at the April 9 hearing bcause of the "hearsay nature of what I had to say."

"I felt it really wasn't very useful in a legal hearing," Hutchison said after the hearing.

EPA scientists who complained privately to Hutchison and others that Finklea distorted their work felt they could not say so at the hearing.

The hearing, explained one agency witness, "appeared to several of us to be an attempt by the power companies to discredit the work that was done."

The witness told The Times after the hearing that he and others feared that confirming any of the charges would feed a belief that the CHESS studies and agency research in general were worthless.

"I think what you'll find is that a lot of people selected the truth or what we gave before the committee was true for what we selected to tell them," said one witness.

A major defense offered at the hearing was that whatever objections scientists at EPA had to the CHESS reports could be corrected after completion of the first drafts and Finklea's promotion to director of the agency research center in North Carolina.

"John Finklea had no direct input to the revision process and did not have the opportunity to intervene in the rewriting of the monograph," testified Dr. Carl M. Shy, who succeeded Finklea as director of the health effects research laboratory.

Regarding Shy's contention, another agency witness said after the hearing, "That is definitely not true."

Another scientist said, "All I can tell you is that I worked for Carl Shy and Carl and I were sitting there one day.

"He's crying the blues along with (another EPA scientist), bitching and moaning constantly that they can't move off two feet because every time somebody wrote a report it went through Shy to Finklea and Finklea corrected it and sent it back, even when Shy was director of the division."

Shy told the congressional hearing that the comments of numerous outside reviewers were incorporated into the rewriting of drafts by the various authors of the studies.

The changes, he testified, answered many objections scientists had to the original draft.

"However," he told the hearing, "the basic data and conclusions of the first draft were essentially unchanged during this process of revision."

Questions as to what changes were made in the final draft may be academic in terms of the impact the earliest CHESS studies had on public policies and legislation.

Long before publication of the studies, information from the original draft reports was finding its way into the debate over the need for costly devices called scrubbers to control sulfur dioxide emissions from power plants and other facilities.

EPA Administrator Train has denied that the agency relied heavily on the CHESS studies in calling for installation of scrubbers, the industrywide cost of which is estimated at between $6 billion and $11 billion.

At the April 9 congressional hearing on the CHESS studies, Train was asked whether he had relied on the studies in supporting further regulation or legislation.

"I'm not aware of any reliance in that regard," he told the congressmen.

He denied that the studies were the health basis for EPA's opposition to less costly emission control approaches such as the intermittent control strategies (ICS) favored by utilities.

(Intermittent control strategies involve the use of tall stacks to disperse pollutants and, during periods of high pollution, low sulfur fuels.)

"Although reinforceed by the CHESS results, EPA's position on tall stacks and ICS is founded upon a preexisting and longstanding opposition to an increase of the total atmospheric burden of sulfur oxides," Train said at the hearing.

In two March 22, 1974, letters—one to House Speaker Carl Albert (D-Okla.) and the other to President Gerald R. Ford, then vice president and serving as president of the Senate—Train said:

"EPA's concern with intermittent control systems as a permanent control strategy rests heavily on information becoming increasingly available as to the effects on public health of the sulfates that are formed in the ambient air as a product of the sulfur oxide gaseous emissions."

Train wrote that he opposed legislative proposals that would permit the indefinite use of intermittent control strategies.

An attorney for Kennecott Copper Corp. on April 12, 1974, filed a Freedom of Information Act request with the agency requesting all information referred to in the letter to Mr. Ford as supporting Train's opposition to intermittent controls.

Two weeks later, the attorney received a letter from Richard C. Dickerson, project manager for the agency's human studies laboratory.

"The information and studies you referred to are contained in a soon to be published Environmental Protection Agency monograph entitled 'Health Consequences of Sulfur Oxides,'" Dickerson wrote the attorney on April 26, 1974.

The monograph Dickerson referred to was the CHESS document originally prepared under Dr. Finklea's supervision. It was the only study cited in Dickerson's response to the attorney's Freedom of Information Act request for information supporting Train's position on control of power plant emission.

When called last week for a response from Train on the matter, an EPA spokesman said, "I'll see, but I don't think I can recommend that Train talk to you."

Trail's apparent willingness to rely heavily on the CHESS studies in making recommendations to Congress on the Clean Air Act Amendments currently pending contrasts with his reluctance to use the studies as a basis for air quality standards.

The Sierra Club has taken legal action seeking to force the agency to set a standard and citing CHESS results as part of the reason for doing so.

In a letter last month to Joseph J. Breecher, an attorney representing the Sierra Club, Train wrote,

"As you may be aware, the methodology of the CHESS studies has been criticized by the scientific community and I do not think they constitute an independent basis for an ambient air quality standard."

So the CHESS studies, while not deemed an adequate basis for setting a sulfate standard, are viewed as sufficient to justify agency stands on Clean Air Act legislation.

In an effort to clear up doubt surrounding the studies, the agency is seeking to contract with an outside group for independent analysis of data from CHESS.

The published monograph represents an analysis of data from the 1970-71 portion of the program. Data collection on health effects for CHESS ceased only a few months ago.

Analysis of the CHESS data is not expected to be completed until 1977.

There are indications, meanwhile, that Finklea, who left EPA last year to become director of the National Institute for Occupational Safety and Health, is still a factor in the internal EPA debate over CHESS.

Shortly after The Times reported charges that Finklea had systematically distorted reports contained in the published CHESS monograph, an agency source close to Train gave this account:

"The problem here is the heated dialogue within the agency. I mean it seems pretty clear that your story was right. There has been overinterpretation or selection conclusions in the (CHESS) reports.

"But the problem is—and it's incredible how things happen in a bureaucracy—the pro and con supporters of Dr. Finklea are such that it's tough to get a rational focus on the issue this close to the event."

The source added, "There are those who realize the problem. I think probably everybody does, about the CHESS studies. . . . If you acknowledge there is a problem there you need to revise a lot of things or rethink things or whatever, and you can't very well do that without disavowing Finklea."

Mr. WINN. Mr. Chairman, I appreciate the gentleman bringing this to the attention of the Members on the floor. I would substantiate what my subcommittee chairman, the gentleman from California (Mr. BROWN), said, that we will keep our eye on this to be sure that these charges are looked into very thoroughly.

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

Mr. KEMP. Mr. Chairman, I rise in support of the gentleman from California, my friend, Mr. KETCHUM.

The gentleman's amendment addresses itself to one of the fundamental issues of our day—overregulation of the people's lives by bureaucrats in Washington.

The amendment would require all rules and regulations of the Environmental Protection Agency—EPA—to be approved by the Congress prior to becoming the law of the land. It restores to the Congress the constitutional powers of making law—and rules and regulations certainly have the full force of law—delegated to the agency at the time of its inception and in subsequent enactments.

The issue here is not one of keeping or not keeping our commitment to the restoration of our environment. The process we put in place through the adoption of this amendment will not weaken that commitment, for it has been reaffirmed time after time in recent years as the Congress has expanded, improved, and funded our clean air and water, our solid waste, and our other related programs.

The issue is rather a broader and perhaps even more important one. It is whether in a free society the laws of the land—which affect people's lives, their living standard, their jobs—are to be adopted by appointed officials and civil servants never elected by anyone, or by legislators—Congressmen and Senators—elected by the people.

This debate—and the debate over whether the process proposed by this amendment should be made applicable to all departments, agencies, bureaus, commissions, and so forth—should help Members, the people in whose trust we exercise our responsibilities, and even officials within the agencies to understand more fully the impact upon our institutions of rulemaking by instruments of Government insulated from direct accountability to the people.

The lack of adequate institutional means for holding the bureaucracy accountable to the people should cause us to put into place a new process requiring that no major rules or regulations made by the bureaucracy go into effect until action has been taken on them by the elected Representatives of the people.

This is no casual responsibility. Our Declaration of Independence exhorts us to remember that to secure the rights of life, liberty, property, and the pursuit of happiness governments are instituted among men which derive their just powers "from the consent of the governed." Grievances arise among the people when they feel their consent is not obtained or, once obtained, is frustrated. This frustration probably differs very little in intensity or tone whether directed at a titled and governing aristocracy, bureaucrats in a relatively free society, or socialist managers. What does differ is the ability of the people to elect representatives to act in their, the peoples' interest and not those of Government and to turn them from office is they do not.

The Congress is now faced with the question of what to do about the mechanics and growth of Federal administrative rulemaking. It is within our power to do so—clearly.

Article I, section 8, clause 18 of the Constitution sets forth the basic power:

> The Congress shall have Power . . . To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Congress, thus, has the power to make laws, including those laws which give to the administrative agencies the authority to issue rules deemed appropriate to carry out the law and consistent with the intent thereof. For example, Congress has the power to issue licenses for the operation of television stations, but it has expressly delegated that power to the Federal Communications Commission. Congress has, in short, given its powers to an administrative agency.

Inherent in this process is the continuing, constitutional power of Congress to make further laws, through which some or all of that power is returned to the Congress. The basic theory of the Constitution would be violated by restrictions on Congress retrieving its own powers. There are clear precedents for Congress exercising such authority, ranging from the constitutional argument successfully advanced by Chief Justice Marshall in *McCulloch* v. *Maryland*, 4 Wheat. (17 U.S.) 316 (1819) to Congress exercise of that authority in recent decades.

In McCulloch against Maryland Chief Justice Marshall asserted that all that was required to establish the validity of an action under clause 18 was as follows:

> All means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consistent with the letter and spirit of the Constitution, are constitutional.

The Congressional Research Service of the Library of Congress reports that in the last 43 years 183 separate provisions in 126 acts of Congress contain some type of congressional review or consent for proposed administrative agency implementations of law. Some require specific action. Others simply provide a procedure which Congress can use at its discretion. In other words, the former requires Congress to do something before the rule becomes operative, whereas the latter does not require Congress to do something.

I have been very active in this issue, making statements before the Subcommittee on Administrative Law and Governmental Relations of the House Committee on the Judiciary as well as the Subcommittee on Administrative Practice and Procedure of the Senate Committee on the Judiciary. I have cosponsored the proposed Regulatory Reform Act which would make the Ketchum amendment concept applicable to all Federal departments, agencies, and so forth—and it is encouraging to me to see the growing support in the House for this approach.

I hope the amendment passes.

Mrs. SMITH of Nebraska. Mr. Chairman, I rise to comment on H.R. 12704, which authorizes funds for continued research and development. Benefits should be realized from this action beyond advanced technologies to protect public health. Study will be dedicated to proper municipal waste water treatment and possible crop damage from air pollution as well as the use of urban waste products as soil conditioner supplements. Another important field of research will continue to seek alternatives to petroleum-base fertilizers. Since petroleum has been the basic ingredient in most fertilizers, the diminishing availability and increased prices of this product may begin to adversely affect food production.

I would also like to commend the Science and Technology Committee for its action in amending section 5 of this bill before it came to the floor. As it previously read, this provision would have allowed the Environmental Protection Agency to coordinate all research activities to the environmental field although they were performed by Department of Agriculture, the Department of Commerce, or any other Federal agency with an equal interest in preserving our Nation's resources. By changing this provision, the committee has preserved the integrity of these other Federal agencies by allowing them to form viable environmental policies as well.

The excessive regulatory posture of EPA has been a great concern to me. As regulation has been stacked on regulation, the EPA has aroused an animosity that has given environmental protection a bad name. Environmental advocates should remember that the environment is to be preserved for the enjoyment of people, instead of restricting people to the point that a sterile environment is unenjoyable and unproductive. It is my hope that the studies we are funding today will look to ways to improve water and air quality without increasing food production costs or increasing an already bloated Federal bureaucracy.

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

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) there is hereby authorized to be appropriated to the Environmental Protection Agency for the fiscal year ending September 30, 1977, for the following categories:

(1) Research, development, and demonstration under the Federal Insecticide, Fungicide, and Rodenticide Act, $13,813,900.

(2) Research, development, and demonstration under section 301 of the Public Health Service Act, $878,900.

(3) Research, development, and demonstration under the Safe Drinking Water Act, $13,592,500.

(4) Research, development, and demonstration under the Clean Air Act, $129,223,500.

(5) Research, development, and demonstration under the Solid Waste Disposal Act, $9,278,900.

(6) Research, development, and demonstration under the Federal Water Pollution Control Act Amendments of 1972, $89,779,300.

(b) No funds may be transferred from any particular category listed in subsection (a) to any other category or categories listed in such subsection if the total of the funds so transferred from that particular category would exceed 10 per centum thereof, and no funds may be transferred to any particular category listed in subsection (a) from any other category or categories listed in such subsection if the total of the funds so transferred to that particular category would exceed 10 per centum thereof, unless—

(1) a period of thirty legislative days has passed after the Administrator or his designee has transmitted to the Speaker of the House of Representatives and to the President of the Senate a written report containing a full and complete statement concerning the nature of the transfer and the reason therefor, or

(2) each committee of the House of Representatives and the Senate having jurisdiction over the subject matter involved, before the expiration of such period, has transmitted to the Administrator written notice to the effect that such committee has no objection to the proposed action.

(c) In addition to any transfers among the categories listed in subsection (a) which are authorized by subsection (b), not to exceed 10 per centum of the total amount appropriated pursuant to subsection (a) may be transferred to other authorized activities of the Environmental Protection Agency (except construction grants for waste treatment works and scientific activities overseas), and not to exceed 10 per centum of the total amount appropriated for such other authorized activities may be transferred to any category or categories listed in subsection (a).

SEC. 2. Appropriations made pursuant to the authority provided in section 1 shall remain available for obligation for expenditure, or for obligation and expenditure, for such period or periods may be specified in the Acts making such appropriations.

SEC. 3. No appropriation may be made to the Environmental Protection Agency for environmental research, development, or demonstration, for any period beginning after September 30, 1977, unless previously authorized by legislation hereafter enacted by the Congress.

SEC. 4. The Administrator of the Environmental Protection Agency shall transmit to the Congress a comprehensive five-year plan for environmental research, development, and demonstration. This plan shall be appropriately revised annually, and such revisions shall be transmitted to the Congress each year no later than two weeks after the

President submits his annual budget to the Congress in such year.

SEC. 5. (a) The Administrator of the Environmental Protection Agency shall coordinate environmental research, development, and demonstration programs of the Agency with the heads of other Federal agencies in order to minimize unnecessary duplication of programs, projects, and research facilities.

(b)(1) To assure the coordination of environmental research and development activities, the Administrator in cooperation with the heads of other Federal agencies shall carry out a study of all aspects of the coordination of environmental research and development. This study shall be chaired by the Chairman of the Council on Environmental Quality.

(2) The Chairman of the Council on Environmental Quality shall prepare a report on the results of the study, together with such recommendations, including legislative recommendations, as shall be appropriate and submit such report to the President and the Congress not later than January 30, 1977.

(3) Not later than June 30, 1977, the President shall report to the Congress on steps he has taken to implement the recommendations of such study including any recommendations he may have for legislation.

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

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

There was no objection.

COMMITTEE AMENDMENT

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: On page 4 strike line 16 through line 25, and, on page 5 strike line 1 through line 7 and insert in lieu thereof:

"(b)(1) To promote the coordination of environmental research and development, the Chairman of the Council on Environmental Quality shall, in cooperation with the heads of other Federal agencies, conduct a continuing inventory of ongoing environmental research and development programs. To the extent possible, this inventory shall make use of studies and other inventories being carried on by the Federal agencies.

"(2) The Chairman of the Council on Environmental Quality shall include in the Council's annual report to the President and the Congress a report on the state of environmental research and development as indicated by the inventory under paragraph (1)."

The committee amendment was agreed to.

AMENDMENT OFFERED BY MR. KETCHUM

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

The Clerk read as follows:

Amendment offered by Mr. KETCHUM: Page 5, immediately after line 25, add the following new section:

"SEC. 6. (a) The Administrator of the Environmental Protection Agency shall, not later than 60 days after the date of the enactment of this Act, prescribe and implement rules to assure that any hearing in connection with any expenditure of any funds authorized to be appropriated under this Act, or any hearing for the expenses of which any such funds are used, shall—

"(1) if it concerns a single unit of local government or the residents thereof, be held within the boundaries of such unit;

"(2) if it concerns a single geographic area within a State or the residents thereof, be held within the boundaries of such area; or

"(3) if it concerns a single State or the residents thereof, be held within such State.

"(b) For the purposes of subsection (a)—

"(1) the term "unit of local government" means a county, municipality, town, township, village, or other unit of general government below the State level; and

"(2) the term "geographic area within a State" means a special purpose district or other region recognized for governmental purposes within such State which is not a unit of local government."

Mr. KETCHUM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

Mr. ECKHARDT. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The gentleman from Texas (Mr. ECKHARDT) reserves a point of order.

Mr. KETCHUM. Mr. Chairman, this amendment is the regulatory reform amendment and I shall resist a point of order that may be raised.

I would, Mr. Chairman, point out one deficiency in the amendment that we have just corrected; that is subsection 2. The amendment as it is presently written reads:

The Congress by concurrent resolution approves such rule or regulation.

Mr. Chairman, I realize that is a rather cumbersome way of dealing with this particular subject, so I ask unanimous consent that the section be changed to read:

The Congress by concurrent resolution does not disapprove such rule or regulation within 60 days.

Mr. Chairman, that makes it far less cumbersome.

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

Mr. ECKHARDT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The Clerk will report the modification to the amendment.

Mr. ECKHARDT. Mr. Chairman, I reserve an objection until I receive a response.

The CHAIRMAN. Will the gentleman from California restate the modification and the unanimous consent request?

Mr. KETCHUM. Yes.

Mr. Chairman, apparently the Clerk read a different amendment, the second amendment, rather than the first amendment.

The CHAIRMAN. Does the gentleman intend to have the amendment that was read pending, or does the gentleman ask to withdraw that?

PARLIAMENTARY INQUIRY

Mr. ECKHARDT. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state the parliamentary inquiry.

Mr. ECKHARDT. Mr. Chairman, I got another amendment from the one which I think the gentleman is now proposing.

The CHAIRMAN. The Chair is trying to straighten out which amendment was intended to be offered.

Does the gentleman from California wish to offer a different amendment?

Mr. KETCHUM. Yes, I would like the first amendment read.

The CHAIRMAN. Without objection, the amendment will be withdrawn and the Clerk will report the other amendment.

The Clerk read as follows:

Amendment offered by Mr. KETCHUM: Page 5, after line 7, add the following new section:

SEC. 6. Notwithstanding any other provision of law, no rule or regulation promulgated on or after the date of enactment of this Act by the Administrator of the Environmental Protection Agency, in connection with research, development, or demonstration under any of the Acts specified in subsection (a) of the first section of this Act, shall become effective unless—

(1) the Administrator transmits to the Senate and the House of Representatives a copy of such rule or regulation together with a statement demonstrating that the benefits to be derived from such rule or regulation exceed the costs incurred therefrom; and

(2) the Congress by concurrent resolution does not disapprove such rule or regulation within 60 days.

Mr. ECKHARDT. Mr. Chairman, I reserve a point of order on this amendment.

The CHAIRMAN. The gentleman from Texas reserves a point of order.

Mr. BROWN of California. Mr. Chairman, in ignorance of the point of order which the gentleman from Texas would raise, I would like to also reserve a point of order.

The CHAIRMAN. The gentleman from California (Mr. BROWN) also reserves a point of order.

The gentleman from California (Mr. KETCHUM) is now recognized for 5 minutes.

Mr. KETCHUM. Mr. Chairman, since regulatory reform has become the name of the 1976 game, we have an opportunity here today to demonstrate our devotion to this cause. There is no doubt that this catchy slogan has great appeal, but there is doubt in the minds of many as to whether or not those who bandy it about mean to follow through on the promise. We have a chance to prove where we stand right now by adopting my amendment.

This amendment requires that all of EPA's rules and regulations receive a congressional OK—in the form of a concurrent resolution—prior to implementation. If we are ever to stem the tide of unnecessary and onerous Federal regulations being promulgated by the independent agencies, if we are ever to reassert our vital role of congressional oversight, we must begin here. The bill from which my amendment language was borrowed—the Regulatory Reform Act—is a commendable piece of legislation, but this country cannot continue to suffer the burden of overregulation until Congress gets around to considering this legislative remedy. This is one instance where the piecemeal approach is preferable, since an omnibus bill tackling all

regulatory agencies is sure to run into serious hangups.

We have all been inundated with mail from our harried constituents demanding that the EPA be completely abolished, which we all know is a practical impossibility. What we can do is insure that no more regulations are issued without first making certain their necessity and true worth. This country cannot afford a repetition of the fire ant and DDT episodes, without placing our food supply in serious jeopardy. The way to go on record as favoring responsible regulatory reform is to adopt this amendment and thus begin to work toward a thinner Federal Register and a less-hassled American citizenry.

I respectfully ask your support for this long-overdue step toward meaningful regulatory reform.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

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

Mr. BROWN of California. Mr. Chairman, I would like to clarify a statement the gentleman has just made. I have the text of the gentleman's statement, which says that this amendment which he has submitted requires that all of EPA's rules and regulations receive a congressional OK in the form of a concurrent resolution. Is that the language the gentleman actually used?

Mr. KETCHUM. No, it is not. It applies only to this bill, only to this particular section.

Mr. BROWN of California. The gentleman's amendment is much more narrowly worded than he has stated in his previously prepared text. I thank the gentleman.

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

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

Mr. LAGOMARSINO. Is it not true that the gentleman's amendment, as modified, does not require congressional approval, but rather allows for congressional disapproval?

Mr. KETCHUM. That is correct.

Mr. LAGOMARSINO. I think the gentleman misspoke earlier in his explanation of the amendment.

Mr. KETCHUM. The amendment, as I offered it initially, would have required congressional approval. The amendment as it is submitted requires veto power—disapproval.

Mr. LAGOMARSINO. I would like to commend the gentleman for offering this amendment. I think this is really what the people at home are talking about; what the issues really are.

This is just a small part of it. As the gentleman says, this is a place to start. The issue really is, who is going to make the rules and regulations and laws that govern people's lives, the elected representatives, Members of Congress, or appointed bureaucrats.

As the gentleman has so eloquently stated, here is where we can lay it on the line and tell the American people by our vote this afternoon whether we really believe in this concept or not. I have no doubt at all that the people of America do believe in this concept. I discussed this with my constituents during the Easter recess, and found overwhelming approval of the idea.

Mr. KETCHUM. I thank the gentleman.

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

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

Mr. MYERS of Indiana. In the amendment, the gentleman states that EPA shall present to Congress the cost of such a regulation or rule. The cost the gentleman is referring to, is that the direct cost to the Government or the indirect cost to industry and on to the consumer?

Mr. KETCHUM. I would hope to get the direct cost to the Government, but I would hope that they would attempt to justify those rules and regulations with their estimated costs to the general public.

Mr. MYERS of Indiana. What the gentleman is really saying is that EPA would have to come forth with a benefit-to-cost ratio, as in public works projects.

Mr. KETCHUM. That is right.

POINT OF ORDER

The CHAIRMAN. Does the gentleman from California insist upon his point of order?

Mr. BROWN of California. Would the Chairman ask the gentleman from Texas (Mr. ECKHARDT) if he wishes to be heard?

The CHAIRMAN. Does the gentleman from Texas (Mr. ECKHARDT) wish to be heard on his point of order?

Mr. ECKHARDT. I do, Mr. Chairman.

The CHAIRMAN. The gentleman may be heard.

Mr. ECKHARDT. Mr. Chairman, the bill before us has the purpose of authorizing appropriations to the Office of Research and Development of the Environmental Protection Agency for fiscal year 1977 with respect to certain specific areas.

One is research, development, and demonstration under the Federal Insecticide, Fungicide, and Rodenticide Act, which act, as I understand it, is an act wholly under the jurisdiction of the Committee on Agriculture, even with respect to its research operations; with respect to research, development, and demonstration under section 301 of the Public Health Service Act, which is an act which is generally under the jurisdiction of the Committee on Interstate and Foreign Commerce; research, development, and demonstration under the Safe Drinking Water Act, which is an act generally under the jurisdiction of the Committee on Interstate and Foreign Commerce; research, development, and demonstration under the Clean Air Act, which is also under the jurisdiction of the Committee on Interstate and Foreign Commerce generally; research, development, and demonstration under the Solid Waste Disposal Act, which is generally under the jurisdiction of the Committee on Interstate and Foreign Commerce; research, development, and demonstration under the Federal Water Pollution Control Act Amendments of 1972, which is generally under the Committee on Public Works.

Mr. Chairman, it is true that the amendment is limited to the rules and regulations promulgated on or after the date of enactment in connection with research, development, or demonstration.

But as I said before, even research, development, and demonstration are under the jurisdiction of the Committee on Agriculture with respect to the Federal Insecticide, Fungicide, and Rodenticide Act, and in other instances it is impossible to totally separate research and development from the other jurisdiction of the committees of major jurisdiction respecting the other acts.

Furthermore, this provision, as I read it, would make a rule or regulation which might include regulatory authority, but which would also include research, development, or demonstration within its reach, subject to what is called the congressional veto.

Thus, if a rule or regulation were made by the Administrator that affected both research and development and other functions of the agency clearly outside the jurisdiction of this committee, this amendment would reach, broadly, rules and regulations of very diverse character.

Mr. Chairman, this is not a matter of little concern because the provision here in item (2), provided that Congress by concurrent resolution does not disapprove such rule or regulation, would permit, even after Congress disapproved a Presidential veto.

The original rule, if vetoed by concurrent resolution by Congress, would in turn be subject to a veto by the President because the Constitution says that any act requiring the concurrence of both bodies must be submitted to the President and he may veto it.

So this amendment has great and broad reach far beyond the provisions of the bill, and I submit, Mr. Chairman, that it is therefore not germane to the bill itself.

