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PROCEEDINGS AND DEBATES OF THE 94th CONGRESS, SECOND SESSION

HOUSE OF REPRESENTATIVES—*Thursday, September 2, 1976*

The House met at 12 o'clock noon.

Rev. Charles A. Mallon, St. Matthias Church, Lanham, Md., offered the following prayer:

The Lord is just in all His ways and holy in all His works. The Lord is near to all who call upon Him, to all who call upon Him in truth.—Psalms 145: 18.

Father, why do You draw near to some and yet remain hidden from others? Is it this element of truth Your Word proclaims. Send Your Holy Spirit upon us that we might see ourselves in truth as You see us.

Allow us to enter into Your presence that we might adopt Your ways and Your works.

For You are sovereign, righteous, just, and loving. You have eternal life. You are all-present, all-powerful, and all-knowing. You are both immutable and truthful. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Sparrow, one of its clerks, announced that the Senate had passed with amendments in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 13325. An act to amend the Regional Rail Reorganization Act of 1973 to authorize additional appropriations for the U.S. Railway Association.

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

S. 2710. An act to extend certain authorizations under the Federal Water Pollution Control Act, as amended.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 2228) entitled "An act to amend the Public Works and Economic Development Act of 1965, as amended, to extend the authorizations for a 3-year period," agrees to a conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MONTOYA, Mr. RANDOLPH, Mr. MUSKIE, Mr. MCCLURE, and Mr. BAKER to be the conferees on the part of the Senate.

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

S. 3131. An act to amend the Rail Passenger Service Act to provide financing for the National Railroad Passenger Corporation, and for other purposes; and

S. 3651. An act to amend the Alaska Native Claims Settlement Act to provide for the withdrawal of lands for the village of Klukwan, Alaska, and for other purposes.

CONGRESSMAN KETCHUM REINTRODUCING BILL TO REPEAL THE BILINGUAL PROVISIONS OF VOTING RIGHTS ACT AMENDMENTS OF 1975

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

Mr. KETCHUM. Mr. Speaker, several weeks ago, I had the privilege to attend a swearing-in ceremony of new citizens in my hometown of Bakersfield, Calif. The first question asked me by this new group of American citizens was, "Why is election material printed in Spanish when we had to demonstrate a written and spoken comprehension of English in order to become naturalized citizens?"

That is a question I pose to my colleagues today. Congress, in its infinite wisdom, has decreed that ballots and election material be printed in languages other than English when 5 percent of the population in a given area consists of language minorities with a fifth grade education or less, yet the law states that individuals cannot become citizens unless they are able to comprehend the Constitution. The Constitution, incidentally, is written in English—not Spanish, or Chinese, or French, or German.

My constituents, intensely proud of their new American citizenship, cannot comprehend the rationale behind making election material available in languages other than English. Quite frankly, neither can I. I will be reintroducing my bill to repeal the bilingual provisions of the Voting Rights Act Amendments of 1975 and I urge you to join me as a cosponsor.

COMMUNICATION FROM CHAIRMAN OF COMMITTEE ON HOUSE ADMINISTRATION

The SPEAKER laid before the House the following communication from the chairman of the Committee on House Administration:

WASHINGTON, D.C.,
September 2, 1976.

Hon. CARL ALBERT,
Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Pursuant to the provisions of Title 44, Section 1 of the United States Code, I would like to inform you of the membership of the Joint Committee on Printing. The statute requires that the Chairman and two members of the Committee on House Administration serve as the representatives of the House on the Joint Committee on Printing.

The membership consists of Frank Thompson, Jr., John Brademas, and William L. Dickinson.

Similarly, Section 132b of Title 2 of the United States Code requires that the Chairman and four other members of the Committee on House Administration be members of the Joint Committee of Congress on the Library.

Pursuant to the terms of that statute, the following members of the Committee on House Administration are members of the Joint Committee of Congress on the Library: Frank Thompson, Jr., Lucien N. Nedzi, John Brademas, Samuel L. Devine, and W. Henson Moore.

With kind regards,
Cordially,

FRANK THOMPSON, Jr.

JIMMY CARTER'S TAX REFORM SHOULD APPLY TO HIS OWN INCOME TAX

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

Mr. LATTA. Mr. Speaker, we have heard a lot about the need for tax reform from a certain Democratic candidate for President, notwithstanding the fact that his party has been in control of the Congress for the last 22 years, and have played the major role in writing all of our tax laws during that period. Yesterday, it was revealed that this certain candidate for President paid only $17,484.14 in 1975 on a total income of $136,138.92.