The CHAIRMAN. Does the gentleman from California (Mr. KETCHUM) wish to be heard on the point of order?

Mr. KETCHUM. Yes, I do, Mr. Chairman.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. KETCHUM. Mr. Chairman, as many of my colleagues are aware, this point of order has already been raised by the Environmental Study Conference and various individual members. Therefore, I have thoroughly investigated the question of this amendment's germaneness with numerous sources, including committee and House counsel and the Parliamentarian. Therefore, I am quite confident in my opinion that this measure is indeed germane to debate on the bill now under consideration. If you will read the language of my regulatory reform-type amendment closely, you will see that it pertains only to rules and regulations connected with "research, development, or demonstration under

any of the acts specified in subsection (a)." Therefore, the scope of my amendment is expressly limited to coincide with the scope of this bill.

The argument will be made that R. & D. branches do not promulgate rules and regulations. In the strictest sense of the word, that may be true. But are not such R. & D. activities the foundation upon which all regulatory mandates are built? Hopefully, the research programs which this bill funds will all have tangible results; almost inevitably one of these results will be a new EPA ruling. My amendment stipulates that—subsequent to any R. & D. effort relating to FIFRA, public health, drinking water, clean air, solid waste disposal, or water pollution—the consequential regulatory decision will be subject to congressional approval.

Is it not a logical extension of the term "demonstration" to include requiring EPA to demonstrate to Congress the viability of its proposed regulations? In fact—after the expenditure of time and these generous moneys it would seem a small feat indeed for EPA to present this thoroughly researched case to Congress, especially on the elmentary level that would most likely be required. The possible savings in terms of avoiding unworkable rules or cost-benefit boondoggles would be well-worth the extra hours spent before Congress.

The fact is this amendment is germane. I am heartened by the attention this measure has already received; I look forward to the debate on the merits of the amendment per se, which I believe are quite extensive indeed.

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

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

Mr. BAUMAN. Mr. Chairman, I would like to join the gentleman from California (Mr. KETCHUM) in his argument that this is most assuredly within rule XVI of the House which requires germaneness, because in any such situation where a proposition confers broad discretionary power upon an executive official, it is perfectly within the rights of any Member to offer an amendment that directs that official to take certain actions prior to the expenditure of funds or the exercising of certain policies.

In chapter 28, paragraph 24.2 of Deschler's Procedure, the general rule is stated that points out the precedents on an authorization bill indicate that the authorization itself may be made contingent upon a future event if the event is related to the subject matter before the House.

Mr. Chairman, in this case the amendment offered by the gentleman from California (Mr. KETCHUM) is specifically limited to research and development, which is the subject of this bill. The arguments advanced by the gentleman from Texas (Mr. ECKHARDT) notwithstanding, I believe the amendment is germane.

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

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

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

The CHAIRMAN. The Chair controls the debate on the point of order.

Does the gentleman from Washington (Mr. FOLEY) wish to be heard on the point of order?

Mr. FOLEY. Yes, I do, Mr. Chairman. I wish to be heard on the point of order.

The CHAIRMAN. The Chair will hear the gentleman.

Mr. FOLEY. Mr. Chairman, if I may, I would like to address a question to the gentleman from California.

One of my concerns is that the gentleman's explanation of his position seems again to confuse the purpose of the amendment and, therefore, poses questions reaching the point of order.

If I understood the statement of the gentleman in the well a moment ago, he said that rules and regulations promulgated subsequent to a research and development program would be subject to this amendment.

Is the gentleman suggesting that his amendment deals with more than regulations attending on the announcement or decision to offer a research or demonstration program and reaches beyond that to include any implementary regulations that would follow such a research and development program?

Mr. KETCHUM. No. If the Chair will permit me to explain further, I think I made my point perfectly clear. I would say to my friend, the gentleman from Washington (Mr. FOLEY), that with regard to these demonstration programs, any regulations that may apply to the demonstration programs, as we indicated in the debate, would be those subject to regulatory review.

Mr. FOLEY. If the gentleman will address the question further, then the gentleman would say that any regulation that follows on the completion of such a demonstration project and implements the finding of such a demonstration project, would not be subject to the gentleman's amendment, is that correct?

Mr. KETCHUM. Would the gentleman from Washington (Mr. FOLEY) repeat that again?

Mr. FOLEY. Yes. If a demonstration project that is now in the rules and regulations prescribing the demonstration and research project were promulgated and that research and demonstration program goes forward, and then as a direct result of that research or demonstration project's having been completed, the EPA makes a determination that certain regulations to administer a study of the environment of that jurisdiction shall be promulgated or issued, the gentleman is assuring us that those subsequent regulations that are administrative in character and result in the demonstration or research project are wholly exempt from his amendment; is that correct?

Mr. KETCHUM. They are as it applies to this bill; but I will assure the gentleman that as time goes on in this session of Congress, I will be offering an amendment to take care of those other problems.

Mr. FOLEY. Mr. Chairman, I am sure the gentleman from California (Mr. KETCHUM) has a genuine interest, but the gentleman used the words "subsequent to." That was the purpose of my question. He is not saying that a regulation following the research project and implementing the findings of the research project would be covered if it were an administrative project; is he?

Mr. KETCHUM. No; that would have to be applied to the EPA authorization, which would be ongoing.

The CHAIRMAN. The Chair recognizes the gentleman from New York (Mr. OTTINGER) on the point of order.

Mr. OTTINGER. Mr. Chairman, I just want to make one important fact clear with respect to this point of order.

The gentleman seemed to conclude that the Environment Study Conference of which I happen to be chairman took a position with respect to the point of order. I just want to make it clear that in the constitution and bylaws of the Environment Study Conference, it has taken no position on this point of order. It has merely attempted to advise its membership that a point of order would be raised, and we tried to present fully the views of the gentleman from California (Mr. KETCHUM) with respect to the amendment and the point of order.

The CHAIRMAN. Does the gentleman from Texas (Mr. ECKHARDT) wish to be heard further?

Mr. ECKHARDT. I do wish to be heard further, Mr. Chairman.

The CHAIRMAN. The gentleman will be heard further on the point of order.

Mr. ECKHARDT. Mr. Chairman, let me see whether I can make this point as clearly as possible.

Rules and regulations, under almost all administrative agency acts or acts concerning a department of Government that has a rule or regulatory structure, are contained in a special section of a bill.

They generally deal with the action of that department or of that regulatory agency having to do with enforcement, but they also in many instances deal with matters of internal operation of the agency, which internal operation concerns both research and development and examination of projects, direction of personnel of highly technical proficiency, and other matters.

These matters are related not only to the ultimate regulation, but are related to certain research which occurs prior to the making of such final rules affecting the persons so regulated.

When we permit an amendment to a bill which purports only to deal with demonstration projects, et cetera, under this committee's jurisdiction, with this whole complex subject of rulemaking, and provide an entirely new method of congressional review whereby a rule will not go into effect if Congress, by concurrent resolution, disapproves such rule

or regulation, we vastly alter a section in each of these bills that deals not only with rules and regulations or, rather, with demonstration and research, but also is related to the whole operation of the bill.

One cannot go in and alter those sections piecemeal. And if we permit an amendment on the floor to provide for this kind of congressional review and then a subsequent presidential veto, we deal with a matter so integrally related with the rulemaking process in each of these bills—four of which I believe were under the jurisdiction of the Committee on Interstate and Foreign Commerce, one under the Committee on Agriculture and one under the Committee on Public Works and Transportation—that we invite utter confusion respecting where the dividing line is between the rule's application to research and development and the rule's application to other functions.

Furthermore, the gentleman who proposes the amendment really puts his finger on the point when he points out that rules and regulations, particularly regulations, can hardly deal solely with research and development. What actually occurs is that a regulation occurs after research and development, and as it is in connection with research and development, it becomes a very, very hazy question, therefore if the rule or regulation in any wise touches research and development, even though it may include regulation, may include active control of the agency, or, rather, persons under the control of the agency, which goes into the question of congressional veto procedure. Therefore it would seem to me if it is tainted in any way with research and development, the rule may be stricken down by Congress but the President may in turn veto it.

It seems to me utterly impossible as a practical matter to simply limit the proposition to rules and regulations in a very, very narrow field dealing with only procedural matters respecting research and development or demonstration. If there is any way to clarify that matter, it should be clarified by an amendment that makes this point far clearer and it would seem to me that the amendment is not germane because it may conceivably touch on matters under the jurisdiction of other committees and therefore it would affect a matter certainly not before this House under this bill.

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

Mr. ROGERS. I do, Mr. Chairman.

I also am in support of the point of order. I do think, as it has been pointed out, that the intent is to go far beyond what perhaps the language would go. But I think the gentleman has said that the rules and regulations could only go to the research or the demonstration, not to any regulations that come about from them.

Furthermore, I want to point out what I think is a fatal defect in the amendment in that the gentleman uses the phrase "notwithstanding any other provision of law," and yet he ties the amendment into all of the bills applied under this particular act, one of which he specifically outlines as section 301 of the Public Health Services Act that has biomedical research in it. Therefore, this goes far beyond what the authority of this committee is or what this bill proposes to do and it would adversely affect biomedical research which is not within the jurisdiction of the committee nor in the bill at all. It therefore is fatal by bringing that portion of the bill in question, as well, so I would urge that the point of order be upheld.

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

Mr. BAUMAN. I do, Mr. Chairman, with the indulgence of the chairman, I would say that most of the arguments that have been submitted against the amendment on the point of order have argued the merits of the amendment and not the parliamentary situation. I would direct the attention of the Chair to the fact that in the last Congress in an important bill dealing with the Civil Aeronautics Board and its powers, there was a ruling on an amendment requiring that the Congress approve changes in airline flight schedules.

If we have the power to do that, certainly we have the power to veto the rules and regulations of an agency.

The CHAIRMAN (Mr. SMITH of Iowa). The Chair is prepared to rule.

The Chair would first point out that the research and development programs in the bill itself are very broad and diverse, as is illustrated by the six categories that are set forth on page 2, lines 1 through 15. In addition to that, based upon the language of the amendment itself, as well as the colloquy between the gentleman from California and the gentleman from Washington, the amendment is restricted to regulations promulgated in connection with research, development, and demonstration activities, under the acts that are specified in this bill. Therefore, it does not go to other research and development programs not specified in the bill and not within the Science and Technology Committee's jurisdiction.

The Chair would also point out that this amendment provides merely for a disapproval mechanism in a manner that does not change the Rules of the House, so it really is a limitation upon the authority granted under the act. The Chair cannot, of course, rule upon the constitutionality of such a disapproval procedure. Therefore, the Chair overrules the point of order and holds the amendment germane.

Mr. BROWN of California. Mr. Chairman, I withdraw my point of order.

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

Mr. BROWN of California. Mr. Chairman, I rise with some reluctance because I recognize the popular sentiment which exists today with regard to the need to control the excesses of the bureaucratic machine which is identified with Washington, and any amendment which seems to have as its thrust a curtailment of this bureaucratic machine is obviously going to be extremely popular. Nevertheless, I think we must ask ourselves in all seriousness if this is the way to achieve our objective.

I would make the point in connection with this particular amendment that it really achieves nothing. What it does, of course, by the narrowness of its language is apply only to regulations of the Office of Research and Development of the Environmental Protection Agency. That office promulgates no regulations involving the public. Rules and regulations promulgated by EPA that affect the public are promulgated by other offices of EPA. There may be rules promulgated by the Office of Research and Development, but they are internal administrative rules governing, for example, the activities of EPA laboratories. There may also be regulations as to how research is conducted. These are internal to the agency. There would be a real problem, of course, in determining whether they fall within the scope of the language in this amendment, and I am assuming that there is a slim possibility they might. Even if they did, this is not what my distinguished colleague, the gentleman from California, is seeking to reach. He is seeking to reach those rules and regulations which involve the public, which place a hardship on the public, or in some other way impact the public. There is nothing in this bill which does that. This bill simply authorizes appropriations to support EPA's research program and has nothing to do with regulation or enforcement, which is the responsibility of other offices of EPA.

If he wishes to accomplish his purpose—and I know that he does—the proper vehicle would be an amendment to the Clean Air Act, for example, which is within the jurisdiction of another committee and which will be shortly on the floor of the House, or the Federal Water Pollution Control Act, which is also within the jurisdiction of another committee, and will also be on the floor of the House before long, but not in this bill which deals entirely with regulations having to do with the internal operations of the Office of Research and Development of EPA. It would be futile, as I say. It would serve no particular purpose. It would encumber this legislation with language which is unnecessary and counterproductive, and it is just not the proper way in which this body ought to operate.

I think it could be argued, of course, that this would not be desirable under any circumstances, even if the Office of Research and Development were to be concerned with regulations impacting the public. I think in all probability if such language is written into the various environmental acts which this Congress has passed, it would produce an intolerable burden upon this body to place itself in the position of reviewing, in advance, each of these thousands of rules or

regulations, involving thousands of pages of difficult, complex rules and regulations. I doubt that we would be able to assimilate so much detailed material. In any case, it would be an inappropriate function for a legislature whose job it is to establish general policy, and then to see to it that detailed regulations promulgated by administrative agencies conform to the letter and spirit and intent of Congress as expressed in authorizing legislation. In any case in which Congress disagrees with any particular EPA regulation, the vehicle for voiding such a regulation is readily available—Congress can amend the authorizing legislation.

We have a very similar situation in the proposal which was made at an earlier point that this body attempt to review all of the grants made by the National Science Foundation. It would be the same impossible situation if we were to attempt to review other kinds of actions taken by the executive branch.

The proper course to follow, it seems to me, if we are dissatisfied by the procedures followed by the executive branch is to revise the Administrative Procedure Act to make sure that there is adequate input from all members of the public, all of the special interest groups that are concerned, and even from Members of Congress who may have a concern. But to take it upon ourselves to assume the responsibility of reviewing the tremendous mass of data put out in the rules and regulations of the executive branch in advance of their promulgation is not the way to legislate.

I urge the defeat of this amendment.

Mr. ROUSSELOT. Mr. Chairman, I rise in support of the amendment and I move to strike the requisite number of words.

Mr. Chairman, I am really quite amazed at the comment of my colleague, the gentleman from California (Mr. BROWN) that the Congress will be assuming too much responsibility. That is exactly what some weaker-kneed people tried to say about the impeachment proceeding, that we assumed too much responsibility. It is our constitutional responsibility to review the rule making power. I say to my good colleague, the gentleman from California (Mr. BROWN) that the responsibility is already here, it is already upon us.

We hear from our constituents daily about the problems of rules and regulations that have been promulgated by Federal agencies. Usually these are rules and regulations which were not intended in the original legislation and over which we really have no opportunity to offer anything in the way of comment or suggestion, yet these rules and regulations have the force of law. That is our responsibility whether we want to assume it or not because we have drafted the legislation that has given these agencies their powers to act and to write rules and regulations.

When my colleague, the gentleman from California (Mr. BROWN) says it is "an intolerable burden," I say we have helped to create the intolerable burden when we created the Environmental Protection Agency in the first place, because we gave them substantial authority to write rules and regulations.

All my colleague, the gentleman from California (Mr. KETCHUM), is trying to do is to give us an opportunity to participate in that rulemaking authority. In many cases, as my colleague, the gentleman from California (Mr. BROWN), well knows, the rules and regulations that are promulgated go far beyond what we intended in the original legislation. Now in this one simple field of research and development we do not have to challenge every single rule and regulation. We are merely being given the opportunity to turn down those that we feel have not been considered carefully enough or which go beyond the intent of the legislation.

I believe that it is an appropriate participation in a process in which we must involve the Congress because many times the House is criticized for the promulgation of rules when we have had nothing to do with them. But the public feels we have refused by oversight or by other means to act to improve the unreasonable rules and regulations.

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

Mr. ROUSSELOT. I yield to the gentleman from California (Mr. KETCHUM).

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

Mr. Chairman, I listened to the arguments with interest. We have a regulatory reform bill before the Congress. We cannot get a hearing on it. This is simply the only procedure I can conceive of, the only way I can see that we can do it.

We are not acting irresponsibly. We are saying, OK, if we cannot get a bill heard by a committee then we will do it piece by piece. I did not say it would not be a burden and I did not say it would not be time consuming but I think there is no Member of this House who can return to his district and not hear his constituents say: "What you people in Washington should be doing is supervise some of the programs that are already passed and not pass new programs."

I think that this is one of the greatest ways that we can utilize our time. I would have to say that we are handsomely paid for bearing this burden.

Mr. ROUSSELOT. Mr. Chairman, I want to make one more point. The Members might claim, it is "an intolerable burden" because of the mass of work we already have, but this really establishes an important procedure for reviewing the rulemaking power of an important agency that affects every one of our constituents. The gentleman (Mr. BROWN) well knows that in California the EPA has involved itself in deciding how many parking lots to have in, say, San Bernardino, Calif. We need to check that unreasonable rulemaking power.

This is only a research bill. We are not talking about other broad aspects or the regulatory function that I would frankly like to review. But we should at least start with this one small step.

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

Mr. ROUSSELOT. I now yield to the gentleman from California (Mr. BROWN).

Mr. BROWN of California. Mr. Chairman, the point I have been trying to make very simply is that there is a need for a review of the rulemaking procedure.

Mr. ROUSSELOT. Mr. Chairman, would the gentleman agree that we need to be involved in this rulemaking procedure?

Mr. BROWN of California. Well, we are involved.

Mr. ROUSSELOT. The gentleman should support the amendment then.

Mr. BROWN of California. If the gentleman was speaking antagonistically of the executive branch, I would see some merit in the gentleman's remarks; but the gentleman is speaking of an administration that the gentleman holds in high esteem.

I would like to ask the gentleman if the gentleman knows how the administration feels about this amendment?

Mr. ROUSSELOT. Well, I have not called the Administrator of the EPA. I am sure he would not want to be bothered with the procedure. Most administrators do not want the Congress involved in "their exclusive rulemaking power."

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

Mr. Chairman, I hope the Committee will reject this amendment.

I know the frustration that many Members feel with the implementation of regulations with which they do not agree and for which they feel there is substantial public antipathy; but if we start out on the course that the gentleman from California wants to chart for us, we should consider what will happen if this principle is extended. Under provisions of this amendment the 11,000 or more regulations that are annually published by various agencies of the U.S. executive branch will have to lie before this Congress for 60 days before taking effect. Our imprimatur and approval will be put on those regulations if we do not act to disapprove them. We will be taking upon ourselves the opportunity to review regulations and to, in effect, approve them through failure to act, even though the implementation of these regulations may not occur for many months.

I think the problem facing us is often not in the regulation, but in the implementation of the regulation. The regulation itself may be harmless. Properly administered, it may be no problem at all; but later on, when the agency undertakes to enforce it, we may have legitimate complaints. Your constituents are going to say, "You sat here in the Congress of the United States and permitted the regulation to become effective by your inaction."

We will have to bear the burden of that with our constituents and take the blame for the implementation of the regulation.

We face a difficult and complex task in reviewing basic legislation. What confidence or capacity do we have to take

the overwhelming burden of these thousands of regulations and have them sit for 60 days before committees and before the House and before the Senate counterparts and have any assurance that we are going to make thorough judgments about them and their effect?

We ought to be spending our time in looking at basic law. We have the authority to overturn any regulation or administrative act by passing specific legislation.

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

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

Mr. ROUSSELOT. Mr. Chairman, I could not agree with my colleague more. Many times we do not do an adequate or a complete job in the way we legislate, but that does not excuse our not also wanting to participate in the rulemaking authority which has the power of law, especially when we have given tremendous power to a given regulatory agency.

Mr. FOLEY. Mr. Chairman, the gentleman has more enthusiasm for the capacity of Congress than I do if he thinks we can sit down and participate in technical rulemaking with various agencies, and there are numerous agencies and thousands of rules, and do so intelligently and capably. I wonder whether the gentleman would agree with me that the problem often is not in the words of the regulation, but with some administrative action in the implementation of the regulations?

We will not know what that will be until many months later, and we will not have an opportunity then to act.

Mr. ROUSSELOT. I could not agree with the gentleman more that many times the problem comes in the implementation of a rule, but also, and equally true, is the bad rulemaking assumptions made by agencies that have not taken time to look at what the impact of that will be. Let us take the interlock system on a car.

Mr. FOLEY. If the gentleman will take that example, this Congress repealed the authority for such an interlock. It is a good example of what the Congress can do.

Mr. ROUSSELOT. But why?

Mr. FOLEY. Because of the overwhelming reaction against it.

I just want to suggest to the members of this committee that this proposed amendment is not regulatory reform; this is regulatory and congressional confusion. It is going to get our role and the administration's role inextricably bound up to a point of absolute inefficiency to get anything done that needs to be done. We are going to be spending our time, not concentrating on those regulations that are demonstrably bad and should be repealed, but on dozens and hundreds of complicated regulations. We will not have an opportunity adequately to determine in 60 days which regulations need to go into effect to control problems which require prompt attention. There is no provision for this case; we will have to wait 60 days or pass resolutions of affirmation.

We have a hard enough job, an important enough job, in addressing the basic legislation that comes before the Congress. That is the job we should do better, not try to transform ourselves into regulatory experts and writers and reviewers. If we do so, there is going to be more, not less, confusion; more, not less, difficulty; more, not less, misunderstanding. The Congress, I think, will be charting a very, very difficult and unfortunate course for itself if their amendment is adopted.

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

(On request of Mr. BROWN of California and by unanimous consent Mr. FOLEY was allowed to proceed for 2 additional minutes.)

Mr. BROWN of California. Mr. Chairman, will the gentleman yield?

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

Mr. BROWN of California. Mr. Chairman, I want to compliment my friend from Washington for his excellent statement. He has properly transformed this into a dialogue about how the Government should function best.

I want to point out also that this administration, as I alluded to in my dialogue with the gentleman from California, is opposed to the gentleman's amendment. I have been informed that there is a distinct possibility that the President would veto this bill because of this amendment alone.

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

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

Mr. KETCHUM. Mr. Chairman, I would like to address a question through the chairman of the committee to the chairman of the subcommittee, the gentleman from California (Mr. BROWN). He has just made a statement that the administration is vehemently opposed to this amendment. This amendment has been before the Congress for the past two and one-half weeks, and I have heard not one word from the administration.

Mr. BROWN of California. It is unfortunate that I should be in closer contact with the administration than my colleague from California.

Mr. KETCHUM. That is not surprising.

Mr. BROWN of California. he has not been doing something right.

Mr. KETCHUM. That is not surprising.

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

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

Mr. SEIBERLING. Mr. Chairman, a similar bill to this for all rulemaking has been reported out of the Committee on the Judiciary, with my dissenting vote. I had occasion to do a little research on the number of rules that are put out by administration agencies and other arms of the Government, and in the first 9 months of 1975 there were almost 11,000 of them. So, this is not just a formula for confusion; it is a formula for total paralysis.

Mr. FOLEY. I agree with the gentleman from Ohio. I think that if we are going to face this issue, the way to face it is on overall legislation. Otherwise, I think we are going to drift into the most inappropriate vehicle to bring about what I would consider to be governmental chaos and confusion.