Yes, Jimmy Carter, we do need tax reform so that people with $136,138.92 in income in 1 year will pay more than $17,484.14 in Federal income taxes. This figures out to only 12.8 percent of your income. During this same year, President Ford paid $94,568 in Federal income taxes on a gross income of $251,991. President Ford's Federal income taxes amounted to 37.5 percent of his gross income for the same period.

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

OMNIBUS ANTITRUST BILL

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

Mr. McCLORY. Mr. Speaker, there seems to be some misunderstanding regarding the Senate amendment to the House version of the omnibus antitrust bill, H.R. 8532. The Senate has voted cloture and has agreed to an up-or-down vote on its amendment next Wednesday afternoon.

Now, it is widely rumored that the Senate amendment is a "compromise" that has been agreed to by the House conferees. I will not speculate why this rumor is afloat. But the truth is that the House conferees have not agreed to the Senate amendment now under consideration in that body.

The House conferees offered a compromise to the Senate managers. The Senate managers counteroffered, and the House conferees rejected the counteroffer. Nevertheless, that rejected counteroffer is now being readied for delivery to the House.

This counteroffer differs from what we proposed in several important respects, and in particular it would delete the House provision allowing treble damages to be reduced to single damages on a showing of "good faith" and it would wipe out the House's absolute ban on contingency fees.

To my knowledge, no member of the conference committee has agreed to these changes. The Senate managers know we have rejected them. It seems to me that they are playing a dangerous game in asking us to accept what we have already rejected.

PERMISSION FOR COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO HAVE UNTIL MIDNIGHT SEPTEMBER 7, 1976, TO FILE REPORT

Mr. FLYNT. Mr. Speaker, I ask unanimous consent that the Committee on Standards of Official Conduct may have until midnight Tuesday, September 7, 1976, to file a report.

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

There was no objection.

PERMISSION FOR COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT TO MEET TODAY DURING 5-MINUTE RULE

Mr. FLYNT. Mr. Speaker, I ask unanimous consent that the Committee on Standards of Official Conduct be permitted to sit during the 5-minute rule today, Thursday, September 2, 1976.

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

There was no objection.

VISITORS CENTER COMPLETION SHOULD NOT BE DELAYED

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

Mr. PEPPER. Mr. Speaker, I noticed in the paper yesterday that the Department of the Interior was requesting a House committee to defer the completion of the Visitors Center at the old Union Station here in Washington. I think we should not lose sight of the fact that this Capital belongs to the people of this country and not to us here.

But, we do have the responsibility for making this Capital accessible to the men and women, the boys and girls and children of this great America who want to receive here the inspiration they always receive from visiting the Capital of this country. We have been years trying to provide some suitable tourist center for the people of this country so that they can have appropriate restroom facilities, eating facilities, and parking facilities for their cars and the like. We have made a lot of progress now toward the completion of that project. It will not cost any less to finish it in the future than it costs now, so I hope that we will go straight ahead with the completion of this project so that the people of this country can come here and enjoy their visit to the Nation's Capital.

REPLY TO IZVESTIA

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

Mr. FASCELL. Mr. Speaker, if the Soviet Union had a free press, I would be tempted to write to the editor of the newspaper Izvestia, which published an article on August 29 criticizing Radio Liberty, Radio Free Europe, and the Commission on Security and Cooperation in Europe.

According to the article, Radio Liberty and Radio Free Europe are creatures of the CIA. The article also said that the Commission, which was formed by Congress to monitor implementation of the Helsinki accord, should probe the stations for harming international cooperation.

In truth, the radio stations seek to carry out the goals of the Helsinki agreement "to facilitate the freer and wider dissemination of information of all kinds."

The Soviet Union, however, is in blatant violation of the agreement by its continued jamming of the radio broadcasts, and the same is true of other East European countries. The jamming is inconsistent with the Helsinki agreement and should be terminated.

If the Commission could involve itself in the internal affairs of another nation, which it cannot, it would strive to eliminate the harassment and humiliation of Soviet Jews and others who are not being permitted to emigrate.

Instead, the Commission's role is to monitor and encourage compliance with the Helsinki agreement. In this connection, the Commission staff has participated in an intensive 3-day review conference conducted by the Board for International Broadcasting at the headquarters of Radio Free Europe and Radio Liberty in Munich.