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

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

Mr. KETCHUM. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The Chair announces that pursuant to clause 2, rule XXVII, 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 the provisions of clause 2, rule XXIII, 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 California (Mr. KETCHUM) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 228, noes 167, not voting 37, as follows:

[Roll No. 233]

AYES—228

Abdnor	Daniel, Dan	Henderson
Alexander	Daniel, R. W.	Hicks
Andrews, N. Dak.	Davis	Hightower
	Dent	Holland
Annunzio	Derrick	Holt
Archer	Derwinski	Horton
Ashbrook	Devine	Howe
Bafalis	Dickinson	Hubbard
Baucus	Downey, N.Y.	Hungate
Bauman	Duncan, Oreg.	Hutchinson
Beard, Tenn.	Duncan, Tenn.	Hyde
Bennett	Edwards, Ala.	Ichord
Biaggi	Emery	Jacobs
Blanchard	English	Jarman
Blouin	Erlenborn	Jenrette
Bonker	Esch	Johnson, Calif.
Bowen	Fary	Johnson, Pa.
Breaux	Findley	Jones, N.C.
Brinkley	Fithian	Jones, Okla.
Brooks	Flood	Jones, Tenn.
Broomfield	Flynt	Kasten
Brown, Mich.	Fountain	Kazen
Broyhill	Frenzel	Kelly
Buchanan	Frey	Kemp
Burgener	Fuqua	Ketchum
Burke, Fla.	Gaydos	Krebs
Burke, Mass.	Gilman	LaFalce
Butler	Ginn	Lagomarsino
Byron	Goldwater	Latta
Carter	Goodling	Lent
Cederberg	Gradison	Levitas
Chappell	Grassley	Litton
Clancy	Guyer	Lloyd, Calif.
Clausen, Don H.	Hagedorn	Lloyd, Tenn.
	Haley	Lott
Clawson, Del	Hamilton	Lujan
Cleveland	Hammer-schmidt	McCollister
Cochran		McDonald
Cohen	Hanley	McEwen
Collins, Tex.	Hannaford	McFall
Conable	Hansen	McKay
Conlan	Harkin	Mahon
Crane	Harsha	Mann
D'Amours	Hefner	Martin

Mathis	Rhodes	Stuckey
Melcher	Risenhoover	Sullivan
Michel	Roberts	Symington
Milford	Robinson	Symms
Miller, Ohio	Roe	Talcott
Mollohan	Rose	Taylor, Mo.
Montgomery	Rostenkowski	Taylor, N.C.
Moore	Roush	Thone
Moorhead, Calif.	Rousselot	Traxler
	Runnels	Treen
Mottl	Russo	Ullman
Murphy, Ill.	Ryan	Vander Veen
Murtha	Santini	Waggonner
Myers, Ind.	Sarasin	Walsh
Natcher	Satterfield	Wampler
Neal	Schneebeli	White
Nedzi	Schulze	Whitehurst
Nichols	Sebelius	Whitten
Nolan	Sharp	Wiggins
Nowak	Shipley	Wilson, Bob
O'Brien	Shriver	Wilson, C. H.
O'Hara	Shuster	Wilson, Tex.
Passman	Sikes	Winn
Paul	Sisk	Wirth
Pettis	Skubitz	Wright
Pickle	Slack	Wydler
Pike	Smith, Nebr.	Yatron
Pressler	Snyder	Young, Alaska
Pritchard	Spellman	Young, Fla.
Quie	Spence	Young, Tex.
Quillen	Steelman	Zablocki
Railsback	Steiger, Ariz.	Zeferetti
Randall	Stephens	
Regula	Stratton	

NOES—167

Abzug	Fish	Moorhead, Pa.
Adams	Fisher	Morgan
Addabbo	Florio	Mosher
Allen	Foley	Moss
Ambro	Ford, Mich.	Myers, Pa.
Anderson, Calif.	Ford, Tenn.	Oberstar
	Forsythe	Obey
Andrews, N.C.	Giaimo	O'Neill
Armstrong	Gibbons	Ottinger
Ashley	Gonzalez	Patten, N.J.
Aspin	Green	Pattison, N.Y.
AuCoin	Gude	Perkins
Badillo	Hall	Peyser
Baldus	Harrington	Poage
Beard, R.I.	Harris	Preyer
Bedell	Hays, Ohio	Price
Bergland	Heckler, Mass.	Rangel
Biester	Heinz	Rees
Bingham	Helstoski	Reuss
Boggs	Holtzman	Richmond
Boland	Howard	Riegle
Bolling	Hughes	Rinaldo
Brademas	Jeffords	Rodino
Breckinridge	Jordan	Rogers
Brodhead	Karth	Rooney
Brown, Calif.	Kastenmeier	Rosenthal
Burke, Calif.	Keys	Roybal
Burleson, Tex.	Koch	Ruppe
Burlison, Mo.	Krueger	St Germain
Burton, John	Leggett	Scheuer
Burton, Phillip	Lehman	Schroeder
Carney	Long, La.	Seiberling
Carr	Long, Md.	Simon
Chisholm	Lundine	Smith, Iowa
Clay	McClory	Solarz
Conte	McCloskey	Staggers
Conyers	McCormack	Stanton, J. William
Corman	McDade	
Cornell	McHugh	Stark
Cotter	Madigan	Steed
Coughlin	Maguire	Stokes
Daniels, N.J.	Matsunaga	Studds
Danielson	Mazzoli	Teague
Delaney	Meeds	Thornton
Dellums	Metcalfe	Tsongas
Dingell	Meyner	Van Deerlin
Downing, Va.	Mezvinsky	Vander Jagt
Drinan	Mikva	Vanik
du Pont	Miller, Calif.	Vigorito
Early	Mills	Waxman
Eckhardt	Mineta	Weaver
Edgar	Minish	Whalen
Edwards, Calif.	Mink	Wolff
Eilberg	Mitchell, Md.	Wylie
Evans, Colo.	Mitchell, N.Y.	Yates
Fascell	Moakley	
Fenwick	Moffett	

NOT VOTING—37

Anderson, Ill.	Evans, Ind.	Hinshaw
Bell	Evins, Tenn.	Johnson, Colo.
Bevill	Flowers	Jones, Ala.
Brown, Ohio	Fraser	Kindness
Collins, Ill.	Hawkins	Landrum
de la Garza	Hayes, Ind.	McKinney
Diggs	Hébert	Macdonald
Dodd	Hechler, W. Va.	Madden
Eshleman	Hillis	Murphy, N.Y.
Nix	Roncalio	Steiger, Wis.
Patterson, Calif.	Sarbanes	Thompson
	Stanton, James V.	Udall
Pepper		Young, Ga.

Messrs. ROSTENKOWSKI, BROWN of Michigan, and RYAN changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. KETCHUM

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

The Clerk read as follows:

Amendment offered by Mr. KETCHUM: Page 5, immediately after line 25, add the following new section:

"SEC. 6. (a) The Administrator of the Environmental Protection Agency shall, not later than 60 days after the date of the enactment of this Act, prescribe and implement rules to assure that any hearing in connection with any expenditure of any funds authorized to be appropriated under this Act, or any hearing for the expenses of which any such funds are used, shall—

"(1) if it concerns a single unit of local government or the residents thereof, be held within the boundaries of such unit;

"(2) if it concerns a single geographic area within a State or the residents thereof, be held within the boundaries of such area; or

"(3) if it concerns a single State or the residents thereof, be held within such State.

"(b) For the purposes of subsection (a)—

"(1) the term 'unit of local government' means a county, municipality, town, township, village, or other unit of general government below the State level; and

"(2) the term 'geographic area within a State' means a special purpose district or other region recognized for governmental purposes within such State which is not a unit of local government."

Mr. KETCHUM (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. KETCHUM. Mr. Chairman, a recent occurrence in Bakersfield, Calif., prompts me to offer an amendment to this bill, in an attempt to correct a serious problem that is occuring agency- and nationwide. Although chapter 5 of the United States Code states that due process in administrative hearings include fair trial according to established procedural standards, Bakersfield Californians have substantial reason to doubt the validity of this law. Moreover, it is also stated therein that administrative convenience is not to override this legal ethic of fairplay.

However, California's 18th Congressional District has suffered the consequences of administrative convenience. HEW is currently conducting hearings to determine if the Bakersfield City School District is in violation of title VI of the Civil Rights Act of 1964; hearings which have dragged on for some 8 months.

Several weeks ago the presiding judge abruptly ordered these hearings to be moved from the city of Bakersfield to San Francisco—an action which can only be viewed as a serious violation of the right to due process of the people of Bakersfield. By moving the hearings over 300 miles away, HEW has denied these people the right to full information on this matter which directly affects their daily lives, while abridging their due process rights to a fair trial.

This amendment seeks to avoid similar circumstances in any future EPA administrative hearings, by making it a statute requirement that the Administrator of EPA prescribe and implement rules insuring that any public hearings will be conducted in the immediate area affected. To let this opportunity slip by would be to leave open the very real possibility that the interests of justice, economy, and the protection of civil rights will be subverted merely to accommodate the whims of the Government. By adopting my amendment, all interested persons will be afforded ample opportunity to present their views and hear all arguments during EPA administrative hearings.

If we are truly dedicated to making Government accessible and responsive to our citizens' needs, then this amendment should be agreed to without further ado.

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

Mr. KETCHUM. I yield to the gentleman from Texas (Mr. TEAGUE).

Mr. TEAGUE. I thank the gentleman for yielding.

Mr. Chairman, in view of the vote that just took place, the chairman of the subcommittee and the chairman of the full committee are willing to accept the gentleman's amendment.

Mr. KETCHUM. Mr. Chairman, I thank the gentleman from Texas.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FOLEY

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

The Clerk read as follows:

Amendment offered by Mr. FOLEY: Page 2, line 3, insert immediately before the period the following: ": *Provided*, That no part of any amount appropriated pursuant to this paragraph may be obligated or expended after March 31, 1977, and no more than $6,906,950 of such amount may be expended prior to that date except as specifically authorized by law."

Mr. FOLEY. Mr. Chairman, I rise to offer an amendment to H.R. 12704 that relates to the authorization for research under the Federal Insecticide, Fungicide and Rodenticide Act. The amendment would provide that the period of authorization for research activities under FIFRA would not exceed the overall period of authorization for the FIFRA program.

Last fall Congress extended the authorization for FIFRA to March 31, 1977, by Public Law 94–140. That bill was the result of extensive hearings by the Committee on Agriculture. The committee, which I chair, now has under consideration a bill, H.R. 12944, which would extend the program another 6 months until September 30, 1977.

At this time, however, it is too early to tell what action Congress will take

in extending the authorization for the FIFRA program.

Accordingly, I am offering this amendment to provide that the authorization for research under FIFRA would not extend beyond March 31, 1977, the date the program now terminates, until Congress has taken action to extend the act.

This amendment is similar to an amendment adopted by the House last year to H.R. 7108, a bill which provided authorization for EPA research through September 30, 1976. I understand it has the support of the chairman of the Subcommittee on the Environment and the Atmosphere of the Committee on Science and Technology.

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

Mr. FOLEY. I yield to the gentleman from Texas (Mr. TEAGUE).

Mr. TEAGUE. I thank the gentleman for yielding.

Mr. Chairman, this same amendment was offered last year and the chairman of the subcommittee accepted it then. I accept it now, and the chairman of the full committee accepts it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Washington (Mr. FOLEY).

The amendment was agreed to.

The CHAIRMAN. If there are no further amendments, under the rule, the committee rises.

Accordingly the committee rose; and the Speaker pro tempore (Mr. MCFALL) having assumed the chair, Mr. SMITH of Iowa, Chairman of the Committee of the Whole House on the State of the Union, reported that that committee having had under consideration the bill (H.R. 12704) to authorize appropriations for environmental research development, and demonstration, pursuant to House Resolution 1142, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

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

The question was taken.

Mr. CLANCY. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 381, nays 16, not voting 35, as follows:

[Roll No. 234]

YEAS—381

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

NAYS—16

Ashbrook	Holland	Shuster
Bauman	Jenrette	Steiger, Ariz.
Collins, Tex.	McDonald	Symms
Crane	Montgomery	Young, Alaska
Derrick	Paul	
Hansen	Rousselot	

NOT VOTING—35

Anderson, Ill.	Giaimo	Murphy, N.Y.
Bell	Hawkins	Nix
Bevill	Hayes, Ind.	Passman
Brown, Ohio	Hébert	Pepper
Collins, Ill.	Hechler, W. Va.	Sarbanes
de la Garza	Hillis	Stanton, James V.
Diggs	Hinshaw	Steiger, Wis.
Eshleman	Johnson, Colo.	Thompson
Evans, Ind.	Jones, Ala.	Udall
Evins, Tenn.	Kindness	Ullman
Flowers	Macdonald	Young, Ga.
Fraser	Madden	

The Clerk announced the following pairs:

Mrs. Collins of Illinois with Mr. Hechler of West Virginia.

Mr. de la Garza with Mr. Kindness.

Mr. Fraser with Evins of Tennessee.

Mr. Flowers with Anderson of Illinois.

Mr. Udall with Mr. Bell.

Mr. Pepper with Mr. Madden.

Mr. Hayes of Indiana with Mr. Passman.

Mr. Murphy of New York with Mr. Macdonald of Massachusetts.

Mr. Nix with Mr. Jones of Alabama.

Mr. Bevill with Mr. Hillis.

Mr. James V. Stanton with Mr. Hawkins.

Mr. Evans of Indiana with Mr. Brown of Ohio.

Mr. Hébert with Mr. Giaimo.

Mr. Steiger of Wisconsin with Mr. Ullman.

Mr. Diggs with Mr. Sarbanes.

Mr. Thompson with Mr. Young of Georgia.

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

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING CLERK TO CORRECT SECTION NUMBERS IN ENGROSSMENT OF H.R. 12704

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to correct section numbers in the engrossment of H.R. 12704.

The SPEAKER pro tempore (Mr. MCFALL). Is there objection to the request of the gentleman from California?

There was no objection.

INTERPARLIAMENTARY UNION CONFERENCE SPRING SESSION, MEXICO CITY, APRIL 20–24, 1976

(Mr. JARMAN asked and was given permission to address the House for 1

minute, to revise and extend his remarks and include extraneous matter.)

Mr. JARMAN. Mr. Speaker, the spring session of the Interparliamentary Union, which was held last week in Mexico City, was marked by a lessening of the tactics of confrontation which we have recently seen in Interparliamentary Union meetings. Most major issues were agreed upon in a spirit of conciliation and consensus, although we saw some hard bargaining in the drafting committees.

The U.S. delegation was ably composed of three Members of the Senate and five from the House of Representatives. I once again had the honor and privilege to serve as chairman of the delegation.

The work of the conference in the spring session was divided into the normal four committees. We were represented in the Committee on Political Questions by Senator ROBERT STAFFORD and Representative LEE HAMILTON. The committee this year was breaking new ground in the international disarmament field by discussing trade in conventional weapons. Senator STAFFORD delivered the U.S. statement in which we expressed our concern over the rapid growth in the international trade in conventional arms and the need for controls over arms transfers. He pointed out that world arms transfers are now valued at nearly 9 billion U.S. dollars, an increase largely attributable to important deliveries of arms to areas of conflict and instability in Asia and the Near East. Senator STAFFORD said that a review of the world arms trade shows that no single country can itself regulate the flow of arms. Thus, effective controls over the arms trade will require substantial international cooperation. Regrettably, he said, little progress has been made in the development of international controls over arms transfers and the United States is therefore gratified that the question is being brought up in the Interparliamentary Union. He also gave credit to Latin American nations for their leadership in efforts to control conventional arms and cited the Declaration of Ayacucho as an example of the kind of significant step forward which could help to reduce conflict and prevent the unnecessary diversion of resources from economic and social development.

Representative LEE HAMILTON represented the United States on the Drafting Committee on Disarmament which eventually achieved a unanimously adopted resolution on the question of trade in conventional weapons. His efforts were successful in having objectionable language about foreign military bases changed in the resolution so that we were able to join the consensus.

In essence the resolution called on the national groups to support serious multilateral efforts to focus attention and achieve tangible progress on disarmament and arms trade through such measures as a special session of the United Nations General Assembly or a world disarmament conference and to support efforts to arrive at effective regional disarmament and arms control schemes. The resolution also focused on the need to divert military spending to other purposes more directly related to economic and social development and called on the arms exporting countries to review their arms supplying policies and to strictly control private deliveries.

The debate in the Economic and Social Council was especially appropriate as the host country, Mexico, has long shown a strong and special interest in this subject. The United States was represented on the committee by Representatives EDWARD DERWINSKI and DONALD CLANCY. In his statement to the committee, Representative CLANCY called on the membership to continue the spirit of cooperation which had developed during the seventh special session of the United Nations General Assembly in September 1975. He pointed out that solutions arrived at by genuine consensus show far greater promise of achieving practical benefits for the developing world. Representative CLANCY then detailed for the committee some of the things that had been accomplished since the seventh special session. Among the items he cited were the institution by the United States of a generalized system of preferences favoring manufactures and semimanufactures from developing countries and the U.S. signature of the International Coffee Agreement in February and the International Tin Agreement in March. Moving to developments on the international level, he cited the decision by the International Monetary Fund to substantially liberalize its facility to compensate developing countries for shortfalls in their export earnings for reasons beyond their control. He also mentioned the establishment of a trust fund within the Internatic:nal Monetary Fund for the use of the profits from the sales of IMF gold holdings for concessional payments assistance to the less developed countries and the World Bank group's decision to consider our proposal to increase their participation in minerals development.

The spirit of conciliation was evident in the work of the drafting committee where the United States was ably represented by Representative EDWARD DERWINSKI. After much hard bargaining and mutual concessions on the part of both the developed and developing countries, a draft resolution was achieved which was accepted by all of the members of the committee with the exception of the Soviet bloc, who abstained on the resolution and indicated they would wish to bring about some changes at the Madrid Conference.

The work of the Committee on Education, Science, and Culture was equally productive. The committee was chaired by Representative ROBERT MCCLORY who, after 4 years of distinguished service in this capacity, turned over the gavel to Mr. Paul Dam of Denmark. Senator ROBERT DOLE sat as the U.S. representative on this committee. Senator DOLE in his statement pointed out that the magnificent Mexican folkloric ballet, which the delegation had an opportunity to see, was an illustration of the important role that culture and education can play in the development of a nation and the power they can have in uniting a people. He said the United States was in favor of encouraging contacts between peoples in all fields and encouraging the freer flow of information, whether it be educational, cultural, or scientific. He outlined those provisions of the final act of the Conference on Security and Cooperation in Europe which dealt with family reunification, marriage between nationals of different states, free travel and access to information and better working conditions for journalists. In the drafting committee, in which Senator DOLE also participated, he assured that these important elements of the Helsinki Agreements were included in the draft resolution which was unanimously adopted by the committee.

Senator MIKE MANSFIELD and Representative DAVID SATTERFIELD represented the U.S. delegation on the Parliamentary, Judicial, and Human Rights Committee. The committee this year discussed two items—parliament as an expression of the social structure of a society, and the possibility of setting up within the Union a procedure for examining and treating communications concerning human rights matters. The debate on the first subject brought forth a number of interesting views on the role of parliaments in the diverse societies which are represented in the Interparliamentary Union. Each of the national groups presented well-conceived defenses of their own particular parliamentary system.

On the question of establishing a procedure for the processing of human rights matters, the Canadian delegation produced an outstanding memorandum which was eventually adopted by a vote of 67 in favor, 16 against, with 7 abstentions. We were pleased with the adoption of this resolution which had been supported by Representative SATTERFIELD in his statement before the committee. He outlined the support the United States has given to the work of the United Nations and other international bodies in defining the nature and promoting the enjoyment of human rights. In particular, he pointed out, there were two human rights matters of interest to the United States. The first was the procedure developed by ECOSOC for dealing with private communications alleging gross violations of human rights. The second was the declaration on the protection of all persons from being subjected to torture and other cruel and inhuman treatment which had been recommended to the General Assembly of the United Nations by the fifth U.N. Crime Congress.

Representative SATTERFIELD cautioned the Interparliamentary Union to exercise the utmost care to avoid the questionable expenditure of effort and the potentially diluting effect of duplicating the procedures now in effect under the auspices of the United Nations. He stressed that the Union should focus its efforts on the one area it is uniquely suited to address, violations of the essential and fundamental rights of parliamentarians everywhere. Efforts to delay considerations of the procedures contained in the Canadian resolution by the Soviet bloc were

not successful and as I stated earlier, the resolution was unanimously adopted.

The final Council meeting at which the United States was represented by Representatives DERWINSKI, HAMILTON, and myself was highly successful in several other areas as well. A major rules change which has been in process for over 3 years was adopted by unanimous consent and other important procedural changes for the conduct of the conferences were also adopted by overwhelming majorities and recommended to the conference in Madrid. The Council passed a resolution on the situation in Chile. A two-member committee was appointed to visit Chile to secure the release of detained Members of Parliament. Representative DERWINSKI explained the U.S. abstention on this resolution. He pointed out that the United States had no objection to anything in the resolution, but objected to the Interparliamentary Union focusing solely on Chile when 16 other nations have overthrown their parliamentary governments and deserve equal attention from the Union.

Much of the acrimonious debate of previous years was absent from this session. The Middle East issue which had been so prominent in London was not in evidence at this spring session. However, it was agreed that one of the items for debate in Madrid at the 64th meeting would be the situation in southern Africa.

The preparations for our visit and the hospitality extended by our Mexican hosts were outstanding. The conference facilities at the new foreign ministry where all of our meetings were held were first rate.

I would like to once again underline, Mr. Speaker, the importance of these meetings in improving understanding and communication between parliamentarians of the world. The consensus which was found on most issues of this conference, and the marked spirit of cooperation and conciliation among the delegations was in contrast to the meeting in London, but at the same time emphasized the goodwill and spirit of interparliamentary understanding which exists between our colleagues throughout the world.

HON. BOB WILSON RECIPIENT OF L. MENDEL RIVERS AWARD FOR LEGISLATIVE ACTION

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

Mr. DOWNING of Virginia. Mr. Speaker, I am delighted and honored to announce to my colleagues this year's selected recipient of the coveted Non-Commissioned Officers Association of the USA—NCOA—"L. Mendel Rivers' Award for Legislative Action."

This beautiful and meaningful plaque is awarded annually to a Member of Congress who, in the opinion of the NCOA International Board of Directors, is most worthy of recognition for his or her efforts in furthering the ideals of democracy, freedom, and patriotism on behalf of our beloved Nation.

Our distinguished colleague, the gentleman from California, the Honorable BOB WILSON, has been selected to receive this honor for 1976. He will be presented the handsome award at the NCOA Annual International Convention, June 3, in San Antonio, Tex. Presenting the award and citation will be the association's president and chief executive officer, Mr. James O. Duncan, and Mr. C. A. "Mack" McKinney, who many of us recognize as the association's spokesman on Capitol Hill.

Our colleague follows a most noted list of former recipients. As they were selected, so was he. BOB WILSON is one of our most loyal, devoted, and dedicated Congressmen, and has been so since joining the 83d Congress in 1952. Most notably, he has been a long-time friend of the military community. And it is because of his concern for this group that he has been unanimously chosen to receive the 1976 NCOA "L. Mendel Rivers' Award for Legislative Action."

Let us consider for a moment or two the outstanding work BOB WILSON has accomplished for this great Nation, and for those men and women who man the ramparts around the world in behalf of our country's defense.

We know he is the ranking minority member on the House Armed Services Committee and the Select Committee on Aging. We know also that he is a delegate to the North Atlantic Assembly of NATO, and considered to be one of our own House "experts" on oceanography fathering the concept for establishing the National Oceanographic—NOAA—to coordinate the ocean research efforts of various Federal agencies. He is also a founding member of the Washington, D.C., chapter of the Marine Technology Society; a director of the American Oceanic Organization; named a "Chef of the West" by Sunset magazine, an honorary director of the National Arthritis Foundation; an award-winning flower grower; and an experienced skin diver.

But how many of us know of BOB'S dedicated efforts on behalf of our uniformed services? He is certainly one of the most concerned legislators working hard to bring about equity and stability for military personnel, particularly those who serve in the enlisted grades. He is a strong advocate for recomputation of retired military pay. He has authored and sponsored legislation on this issue that is supported by most of the major military and veterans' organizations.

He was instrumental in the passage of legislation that gave the uniformed services their most important survivors' benefit package. Even today, he continues to strive for a better plan and has sponsored a number of amendments that would be far more equitable for those military personnel who participate in, or whose spouses would be the beneficiaries of the plan.

He is a true friend to the military, to our veterans, and to our senior citizens. He understands their problems and actively works for their well-being. He is truly a people's representative in our hallowed halls.

For his concern. For his efforts. For his patriotism. For his work on military personnel legislation. For his devotion to civil defense matters. For his work in the Navy's nuclear propulsion program. For his outstanding contributions as a member of this august body—the NCOA has chosen BOB WILSON to be their "Man of the Year."

I know that I, as a former recipient of the prestigious award, join the other recipients; the Honorable STROM THURMOND, U.S. Senator from South Carolina; the Honorable F. EDWARD HÉBERT, our distinguished colleague from Louisiana; and the Honorable JOHN TOWER, U.S. Senator from Texas; in congratulating the gentleman from California.

It is a most inspirational event to be honored by the men and women of the Noncommissioned and Petty Officers Corps—the backbone of our U.S. Armed Forces. I am certain that our colleague, BOB WILSON, will be equally thrilled as we when he accepts this award for his outstanding contributions to our beloved Nation.

KATHERINE FANNING, WINNER OF PULITZER GOLD MEDAL FOR PUBLIC SERVICE REPORTING

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

Mr. O'BRIEN. Mr. Speaker, the Pulitzer prize announcements this week were of special significance to my hometown of Joliet, Ill., because the winner of the Pulitzer gold medal for public service reporting went to a former Joliet girl. Katherine Fanning, publisher of the Anchorage Daily News in Anchorage, Alaska.

In Joliet many people remember Mrs. Fanning as Kay Woodruff, a member of a pioneer Illinois family, whose father was a prominent banker in our community.

Mrs. Fanning is a remarkable woman. Her first husband was the late Marshall Field, Jr., owner of the Chicago Sun-Times and the Chicago Daily News, but it was not until Kay went to Alaska in the mid-1960's that she began her own career in journalism. With her second husband, Lawrence Fanning, she bought the Anchorage Daily News, and she became one of its reporters. After Mr. Fanning's death in 1971, she became editor and publisher of Alaska's only morning newspaper.

On behalf of all Kay's friends in Joliet I congratulate Kay on achieving the goals to which all journalists aspire, the winning of a Pulitzer. May she and her paper go on to even greater accomplishments in the future.

Mr. Speaker I include William Gildea's excellent sketch of Kay from this morning's Washington Post:

TWO FOR THE PULITZER: A POET'S SELF-PORTRAIT, A PUBLISHER'S PRIDE

(By William Gildea)

Katherine Fanning had been close to the newspaper business much of her life—and yet not really close at all.

She had been married to the late Marshall Field Jr., owner of the Chicago Sun-Times and Chicago Daily News. But she had remained quietly in the background, a housewife and mother, raising their three children.

After their divorce, she had married one of Field's top editors, Lawrence Fanning, who had bought the Anchorage Daily News. She had done some reporting, just getting her first real experience, when Fanning died, in 1971. She became publisher and editor.

Yesterday the little paper—its circulation just 16,000, its staff only 20 persons (including the accountant and receptionist)—won the most coveted prize available to a newspaper of any size, the Pulitzer gold medal for public service reporting.

Understand Katherine Fanning's amazement. She was told unofficially of the award a few weeks ago here in Washington when she walked into the annual newspaper editors' convention; such a greeting was farthest from her mind.

"I view our work as incomplete, just a beginning," she said over breakfast, too excited to do more than pick at her food. "And, you know, we didn't topple a government."

In addition, because she was relatively new to the business, she had to feel her way on the prize-winning series "by trial and error." There were setbacks. And, finally, because her paper is so small, she had wondered, deep down, no matter what it uncovered, no matter what service it did, would it "count" with the Pulitzer judges?

There is no doubt now, just a good feeling, as good as a person can have. What she did was direct an extensive investigation into the widespread power of Teamsters Union officials in Alaska, much of it stemming from oil pipeline construction. It resulted in a series of three articles by three Daily News reporters.

In 15 years, Fanning explained, the union grew from a membership of 1,500 to an "aggressive power-wielding organization", with more than 23,000 members, "a pension fund totaling almost $100 million, property and assets that included shopping malls, hospitals, jet airplanes and a professional building. Alarmingly, the public did not know the extent of Teamster power. There were rumors, accusations . . . all shrouded in a cloud of secrecy, even fear."

Fanning wanted to outline clearly the power of the Teamster leaders in Alaska. The results, she said, were not sensational in terms of large headlines or dramatic results.

"Nobody's gone to jail because of the series," she said. "But we uncovered a dark and murky area. I think we showed that the Teamster leaders are powerful but finite, that they have to be accountable to the people and their own membership. We put them on notice someone is watching them.

"There actually was a lot of fear of them in the state," she added. "Now I think the people are less fearful."

In the midst of the Daily News' investigation, a team of reporters from the Los Angeles Times showed up in Alaska to prepare stories of its own. The Daily News reporters suggested to the Los Angeles Times reporters that they work together. Fanning met with the Times men, too, she says. "I had a lunch with their reporters," she says. "But it was all in the most casual way."

Nevertheless, it was a suggestion to pool their resources, and the Times men declined the suggestion. This might be one of the best things that ever happened to Kay Fanning and the Anchorage Daily News—it was the little paper which averages just 20 pages a day, that went on to win the Pulitzer.

Fanning received "warnings" not to continue the investigation "mostly from business people who had dealings with the Teamsters. They'd say, 'You can't exist in this state if the Teamsters are against you.' We realized we might have problems, still might. But I guess I long ago gave up this business of being fearful."

She had no qualms at all, for example, about settling in Alaska in 1965, a year after the disastrous earthquake. She had divorced Field in 1963 and was looking for a new place to start over. Some friends already had gone north to Alaska.

"I packed up my three children over spring semester and headed up there," she said. "We fell in love with it. That summer we went back for good. Then I got up the nerve to do what I'd wanted to do—be a reporter on a paper."

But she had no experience. She had grown up in Joliet, Ill., the former Katherine Woodruff, daughter of a banker and member of a well-to-do pioneer Illinois family. She went East to school, to Westover prep in Connecticut, then to Smith College. She then married the multimillionaire publishing tycoon and raised the family.

None of this qualified her for a job as reporter, even on a paper as small as the Anchorage Daily News. She hooked on, though, with the assignment of starting a library for the paper. She loved the job—and life in Alaska. "We're really not sitting in an igloo on an iceberg," she said. "That's our best kept secret."

Her second husband, whom she had met in Chicago, found this out shortly before their marriage in 1966. Lawrence Fanning was an innovative editor brought in from San Francisco by Field in the early '60s to help run both the Sun-Times and Daily News. "He came up to Alaska with the idea of helping me sell the house and getting me out of that God-forsaken place," she recalled. "But he fell in love with it, too."

Together they bought the Daily News. "He attracted young reporters with the idea they would come up for a couple of years and then go back," she said. "Many of them stayed." She became one of the reporters, winning an Anchorage Press Club award for a series on birth control.

When Fanning died in 1971, she became publisher and editor of Alaska's only morning paper. Her first major accomplishment came three years later. "We used to be in a warehouse; the editor's office was a combination of a closet and a passageway." And now? "We're in a new building. We have windows."

The building is rented from the larger Anchorage Times as part of an agreement she entered into in 1974 in which the advertising, printing, and circulation of both papers is operated by the Times while the two papers remain editorially separate. She describes the Daily News, which endorsed McGovern in 1972, as "independent" and "on the opposite side of most issues" from the conservative Times.

Fanning stressed investigative reporting and put three men on the Teamster story—Howard Weaver, 25, Bob Porterfield, 30, and Jim Babb, 38. Babb graduated from George Washington University in 1964; Weaver graduated from Johns Hopkins University in 1972. Weaver and Porterfield worked on the series for three months, Babb for the last month. "You can imagine the strain it put on the rest of the staff, just getting the paper out," she said.

And that series was only one that the Daily News had among the Pulitzer candidates; there was another on the problems, that West Coast refineries will face in handling the oil once it is available. Now the paper is investigating fund-raising practices by Democratic politicians in Alaska in 1974.

Recently, the 48-year-old Fanning had been thinking less about what the paper had done than what it still had to do. Then she got news of the Pulitzer, so it was not surprising when she exclaimed, "You must understand how flabbergasted I am." Not that it wasn't obvious. She pushed aside her breakfast and talked about getting back home to tell the reporters. One was off working in the remote capital of Juneau.

"I don't know what pretext we're going to use to get him back," she said. "I just can't wait to see the expressions on their faces."

They know now.

So does the world.

GOOD NEWS FOR WHALES

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

Mr. ANDERSON of California. Mr. Speaker, recently the six major Japanese fishing companies which participate in the whaling business announced two major new policies, according to the Japan Whaling Association. In the future, they will combine their efforts in the industry, creating a single whaling operation and ending the competition between separate companies.

Second, and more important, they have announced a willingness to abide by the regulations established by the International Whaling Commission—IWC—the major international body charged with managing the dwindling population of the great whales.

These two developments come as good news to those of us who have watched the world's supply of whales butchered to the point where several species—including the blue whale—may be past the point of recovery. These intelligent, warm-blooded animals are simply no match for modern whaling methods, and all too often conservation methods have been delayed until a species reaches the danger point.

In the past, Japanese whalers have disputed the authority of the IWC's decisions to protect the whale stocks, ignoring regulations thus endangering further these unique animals with extinction. Japan is the world's largest whale harvester. If it agrees to follow the conservation guidelines set down by international agreement, a great step forward will have been made toward saving the great whales from extinction. The California gray whale shows that protection can save other species of whales from extinction. But we cannot wait until the last minute to act—and that action must be international in scope, including those nations, like Japan, which are actively engaged in hunting whales.

LAW DAY, U.S.A., 1976

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. PATTERSON) is recognized for 60 minutes.

Mr. PATTERSON of California. Mr. Speaker, it is with great pleasure, as we celebrate our Nation's two-hundredth birthday, that I join my colleagues today in commemoration of Law Day, U.S.A.

May 1st of each year has been set aside for recognition and appreciation of our legal heritage. When our nation was founded, Americans, unable to live under a corrupt and oppressive government, committed their lives to a Great Revolution. In the Declaration of Independence, they presented their case for all humankind to judge. The Founding Fathers created institutions to serve and conserve the basic values set out in the Declaration of Independence: life, liberty and the pursuit of happiness. It is the institution of law which has enabled us over the years to sustain and enjoy those liberties and freedoms.

As we reflect on our Nation's history

we can see how our system of rule of law has translated social change into social action and how its flexibility has enabled us to adapt and to make wise decisions to meet the challenges of social change. As a government of laws, not dictators, our Republic has been tested often and has proven strong enough to withstand wars, depressions and official misconduct.

In recent years I have encountered an alarming degree of pessimism among the American people. They are frustrated and disillusioned by a rising rate of crime, inflation, unemployment, environmental decay and racial and economic injustices. They are disenchanted by a government which is insensitive to their needs.

As disturbing as this pessimism is we can see, over the past 200 years, or even the past 25, that historically many of these kinds of frustrations have resulted in change for the better. In every area, law has played a vital role in bringing about those changes.

Although our laws cannot legislate morality or solve all of the ills of our society, they can sustain a system of order and regulate behavior. The system, however, cannot work unless people make it work. It is our responsibility as citizens to channel effective change through our system of laws and through reason. We must take an active role, not only to obey the law, but to respect it and revise it and to renew our trust in it as we face the continuing challenge of forming a "more perfect union."

Law Day is not for lawyers, but for all of us to realize how vitally important our system of laws is in our everyday lives in order to guarantee our freedoms and preserve our liberties.

It is with great pride that I join my colleagues in commemoration of Law Day, U.S.A. and in celebration of 200 years of liberty and law.

Mr. MAZZOLI. Mr. Speaker, May 1, 1976, has been designated as Law Day.

Law Day, first observed in 1957, has been set apart as a day to recognize our responsibilities as citizens to support the law while at the same time correcting the deficiencies and the imperfections in our body of law.

Our freedom is dependent upon the law. It is the self-mastery, that comes through obedience to certain overriding principles, which ultimately makes people free. To paraphrase Sir Francis Bacon—the law cannot be commanded except by being obeyed. Liberty is freedom "through" our legal system and not freedom "from" it.

In this Bicentennial year, it is particularly fitting that we recall the great principles upon which this country was founded. That—

> Governments are instituted among Men, deriving their just Powers from the Consent of the Governed.

Our legal system is a selective process, one that changes as the needs of the governed change.

Blind submission to the law is required of no one. What is expected is that every citizen respect the law while working to reform those aspects of our system which are inadequate.

On Law Day 1976—in our Nation's Bicentennial year—we call upon all citizens to be informed, to obey the law that they may command it, and to recognize the principle so aptly expressed by Chief Justice Warren Burger:

> There can be no human progress, no lasting change, no improvement in the human condition, except in a setting of the rule by law.

Mrs. BURKE of California. Mr. Speaker, over seven and one-half centuries ago, King John of England signed one of the most cherished symbols of liberty, the Magna Carta. Two hundred years ago, Thomas Jefferson found inspiration in this charter for his drafting of the Declaration of Independence, which remains to this day a model for freedom-loving people everywhere.

The Magna Carta declared "the Right of every man to be—secure—of what the law promised." The American Declaration of Independence declared:

> We hold these Truths to be self-evident, that all Men are created equal, that they are endowed by their Creator with certain inalienable Rights, that among these are Life, Liberty, and the Pursuit of Happiness. . . .

These documents, together with the Constitution and Bill of Rights, are the foundation for our cherished system of laws. From this foundation, we have built a nation grounded in the principles of human freedom, equality, and justice. Yet these principles are not static, nor have they yet been fully achieved.

Instead, they are dynamic, standing as the most profound challenge ever faced by any generation of Americans—past, present and future. It is our ability to meet this challenge and to instill the spirit of liberty into succeeding generations that is cause both for celebration and for reexamination in this our Bicentennial year—celebration for what we have accomplished, reexamination of that which we still must accomplish.

Only after 200 years of struggle have we slowly come to realize that a truly free society includes and makes demands of all people—regardless of sex, race, creed, age, or national origin. These are the "men" who are "endowed by their Creator with certain inalienable Rights." Furthermore, it is our system of laws which has acted as the catalyst to preserve these inalienable rights—laws like the Civil Rights Act of 1964, the Voting Rights Act of 1965, the Fair Housing Act of 1968. One more great stride will be made when we ratify the Equal Rights Amendment to insure equality of opportunity regardless of sex.

Yet, our work is far from complete when these laws are passed. Indeed, our work is just beginning and, as Judge Learned Hand once noted, the work is for each and every one of us:

> Liberty lies in the hearts of men and women. When it dies there, no constitution, no law, no court can save it. No constitution, no law, no court can even do much to help it . . . The spirit of liberty is the spirit which is not too sure that it is right. The spirit of liberty is the spirit which seeks to understand the minds of other men and women. The spirit of liberty is the spirit which weighs their interests alongside its own without bias. The spirit of liberty remembers that not even a sparrow falls to earth unheeded. The spirit of liberty is the spirit of Him who, nearly two thousand years ago, taught mankind that lesson it has never learned, but has never quite forgotten; that there may be a kingdom where the least shall be heard and considered side by side with the greatest.

The spirit of liberty may be expressed in our laws, but it lives in our hearts. Only when all our people work together to advance equality and justice under law, and foster respect for law and understanding of its place in the life of every citizen, can we hope to achieve the high goals set by our Constitution and Bill of Rights, and the Declaration of Independence. May we all keep the flame of liberty burning on this Law Day, 1976, and on every day hereafter.

Mr. SARASIN. Mr. Speaker, it is appropriate in this Bicentennial Year that we have a day set aside for the observance of the rule of our Nation under law. We, as Americans, should be proud of our past and confident of our future in our third century as we contemplate the whole structure of American law. Our goals and ideals as enshrined in the Declaration of Independence, the Constitution and the Bill of Rights have served us will over our short history. I believe, in retrospect, that we have progressed even further than even our forefathers envisioned for us.

For it is through our system of law that we have proven ourselves a vital and progressive society, dedicated to the betterment of our citizens and the increased participation of all of our people in the American way of life. We are constantly striving to improve our society through our entire legal system, and in recent years, have enacted laws that protect the rights of our citizens irrespective of age, sex, or race. Moreover, the role of the courts in enforcing these laws have been indispensable in insuring the rights of every citizen under the law.

The law has thus proven the vital quality and character of the protection that it affords every American. It is not simply an inert mass of legal literature, but is the standard of fair play and commonsense by which Americans can measure whether they are, in fact, fully participating citizens of this great Nation.

We have been fortunate in this country that our system of Government under law has served us well. We have endured very short periods of chaos in contrast to most every other nation in the world. Our form of government has been tested repeatedly and still has proven strong enough to withstand wars, depressions, and official misconduct.

However, there can be no guarantee that our country can last forever, although we do now have the longest lasting government with a written constitution. I do not doubt that we will be able to surmount any problem that faces us as a nation, however the strength of our laws is dependent upon our educating our children in the meaning and spirit of American justice. The real test of our system and its potential for survival will be determined by the number of citizens who believe that the law must be obeyed. In the last analysis, our democratic form

of government cannot hope to survive without respect for the law.

I am often fearful that with our rising crime rate and the disillusionment among so many of our young people that many will decide that our country and our form of government are not worth defending or believing in. The task that lies before us now must be to restore that abandoned respect for our country and our law. True, it is imperative that the leaders and officials of our country establish the proper environment by their own unimpeachable behavior. However, the citizen has responsibilities as well. Our system of law is not perfect, and it is a slow and deliberate process to make changes in the law. But the strength of our system also lies in the fact that changes in our laws are made through wisdom, hopefully, and not through whim. And often our failures with the law come not from the law itself, but from the people who have chosen to abuse it.

We must try to keep in mind that the law is not a solution to all of the ills in our society. It cannot be expected to solve our complex economic and social problems. It cannot be expected to end human suffering or improve behavior or change character. What it can do is to teach us to appreciate the fact that the law serves all the people equally, and that we must, as citizens, make it effective by our respect and dedication to it. These things we have to contemplate on Law Day, U.S.A., 1976.

Ms. ABZUG. Mr. Speaker, I am pleased to take the opportunity to participate in this special order on the rule of law.

The portions of the Church committee's report on intelligence operations that have been released thus far bring home to us most pointedly the fact that if those charged with enforcing the law do not respect and obey it, the law is meaningless. For many years, officers and employees of various executive branch agencies have deliberately and knowingly broken the law and violated the Constitution, sometimes in the name of "national security," sometimes with no pretext at all.

There is no greater danger to the security of this Nation, this democracy, than activity such as this. I hope that on Law Day, we may resolve that such excesses must not be allowed to recur, that their victims be notified of the fact that they were victims and given the chance to have their files destroyed, and that the perpetrators will be brought before the bar of justice, no matter who they may be.

Mr. MIKVA. Mr. Speaker, I am pleased to participate in today's special order commemorating Law Day. During the celebration of our Nation's 200th birthday, it is particularly appropriate that Americans take note of the importance and meaning of the laws which compose our democratic system. Law Day represents an opportunity to reflect upon the importance of those laws and the crucial purpose which they serve.

Mr. Justice Brennan once said:

It is the spirit and not the form of law that keeps justice alive.

The spirit of law in this country is exemplified by our Constitution which embodies the precepts of our system. Although the form of this great document has been subjected to judicial interpretation and constitutional amendment over the years, its spirit has endured. Our constitution has continually demonstrated its adaptability to circumstances that even the framers could not have forseen.

Since its creation, our Nation has seen numerous changes. America long ago moved from the exploration of the western frontier to the exploration of the technological frontier. We have passed through war at home and abroad, through periods of social unrest and economic instability, and through Presidential assassination and resignation. But, whatever the pressures, our belief in law has perserved. The history of our Nation is an eloquent reminder that we are a people governed by rules rather than rulers—by laws rather than man. If not for our national commitment to these principles, it is doubtful that the country would have survived.

As lawmakers we have not been infallible, but our Founding Fathers blessed us with a legal and political system which provides for an orderly review of the legislation we adopt. The ability to amend laws to rectify inequities and injustices enables our Government to move forward without the wrenching upheaval that accompanies change in so many other countries.

The Law Day observance is simultaneously a time for reflection upon the past and a time for looking toward the future. Our past shows the strength of our legal system and promises security for the turbulent times ahead. The laws of our Nation and the respect which they have engendered have withstood the challenge of past human frallities, and will surely protect us from those yet to come. The significance of Law Day will be dramatically demonstrated if the country's elected representatives dedicate themselves to enacting legislation worthy of the respect of all citizens. This is the greatest gift we can give our Nation for its Bicentennial.

Mr. CORMAN. Mr. Speaker, it is a privilege for me to participate in this traditional commemoration of Law Day in the Congress. This tribute is particularly significant as Americans celebrate the Bicentennial and reeducate themselves on the wisdom of our Founding Fathers in creating a system of Government which has encouraged the rule of law to prevail and flourish.

Simply stated, the central message of Law Day is the protection of individual rights and liberties not at the expense of freedom for some but for equal justice for all. Laws can only be effective if they are drafted cautiously, executed fairly and respected by those who are guided by them. It has been our basically positive attitude to the rule of law which has kept our society ordered, but not rigidly confined. Our system has worked because "no person is above the law."

As Samuel Johnson said:

The law is the last result of human wisdom acting upon human experience for the public good.

It is not a panacea for all of society's complex ills. It is not the answer to all our difficult and complex social problems. Laws do not create morality overnight nor do they end human suffering swiftly.

But they do set a standard for respect of person and property. They can translate social change into social action for the benefit of many. And they can and have prevented monopolies of power from wresting control over the many without benefit of democratic consent.

The last several years have challenged our system of laws and we have responded with strength and wisdom. The elasticity of our Constitution has permitted the rule of law to triumph over the weaknesses of those who have tried to abuse our fundamental freedoms. We have learned through bitter experience that possible breakdowns in our system come less from our laws and more from the individuals who seek to disregard their obvious intent.

It is not an overstatement to say that a reaffirmation and respect for the rule of law is more important now than ever before in our history. We, as public officials, have a heavy responsibility to help restore public trust in the instruments of Government. It is imperative that we all take stock and determine the contribution we can make to renewing trust in our system of laws. Above all, we must resolve to legislate with foresight and fairness and adjudicate with compassion and reason.

Mr. ROYBAL. Mr. Speaker, it is a privilege to join in the national commemoration of Law Day, 1976.

We are now celebrating the 200th anniversary of our Nation's birth, an event which came about largely because our forefathers realized that strength could be achieved through cooperation and dedication to common goals.

With the newly formed union, came a legal framework under which the colonies could operate as one. This took the form of our Constitution, which continues to serve as the fundamental law of the land. This document provided the American people with an adaptable and durable base upon which our democratic system could flourish, remaining relevant throughout inevitable changes in social and economic conditions.

Our Government is firmly rooted in the philosophy of government by the people. Laws provide the essential ingredient by which the people may enjoy the freedoms inherent in a democracy. As time passes, laws become outdated and are discarded or replaced by more appropriate legislation. Our political process encourages flexibility and health change, in a continuing effort to reflect the wishes of the majority.

It is especially important for our Nation's leaders to show the American people that everyone is subject to the law and no one can escape its consequences. Without respect for the law and a sincere desire to see equality and justice for all, our Nation cannot hope to survive. Injustice, bigotry, and corruption must be shown to be the exception, not the rule, and every effort must be made to enforce the law in a fair and equitable manner. We all have witnessed flagrant abuses of the system; for example,

Watergate. At the same time, however, we have seen the enduring quality of our democracy, as it rebounds even stronger after every test.

On Law Day 1976, I would like to see a reaffirmation of our loyalty to the United States and the rules which govern our Nation, since the law provides protection and order only to the degree to which it is obeyed. With a respect for the law and an eye toward improvement, we can effect the changes that are needed to keep up with our dynamic and enduring democratic system.

Mr. COUGHLIN. Mr. Speaker, May 1 marked the observance of Law Day U.S.A. and I am pleased today to make a few remarks in honor of that occasion.

We are a nation founded on law. We are a people of law. It is for these reasons that the 87th Congress set aside a permanent "special day of celebration by the American people in appreciation of their liberties" and as an occasion for "rededication to the ideals of equality and justice under the law."

The objectives of this day are fourfold; that is, to foster respect for law and understanding of its essential place in American life; to encourage citizen support of law observance and law enforcement; to advance equality and justice under law; and to point up the contrast between freedom under law in the United States and governmental tyranny under communism.

This is also a day when every American should reevaluate and determine his individual responsibilities as a free citizen, such responsibilities as the duty to obey and respect the law; to be informed on issues of government and community welfare; to serve and defend the Nation; to assist agencies of law enforcement; to practice and teach the principles of good citizenship; and to respect the rights of others.

I think it is particularly fitting in this our Bicentennial Year as a nation that we pause to reflect on the role of law in our history. Since 1776, our land area has changed dramatically; our population has increased exponentially; our customs, lifestyles, and problems have all changed fundamentally. What has not changed in 200 years is our basic constitutional framework—our law—as well as our respect for it and our faith in it. This framework has provided us with an enduring legal system, an effective national defense, and the political machinery to deal imaginatively with the problems of each new age.

Two hundred years of continuous rule of law is an unparalleled achievement in modern times. I believe it has been possible because ours is a system of law and government based on a consensus of the people rather than on coercion or subjugation. It is law which reflects the growth and change of a people over time, with enough adaptability to correct injustices and to confront the problems of industrialization. It is a law which in 200 years has seen challenges both at home and from abroad and has become stronger by overcoming them. I am confident that our law will continue to serve our Nation well as we move ahead to face the challenges of our third century.

GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include therein extraneous material, on the subject of the special order today by the gentleman from California (Mr. PATTERSON).

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

There was no objection.

EQUALITY FOR THE HANDICAPPED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. KOCH), is recognized for 30 minutes.

Mr. KOCH. Mr. Speaker, according to the 1970 census, more than 12 million individuals in our country are disabled. For years they have pondered their plight and now they have dared to demand their rightful places in our society.

Traditionally, the disabled have sought guidance and assistance from those agencies specifically designed to serve them. Dissatisfied with agency policies and prejudices, however, many of the disabled have now formed consumer groups which have the distinction of being totally autonomous—that is, having no connection with established organizations serving the handicapped. Although relative novices in activist causes, many of the handicapped are now clamoring for the right to become equal and integrated members of our society.

Recently, I attended meetings held in New York City by these consumer groups. Allegations concerning the hiring practices of the voluntary bodies for the disabled were shocking. To determine whether these allegations were in fact true, I conducted a survey of nine organizations to determine the number of handicapped employees on their staffs. Five agencies responded. Of the 382 persons employed by those 5 agencies, only 23 of them have any physical handicap. One would think that these institutions, most knowledgeable about the needs and abilities of the handicapped would have more such people on their staffs.

These newly established handicapped consumer groups have attempted to open channels of communication with the appropriate agencies, but as one leader, Kurt Shamberg, president of People for Rehabilitating and Integrating the Disabled Through Education—PRIDE—said to me, "the agencies are not listening, they are dismissing us, their own consumers, as a radical minority." Unfortunately as a result of mutual distrust and animosity, both factions are reluctant to recognize the benefits that each could gain from the other.

The need for legislation to protect the rights of the handicapped has been discussed by this and previous Congresses. During the 92d Congress a bill was passed to extend the Vocational Rehabilitation Act. The President vetoed the bill. The 93d Congress enacted similar legislation. Again, the President vetoed the bill. Following this second veto a number of bills were introduced as compromise measures. On September 26, 1973, President Nixon signed into law as Public Law 93-112, the Rehabilitation Act of 1973.

At the request of my good friend and colleague from Connecticut, Mr. DODD, the General Accounting Office recently undertook a study of the implementation of sections 503 and 504 of this act. Section 503 requires all Federal contractors with contracts in excess of $2,500 to take affirmative action regarding employment of the handicapped. Section 504 prohibits discrimination against an otherwise qualified handicapped individual by any recipient of Federal assistance. The report indicated that 3 years after the enactment of the act, there had been minimal enforcement of section 503 and even more reprehensible, no action to enforce section 504.

Last week, Mr. Speaker, the President ordered the Department of Health, Education, and Welfare to establish rules barring discrimination against handicapped workers in federally assisted programs. Specifically, the President instructed HEW to establish guidelines for compiance with the allocation of Federal financial assistance and to determine what constituted discriminatory practices.

Although the President's action is a step in the right direction the order does not detail the procedure to be followed by DHEW in order to provide for proper enforcement.

One of the major criticisms of the law has been the fact that enforcement mechanisms were not specified in the act. Therefore, Mr. Speaker, I am, with Representative BIAGGI, introducing legislation to amend section 501, employment of handicapped individuals; section 503, employment under Federal contracts; and section 504, nondiscrimination under Federal grants.

The amendments to section 501 will enlarge the membership of the Interagency Committee on Handicapped Employees to include not less than five additional members who must be handicapped individuals appointed by the President from lists of nominees submitted by national organizations of the handicapped upon the invitation and request of the President. Established under the Rehabilitation Act of 1973, the interagency committee is responsible for encouraging Federal agencies to sponsor affirmative action programs in hiring the handicapped. Currently, however, its membership contains no handicapped individuals but instead is composed of two officials from the Labor Department, one from the Department of Health, Education, and Welfare, and one from the Civil Service Commission. It is my belief and that of various parties familiar with the problem that the participation of the consumer members on this interagency committee will bring about an increase in the activity of the committee in the performance of its functions and duties as prescribed by section 501 and will result in expanded opportunities for the employment of handicapped persons in Federal departments, agencies, and instrumentalities.