The staff has reported that the activities of both radio stations are fully consistent with the agreement. The stations are no longer affiliated with the CIA in any way. They are independent by an act of Congress. It is unfortunate that their broadcasts of news, information, entertainment, and cultural and education programs are not permitted to reach the people as provided for by the agreement.

To prevent citizens of any state from exercising their basic right to be informed does great harm to the relaxation of international tensions.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO FILE REPORT ON H.R. 15

Mr. FLOWERS. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight tonight to file its report on the bill H.R. 15.

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

There was no objection.

PERMISSION FOR COMMITTEE ON THE JUDICIARY TO HAVE UNTIL MIDNIGHT SEPTEMBER 3, 1976, TO FILE REPORT ON S. 22

Mr. KASTENMEIER. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary may have until midnight Friday, September 3, 1976, to file a committee report on S. 22 relating to copyright revisions.

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

There was no objection.

THE HOUSE OF REPRESENTATIVES HAS REJECTED ITS PUBLIC RESPONSIBILITY

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

Mr. ROBERT W. DANIEL, JR. Mr. Speaker, the freewheeling faction which controls this House has now dealt a blow to hopes for reforming it: Not only does the legislative appropriations bill which we debated yesterday pose several glaring targets for reform, but the rule by which the leadership required us to debate it would not allow those reforms to be offered. In fact, I find myself speaking here a day late because even that rule could not be fully debated yesterday in the time allotted. I am very disappointed that the House, by only a 4-vote margin, has rejected its public responsibility.

Instead, the controlling faction chose to throw the public a mere three amendments as a sop. It did not allow even the consideration of an amendment making our expenditure records more accessible and informative; or, an amendment making our barbershops, restaurants,

and other hidden privileges pay their own way; or, an amendment refusing any additional money to the problem-plagued House Administration Committee. Previously, general appropriations bills have always been open to amendments, which this year have ranged in number up to 14 or 15 a bill.

Mr. Speaker, if this Congress continues to bellow nothing more than "The public be damned," then I sincerely hope that it will hear a resounding echo this November 2. These reforms were needed months ago, they are certainly needed now.

PROVIDING FOR EXPENSES OF INVESTIGATIONS AND STUDIES TO BE CONDUCTED BY SELECT COMMITTEE ON NARCOTICS ABUSE AND CONTROL

Mr. THOMPSON. Mr. Speaker, by direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 1472) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 1472

Resolved, That effective August 10, 1976, the expenses of investigations and studies to be conducted by the Select Committee on Narcotics Abuse and Control, not to exceed $111,667, including expenditures for the employment of investigators, attorneys, and clerical and other assistants, and for the procurement of services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Organization Act of 1946, as amended (2 U.S.C. 72a(i)), shall be paid out of the contingent fund of the House on vouchers authorized by such select committee, signed by the chairman of such select committee, and approved by the Committee on House Administration. Not to exceed $7,500 of the total amount provided by this resolution may be used to procure the temporary or intermittent services of individual consultants or organizations thereof pursuant to section 202(i) of the Legislative Reorganization Act of 1946, as amended (2 U.S.C. 72a(i)); but this monetary limitation on the procurement of such services shall not prevent the use of such funds for any other authorized purpose.

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

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

Mr. THOMPSON (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

Mr. THOMPSON. Mr. Speaker, House Resolution 1472 is sponsored by the distinguished gentleman from New York (Mr. WOLFF), the distinguished gentleman from Florida (Mr. BURKE), with the strong support and deep interest of the chairman of the Committee on the Judiciary, the dean of the New Jersey delegation, the gentleman from New Jersey (Mr. RODINO). It calls for an amount not to exceed $111,667 for the work of the Select Committee on Narcotics Abuse and Control, a matter of great interest to all of us, I am sure.

Mr. Speaker, the enabling resolution, House Resolution 1350, was the subject of House Report No. 94–135. The funding resolution, House Resolution 1472, in the amount of $111,667, is effective August 10, 1976. The funds are requested for 145 days, through the remaining days of the Congress.

This was unanimously agreed to by the Committee on House Administration.

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.