In addition, we are proposing amendments to sections 501, 503, and 504 which would create an arbitration panel to

rule on all cases of alleged discrimination in Federal hiring not later than 90 days following the filing of a complaint. I feel that these proposals for arbitration represent the most efficient and speedy means by which the handicapped persons may obtain redress and enforcement of their rights.

Mr. Speaker, I am distressed at the failure of the executive branch to execute the will of the Congress as expressed in Public Law 93–112.

It is appalling to me that flagrant discrimination against the handicapped continues to exist. In positions where a physical handicap is not an impediment to able job performance, the handicapped are turned away over and over again. Worst of all, there is no excuse for the discriminatory hiring practices of the voluntary agencies, which have been created to serve the handicapped. The handicapped individual should be the usual employee of these agencies and the nonhandicapped should be the exception. That that is not the case is apparent from the following correspondence which is shocking because it shows how few handicapped are hired by those voluntary agencies in proportion to their regular staffs. The disproportion is even greater on the executive level. Shame of shames.

I urge our colleagues to review the appended material and to support expeditious consideration of this bill.

The correspondence follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., February 24, 1976.

Mrs. LAWRENCE BOGERT,
Chairwoman, ICD Rehabilitation and Research Center, New York, N.Y.

DEAR MRS. BOGERT: My New York office is presently studying the role of private agencies serving the physically handicapped in New York City. I would appreciate your furnishing me with the following information.

1. The goals of your organization.
2. The nature and amounts of any federal grants you receive.
3. The total number of staff members.
4. The number of physically handicapped persons on your staff. Please indicate whether these persons are on your professional or clerical staff.

If you have any questions about this request, please contact Victor Botnick in my New York office.

Sincerely,

EDWARD I. KOCH.

NOTE.—Same letter sent to other agencies.

ICD REHABILITATION AND
RESEARCH CENTER,
New York., N.Y., February 26, 1976.

Hon. EDWARD I. KOCH,
New York, N.Y.

DEAR CONGRESSMAN KOCH: This is in response to your letter of February 24th, to Mrs. Lawrence Bogert, in which you ask for information on our Center.

Attached is the information you requested. For your convenience I have re-stated your questions and replied directly to them.

Please feel free to call on us should you desire any further information.

Respectfully,

SALVATORE G. DIMICHAEL,
Director.

The ICD Rehabilitation and Research Center pioneers in the development, testing and provision of services which enable physically, emotionally, and otherwise disadvantaged persons to become self-supporting, productive members of society.

In working toward its goals ICD—

Provides medical, social adjustment, speech and hearing, and vocational rehabilitation services on an outpatient basis to persons whose physical and/or emotional disabilities, educational limitations or socio-economic deprivation prevent them from obtaining, holding and advancing in purposeful work.

Conducts rehabilitation research which includes: scientific investigation of such unsolved disability problems as spinal cord damage; sensory feedback study of neuromuscular and other impairments; new rehabilitation techniques such as the development of an improved system of vocational evaluation of the handicapped. Also maintains a Research Utilization Laboratory which serves as a national information center to assist States in vocational rehabilitation program evaluation, and to package and disseminate to State vocational rehabilitation agencies innovative service delivery models aimed at improvement of services to the handicapped.

Provides professional education to college undergraduates and graduates through fieldwork training, in various rehabilitation disciplines. Makes available the results of research as well as progress and/or new techniques in patient services delivery to government agencies, hospitals, rehabilitation centers, doctors and other practicing professionals in the field, through workshop, training courses, conferences, professional papers, audio-visual aids, T.V., quarterly newsletters, annual report and other publications.

Total number of staff members

	Full-time	Part-time	Total
Professional	51	21	72
Management	5	1	6
Administration and clerical	37	3	40
Maintenance	11	--	11
Total	104	25	129

Number of physically handicapped on staff

	Full-time	Part-time	Total
Professional	3	4	7
Management	1	1	2
Administration and clerical	3	--	3
Maintenance	2	--	2
Total	9	5	14

THE NATIONAL FOUNDATION,
MARCH OF DIMES,
White Plains, N.Y., March 1, 1976.

Hon. EDWARD I. KOCH,
New York, N.Y.

DEAR CONGRESSMAN KOCH: Enclosed in response to your February 24 letter addressed to Mr. Harry Green is a copy of our Annual Report for 1975 in which you will find a description of our objectives and of the programs we sponsor to achieve them. You will note that our major goal is to prevent birth defects rather than to supply rehabilitative services. Since birth defects are a major cause of physical disability, our support of research, services and education constitutes a significant contribution by the voluntary sector to the primary prevention of such disability.

The National Foundation receives no federal grants.

Nationally our staff consists of 460 persons, 28 of whom are employed by our Greater New York Chapter. We do not maintain records of the physical handicaps of our employees. On a purely visual basis, however, we are aware of two clerical employees of our Greater New York Chapter who have obvious physical impairments.

Please let me know whether there is any additional information you require.

Sincerely,

CHARLES L. MASSEY,
Executive Vice President.

UNITED CEREBRAL PALSY
ASSOCIATIONS, INC.,
New York, N.Y., March 2, 1976.

Hon. EDWARD I. KOCH,
Representative in Congress,
New York, N.Y.

DEAR SIR: I have your letter of February 24th and am pleased to have the opportunity to answer the questions you have asked pertaining to our organization.

As a matter of information, upon its establishment in 1948 as a National organization, United Cerebral Palsy Associations became and still is the only National Voluntary Health Agency dedicated to a broad attack on the problem of cerebral palsy. As the National arm of an Association comprised of a network of State and Local Affiliates, we provide no direct services to individuals. This is the responsibility of the State and Local Affiliates which generate the funds necessary to provide these services as well as the funds to carry out the State and National programs. Among UCPA's principal concerns are research, public and professional education, governmental activities affecting the handicapped, and services to its affiliates in program development and all phases of organizational and administrative management.

The following information is provided specifically in response to the questions posed in your letter:

A. Goals of the Total Organization—

1. To prevent and eventually eliminate cerebral palsy.

2. To stimulate those activities necessary to evaluate, develop, muster and utilize all appropriate resources within the local community, as well as at the State and National levels, to insure that needed services of all kinds not currently being provided are made available which will enable those persons who we are committed to serve to more adequately function within their environment, family group and the community.

For your further information regarding the thrust of our organization's activities please refer to the Statement of Purpose as defined within the By-Laws of our Association, copy enclosed. With reference to the wide range of activities currently being undertaken by UCPA and its affiliates, the enclosed copies of the annual reports of UCPA, Inc. and UCP research and educational foundation for the fiscal years 1974 and 1975 should prove helpful.

B. The Nature and Amounts of Federal Grants Received—

At the present time UCPA is involved in two projects involving Federal grant funding as follows:

1. The National Collaborative Infant Project—

Period of award, September 1, 1971 to September 30, 1974; award to date: $741,250.

Period of award, July 1, 1974 to June 30, 1976; award to date: $670,050.

2. A Demonstration of Three Models of Advocacy Programs for Children with Developmental Disabilities—

Period of award, June 30, 1972 to June 29, 1976; award to date: $457,000.

Enclosed for your review are overview descriptions of the above listed projects.

C. Number of Staff Members—

The National Organization headquarters staff currently is comprised of 93 persons.

D. Number of Physically Handicapped Persons on Staff—Clerical or Professional—

As of March 1, 1976 there are two clerical and three professional physically handicapped persons on the National headquarters staff. A fourth handicapped professional staff member resigned recently to assume the position of Executive Director for the California State Developmental Disabilities Planning and Advisory Council.

In accordance with the request of your Mr. Victor Botnick we have directed this reply to your New York office. Should you have the

need for any further information we would be pleased to hear from you.

Cordially yours,

LEONARD H. GOLDENSON,
Chairman of the Board.

GOODWILL INDUSTRIES OF AMERICA, INC.,
Washington, D.C., March 4, 1976.

Hon. EDWARD I. KOCH,
Member, Congress of the United States, House of Representatives, Longworth Building, Washington, D.C.

DEAR CONGRESSMAN KOCH: I am in receipt of your letter to Mr. Oscar C. Palmer, dated February 24, 1976.

In response to your question concerning our organization, I am enclosing a copy of the most recent Progress Report for Goodwill Industries of America and our Goals and Objectives for 1975. These documents should be sufficient to answer your first question as to our goals.

Goodwill Industries of America is currently administering four grants from the federal government, totaling $315,060. A list of those grants and the specific amounts is shown below:

1. A Study to Establish a National Center for the Handicapped—$58,000.
2. Management Training for Executives and Staff in Rehabilitation Facilities—$110,000.
3. Development of Vocational Rehabilitation Programs in Latin America and Africa—$119,500.
4. Training for Supervisory Personnel in Rehabilitation Facilities—$26,060.

Goodwill Industries of America currently has thirty-nine employees. Eleven of these employees are professional staff members. Of the eleven, one is physically handicapped in that he must use crutches to walk, and one is aged, i.e., past the normal retirement age.

I note that your study concerns the role of private agencies serving the handicapped in New York City. Goodwill Industries of Greater New York, Inc., 421 27th Avenue, Astoria, New York 11102, serves the New York City area. You may wish to contact Mr. Edward E. Rhatigan, executive vice president of that Goodwill Industries, for specific information on services to the physically handicapped in the New York City area by Goodwill Industries.

If I or my staff may be of any further assistance to you in your study, please let me know.

Cordially,

DEAN PHILLIPS,
President.

NATIONAL MULTIPLE
SCLEROSIS SOCIETY,
New York, N.Y., March 4, 1976.

Hon. EDWARD I. KOCH,
Congress of the United States, House of Representatives, New York, N.Y.

DEAR CONGRESSMAN KOCH: I have been asked by our Chairman, Mr. Daniel J. Haughton, to respond to your letter of February 24, regarding information on our policies relating to hiring physically handicapped persons and I am happy to do so. The goal of the National Multiple Sclerosis Society is to solicit the public for contributions to further the cause of our research, education and patient services dealing with those who have been afflicted by the dreadful disease of multiple sclerosis. To achieve this goal we have an organization of volunteer chapters chartered by our National office, each of which maintains its own volunteer Board of Trustees and employs executive directors, secretaries and some office personnel, as appropriate.

The Society does not receive Federal grants as such. However, we do participate in the Combined Federal Service Campaigns for National Health Agencies, to which Federal employees on Government installations contribute.

In determining the total number of staff members, we would have to consider those employed by the National office. At the present time this amounts to 132 employees. Approximately 25 of these employees are on a temporary status. The policy for recruiting personnel has always been not to discriminate because of race, religion, sex, age, national origin or handicap. We have been working closely with Bosrum Hill Home, a half-way home for those individuals with a history of mental illness.

We are particularly sensitive to the need for input into the Society's program from persons afflicted with multiple sclerosis. A substantial number of our Board of Directors have MS in their immediate families. Historically, many MS patients and their spouses and other close relatives have occupied positions of leadership among the Boards and Advisory Committees of the chapters across the country. While we do not have a head count, there are a significant number of patients who serve our local chapters either as staff members or as Board members.

At the National office, at this writing, we currently employ two persons, both on our clerical staff, who are known to us to be handicapped. However, I believe it is important to also state that throughout the years, we have had other employees, both professional and clerical, who have had MS or other handicaps.

We welcome your inquiry. Please be assured that, as in the past, our staff will continue to work with you in support of legislation for the benefit of aged and handicapped persons.

Very sincerely,

SYLVIA LAWRY,
Executive Director.

THE ARTHRITIS FOUNDATION,
New York, N.Y., March 9, 1976.

Congressman EDWARD I. KOCH,
New York, N.Y.

New York, N.Y.

DEAR MR. BOTNICK: This is in reply to Congressman Koch's letter of February 24 with questions about this agency's service to the physically handicapped in New York City.

Since the letter was addressed to Mr. Button, who has not been with The Arthritis Foundation for a year, and to an address from which we moved last July, it was not received here until March 1. I was told about your phone call on February 27 and was told that you would call me on March 1. When you did not, I called you several times on the 1st and the 2nd. The line was always busy.

Congressman Koch's letter stated no timetable nor need for great speed in responding. We have learned now of the press conference on March 5th at which the media people were apparently told that The Arthritis Foundation "declined" to state the number of its staff members, or so we were told on the phone by a reporter. This of course is not true.

Since this is the national office of The Arthritis Foundation, our services in New York City are indirect, via representation on the President's Committee on Employment of the Handicapped, organizations concerned with architectural barriers, etc. The New York Chapter of The Arthritis Foundation is more directly involved in serving the physically handicapped in New York City and would have been the appropriate office for you to direct your inquiry.

1. The goals of The Foundation are stated in the enclosed leaflet.

2. During 1975, The Arthritis Foundation received three Federal grants—one for "early synovectomy evaluation ($18,165.13); one for cooperating clinics programs; (drug testing, etc.) ($81,100.00); one for x-ray reading ($40,381.82).

3. National office has 46 staff members.

4. Currently there are no handicapped persons on our staff. Much depends on your definition of "handicapped." One professional staff member has rheumatoid arthritis and another secretarial member has a slightly deformed arm, but neither condition limits these persons in normal daily activities. For many years we had a staff member (high professional status) with major disabilities due to rheumatoid arthritis; he died of cancer last November.

For the New York Chapter of The Foundation:

2. No Federal grants.
3. 23 staff members.
4. No handicapped members on staff.

It should be of interest that our New York Chapter tells us they have made repeated attempts, without success in getting job applicants, by contacting the Mayor's Office for the Handicapped, the NYC Department of Rehabilitation Services, the NY State Unemployment Services (Handicapped Div.), the VFW, and the VA Hospital.

Sincerely,

CHARLES C. BENNETT,
Director,
Public and Professional Education.

THE DESIGNATION OF OUR ALASKAN RESOURCES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. MCKINNEY) is recognized for 10 minutes.

Mr. MCKINNEY. Mr. Speaker, I will soon introduce legislation which will suspend the export authority of the Trans-Alaska Pipeline Authorization Act—Public Law 93–153—and call for the establishment of a Federal Power Commission, Federal Energy Administration and Department of the Interior consortium to formulate a single, definitive plan for the distribution of Alaskan oil. Furthermore, the bill will extend the suspension of that export authority until Congress has approved a consortium proposal including a set of specifically designed guidelines regarding any exportation of these precious resources.

I am introducing this legislation as the result of a response I received from the Department of the Interior stating that portions of the much-needed and long-awaited Alaskan oil could be exported to foreign ports. In the letter, Mr. William L. Fisher, Assistant Secretary of the Department of the Interior, cited the strong possibility of a west coast "glut" as the reason for diverting the oil from the domestic market. While the possibility of limited exportation of our domestic oil and gas resources cannot be discounted, to do so as the result of a clearly avoidable crisis situation—a crisis which could be prevented through proper regulatory oversight—is unjust as well as unwise. The congressional intent in the passage of the trans-Alaska pipeline authorization was to insure our national security through proper distribution of those resources, and to develop a program of energy self-sufficiency for the entire United States. The exportation of those resources on the basis of regulatory mismanagement will not only subvert the intent of that law, but will prolong our dependence upon unreliable foreign resources. It is now up to our regulatory agencies to confer, combine, and coordinate their jurisdictions, and produce a plan to insure the intended results of the

Trans-Alaska Pipeline Authorization Act.

While the letter from the Department of Interior did not designate exportation of Alaskan oil as the only alternative under consideration, I must question the viability of the other proposals. These other proposals were: The construction of a 1,700-mile pipeline through Canada from Prince Rupert, British Columbia, to Edmonton, Alberta; the construction of a Northern Tier pipeline through the Rocky Mountains from Puget Sound to an undisclosed location in the Midwest; or the construction of a pipeline from Los Angeles to Texas utilizing a converted natural gas pipeline over much of the distance. When considering these alternatives, Mr. Speaker, it is important to bear in mind two things, the length of time required for planning, logistics, approval and construction of these lines and the scheduled flow of Alaskan oil as early as October of next year. According to Mr. Fisher's letter, the only other possibilities being studied by the Department of Interior are transporting the oil around South America or through the Panama Canal, costly and uncertain ventures at best, or to reduce scheduled production at Prudhoe Bay or to export the oil.

Clearly, Mr. Speaker, the entire history of regulatory supervision of energy production in this country is one of confusion, mismanagement and either duplication or total absence of effective regulation. Just maybe, Mr. Speaker, we can avoid serious repercussions this time if we demand correction of the problem before the oil flows.

I urge all of my colleagues to stand in defense of the intended purpose of the Alaska pipeline law that we passed 2 years ago. Further, I ask the House to join me in calling on the responsible parties in the administration to see that a consortium of energy regulators be created, as soon as possible, so that a proper regulatory approach can be established.

CHRISTOPHER COLUMBUS MEMORIAL HIGHWAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, I would like to call to the attention of my colleagues a resolution introduced by the Honorable William J. Laurino, State representative of the 15th Legislative District of Illinois, to designate that part of Interstate Highway 80 which lies within the State of Illinois as the Christopher Columbus Memorial Highway, as well as a letter I addressed to Hon. William T. Coleman, Jr., Secretary of Transportation, urging that he designate the entire span of Interstate Highway 80 as the Christopher Columbus Memorial Highway.

During this Bicentennial Year, it is indeed appropriate that this special recognition be given to the courageous navigator who discovered America in 1492—Christopher Columbus—and who opened the door not only to the development of the Western Hemisphere but also paved the way for the establishment of our own great country.

The resolution as well as the letter to Secretary Coleman follow:

H.J. RES. —

Whereas, The first fully-recorded discovery of land in the New World was made by Admiral Christopher Columbus, a Genoan in the service of the Queen of Spain, who landed on the island of Hispaniola in 1492; and

Whereas, The New World contained the territory which later became the United States of America, a Nation which had its official birth with the signing of the Declaration of Independence, the generally-accepted date of which was July 4, 1776; and

Whereas, The United States has made great progress in the nearly 500 years since Columbus' great voyage, and the 200 years since the Declaration of Independence have seen more progress by man than throughout all of his earlier history; and

Whereas, Among the great engineering achievements of the modern world is the nation-wide network of National Defense Highways, more commonly known as Interstate Highways; and

Whereas, The important discovery which marked the beginning of Modern Times can be celebrated in the year in which we observe the event which marked the beginning of the Age of Democracy; and

Whereas, Interstate Highway 80, which connects Chicago with the Rock Island-Moline area of Illinois, spans the Continent from New York City on the East to San Francisco and Portland, Oregon on the West; and

Whereas, Many organizations of Italo-Americans have lent their support to the naming of this most important highway for their countryman, including the Joint Civic Committee of Italian Americans, UNICO, the Order of the Sons of Italy, the Italo-American National Union, and the Justinian Society of Lawyers; therefore be it

Resolved, by the House of Representatives of the seventy-ninth general assembly of the State of Illinois, the Senate concurring herein, That we strongly urge the Illinois Department of Transportation to designate that part of Interstate Highway 80 which lies within the State of Illinois "The Christopher Columbus Memorial Highway"; and be it further.

Resolved, That we call upon the United States Department of Transportation to designate all of Interstate Highway 80, from Coast to Coast, as "The Christopher Columbus Memorial Highway"; and be it further

Resolved, That we direct the Secretary of State of the State of Illinois to transmit copies of this preamble and resolution to the Honorable the United States Secretary of Transportation and to the Honorable the Illinois Secretary of Transportation.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C. May 3, 1976.

Hon. WILLIAM T. COLEMAN, Jr.,
Secretary of Transportation, Department of Transportation, Washington, D.C.

DEAR MR. SECRETARY: I would like to call to your attention the House Joint Resolution which was introduced in the Illinois House of Representatives to designate Interstate Highway Number 80 as the Christopher Columbus Memorial Highway.

Interstate Highway 80 connects Chicago with the Rock Island-Moline area of Illinois, and spans the Continent from New York City on the East to San Francisco and Portland, Oregon on the West.

It is appropriate during our Bicentennial Year that the Illinois General Assembly is taking steps to designate that part of Interstate Highway 80 which lies within the State of Illinois as the Christopher Columbus Memorial Highway.

You will also note that the enclosed Resolution calls upon you, as Secretary of Transportation, to designate the entire span of Interstate Highway 80 as the Christopher Columbus Memorial Highway.

I shall be deeply grateful for your conderation of this Resolution and I know that over 100 Members of the Congress who sponsored the Monday Holiday Bill which set aside the second Monday in October, Columbus Day, as a national legal holiday, would deeply appreciate this recognition being given to Christopher Columbus, the discoverer of America, especially during our Bicentenial celebration.

Sincerely,

FRANK ANNUNZIO,
Member of Congress.

LEGISLATION TO AMEND STATE AND LOCAL FISCAL ASSISTANCE ACT OF 1972

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. SHARP), is recognized for 5 minutes.

Mr. SHARP. Mr. Speaker, the Revenue Sharing Act of 1972 has proven to be beneficial to State and local governments throughout the country, and I strongly support its continuation.

Like other supporters of the program, however, I am troubled by some of the inequities in the allocation of revenue-sharing funds.

I am today introducing a bill which would correct one such inequity. This bill would expand the definition of local tax effort to include, within certain limits, revenues generated for a city or town by a municipally owned utility.

The formula for allocation of revenue sharing funds to local governments includes adjusted taxes, population, and per capita income.

My concern, and it is a concern shared by many, is with the use of "adjusted taxes" to measure local tax effort. This definition excludes several legitimate, useful, and common methods used by municipalities to collect revenues. Cities and towns which rely entirely upon taxes, narrowly defined, are favored in the allocation of revenue-sharing funds over communities which are supported in part through payments from publicly owned utilities.

To demonstrate the problem, take two cities with identical population, per capita income, and local tax rates. One city is served by a privately owned utility and collects property taxes from that utility. The other city is served by a municipally owned utility and receives a payment in lieu of taxes or a profits transfer exactly equal to the property tax payment made by the utility in the other city.

Under the present law, the first city would be credited with a greater tax effort than the second city, and would therefore receive a larger revenue-sharing allocation.

This situation is unfair. The payments in lieu of taxes by the municipally owned utility in the second city are also payments from the citizens to an instrument of their local government. If the Revenue Sharing Act was meant to reward cities for local tax effort, as I believe it was, then the payments by the municipally owned utility should have been included

in the definition of "tax effort." This is what my bill would accomplish.

The General Accounting Office concurs with this proposal. In a report to the Congress last year entitled "Adjusted taxes: An incomplete and inaccurate measure for revenue sharing allocations," the GAO recommended including municipal utility payments as well as some other forms of local revenue in the definition of local tax effort.

I have established a limit in the bill to allow payments and transfers of profits up to 8 percent of the utility's revenues to be counted as part of the local tax effort for the purpose of determining revenue sharing allocations. This would prevent a community from raising electric rates to an unreasonable level merely to obtain increased revenue sharing funds. It also prevents this form of raising revenue from becoming a regressive means of taxation.

In addition, the bill would only count, for purposes of determining revenue sharing allocations, the percentage of payments or profits transfers equal to the percentage of that utility's revenues collected within the boundaries of the municipality. This would prevent sales to non-residents from counting for purposes of revenue sharing.

I would like to cite a few examples from my own congressional district, Mr. Speaker, to give you and my colleagues some idea of the extent to which communities are disadvantaged by the current formula.

Richmond Power and Light of Richmond, Ind., in 1974 transferred $600,000 to the city's operating fund. In 1975 it was $720,000. This was a major portion of the city's 1974 revenue collections, which amounted to $3,989,000 including this payment from the utility. According to the current revenue sharing allocation formula, however, the city received credit for only $3,389,000 of local tax effort. Had Richmond been served by a privately owned utility, the city government could have collected approximately the $600,000 in property taxes, and the local tax effort would have been the full $3,989,000.

In Bluffton, Ind., the muncipal utility in 1974 transferred $35,000 to the city. In 1975 it was $50,000. This was a significant part of the city's operating fund in 1974, since tax collections and license fees only amounted to $269,000. For allocation of revenue sharing funds Bluffton only received credit for a local tax effort of $269,000.

The Municipal Light and Power Co. of Anderson, Ind., paid $760,000 to the city in 1974. The Office of Revenue Sharing gave Anderson credit for $5,205,000 of local tax effort, but the inclusion of the transfer from the municipal utility would have raised that figure to $5,965,000.

In Greenfield, Ind., the finances of the Greenfield Electric Light and Power Co. are even more directly related to the city budget. The utility owns the Greenfield city hall and police station, although it does not charge rent, and it also pays 24 percent of the salaries of the mayor and the clerk-treasurer. In addition, cash transfers to the city in 1973 were $133,000 and in 1974 were $49,000. Yet Greenfield received credit in 1974 for only $332,000 in local tax collections, a figure which ignores all of the above contributions.

Obviously, the payments and transfers from a municipal utility can make a real difference in city revenues. To claim that these payments are not the equivalent of local taxation is to create an artificial distinction that unjustly penalizes every town and city in the country with a utility that works for the people who live there.

The text of the bill follows:

H.R. 13548

A bill to amend the State and Local Fiscal Assistance Act of 1972 to take account of transfers of funds from publicly owned public utilities in computing State and local entitlements, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. (a) Subparagraph (A) of section 109(c)(1) of the State and Local Fiscal Assistance Act of 1972 (hereinafter referred to as the "Act") is amended to read as follows:

"(A) General tax effort factor.—The general tax effort factor of any State for any entitlement period is (i) the net amount of State taxes and local revenues of such State as defined in subparagraph (A) of paragraph (2) of this subsection collected during the most recent reporting year, divided by (ii) the aggregate personal income (as defined in paragraph (4) of subsection (a)) attributed to such State for the same period.".

(b) Clause (i) of section 109(c)(1)(B) of the Act is amended to read as follows:

"(i) The net amount collected from State taxes and local revenues of such State as defined in paragraph (2)(A) of this subsection during the most recent reporting year, by".

(c)(1) Subparagraph (A) of section 109(c)(2) of the Act is amended—

(A) by striking out "State and local taxes" and inserting in lieu thereof "State taxes and local revenues"; and

(B) by inserting after "statistical purposes" the following: ", and payments-in-lieu of taxes and profits transfers from publicly owned utilities not to exceed an amount equal to 8 per centum of that portion of the revenues of such a utility collected within the boundaries of such a unit of local government, determined in accordance with regulations of the Secretary.

(2) The heading of paragraph (2) of section 109(c) of the Act is amended by inserting "taxes" after "State" and by striking out "local taxes" and inserting in lieu thereof "local revenues".

(d) Division (i) of section 109(c)(2)(A) of the Act is amended by inserting after "statistical purposes" the following: ", and payments in lieu of taxes and profits transfers from publicly owned utilities not to exceed an amount equal to 15 per centum of that portion of the revenues of such a utility collected within the boundaries of such unit of local government, determined in accordance with regulations of the Secretary".

SEC. 2. The amendments made by this Act shall apply with respect to entitlement periods beginning on or after January 1, 1977.

LOCAL ATTITUDES ON OIL SHALE DEVELOPMENT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Utah (Mr. McKAY) is recognized for 5 minutes.

Mr. McKAY. Mr. Speaker, it is expected that the Congress will again consider loan guarantees for synthetic fuel development. I have been a strong supporter of these Federal loan guarantees and feel they are an absolutely necessary component of our move toward energy independence.

In connection with this issue, I would like to call the attention of my colleagues to a recent article regarding local attitudes in the West on oil shale development. I might add that the findings reported in this article are consistent with the results of a Lou Harris poll taken last year:

IN COLORADO AND UTAH COUNTIES—MAJORITY IN FAVOR OF OIL SHALE DEVELOPMENT

WASHINGTON.—A poll of 300 residents in Uintah and Duchesne counties in Utah and Rio Blanco County in Colorado indicates more than 80 per cent are in favor of oil shale development in the Uintah Basin in northeastern Utah and extreme northwestern Colorado.

Moreover, most residents believe oil shale development can be compatible with the rural life style highly prized in the area.

The poll was taken by the Opinion Sampling Research Institute of Logan, Utah. It is part of a series of socio-economic impact studies of oil shale development in the Uintah Basin carried out by Western-Environmental Associates, Inc., of Providence, Utah, for the White River Shale Project released early this year.

The poll by the Logan, Utah, firm indicated people living in the Uintah Basin overwhelmingly approved, by a 7-1 ratio, its rural character. It also found 8 out of 10 people in the area favored both expanding population and oil shale development in the Uintah Basin even if taxes were to rise moderately and other inconveniences might result in the impact area.

Only five per cent of those polled disapproved, although in the communities that would be most greatly impacted, Rangely, Colo., and Vernal, Utah, disapprovals were by percentages of nine and seven respectively, while none disapproved in Roosevelt, Utah, which would be impacted the least.

Two goals explored

"The survey explored two goals common to the communities in the Uintah Basin, the report stated. "The first concerned preservation of the rural character of the community and the second concerned economic growth. People felt both these goals are desirable, but when asked to select between the two, the majority chose economic growth.

"However, respondents did not necessarily think the two goals were mutually exclusive. Indeed, most people felt that the rural character could be preserved while allowing . . . for oil shale development," the Logan polling group said. It found that older established residents, lower-income groups and active Mormons were less favorable to oil shale development in the area than other residents. "It is important to note, however, that oil shale development was strongly endorsed by all" types of residents, it said.

Poll conducted last July

The poll was conducted by telephone, from a cross section of people in the three counties that would be impacted, during July 1975. Polled were 150 men and 150 women roughly divided into three age groups, under 30, 31–44 and over 45 years of age. About two-thirds were established residents, having lived in the area for more than five years, and one-third were new residents. Half had incomes between $3,000–$15,000 a year; half were Mormons. Somewhat less than one-third (85) were oil field workers, and somewhat more than two-thirds (210) were not.

The impact studies indicated oil shale development would cause major impacts in the area, particularly in housing, which is already

in short supply due to recent growth in this sparsely populated area.

"Virtually every housing unit in the area is being utilized, and housing unit prices and rents have inflated significantly," according to one of the impact studies. If a new town were built in Uintah County, it would provide 3,000 units in the year of peak demand (the eighth year after start of construction) and 3,100 units at full development of the oil shale complex (15 years after a construction start), the impact study said.

But if a new town were not built, 1,600 more housing units would be needed in Rangley, 1,200 more would be needed in Vernal and 400 more would be needed in Roosevelt to accommodate the oil shale workers, their families and employes of service industries needed to meet the needs of the new industry, it said.

6,000 workers needed

A 100,000-barrel-a-day (BPD) shale oil operation in the Uintah Basin would require 520 workers during the first year of construction, nearly 6,000 during the peak year and about 5,720 when the complex was completed. in the early years most of the new workers would be those employed directly on the oil shale complex.

But as construction was completed, more would be non-oil shale workers, such as additional city and county employes and employes of service industries. Overall permanent population increase in the Basin from a 100,000-bpd oil shale development would be about 31 percent, or 12.535 more than a baseline projection of about 39,800 in the area circa 1990. A smaller development would result in proportionately smaller population increases, it said.

Other impacts would be in use of more land and water, need for more community facilities and services such as schools and larger water and sewer facilities and industrial impacts on the Indians in the area. The new oil shale complex would be a major power user, although its purpose would be to provide many times more energy annually than its power use.

The impact study found there might be "serious revenue shortfalls to local government" during the early years of the oil shale complex. No legislation has passed Congress to date to meet this problem, although several proposals are in the legislative mill.

A DECENT HOME AND A SUITABLE LIVING ENVIRONMENT FOR EVERY AMERICAN FAMILY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 10 minutes.

Mr. ST GERMAIN. Mr. Speaker, in recent days we have seen a rash of court decisions extending to the Supreme Court initiated by responsible Americans living in our great cities who have been unable to obtain even the promise of "a decent home and a suitable living environment for every American family"—a clear statement of legislative policy, first appearing as the declaration of purpose of the Housing Act of 1949 and restated in one form or another in virtually every housing act passed since that time. It is a sad day indeed when millions of Americans must petition the judiciary for what, in my judgment, is their inalienable right.

On October 31, 1975, Mr. Speaker, the House, after spirited debate, by the narrowest of margins—two votes—defeated an amendment which would have crippled a simple mortgage information disclosure title so that working together we can confront the facts of failure and in the process devise ways and means to make this dream a reality, now denied to millions. Mr. Speaker, we are now in the regulatory phase, and let me caution my colleagues that we indeed must remain ever vigilant for those forces who came close to defeating this modest essential step forward are endeavoring to deny even this basic information to those who seek relief and to those of us who have the responsibility for finding solutions. Accordingly, I would like to insert at this point in the RECORD, Mr. Speaker, correspondence between myself and Chairman Burns of the Federal Reserve Board, which under the law has the responsibility for promulgating the regulations required by Public Law 94-200:

WASHINGTON, D.C.,
March 31, 1976.

Hon. ARTHUR F. BURNS,
Chairman, Federal Reserve Board,
Washington, D.C.

DEAR MR. CHAIRMAN: As the sponsor of the "Home Mortgage Disclosure Act of 1975" in the House, I have reviewed with great interest the Board's proposed regulation to implement the Act, and I feel that I must convey to you my concern about certain provisions thereof.

On page 5 of the Board's Press Release transmitting the regulation, it is stated that the Board, "proposed to permit use of zip code itemization in initial disclosure statements for full fiscal years ending before July 1, 1976, (as well as for any portion of the current fiscal year if a disclosure statement for that period is made available by August 31, 1976)". On page 12 of the Notice of Proposed Rulemaking, the justifications for this approach are noted as follows: (1) to code 1975 loans, at this time "may be difficult and burdensome and result in an unacceptable degree of inaccuracy" and "may require much processing of the data, thereby disproportionately increasing cost . . ."; and (2) time is needed to permit production of sufficient quantities of census tract maps and materials and to resolve some of the shortcomings in directories and computer programs.

You will recall that the subject of disclosure by zip code versus census tract was an issue of much debate and controversy. However, the acceptance of the Conference Committee of the House language relating to census tract reporting underscored the fact that mortgage data information reported by zip code is far less useful than reporting by census tracts for analyzing redlining patterns as noted throughout the House Committee Report (H. Rept. 94-561). Additionally, recognizing the importance of providing an adequate period of time to evaluate such disclosure data, in order to determine where patterns of mortgage disinvestment exist or are beginning to develop, the Conference Committee adopted the provision requiring disclosure information to be maintained and made available for a period of five years and adopted the House language providing a four-year termination date.

Since Congressional intent that mortgage disclosure information be reported by census tract for institutions covered by the Act needs no further documentation, I am left with the impression that the Board has misinterpreted and too broadly construed the authority conferred to it by the Act to determine where census tracts are "readily available at a reasonable cost." After weeks of hearings and study on this subject, the subcommittee learned that certain non-urbanized portions of SMSAs simply were not tracted during the 1970 Census. For this reason, I offered the amendment making the Board responsible for determining where such tract maps are available at a reasonable cost.

It goes without saying that for evaluation purposes, having data reported by zip code for loans made during 1975, through June 30, 1976, and the remaining four years by census tract will be less meaningful. I, therefore, request that you furnish the subcommittee with details on what the Board has determined to be an unreasonable cost and the basis upon which the Board has determined that to code 1975 loans by census tracts is not feasible. Further, if additional time is needed to permit the production of sufficient quantities of census tract maps and materials, perhaps the Board should consider extending the reporting date for 1975 loan information to permit disclosure by census tract, thereby providing a full five-year period of such information.

While I am deeply concerned about the foregoing issue, I must state that the Board has drafted the regulations in a most reasonable manner, and I am confident that upon resolution of the census tract issue, the regulations will ensure meaningful mortgage disclosure data.

Sincerely,
FERNAND J. ST GERMAIN,
Chairman.

WASHINGTON, D.C.,
April 21, 1976.

Hon. FERNAND J. ST GERMAIN,
Chairman, Subcommittee on Financial Institutions Supervision, Regulation and Insurance Committee on Banking, Currency and Housing, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Thank you for your letter of March 31, 1976, regarding the Board's proposed regulations to implement the Home Mortgage Disclosure Act of 1975. We are pleased that, except for the census tract issue regarding retrospective mortgage loan data, you feel the Board has drafted the regulations in a most reasonable manner.

In your letter, you request information regarding the bases of Board "determinations" relating to the proposed exception for ZIP code itemization of retrospective mortgage loan data. The general approach reflected in the proposed regulations has been adopted on the basis of the Board's interpretation of the Act and legislative history thereof; the Board's general experience in gathering compilations of both prospective and retrospective data; the experience of the Board and other Federal agencies with census tract reporting in the Fair Housing Survey; and numerous discussions with the Bureau of the Census, consumer representatives, data processing firms, publishers of address directories, cartographers, and public officials and depository institutions in States that have adopted or proposed mortgage disclosure laws.

Let me emphasize, however, that the Board has not made final determinations regarding the proposals. The views reflected in the notice of proposed rulemaking are expected to stimulate the production of additional data and arguments for the Board to evaluate in deciding whether to adhere to the approach in the proposals. The Board will give careful consideration to all the comments, arguments and data received on the proposals before making any final decisions regarding the regulations.

I can assure you that your views will be most carefully considered, and I want to thank you again for giving us the benefit of your comments.

Sincerely yours,
ARTHUR F. BURNS.

One national organization which has been in the forefront of the battle for our neighborhoods in every major city of this country—the National Center for Urban Ethnic Affairs—has expressed its support for the position which I have articulated in my letter to Chairman Burns and has advised the subcommittee of its continuing activities on behalf of

the revitalization of our Nation's neighborhoods. I commend this national organization and look forward to still further appearances by Monsignor Baroni before our subcommittee as we continue the fight to save our cities and to effectuate significant and meaningful financial reform in the public interest. At this point, Mr. Speaker, I would like to place in the RECORD their letters highlighting the significant issues involved:

WASHINGTON, D.C.,
April 14, 1976.

HON. FERNAND ST GERMAIN,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN ST GERMAIN: Your letter to Arthur Burns of the Federal Reserve Board in reference to the proposed Disclosure regulations has come to my attention. I want to support your concerns as they are shared not only by the National Center for Urban Ethnic Affairs, but by community organizations across the United States who have worked to get the Disclosure legislation passed.

As you pointed out in your letter, the census tract versus zip code reporting controversy was settled in the joint committee. The conclusions are that reporting by census tract is far more useful and effective in determining the actual lending practices of the financial institutions. I agree with your recommendation that the Federal Reserve Board should extend the reporting date for the 1975 loan information, rather than permit the data to be permitted according to zip codes.

Your letter to the Federal Reserve Board, once again shows your reliable support for the needs of citizens, particularly those living in our older, urban neighborhoods who are dependent on legislation like the Disclosure Act to work toward saving their communities.

Once again, I thank you for keeping the interests of our community residents actively before the Federal Reserve Board. I hope to continue working with you and your staff on issues which affect our urban neighborhoods and their health.

Sincerely,

MSGR. GENO BARONI,
President.

WASHINGTON, D.C.,
April 22, 1976.

HON. FERNAND ST GERMAIN,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN ST GERMAIN: We wish to take this opportunity to thank both you and your staff for the excellent response to one of the key concerns of urban neighborhoods: disinvestment and redlining. The Home Mortgage Disclosure Act of 1975 which you were so instrumental in passing represents a most important tool in our continuing struggle to save our neighborhoods. Community groups throughout the country are already establishing monitoring committees designed to make sure the tool you have provided through this legislation is put to good use.

Due to the intent of the legislation, neighborhoods themselves are beginning to surface as a national priority. However, to insure that efforts through the Disclosure Act are not minimized, additional issues and actions must be addressed to aid in the development of a reinvestment climate on a neighborhood level. We must concern ourselves with long term commitments which would prohibit patterns of disinvestment from continuing.

Toward this end, the National Center for Urban Ethnic Affairs, in conjunction with the National People's Action on Housing is sponsoring a series of workshop sessions on May 7th and 8th. The primary aim of these workshops will be to surface those issues which are crucial to neighborhoods with a major emphasis on policy implications for the state, local and Federal levels of government. We expect representation at these workshops from approximately 35 community groups around the country. We hope that staff from your office will be able to participate, and we also intend to share the results of this conference with your office.

Out of these policy and action-oriented workshops will come a wealth of material which could serve as a strong base for the beginning framework for a proposed National Neighborhood Impact Policy. Information generated from these workshops will include the various approaches to neighborhood reinvestment and their effectiveness, the Federal role in these approaches and the identification of the obstacles to neighborhood reinvestment. These issues are crucial to the development of a neighborhood policy.

This series of workshops will also be used as a source for gathering information for a much larger conference planned for mid June. If it is at all possible we would like to discuss with you and your staff the possibility of holding hearings that could parallel the dates of this conference. This would be helpful to us since the neighborhood leadership will be in Washington and they would certainly add the expertise and experiences from their local communities.

Dr. Arthur Naparstek at the National Center for Urban Ethnic Affairs, would, of course, cooperate with your staff in preparation for those hearings, should this request be acceptable to you. In either event, we would like to meet with you and your staff to further explore the idea.

We look forward to your response.

Sincerely,

MSGR. GENO BARONI,
President, National Center for Urban Ethnic Affairs.

GALE CINCOTTA,
President, National People's Action on Housing.

As the result of the passage of Public Law 94–200, a number of encouraging developments are beginning at long last to take place. I commend, first of all, the President when, in his statement upon the signing of Public Law 94–200, he stated the following:

I firmly believe, as do most people, that discrimination on racial or ethnic grounds is a practice which is abhorrent to our American way of life. Our Constitution grants equal liberties to all citizens. Federal, State and local laws expressly prohibit discriminatory practices. Our courts have continued to uphold the principle that a strong and free Nation is one which can, and must, protect any individual's rights, regardless of race or religion. This bill attempts to expose any such discrimination by financial institutions providing housing credit. I strongly support this objective.

Mr. Speaker, mere words, however, are not enough and I trust that the President will match his words with the awesome power of his Office in insuring leadership from appropriate departments, as well as from the independent financial regulatory agencies. Private citizens and local organizations working together are beginning to recognize that the continued polarization of our society will destroy our entire society and I am encouraged indeed by recent activities that have come to my attention. Certainly the banks of a number of major cities mentioned in the enclosed article from the April 26 edition of Business Week are to be commended for their recent initiatives. I place in the RECORD at this point, Mr. Speaker the article cited:

THE REDLINING SCARE EASES CITY MORTGAGES

Lenders around the U.S. are suddenly supplying a little more help for efforts to revitalize inner-city neighborhoods. On the heels of legislative and court decisions striking down the "redlining" of loans to such areas, new mortgage arrangements are appearing.

The most dramatic is in Atlanta, where 17 banks and savings and loan associations are providing a $62.5 million pool of mortgage and rehabilitation loans for decaying downtown neighborhoods. But similar programs on a smaller scale have been launched in such places as Denver, San Francisco, Oakland, Los Angeles, Dallas, Boston, and New York City.

There may be no direct link between the new programs and the moves against redlining—the refusal of mortgage lenders to make loans in an area regardless of the creditworthiness of the borrower or the condition of the property to be mortgaged. Many lenders maintain they have never had such a policy. But a new federal law decrees that big mortgage lenders must disclose geographic information about where their loans are placed. And court decisions have held that redlining is illegal (BW–Mar. 22).

The examples of new inner-city aid programs are widespread:

In Denver, five banks and one S&L have put up $5.8 million for inner-city mortgages, and a separate group of S&Ls has set up a panel to provide a second chance for rejected mortgage applicants.

In Boston, $37 million worth of mortgages between 1970 and 1975 went into property in South End, a run-down area that is now being called another Beacon Hill.

In Dallas, banks provided $1 million in low-interest loans to young couples who were willing to invest "sweat equity" in restoring old houses.

In Los Angeles, Home Savings & Loan Assn. is teaming up with black-owned Family Savings & Loan and a Chicago-owned San Francisco S&L, Pan American Federal. Home will buy up to 85% of loans made by the two smaller S&Ls in the neighborhoods where they operate.

In New York City, Brooklyn Union Gas Co., worried about the decline of the three boroughs it serves, has led a campaign to restore Brooklyn's Park Slope. The utility renovated some abandoned brownstone houses itself to get things started, then helped to encourage lenders to provide mortgages.

Because they worry about the instability of transitional neighborhoods, lenders traditionally have made it more difficult for buyers to move into them, and a prospective buyer with a credit rating that would win up to 95% financing in the suburbs would only rate 60% in the city. A pool such as Atlanta's allows sharing of the risk. "We won't be the only lender in the area," says Haines Hargrett, president of Fulton Federal Savings. "If we make a loan on a house, we know that someone else will likely make a loan on the house next door."

BACK TO TOWN

The problem was pinpointed in Atlanta when Richard C. D. Fleming sold his suburban home to buy an in-town house. He shopped with 15 lenders but could only get a promise of 60% to 70%—financing. At the time, Fleming was directing a study on how to lure suburbanites back into the city for Central Atlanta Progress, a prestigious businessmen's organization. "We realized that if the study director of the back-to-the-city program had trouble getting a loan, we really had a problem," says Fleming, now a CAP vice-president.

Federal support, through various programs of the Housing & Urban Development Dept., as well as mortgage assistance, is important, too. "If the lenders approach it from a good sound business standpoint," says Howard S. Carnes, regional vice-president for the Fed-

eral National Mortgage Assn., "I'll buy a lot of those loans from them."

There will also have to be changes in appraising in-town properties. Currently, most S&L appraisers determine property values by using standardized forms that require little more than filling in blanks and checking off boxes. The forms are biased toward suburbia because they stress newness of homes and neighborhoods.

Inner-city home loans under the Atlanta program will be based on a "narrative appraisal," which requires a written report and takes into consideration such intangibles as a neighborhood's history and its potential. An appraiser must also determine the value after rehabilitation.

Understandably, I reserve my greatest expression of pride for what is beginning to take place in my own home State of Rhode Island. I commend Rhode Island bankers and I salute the efforts of the people's groups responding to the leadership of the National Center for Urban Ethnic Affairs, as described in the enclosed editorial from the Providence Journal. This enlightened expression in the public interest by the Providence Journal is indeed reassuring to me and I pledge to the citizens of Rhode Island, as well as to the Nation, my continued dedication to the cause of a "decent home and a suitable living environment for every American family," utilizing the full resources of the Subcommittee on Financial Institutions Supervision, Regulation, and Insurance, of which I have the honor of chairing:

PLANS FOR PUTTING REDLINING IN ITS PLACE

"Redlining" is a practice that perhaps is best described as a snake eating its tail. It promotes a vicious cycle involving financial discrimination against deteriorating neighborhoods, which in turn hastens the decline.

For many years residents of Providence's low-income sections have appealed to City Hall and the lending institutions to help stop the spread of urban blight. This could be done by demonstrating confidence in the city's neighborhoods and working cooperatively to fight inner city decay and reverse the downward trend. Statements of support have been plentiful but little progress has been achieved.

Now a new effort is underway on at least two fronts. Recently two local banks—Peoples Savings and Citizens—have joined with PACE (People Acting Through Community Effort) in attempting to persuade all lending institutions in Rhode Island to adopt a policy that could go far toward arresting neighborhood blight. At a meeting sometime this month, the 17-member Rhode Island Bankers Association will be asked to look upon this serious problem as its own and subscribe to a given set of guidelines.

The salient features of the proposed policy are these:

That mortgage or renovation loans would be offered to financially able applicants in high-risk urban neighborhoods.

Only an applicant's ability to repay a loan and not the physical and social condition of the neighborhood would be considered.

A publicity campaign would be undertaken to inform potential borrowers of the new policy.

When a mortgagee's property failed to meet housing code standards, the lending institution would offer renovation loans and try to persuade the owners to make needed improvements.

While he did not comment specifically on these suggestions, Theodore W. Barnes, president of the Old Stone Bank, voiced strong approval in principle. In a recent interview, he said that banks along with community groups and city government should take "a leadership role" in this area. "There is a tremendous value in housing stock that should not be allowed to decline."

On another front, the Noel administration has sponsored legislation that would make redlining illegal and require an annual report giving the geographic distribution of mortgage loans and their amounts. The penalty for violation would be ineligibility to receive deposits of state funds.

There is no question about the need for an infusion of money and confidence in South Providence, Elmwood, Washington Park and the West End. Sections of Rhode Island's other larger cities face an equally bleak future if the banks fail to accept their share of responsibility.

Nor should such a positive approach be regarded as a form of charity. As President Barnes of Old Stone put it, banks have a self-interest in halting deterioration. When neighborhoods remain viable, banks retain the deposits and other banking business. Moreover, it "enhances existing investments."

We urge the Rhode Island Bankers Association and the General Assembly to recognize the stake all Rhode Islanders have in saving their cities. And we urge them to do what is necessary to eliminate redlining before decay eliminates many urban neighborhoods still worth saving.

PUBLIC LAW 85–804, SPECIAL BAILOUT LAW, SHOULD BE RESTUDIED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 10 minutes.

Mr. ASPIN. Mr. Speaker, the Pentagon paid a California scientist who specializes in indexing Russian technical publications, $400,000 under the provisions of a special bailout law (Public Law 85–804) when he threatened to leave the country. Dr. Peter Toma, founder and chief stockholder of Latsec, Inc., of La Jolla, Calif., was given $400,000 under the bailout statute, when he said that he would be "impelled to leave the United States" without the aid.

As many of my colleagues know, Public Law 85–804 suspends all existing procurement regulations and allows the Pentagon to rewrite a contract in any way.

It is true Dr. Toma's firm has developed a unique computerized indexing of technical publications in Russian and Eastern European languages.

The report which I am releasing today says that without the $400,000 Toma's firm would go bankrupt and he would be "impelled to leave the United States to accept outstanding academic and commercial opportunities in Europe. Dr. Toma is the developer of unique innovations in the field of computerized foreign language translation, including automatic means of content and threat analysis, trend prediction and question answering."

Mr. Speaker, I believe that payment to Dr. Toma is a flagrant misuse of the law. Public Law 85–804 should only be used when the Pentagon really needs equipment that is vital to the national security. Dr. Toma's "nice to have" index system simply does not qualify.

Overall, during 1975, 315 contracts were provided $11.6 million in bailouts under Public Law 85–804.

At present, Deputy Defense Secretary William P. Clements, Jr., is proposing to settle between $1.5 and $1.8 billion worth of shipbuilding contracts by using Public Law 85–804 to rewrite the contacts.

The $11.7 million allowed last year to do work on electric fork trucks, telescopic lenses, radios, and small rockets.

Frankly, Mr. Speaker, I can find nothing in these contracts so vital or unique that a bailout is justified.

In other case, the United States used the bailout law to provide Formosan airmen with $82,563 in extra pay when the Formosan Ministry of Defense refused to provide them with pay increases mandated to other Formosan troops. The Ministry of Defense said that, since these men are not involved in the defense of Taiwan, they do not deserve the pay raise. The airmen worked on maintaining a depot repair facility for the U.S. Air Force.

After reviewing this report, Mr. Speaker, I believe that the whole concept of Public Law 85–804 should be restudied. There have been some flagrant abuses of the law. Of course, Public Law 85–804 can only be used when a national emergency has been declared. Unfortunately, the Department of Defense is still using the Korean war to justify the use of Public Law 85–804—23 years after the war ended.

REDUCTION OF CLASS SIZE: BETTER EDUCATION IN AMERICA'S SCHOOLS, AND BETTER USE OF A MAJOR NATIONAL RESOURCE—AMERICA'S TEACHERS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Hawaii (Mr. MATSUNAGA) is recognized for 10 minutes.