AUTHORIZING EMPLOYMENT OF SPECIAL COUNSEL TO REPRESENT THE SERGEANT AT ARMS

Mr. THOMPSON. By direction of the Committee on House Administration, I call up a privileged resolution (H. Res. 1497) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 1497

Resolved, That the Sergeant at Arms is authorized to employ with the approval of the Speaker a special counsel to represent the Sergeant at Arms in all civil proceedings relating to the pending action entitled Larry Pressler against William E. Simon, et al., civil action numbered 76–0792 in the United States District Court for the District of Columbia, in which action the Sergeant at Arms is named as a defendant.

SEC. 2. Such expenses as are necessary to employ a special counsel shall be paid from the contingent fund of the House on vouchers signed by the Sergeant at Arms and approved by the Speaker.

Mr. THOMPSON (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

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

There was no objection.

COMMITTEE AMENDMENT

The SPEAKER. The Clerk will report the committee amendment.

The Clerk read as follows:

Strike out all after "*Resolved*", and insert in lieu thereof the following: That the Sergeant at Arms is authorized to employ with the approval of the Speaker and the chairman of the Committee on House Administration a special counsel to represent the Sergeant at Arms in all civil proceedings relating to the pending action entitled Larry Pressler against William E. Simon, et al., civil action numbered 76–0782 in the United States District Court for the District of Columbia, in which action the Sergeant at Arms is named as a defendant.

SEC. 2. Such expenses as are necessary to employ a special counsel shall be paid from the contingent fund of the House on vouchers signed by the Sergeant at Arms and approved by the Speaker and the chairman of the Committee on House Administration, and shall not exceed the sum of $50,000 without the further approval of the Committee on House Administration.

Mr. THOMPSON (during the reading). Mr. Speaker, I ask unanimous consent that the committee amendment be considered as read and printed in the RECORD.

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

There was no objection.

The SPEAKER. The gentleman from New Jersey (Mr. THOMPSON) is recognized for 1 hour.

Mr. THOMPSON. Mr. Speaker, House Resolution 1497 would provide the Sergeant at Arms of the House with counsel to undertake his representation in the matter of Pressler against Valeo.

It is the opinion of the Committee on House Administration that a necessary defense against such motion for summary judgment which is currently pending on the subject of the one-House veto provision of the Federal Salary Act provides sufficient control over the delegation of legislative authority to preserve the proper separation of powers.

Subsequent to the plaintiff's motion for summary judgment the Justice Department moved to intervene as a plaintiff in the case of *Clark* v. *Valeo*, Civil Action No. 76–1227 in the U.S. District Court for the District of Columbia, in order to challenge the constitutionality of the one-house veto provisions of the Federal Elections Campaign Act of 1971, as amended. As a result, the Justice Department, without separate counsel, might be in a position of having to argue both sides on this very significant issue.

There is a limitation on the expenditure available for counsel to the Clerk. It is the considered judgment of the gentleman from New Jersey and his colleagues on the Committee on House Administration that this is essential.

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

Mr. THOMPSON. I am delighted to yield to my distinguished friend, the gentleman from Ohio, for purposes of debate only.

Mr. DEVINE. That is the only purpose of my asking the gentleman to yield, and I thank the gentleman for yielding.

Mr. Speaker, I think it should be pointed out for purposes of the record that the Justice Department requested this be done in order that they not be in a position of representing conflicting interests, and that is why the legislation is here today.

Mr. THOMPSON. Mr. Speaker, I thank the gentleman. That is exactly the case.

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.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. ROSENTHAL. 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. 690]

Abzug	Green	Mitchell, Md.
Alexander	Harrington	Murphy, Ill.
Andrews, N.C.	Hawkins	O'Hara
Armstrong	Hébert	Peyser
Badillo	Heckler, Mass.	Railsback
Bell	Heinz	Rees
Bolling	Helstoski	Riegle
Brinkley	Hinshaw	Ruppe
Broomfield	Horton	Ryan
Burton, John	Hutchinson	St Germain
Chappell	Jarman	Santini
Chisholm	Jones, Ala.	Scheuer
Collins, Ill.	Karth	Sikes
Conlan	Kindness	Sisk
Corman	Lehman	Stanton, James V.
de la Garza	Lott	Steelman
Diggs	McCloskey	Steiger, Ariz.
Drinan	McCollister	Teague
du Pont	McEwen	Udall
Early	McKinney	Waxman
Esch	Mathis	Young, Alaska
Eshleman	Matsunaga	Zeferetti
Forsythe	Meeds	
Fuqua	Melcher	
Goldwater	Meyner	

The SPEAKER. On this rollcall 358 Members have recorded their presence by electronic device, a quorum.