Mr. MATSUNAGA. Mr. Speaker, I am introducing today a bill to provide grants to local educational agencies in order to reduce the average class size in schools of such agencies.

It is clear from available research that reducing average class size in America's public schools promote at least two broad goals: First, attaining optimal student learning and achievement; and second, fostering more efficient, focused, and concentrated instruction and guidance for our Nation's young.

Voluminous literature and research on the subject of class size and student achievement spotlight several major advantages of a reduction in class size.

First, a smaller class size would promote a greater number and variety of instructional activities and approaches to meet the educational interests and needs of students.

Second, a smaller class size would afford greater individualization and socialization as students interact with the teachers and among themselves.

To achieve these goals, the bill I introduce today would:

First. Authorize grants to local educational agencies having schools with high average class size, a sum not to exceed 50 percent of the costs of additional teachers;

Second. Provide the funds in installments as the school achieves a class size

average as low as 24 students per class; and

Third. Permit the funds to be used to pay for hiring additional new teachers and other professional educational personnel deemed necessary and appropriate to meet the effects and demands of the reduction in average class size.

What I am proposing, Mr. Speaker, is no massive program of aid. Indeed, the current average class size in America is approximately 26 students. My bill would help finance only a reduction to 24 students per class, where reliable research seems to indicate an important breakthrough in learning capability occurs.

The reduction of average class size would not only pool our education and teacher resources together and restore to full service so many of the closed or only partially occupied school buildings across the country. More importantly, it would contribute toward making America's schools a happier environment for students and teachers—an environment where quality education can grow and strengthen.

I include at this point the text of my bill:

H.R. 13544

A bill to provide for grants to local educational agencies for purposes of reducing the average class size in schools of such agencies

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Commissioner shall carry out a program, in accordance with the provisions of this Act, of grants to local educational agencies in which the average class size at schools of such agency is greater than 24, for purposes of assisting such agencies in reducing their average class size.

(b) A grant under subsection (a) may be made to any local educational agency which meets the requirement of subsection (a) and which—

(1) applies for such grant at such times and in such manner as the Commissioner may determine,

(2) provides adequate assurances that, upon receipt of funds from such grant, the local educational agency will make timely and appropriate reductions in the average class size in the schools of such agency.

(c) The Commissioner shall, in making grants under subsection (a), give priority to local educational agencies having the greatest need, as determined by the extent to which the schools of such agencies have average class sizes in excess of 24.

SEC. 2. Funds received under grants made under subsection (a) of the first section of this Act may be used by a local educational agency only for salaries of professional education personnel employed in schools of such agency, including classroom teachers, librarians, counselors, and administrators.

SEC. 3. The Commissioner shall not make any payment under a grant under subsection (a) of the first section of this Act to a local educational agency for any fiscal year unless—

(a) the Commissioner determines that the combined fiscal effort (as determined in accordance with regulations of the Commissioner) of that agency and the State with respect to the provision of free public education by that agency for the preceding fiscal year was not less than such combined fiscal effort for that purpose for the second preceding fiscal year,

(b) the Commissioner determines that the local educational agency will expand, for the purposes described in section 2 for that fiscal year, in addition to the amounts so expended for the preceding fiscal year, an amount equal to the amount of such payment, from sources other than Federal funds, and

(c) the Commissioner determines that, at the time of such payment, the agency is taking appropriate action to reduce the average class size in schools of such agency.

SEC. 4. There are authorized to be appropriated to carry out this Act such sums as may be necessary for the fiscal year ending September 30, 1978, and each of the following fiscal years.

SEC. 5. For purposes of this Act—

(a) the term "Commissioner" means the Commissioner of Education,

(b) the term "local educational agency" means any local educational agency as that term is defined in section 801(f) of the Elementary and Secondary Educational Act of 1965,

(c) the term "average class size", when used with respect to the schools of a local educational agency, means the number obtained by dividing the number of students enrolled at schools of such agency by the number of classes which are taught at schools of such agency.

THE U.S. POSTAL SERVICE: PRIVATE BUSINESS OR PUBLIC SERVICE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. ANDERSON) is recognized for 5 minutes.

Mr. ANDERSON of California. Mr. Speaker, a matter of great concern to each of us, and to each of our constituents, is the quality of postal service in this country. No American is pleased with the rapidly increasing cost of postal service. I believe, however, that Americans perhaps are willing to pay more for improved and expanded service—the problem is that the service is deteriorated and reduced.

Not too long ago, we had a Federal agency known as the Post Office Department—I heard very few complaints of mail delivery service then. But now we have the "new" Postal Service, a Government corporation, and the complaints are becoming louder and more numerous. We believe in free enterprise in this country, that is what led to the creation of the Postal Service, but we have only gone half way. The time has come to carefully analyze our action and decide whether the present system can be made to work. If not, then we must choose between a return to the old system, or a further step toward a competitive free enterprise system of mail delivery.

Let us look closely at the overall situation.

The U.S. Postal Service was created to speed the mails and cut costs by introducing businesslike methods into postal operations. In 1969, President Nixon said:

> The will of the Congress, and the will of the people, is clear. They want fast, dependable, and low-cost mail service. They want an end to the continuing cycle of higher deficits and increasing costs.

The President clearly understood what the people wanted. Unfortunately, his proposals have not been successful.

We have created a government corporation to operate this $10 billion per year enterprise. A private corporation will go out of business if it does not provide service at an acceptable cost. It is the promise of profit that keeps managers of private industry on their toes. But we have created a situation where the management of the Postal Service is not directly responsible or accountable to anyone but a faceless board of governors. The Postal Service management should be clearly accountable to someone; either the Congress as under the old Post Office Department, or to shareholders as in a private corporation.

Now, let us briefly examine some actions taken by the Postal Service.

The Postal Service has begun the case-by-case closing of third- and fourth-class post offices. On February 21 of this year, the U.S. Postal Service put into effect its decision to close branch offices on Saturday. In my district alone, nine branch offices were closed in Long Beach, with other closings in Harbor City, Lomita, San Pedro, Torrance, and Wilmington. Individuals who work during regular postal hours and handle their mailing on Saturdays, have been faced with an additional inconvenience.

In 1973, the Postal Service spent money to advertise its air mail service, only to conclude later that letters sent with air mail postage does not really reach their destination any sooner than regular mail. While this may not have been a real revelation to many Americans—it did serve to confirm their worst thoughts about mail delivery.

Mr. Speaker, there are other actions by the Postal Service which should cause all of us to wonder if funds are being spent in a prundent manner. In 1974, for instance, the Postal Service spent nearly a million dollars on a coloring book to teach children how to address and mail a letter—a task that past generations have learned relatively easily, and without a Postal Service coloring book.

At this point, let us consider the cost we bear for these diminishing services.

Since 1971, the cost of mail service has risen 63 percent, while the cost of other services has increased by only 35 percent. The Postal Service has stated that such rate increases are necessary to cover the increased cost of carrying the mail—yet these rate increases have resulted in a decrease in the volume of mail carried from 90.1 billion pieces in 1975 to 89.3 billion pieces in 1976. The Postal Service deficit for the last fiscal year was $989,000,000—and that with a Federal subsidy of $920,000,000.

Mr. Speaker, the American people deserve more for their money. This ever-increasing deficit threatens the very foundation of mail delivery in this country. This concerns me greatly as the benefit of quality mail service is much greater than the actual cost of mailing—business is conducted through the mail, and postal service functions have historically been a mainstay of economic growth in the United States.

Another area directly related to postal service that greatly concerns me is the future of nonprofit charitable organizations. Through the use of the second class category; churches, charitable organizations, and educational institutions send their publications and solicit funds for their operations. These charities and institutions face rate increases of up to 800 percent—this is disconcerting because many of these groups provide social services that would otherwise

have to be provided by the Government.

Mr. Speaker, it is my belief that the Postal Service was never created to be a business—it has been, and should again, be regarded as a valid public service. I feel that it is time for the Congress to move toward strengthening this important service to the citizens of this country. I would like at this time to include two letters selected a random from the many I have received from Americans concerned about the future of mail delivery in this country:

LONG BEACH, CALIF.,
March 17, 1976.

Congressman GLENN M. ANDERSON,
Longworth Office Building,
Washington, D.C.

DEAR MR. ANDERSON: According to the news media, the U.S. Postal Service is planning to reduce mail deliveries to three each week together with further cuts in other postal services. There are also disturbing reports concerning the performance of the newly-established bulk mail centers.

It seems that since the demise of the Post Office Department and the inception of the so-called U.S. Postal Service, the public has been repeatedly confronted with reduced service and increased postal rates. Never have we been asked to pay so much for so little in the way of postal service . . . and the present Postmaster General almost daily threatens us with even less.

Mr. Anderson, I feel strongly that Congress should take further action to return the postal service to congressional control. In my opinion, the post office should not be expected to produce revenue or to pay for operational costs. It is, and should be considered, a service as are other government agencies. It certainly should not be a playground for can-company or other corporate executives. It operated much more efficiently when it was administered by post office personnel and the sooner the Post Office Department is restored the better.

JOHN T. INNIS.

LONG BEACH, CALIF.,
March 2, 1976.

DEAR MR. ANDERSON: Not knowing where to turn, I've decided to write to you, hopefully you can help.

I was sure distressed last Saturday when I went to buy stamps and to mail a package at our local Post Office. To my surprise it was closed, no notice had gone out, to my knowledge, we hadn't received one, saying it would be closed on Saturdays. That's the only day I can get to the Post Office. I'm a working wife and mother. Is the Government trying to make it even harder on the working people than it already has? Maybe we should quit our jobs and go on welfare, then we'd have plenty of time to go to the U.S. Post Office during the week when they're open. It does distress me to think, because I work, I've been left out.

I need and rely on the U.S. Postal Service, that's how I communicate with my friends and pay our bills. If I can't buy stamps and mail packages through the local Post Office, where do I do it?

Sure I think the Postal rates are high, especially when you mail as many "letters" as I do. But I'd rather pay a little more than lose by not being able to pay my bills. I could call my friends, but not being able to pay my bills would be unfair to everyone.

I wasn't the only one who made the mistake of going to the Post Office last Saturday; there were several others there, as shocked as I was. I tried to call the Head Postmaster, but all I could get from that call were insults. Call back Monday, when I told her I worked, she said that was too bad, and hung up.

That's why I've decided to write to you, and use one of my few remaining stamps.

Please help us, we don't know what to do.

VIOLA RADDATZ.

GENE SNYDER ENUNCIATES PROOFS OF U.S. SOVEREIGNTY OVER CANAL ZONE

(Mr. SNYDER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. SNYDER. Mr. Speaker, the Canal Zone has become a major political issue in the 1976 political campaign. Many inaccuracies are being bandied about by politicians, the press, and by so-called experts, to the effect that the United States does not have sovereignty over the Canal Zone.

The question of sovereignty is of enormous importance in determining congressional action regarding any new treaty with Panama. The Senate alone gives advice and consent to ratification by the President of a treaty. However, the Constitution requires action by the House of Representatives, as well as by the Senate, in the disposal of U.S. territory.

Article IV, section 3, paragraph 2 states:

The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States . . .

Some who want to give away the Canal Zone and the waterway see Senate support, but fear that the House would not agree to do so. Therefore, they strive to wash away with falsehoods and propaganda the basic truth of our absolute, perpetual, and indivisible sovereignty in a vain hope that the House can be kept from voting on the matter.

Other Americans of stature, unfortunately, are simply unaware of the facts of the matter, and parrot the errors or untruths.

It is vital that the American people not be misled on this gravely important issue.

Recently, the Honorable Rogers Morton declared publicly that "The Panama Canal Zone is sovereign territory of the Republic of Panama" and further that "we pay lease payments to Panama for the Canal."

I challenged Mr. Morton on his facts and promised to refute his claims. My letter to him enclosing documentary proof is as follows:

COMMITTEE ON
MERCHANT MARINE AND FISHERIES,
Washington, D.C., April 26, 1976.

Hon. ROGERS MORTON,
Chairman, President Ford Committee,
Washington, D.C.

DEAR ROG: Last Saturday, in your address to the Kentucky Republican State Convention, you stated, "The Panama Canal Zone is sovereign territory of the Republic of Panama," and further, that "we pay lease payments to Panama for the Canal."

I challenged you on this and promisd you Court authority and treaty language to the contrary. This is set forth below. I have also included certain constitutional and statutory language as additional documentation.

I. The Spooner Act of 1902 mandated the President as follows:

". . . the President is hereby authorized to acquire . . . perpetual control of a strip of land, the territory of the Republic of Colombia . . . and the right to use and dispose of the waters thereon, and to excavate, construct, and to perpetually maintain, operate, and protect thereon a canal . . . the sum of ten million dollars is hereby appropriated out of any money in the Treasury not otherwise appropriated, toward the project herein contemplated. . . ."

II. The Isthmian Canal Convention of 1903 (Hay-Bunau-Varilla Treaty) states the following:

Article II—

"The Republic of Panama grants to the United States in perpetuity the use, occupation and control of a zone of land and land under water for the construction, maintenance, operation, sanitation and protection of said Canal of the width of ten miles extending to the distance of five miles on each side of the center line of the route of the Canal to be constructed. . ."

Article III—

"The Republic of Panama grants to the United States all the rights, power and authority within the zone mentioned and described in Article II of this agreement and within the limits of all auxiliary lands and waters mentioned and described in said Article II which the United States would possess and exercise if it were the sovereign of the territory within which said lands and waters are located to the entire exclusion of the exercise by the Republic of Panama of any such sovereign rights, power or authority."

III. Article 3 of the 1904 Constitution of the Republic of Panama states:

"The territory of the Republic remains subject to the jurisdictional limitations stipulated, or which may be stipulated in public treaties concluded with the United States of North America for the construction, maintenance, or sanitation of any means of interoceanic transit."

IV. The 1904 U.S.-Panama Boundary Agreement states:

"Whereas by the terms and provisions of Article II of the Convention for the Construction of an Interoceanic Canal between the United States of America and the Republic of Panama, signed by the representatives of the two nations on November 18, 1903, the ratifications of which were exchanged at Washington on the 26th day of February, 1904, the United States acquired the right of use, occupation, and perpetual control from and after the said 26th day of February, 1904, in and over the Canal Zone and other lands, waters, and islands named in said Article II of the convention aforesaid; and . . ."

"Whereas in order that said work of construction of said interoceanic canal may be systematically prosecuted, and in order that a government for the Canal Zone created by the terms and provisions of said Article II of said convention may be successfully organized and carried forward, it is necessary that the extent and boundaries of the said territory ceded to the Government of the United States by the Government of the Republic of Panama under the terms and provisions of said convention shall be provisionally determined and agreed upon . . ."

V. In the 1907 decision, Wilson v. Shaw, Secretary of the Treasury, the Supreme Court cited the plaintiff's contentions. Among them:

"He contends that whatever title the Government has was not acquired as provided in the act of June 28, 1902, by treaty with the Republic of Colombia . . . Further, it is said that the boundaries of the zone are not described in the treaty . . ."

The Court declared:

"A short but sufficient answer is that subsequent ratification is equivalent to original

authority. The title to what may be called the Isthmian or Canal Zone, which at the date of the act was in the Republic of Colombia, passed by an act of secession to the newly formed Republic of Panama. . . . A treaty with it, ceding the Canal Zone, was duly ratified. 33 Stat. 2234. Congress has passed several acts based upon the title of the United States . . ."

"It is hypercritical to contend that the title of the United States is imperfect, and that the territory described does not belong to this Nation, because of the omission of some of the technical terms used in ordinary conveyances of real estate . . ."

"Alaska was ceded to us forty years ago, but the boundary between it and the English possessions east was not settled until within the last two or three years. Yet no one ever doubted the title of this republic to Alaska."

I call to your attention that the Court used the words "cede" and "title" in reference to both Alaska and the Canal Zone—and used the same words in the same decision.

VI. The 1914 U.S.-Panama Boundary Convention states:

"Whereas, Gen. George W. Davis, then Governor of the Canal Zone, on behalf of the United States of America, and Messrs. Tomás Arias and Ramón Valdés López, then Secretary of Foreign Affairs and Attorney General, respectively, of the Republic of Panama, acting on behalf of that Republic, entered into an agreement on the 15th day of June, 1904, by the terms of which the Republic of Panama delivered over to the United States of America, the use, occupation, and control in perpetuity of the zone of land ten miles in width described and mentioned in articles II and III of the Canal Treaty . . ."

"It is agreed that the Republic of Panama shall have an easement over and through the waters of the Canal Zone in and about Limon and Manzanillo bays to the end that vessels trading with the City of Colon may have access to and exit from the harbor of Colon, subject to the police laws and quarantine and sanitary rules and regulations of the United States and of the Canal Zone established for said waters. . . ."

VII. The 1914 Treaty between the U.S. and the Republic of Colombia declares in Article I:

"The Republic of Colombia shall enjoy the following rights in respect to the interoceanic Canal and the Panama Railway, the title to which is now vested entirely and absolutely in the United States of America, without any incumbrances or indemnities whatever."

VIII. The 1936 Treaty of Friendship and Cooperation between the U.S. and Panama contains the following Article XI:

"The provisions of this Treaty shall not affect the rights and obligations of either of the two High Contracting Parties under the treaties now in force between the two countries, nor be considered as a limitation, definition, restriction or restrictive interpretation of such rights and obligations, but without prejudice to the full force and effect of any provisions of this Treaty which constitute addition to, modification or abrogation of, or substitution for the provisions of previous treaties."

I call to your attention that in commenting on this Article in his summary of Essential Features of this agreement, printed in the Report of the Senate Foreign Relations Committee on the Treaty, Secretary of State Cordell Hull declared:

"The juridical status of the Canal Zone, as defined in article III of the 1903 convention, thereby remains unaltered."

IX. The 1955 Treaty of Mutual Understanding and Cooperation between the U.S. and Panama was the subject of Senate hearings. Assistant Secretary of State for Inter-American Affairs, Henry F. Holland was questioned as follows:

"Senator FULBRIGHT. Would you say that there is anything in this agreement which might possibly be construed as a waiver of our paramount rights in the Canal Zone?

"Mr. HOLLAND. No, sir; and, as a matter of fact, I believe that the permanency and stability of those rights are strengthened by this treaty because of the inclusion in the treaty of the phrases that I referred to in my opening statement. That is the inclusion of the phraseology in the preamble that no part of the treaty of 1903 or the treaty of 1936 or this treaty can be changed save by mutual agreement of the parties, and the specific and affirmative recognition in article I by the parties of the absence of any obligation on the part of either party to change the annuity . . ."

"Senator WILEY. As I understand from you, Secretary Holland, there is nothing in this present treaty that would in the slightest degree depreciate all the attributes of sovereignty that we possess.

"Mr. HOLLAND. That is true; and so true is it, that in the course of the negotiations the Panamanians advanced several small requests which, 1 by 1, had considerable appeal, but all of which we refused, because we did not want to leave 1 grain of evidence that could a hundred years hence be interpreted as implying any admission by the United States that we possess and exercise anything less than 100 percent of the rights of sovereignty in this area."

X. In *Roach* v. *United States*, 453 F. 2d 1054 (5th C.A.) *cert. den'd.* 406 U.S. 935, decided on Dec. 30, 1971, the Court of Appeals declared:

"The Canal Zone is an unincorporated territory of the United States. Convention between United States and Republic of Panama, Nov. 18, 1903, 33 Stat. 2234, arts. 2, 3; General Treaty between United States and Panama, Mar. 2, 1936, 53 Stat. 1807; 2 C.Z.C. § 1 et seq."

THE ANNUITY

XI. The Hay-Herran Treaty of 1903 between the U.S. and the Republic of Colombia, never ratified by the latter, states in Article XXV:

"As the price or compensation for the right to use the zone granted in this convention by Colombia to the United States for the construction of a canal, together with the proprietary right over the Panama Railroad, and for the annuity of two hundred and fifty thousand dollars gold, which Colombia ceases to receive from the said railroad, as well as in compensation for other rights, privileges and exemptions granted to the United States, and in consideration of the increase in the administrative expenses of the Department of Panama consequent upon the construction of the said canal, the Government of the United States binds itself to pay Colombia the sum of ten million dollars in gold coin of the United States on the exchange of the ratification of this convention after its approval according to the laws of the respective countries, and also an annual payment during the life of this convention of two hundred and fifty thousand dollars in like gold coin, beginning nine years after the date aforesaid . . ."

The identical financial features of this Article were incorporated in Article XIV of the Hay-Bunau-Varilla Treaty with Panama. Clearly, we could not offer less to Panama than already offered to Colombia.

The annuity therefore was to indemnify for loss of income from the Panama Railroad, and never was a lease payment.

Subsequent increases in the annuity made in the 1936 and 1955 Treaties were due to our generosity alone. Both Treaties spell out that the increases were not required by any treaty provision.

In closing, I call your special attention to Secretary Hull's complete summary of Article III of the 1936 Treaty:

"Article III contains various provisions restricting the commercial activities of the United States in the Canal Zone in order that Panama may take advantage of the commercial opportunities inherent in its geographical situation. In this article are listed the classes of persons who may reside in the Canal Zone and the persons who are entitled to make purchases in the Canal Zone commissaries."

The State Department currently proclaims falsely, that this Article "actually refers to the Zone as 'territory of the Republic of Panama under the jurisdiction of the United States.'" (Ambassador Ellsworth Bunker, Los Angeles, Dec. 2, 1975, Department of State Bulletin, Dec. 22, 1975; Letter of Deputy Negotiator Morey Bell to Congressman Gene Snyder, Dec. 12, 1975)

I believe you would have to agree Secretary Hull could not have omitted an item or meaning of such import in his summary—were it true!

I trust you (and the President) will give these items the attention they deserve. They do not support the statements you made in Kentucky.

Best wishes.

Sincerely,

GENE SNYDER,
Ranking Minority Member,
Panama Canal Subcommittee.

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 Member (at the request of Mr. GUYER), to revise and extend his remarks, and to include extraneous matter:)

Mr. MCKINNEY, for 10 minutes today.

(The following Members (at the request of Mr. WAXMAN) and to revise and extend their remarks and include extraneous matter:)

Mr. GONZALEZ, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. SHARP, for 5 minutes today.
Mr. MCKAY, for 5 minutes, today.
Mr. ST GERMAIN, for 10 minutes, today.
Mr. BIAGGI, for 30 minutes, today.
Mr. ASPIN, for 10 minutes, today.
Mr. MATSUNAGA, for 10 minutes, today.
Mr. ANDERSON of California, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. TREEN to include extraneous matter in his remarks on H.R. 9803.

Mr. BENNETT.

Mr. SEIBERLING, to revise and extend his remarks in the body of the RECORD, on Wednesday, May 5, 1976, on H.R. 12234.

(The following Members (at the request of Mr. GUYER) and to include extraneous matter:)

Mr. J. WILLIAM STANTON.
Mr. LAGOMARSINO in two instances.
Mr. BROWN of Ohio in two instances.
Mr. SYMMS.
Mr. GILMAN.
Mr. MICHEL.
Mr. HEINZ.
Mr. HANSEN.
Mr. LENT in two instances.
Mr. BURKE of Florida.
Mr. KASTEN.
Mr. ABDNOR.

Mr. CRANE.

(The following Members (at the request of Mr. WAXMAN) and to include extraneous material:)

Mr. TEAGUE.

Mr. ANDERSON of California in three instances.

Mr. GONZALEZ in three instances.

Mr. MCDONALD of Georgia in four instances.

Mr. WOLFF.

Mr. MCKAY.

Ms. ABZUG.

Mr. DOWNEY of New York in three instances.

Mr. KASTENMEIER.

Mr. ROONEY in five instances.

Mr. NEAL.

Mr. BROOKS.

Mr. MOTTL.

Mr. HANNAFORD in two instances.

Mr. GAYDOS.

Mr. BEARD of Rhode Island.

Mr. RANGEL.

Mr. MINISH.

Mr. MURPHY of Illinois.

Mr. FARY in 10 instances.

Mr. MATSUNAGA.

SENATE BILL AND JOINT RESOLUTION REFERRED

A bill and joint resolution of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 2555. An act to establish a national rangelands rehabilitation and protection program; to the Committee on Interior and Insular Affairs.

S.J. Res. 126. Joint resolution consenting to an extension and renewal of the interstate compact to conserve oil and gas; to the Committee on Interstate and Foreign Commerce.

ENROLLED BILLS SIGNED

Mr. HAYS of Ohio, from the Committee on House Administration, reported that the committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2782. An act to provide for the reinstatement and validation of United States oil and gas lease numbered U-0140571, and for other purposes; and

H.R. 11876. An act to amend the Water Resources Planning Act (79 Stat. 244) as amended.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 2115. An act to amend chapter 39 of title 10, United States Code, to enable the President to authorize the involuntary order to active duty of Selected Reservists for a limited period, whether or not a declaration of war or national emergency has been declared.

BILL PRESENTED TO THE PRESIDENT

Mr. HAYS of Ohio, from the Committee on House Administration, reported that that committee did on May 3, 1976 present to the President, for his approval, a bill of the House of the following title:

H.R. 10230. An act to establish a science and technology policy for the United States, to provide for scientific and technological advice and assistance to the President, to provide a comprehensive survey of ways and means for improving the Federal effort in scientific research and information handling, and in the use thereof, to amend the National Science Foundation Act of 1950, and for other purposes.

ADJOURNMENT

Mr. WAXMAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 15 minutes p.m.), the House adjourned until tomorrow, Wednesday, May 5, 1976, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3183. A letter from the Deputy Assistant Secretary of the Interior, transmitting a copy of a proposed contract with Science Applications, Inc., La Jolla, Calif., for a research project entitled "Rapid Response Radon Detection," pursuant to section 1(d) of Public Law 89-672; to the Committee on Interior and Insular Affairs.

3184. A letter from the Acting Assistant General Counsel for International and Resource Development Programs, Federal Energy Administration, transmitting notice of meetings to be held during the period May 6 to May 14, 1976, relative to the International Energy Program, pursuant to section 252(c)(1)(A)(i) of Public Law 94-163; to the Committee on Interstate and Foreign Commerce.

3185. A letter from the Chairman, Board of Directors, Legal Services Corporation, transmitting a request that authorizing legislation be enacted to provide for appropriations for fiscal year 1978, and for other purposes, to carry out the responsibility under the Legal Services Corporation Act of 1974; to the Committee on the Judiciary.

3186. A letter from the Treasurer General, National Society of the Daughters of the American Revolution, transmitting a report on the examination of the organization's financial statements for the year ended February 28, 1976, together with its 77th annual report, covering the year ended March 1, 1974, pursuant to section 3 of Public Law 88-504; to the Committee on the Judiciary.

3187. A letter from the Administrator of General Services, transmitting a prospectus proposing a succeeding lease for space presently occupied at 4040 North Fairfax Drive, Arlington, Va., pursuant to section 7(a) of the Public Buildings Act of 1959, as amended; to the Committee on Public Works and Transportation.

RECEIVED FROM THE COMPTROLLER GENERAL

3188. A letter from the Deputy Comptroller General of the United States, transmitting a report and recommendation concerning the claim of Mr. and Mrs. Aaron Wayne Ogburn against the United States, pursuant to 45 Stat. 413 (31 U.S.C. 236); to the Committee on the Judiciary.

3189. A letter from the Comptroller General of the United States, transmitting a report on Department of Agriculture programs which provide financial protection to agricultural producers whose crops are damaged or destroyed by natural disasters or other uncontrollable hazards; jointly, to the Committees on Government Operations, and Agriculture.

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. HAYS of Ohio: Committee on International Relations. H.R. 13179. A bill to authorize appropriations for the Department of State, and for other purposes (Rept. No. 94-1083). Referred to the Committee of the Whole House on the State of the Union.

Mr. MURPHY of New York: Ad Hoc Committee on Outer Continental Shelf. H.R. 6218. A bill to establish a policy for the management of oil and natural gas in the Outer Continental Shelf; to protect the marine and coastal environment; to amend the Outer Continental Shelf Lands Act; and for other purposes; with amendment (Rept. No. 94-1084). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 12835. A bill to amend the Vocational Education Act of 1963, and for other purposes; with amendment (Rept. No. 94-1085). Referred to the Committee of the Whole House on the State of the Union.

Mr. PERKINS: Committee on Education and Labor. H.R. 12851. A bill to extend and amend the Higher Education Act of 1965, as amended, and for other purposes; with amendment (Rept. No. 94-1086). Referred to the Committee of the Whole House on the State of the Union.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 6810. A bill to authorize an additional Assistant Secretary of Commerce; with amendment (Rept. No. 94-1087). Referred to the Committee of the Whole House on the State of the Union.

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. BROWN of Ohio (for himself, Mr. GUYER, Mr. MILLER of Ohio, Mr. MOSHER, Mr. SEIBERLING, Mr. STOKES, Mr. WHALEN, Mr. CONYERS, Mr. DELLUMS, Mr. HAWKINS, Mr. MITCHELL of Maryland, Mr. NIX, Mr. RANGEL, Mr. DIGGS, Mr. KINDNESS, and Mr. ASHLEY):

H.R. 13522. A bill to authorize the Secretary of the Interior to establish and operate a National Museum of Afro-American History and Culture at or near Wilberforce, Ohio; to the Committee on Interior and Insular Affairs.

By Mr. PHILLIP BURTON (for himself, Mr. DON H. CLAUSEN, Mrs. MINK, Mr. LAGOMARSINO, Mr. DE LUGO, Mr. BENITEZ, and Mr. WON PAT):

H.R. 13523. A bill to amend the joint resolution entitled "Joint resolution to provide for accepting, ratifying, and confirming the cessions of certain islands of the Samoan group to the United States, and for other purposes," approved February 20, 1929 (45 Stat. 1253; 48 U.S.C. 1661) (which provides for the acceptance, ratification, and confirmation of certain islands of the Samoan group to the United States), and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. DENT (for himself, Mr. YATRON, and Mr. EILBERG):

H.R. 13524. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to grant additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest; to reaffirm the au-

thority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. GUDE:

H.R. 13525. A bill to require the payment of interest by Federal agencies on overdue contract payments, to amend the Office of Federal Procurement Policy Act, and for other purposes; to the Committee on Government Operations.

By Mr. HANLEY:

H.R. 13526. A bill to grant a Federal Charter to the International Veteran Boxers Association; to the Committee on the Judiciary.

By Mr. KOCH (for himself and Mr. BIAGGI):

H.R. 13527. A bill to amend the Vocational Rehabilitation Act of 1973, and for other purposes; jointly, to the Committees on Education and Labor, and Post Office and Civil Service.

By Mr. MELCHER:

H.R. 13528. A bill to authorize a study for the purpose of determining the feasibility and desirability of designating the Nez Perce Trail as a national scenic trail; to the Committee on Interior and Insular Affairs.

By Mr. MIKVA (for himself, Mr. DENT, Mr. HAMILTON, and Mr. QUILLEN):

H.R. 13529. A bill to correct inequities in certain franchise practices, to provide franchisors and franchisees with evenhanded protection from unfair practices, to provide consumers with the benefits which accrue from a competitive and open-market economy, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MOAKLEY (for himself, Mr. SCHEUER, and Mr. HANNAFORD):

H.R. 13530. A bill to amend the Internal Revenue Code of 1954 to provide a tax credit and to allow a deduction with respect to expenditures for residential solar energy equipment; to the Committee on Ways and Means.

By Mr. NOWAK:

H.R. 13531. A bill to amend title XVIII of the Social Security Act to include, as a home health service, nutritional counseling provided by or under the supervision of a registered dietitian; to the Committee on Ways and Means.

By Mr. PICKLE (for himself and Mr. KASTENMEIER):

H.R. 13532. A bill to exempt from Federal income taxation certain nonprofit corporations all of whose members are tax-exempt credit unions; to the Committee on Ways and Means.

By Mr. QUILLEN (for himself, Mr. CRANE, Mr. DU PONT, and Mr. MIKVA):

H.R. 13533. A bill to amend the Internal Revenue Code of 1954 to provide for payment by the Government of all reasonable litigation expenses to prevailing taxpayers in legal action; to the Committee on Ways and Means.

By Mr. RIEGLE:

H.R. 13534. A bill to authorize the Secretary of the Treasury to reimburse State and local law enforcement agencies for assistance provided at the request of the U.S. Secret Service; to the Committee on the Judiciary.

By Mr. ROYBAL (for himself and Mr. BEARD of Rhode Island):

H.R. 13535. A bill to prohibit common carriers in interstate commerce from charging elderly people more than half fare for their transportation during nonpeak periods of travel, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. SANTINI (for himself, Ms. ABZUG, Mr. BEARD of Rhode Island, Mr. FORD of Tennessee, Mr. HARRIS, Ms. KEYS, Mr. MAGUIRE, Mr. MEZVINSKY, Mr. MOSS, Mr. RICHMOND, Mr. ROE, Mr. ROYBAL, Mr. SCHEUER, Mrs. SPELLMAN, Mr. STARK, and Mr. WAXMAN):

H.R. 13536. A bill to amend the Federal Food, Drug, and Cosmetic Act to require the label on certain food products to disclose the total sugar content thereof; to the Committee on Interstate and Foreign Commerce.

By Mr. SATTERFIELD:

H.R. 13537. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to grant additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. SYMMS:

H.R. 13538. A bill to repeal the earnings limitation of the Social Security Act; to the Committee on Ways and Means.

By Mr. WAGGONNER (for himself and Mr. PASSMAN):

H.R. 13539. A bill to reaffirm the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce; to grant additional authority to the Federal Communications Commission to authorize mergers of carriers when deemd to be in the public interest; to reaffirm the authority of the States to regulate terminal and station equipment used for telephone exchange service; to require the Federal Communications Commission to make certain findings in connection with Commission actions authorizing specialized carriers; and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. BEARD of Rhode Island:

H.R. 13540. A bill to provide compensation for losses incurred as a result of hog cholera controls imposed by the Department of Agriculture to the Committee on Agriculture.

By Mr. FRENZEL:

H.R. 13541. A bill to provide for the eliminaton of inactive and overlapping Federal programs, to require authorizations of new budget authority for Government programs and activities at least every 4 years, to establish a procedure for zero-base review and evaluation of Government programs and activities every 4 years, and for other purposes; to the Committee on Rules.

By Mrs. HECKLER of Massachusetts:

H.R. 13542. A bill to amend the Tariff Schedules of the United States; to the Committee on Ways and Means.

By Mrs. LLOYD of Tennessee:

H.R. 13543. A bill to amend title 39, United States Code, to prohibit the U.S. Postal Service from merging post office operations without the approval of persons regularly served by such post offices, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MATSUNAGA:

H.R. 13544. A bill to provide for grants to local educational agencies for purposes of reducing the average class size in schools of such agencies; to the Committee on Education and Labor.

H.R. 13545. A bill to amend the pay savings provisions of title 5, United States Code, to provide that in applying the 2-year continuous work requirement in the case of an employee being reduced in grade there shall be disregarded periods of service in a different agency or in a lower grade caused by a reduction in force; to the Committee on Post Office and Civil Service.

By Mr. NEDZI:

H.R. 13546. A bill to authorize the erection of a sculpture entitled "Delta Solar" on public grounds in the District of Columbia; to the Committee on House Administration.

By Mr. PRESSLER:

H.R. 13547. A bill to amend the Federal Regulation of Lobbying Act to require officers and employees of departments, agencies, and instrumentalities of the United States who attempt to influence legislation to register as lobbyists, and for other purposes; jointly to the Committees on Standards of Official Conduct, and Rules.

By Mr. SHARP:

H.R. 13548. A bill to amend the State and Local Fiscal Assistance Act of 1972 to take account of transfers of funds from publicly owned public utilities in computing State and local entitlements, and for other purposes; to the Committee on Government Operations.

By Mr. STRATTON (for himself and Mr. O'BRIEN):

H.R. 13549. A bill to provide for additional income for the U.S. Soldiers' and Airmen's Home by requiring the Board of Commissioners of the Home to collect a fee from the members of the Home; by appropriating nonjudicial forfeitures for support of the Home; and by increasing the deductions from pay of enlisted men and warrant officers; to the Committee on Armed Services.

By Mr. TRAXLER (for himself and Mr. NOLAN):

H.R. 13550. A bill to authorize the Secretary of Agriculture to make financial assistance available to agricultural producers who suffer losses as the result of having their agricultural commodities or livestock quarantined or condemned because such commodities or livestock have been found to contain toxic chemicals dangerous to the public health; to the Committee on Agriculture.

By Mr. JOHNSON of Pennsylvania:

H.J. Res. 935. Joint resolution authorizing the President to proclaim the week beginning on November 7, 1976, as National Respiratory Therapy Week; to the Committee on Post Office and Civil Service.

By Mrs. BOGGS:

H. Con. Res. 622. Concurrent resolution providing for the printing of a document entitled "The Working Congress"; to the Committee on House Administration.

H. Con. Res. 623. Concurrent resolution providing for the printing of a booklet entitled "Duties of the Speaker"; to the Committee on House Administration.

H. Con. Res. 624. Concurrent resolution providing for the printing of a walking tour map of the areas surrounding the U.S. Capitol; to the Committee on House Administration.

By Mr. STUCKEY (by request):

H. Con. Res. 625. Concurrent resolution calling for a rededication of candidates for public office and the American people to the spirit of independence and self-reliance as espoused by our Founding Fathers; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BELL:

H.R. 13551. A bill for the relief of Pece D. Van Arsdol; to the Committee on the Judiciary.

By Mr. MATSUNAGA:

H.R. 13552. A bill for the relief of Cindy Lee; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 12234

By Mr. MAGUIRE:

Page 2, line 24, delete "$240,00,000"; insert "$180,000,0000".

Page 4, following line 4, insert the following new paragraph (9) and renumber the subsequent paragraphs accordingly:

"(9) In section 6(c), insert the following after the second sentence: '*Provided*, That the Secretary may waive, in accordance with such regulations as he shall promulgate, the requirement for a State to pay 50 per centum of the cost of any project in an area with significant unmet recreation needs identified pursuant to subsection (d), or where the project is of national or regional significance in the quality or quantity of recreational opportunities offered. In no case shall the federal share of the cost of any project exceed 70 per centum.' "

Page 4, following line 12, insert the following new paragraph 10 and renumber subsequent paragraphs accordingly:

"(10) In section 6(d), delete subparagraph (3) and insert the following, renumbering the subsequent subparagraph accordingly:

" '(3) an identification of those areas of highest unmet recreation needs, criteria for and development of a priority list for meeting these needs. Highest unmet recreation needs shall include but not be limited to such factors as:

" 'accessibility and service to large numbers of people in crowded urban or less affluent rural areas; and

" 'provision of a recreation opportunity of national or regional recreational significance; and

" 'provision of recreational opportunity or service to an area which has a high proportion of persons with incomes at or below the federal poverty level.

" '(4) A program for the implementation of the plan and priority list identified under subparagraph (3).' "

Page 4, line 13: Strike lines 13–24 and insert in lieu thereof the following:

"(10) In section 6(e) revise subparagraph (2) to read as follows:

"(2) DEVELOPMENT.—For development, including but not limited to site planning and the development of Federal lands under lease to States for terms of twenty-five years or more. Notwithstanding any provisions of this Act, not more than 25 per centum of the total amount allocated to a State in any one year may be utilized for the following purposes:

"(a) planning and development of sheltered facilities for swimming pools and ice skating rinks within areas where the Secretary determines that (1) the severity of climatic conditions provides no feasible or prudent alternative to serve identified unmet demands for recreation resources; and (2) the increased public use thereby made possible justifies the construction of such facilities.

"(b) Renovation and upgrading of indoor recreation facilities of any state or local park system where the Secretary determines that (1) the facilities have deteriorated to the point where their usefulness is impaired, or they have become outmoded; and (2) the loss of these facilities would result in a loss of recreational opportunities to that community."

By Mr. SEIBERLING:

On page 4, after line 12, insert a new section (10) as follows, renumbering the subsequent subsections accordingly:

"(10) In section 6(d), delete subparagraph (3) and insert the following, renumbering the subsequent subparagraph accordingly:

" '(3) an identification of those areas having the highest degree of unmet outdoor recreation needs;

" '(4) a program for the implementation of the plan which gives priority in the allocation of funds to those areas having the highest degree of unmet outdoor recreation needs identified in subparagraph (3).' "

On page 5, line 3, strike the period and substitute a comma and insert the following: "which guidelines shall include, but not be limited to, a requirement that each State evaluate its implementation of those provisions contained in section (d)."

(Amendment to Mr. MAGUIRE's amendment at page 4, line 4 of H.R. 12234.)

At the end of the first sentence after the word "offered", change the period to a comma and insert the following: "if he finds that sources of funding available to the State are otherwise insufficient to enable the project to be carried out."

H.R. 13350

By Mr. AMBRO:

In title I:

On page 3, line 20 change the period at the end of the line to a comma and add: "including $4 million for initiation of activities at the Solar Energy Research Institute."

And on page 5, line 15 change the period at the end of the line to a comma and add: "including $1.5 million for initiation of activities at the Solar Energy Research Institute in the areas of modification of facilities, acquisition and fabrication of capital equipment, and design of the final installation."

FACTUAL DESCRIPTIONS OF BILLS AND RESOLUTIONS INTRODUCED

Prepared by the Congressional Research Services pursuant to clause 5(d) of House rule X. Previous listing appeared in the CONGRESSIONAL RECORD of May 3, 1976, page H3852:

H.R. 13211. April 13, 1976. Banking, Currency and Housing. Amends the Bank Holding Company Act, the National Banking Act, the Federal Deposit Insurance Act, and the Federal Reserve Act to regulate through the Secretary of the Treasury and the Comptroller of the Currency, foreign banks establishing, operating, or controlling branches in the United States.

H.R. 13212. April 13, 1976. Interior and Insular Affairs. Designates specified lands in Shenandoah National Park, Virginia, as wilderness.

H.R. 13213. April 13, 1976. Education and Labor. Directs the Secretary of Health, Education, and Welfare to establish a multi-service program for displaced homemakers designed to assist them in obtaining employment and educational opportunities.

Authorizes a study of the existing Federal programs to determine the feasibility of participation by displaced homemakers.

H.R. 13214. April 13, 1976. Ways and Means. Amends the Social Security Act to include as a home service in the Medicare program, nutritional counseling provided by or under the supervision of a registered dietitian.

H.R. 13215. April 13, 1976. Veterans' Affairs. Directs the Secretary of Defense to provide for the burial at the Arlington Memorial Amphitheater, Arlington National Cemetery, of the remains of an unknown American Soldier who lost his life in the American Revolutionary War.

H.R. 13216. April 13, 1976. Post Office and Civil Service. Repeals the Postal Reorganization Act. Reenacts provisions relating to the postal service which were in effect immediately prior to the enactment of such Act.

H.R. 13217. April 13, 1976. Interior and Insular Affairs. Directs the Secretary of the Interior to convey to the owners of specified lands near Palo Verde, Arizona, all mineral rights of the United States therein.

H.R. 13218. April 13, 1976. Merchant Marine and Fisheries. Permits the steamship *United States* to be used as a floating hotel. Provides that during a national emergency the vessel may be requisitioned or purchased by the United States and just compensation for title or use shall be paid in accordance with the Merchant Marine Act.

H.R. 13219. April 13, 1976. Judiciary. Abolishes diversity of citizenship as a basis for jurisdiction of Federal district courts.

H.R. 13220. April 13, 1976. Interstate and Foreign Commerce. Amends the Natural Gas Act to direct the Federal Power Commission to take all action it deems necessary to facilitate the construction, maintenance, and operation of a transcontinental natural gas pipeline from Alaska through Canada to the contiguous 48 States.

H.R. 13221. April 13, 1976. Interior and Insular Affairs. Directs the Secretary of the Interior to establish the National Museum of Afro-American History and Culture in the vicinity of Wilberforce, Ohio.

H.R. 13222. April 13, 1976. Prohibits the theft of radio equipment used or operated in the citizens ratio service.

H.R. 13223. April 13, 1976. Judiciary. Prohibits the knowing transport, receipt, or sale of stolen radio equipment used or operated in the citizens radio service in interstate or foreign commerce.

H.R. 13224. April 13, 1976. Post Office and Civil Service. Repeals the Postal Reorganization Act. Reenacts provisions relating to the postal service which were in effect immediately prior to the enactment of such Act.

H.R. 13225. April 13, 1976. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public intrest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

H.R. 13226. April 13, 1976. Agriculture. Directs the Secretary of Agriculture to establish standards governing timber sales in national forests consistent with multiple use-sustained yield principles. Requires consideration of environmental, biological, engineering, and economic factors prior to large timber sales.

Requires the imposition of limits on clear-cutting, cutting of unmarked trees, and cutting of immature trees in national forests. Requires the preparation of management plans for national forests.

H.R. 13227. April 13, 1976. Interior and Insular Affairs. Designates a specified segment of the New River in North Carolina as a component of the National Wild and Scenic Rivers System.

H.R. 13228. April 13, 1976. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

H.R. 13229. April 13, 1976. Ways and Means. Amends the Social Security Act to authorize payment under the Medicare program for specified services performed by chiropractors, including x-rays, and physical examination, and related routine laboratory tests.

H.R. 13230. April 13, 1976. Judiciary. Creates a charitable body corporate to be known as the National Opportunities Camps for the purpose of establishing and operating camps for disadvantaged children. Grants to such corporation the exclusive right to the name "National Opportunities Camps."

H.R. 13231. April 13, 1976. Public Works

and Transportation. Authorizes the Secretary of Commerce to make grants for local public works projects, provided that such projects are designed to alleviate unemployment and do not involve the damming or other diversion of water.

H.R. 13232. April 13, 1976. Agriculture. Establishes a Commission on the Humane Treatment of Animals to study the treatment of animals.

H.R. 13233. April 13, 1976. Agriculture. Establishes a Commission on the Humane Treatment of Animals to study the treatment of animals.

H.R. 13234. April 13, 1976. Ways and Means. Prohibits any business deduction, under the Internal Revenue Code, relating to expenses paid or incurred for the transportation of any person by commercial airplane or railroad in excess of any amount which is equal to the retail price of a coach class fare ticket on such airline or railroad, unless the use of first class accommodations was necessitated by the circumstances of the taxpayer's business activities or by a disability or handicap or because coach tickets were unavailable.

H.R. 13235. April 13, 1976. Ways and Means. Amends the Internal Revenue Code to increase the estate tax exemption and the estate tax marital deduction.

SENATE—*Tuesday, May 4, 1976*

The Senate met at 10 a.m. and was called to order by Hon. JOHN O. PASTORE, a Senator from the State of Rhode Island.

Mr. PASTORE. Our guest Chaplain this morning is the Reverend James H. Gambrill. He is rector of the Grace Church, which is the mother Episcopal church in the diocese of the State of Rhode Island. He will now lead the Senate in prayer.

PRAYER

The Reverend James H. Gambrill, rector, Grace Church in Providence, Providence, R.I., offered the following prayer:

Our Heavenly Father, we turn to Thee for encouragement in an age of low standards and low expectations. For too many, life is a game of tennis played with the net down. We ask Thee to remind us of Thy calling to serve Thee and each other on the highest possible plane of life. May our example in this place encourage the best efforts from the entire Nation; may our efforts encourage the seed of growth and creativity that is in everyone but needs to be nurtured for Thy service. There are those who are hungry and we have food; help us to learn to share it. There are those who are lonely and we have each other's fellowship; help us to be open to those who need us. There are those who are frightened; help us through our service to make Thy love known.

We pray in the name of Him who taught us that service is perfect freedom and that in giving, we receive in full measure. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., May 4, 1976.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JOHN O. PASTORE, a Senator from the State of Rhode Island, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. PASTORE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, May 3, 1976, be dispensed with.

The PRESIDING OFFICER (Mr. GLENN). Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet until 1 o'clock this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

RELOCATION OF THE JOHN WITHERSPOON STATUE

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 732, S. 2996.

The PRESIDING OFFICER. The bill will be stated by title.

The legislative clerk read as follows:

A bill (S. 2996) to authorize the Secretary of the Interior to permit the relocation of the John Witherspoon statue, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs, with an amendment to strike out all after the enacting clause and insert in lieu thereof:

That the Secretary of the Interior is authorized, by appropriate cooperative agreement, to permit the removal to the National Presbyterian Center, Washington, District of Columbia, of the statue of John Witherspoon and supporting pedestal which was erected, pursuant to the Act of May 29, 1908 (35 Stat. 579), on lands in the District of Columbia now under the administrative jurisdiction of the National Park Service, and to convey, without compensation, title to said statue and pedestal to the National Presbyterian Church, Incorporated, a religious corporation duly organized and existing under the laws of the State of Maryland. Such conveyance shall be on condition that the aforesaid Presbyterian Church, Incorporated, shall suitably display and maintain the statue as a memorial to John Witherspoon, a signer of the Declaration of Independence and Presbyterian minister. The conveyance shall be achieved without expense to the United States of America.

The amendment was agreed to.

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

MUHAMMAD ALI FACES THE NATION

Mr. MANSFIELD. Mr. President, on Sunday last, I had the pleasure of watching and listening to Mr. Muhammad Ali on the CBS program, "Face the Nation." The reporters on that occasion were George Herman of CBS News, Peter Bonventre of Newsweek, and Fred Graham of CBS News. I found the interview fascinating. I found it very much worthwhile. I had never seen Mr. Muhammad Ali except in pictures in the public prints before. I was impressed with his performance. I ask unanimous consent that the transcript of the Face the Nation broadcast, which starred Muhammad Ali, be printed at this point in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

FACE THE NATION

GEORGE HERMAN. Muhammad Ali, you have said that you would like to get out of boxing and carry a briefcase, and be a sort of black Henry Kissinger. Did your fight this week persuade you that maybe it's getting to be that time?

Mr. ALI. Yes, sir.

HERMAN. Do you intend to retire some time in the near future?

Mr. ALI. Some time at the end of this year, my manager, Herbert Muhammad, and I have a plan where we are going to go to Germany to fight Richard Dunn, the European champion. After that the Japanese wrestling champion of the world, contender Ken Norton, and then we'd like to quit.

HERMAN. Have you bought a black briefcase?

Mr. ALI. No, I have a couple of briefcases.

ANNOUNCER. From CBS News, Washington, a spontaneous and unrehearsed news interview on Face the Nation, with Muhammad Ali, the heavyweight boxing champion of the world. Mr. Ali will be questioned by CBS News Correspondent Fred Graham, by Peter Bonventre, Associate Editor in Sports for Newsweek Magazine, and by CBS News Correspondent George Herman.

HERMAN. Mr. Ali, you have said that you like to lecture better than you like to box. You've become certainly a very well-known world figure; people know about you in every corner of the earth. You say you want to be a sort of a black Henry Kissinger. What is it you want to do after you stop fighting?

Mr. ALI. Well, I figure that we only have so many hours a day to do whatever we have to do, so many years to live, and in those years we sleep, about eight hours a day, we travel, we watch television; if a man is 50 years old he's lucky to have had 20 years to actually live. So I would like to do the best that I can for humanity. I'm blessed by God to be recognized as the most famous face on the earth today, and I cannot think of nothing no better than helping God's creatures, or helping poverty, or working for good causes where I can use my name to do so, to help this country and other countries where we're having various problems where my influence might help.