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

PRINTING THE REPUBLICAN PLATFORM

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

Mr. RHODES. Mr. Speaker, may I make the observation that this is $400 less than the cost of putting the Democratic platform in the RECORD.

Mr. Speaker, I also wish to state that this is not the only way this platform is the better of the two.

PERSONAL EXPLANATION

Mr. PATTEN. Mr. Speaker, on August 31, 1976, I was unable to be on the floor to record my approval of the conference report on the Government in the Sunshine Act, rollcall No. 677. Unfortunately, I was occupied in an important meeting.

Mr. Speaker, I have long supported the legislation, and had I been able to be present to vote on the Senate bill, S. 5, I would have repeated my original vote in favor of passage.

PROVIDING PROTECTION FOR THE SPOUSES OF MAJOR PRESIDENTIAL AND VICE-PRESIDENTIAL NOMINEES

Mr. FLOWERS. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15371) to provide for protection of the spouses of major Presidential and Vice-Presidential nominees, and ask that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

The SPEAKER. Is there objection to the request of the gentleman from Alabama for the immediate consideration of the bill?

Mr. BAUMAN. Mr. Speaker, reserving the right to object, could the gentleman from Alabama explain to us the importance of this bill?

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

Mr. BAUMAN. Yes, I yield.

Mr. FLOWERS. Mr. Speaker, I will say to the gentleman from Maryland, this bill, I think, really corrects a deficiency in the current law which now extends Secret Service protection to the President and to his immediate family and to the Vice President, as well as to the nominees for President and Vice President. If we obtain this unanimous consent and the House considers the amendment that I am about to offer, this would allow for the Secret Service to accord to the spouses of the Vice Presidential nominee of the Republican Party and the Presidential and Vice Presidential nominees of the Democratic Party the same kind of protection that is now afforded to the President's wife.

Under the amendment that I would offer, it would call for Secret Service protection to be afforded to the President-elect and the Vice President-elect in the same manner as is now afforded to the President and the Vice President.

Mr. BAUMAN. Mr. Speaker, I thank the gentleman from Alabama and I withdraw my reservation of objection.

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

There was no objection.

AMENDMENT OFFERED BY MR. FLOWERS

Mr. FLOWERS. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. FLOWERS: Page 2, following line 2, insert the following new section:

"SEC. 2. Section 3056 of title 18, United States Code is amended to read as follows:

"(a) Subject to the direction of the Secretary of the Treasury, the United States Secret Service, Treasury Department, is authorized to protect the person of the President of the United States, the members of his immediate family, the President-elect, the Vice President or other officer next in the order of succession to the office of President, and the Vice President-elect, *and the members of their immediate families unless the members decline such protection;* protect the person of a former President and his wife during his lifetime, the person of a widow of a former President until her death or remarriage, and minor children of a former President until they reach sixteen years of age, unless such protection is declined; protect the person of a visiting head of a foreign state or foreign government and, at the direction of the President, other distinguished foreign visitors to the United States and official representatives of the United States performing special missions abroad; detect and arrest any person committing any offense against the laws of the United States relating to coins, obligations, and securities of the United States and of foreign governments; detect and arrest any person violating any of the provisions of sections 508, 509, and 871 of this title and, insofar as the Federal Deposit Insurance Corporation, Federal land banks, joint-stock land banks and Federal land bank associations are concerned, of sections 218, 221, 433, 493, 657, 709, 1006, 1007, 1011, 1013, 1014, 1907 and 1909 of this title; execute warrants issued under the authority of the United States; carry firearms; offer and pay rewards for services or information looking toward the apprehension of criminals; pay expenses for unforeseen emergencies of a confidential nature under the direction of the Secretary of the Treasury and accounted for solely on his certificate; and perform such other functions and duties as are authorized by law. In the performance of their duties under this section, the Director, Deputy Director, Assistant Directors, Assistants to the Director, inspectors, and agents of the Secret Service are authorized to make arrests without warrant for any offense against the United States committed in their presence, or for any felony cognizable in their the laws of the United States if they have reasonable grounds to believe that the person to be arrested has committed or is committing such felony. Moneys expended from Secret Service appropriations for the purchase of counterfeits and subsequently recovered shall be reimbursed to the appropriation current at the time of deposit.

"(b) Whoever knowingly and willfully obstructs, resists, or interferes with an agent of the United States Secret Service or other Federal law enforcement agent engaged in the protective functions authorized by this section, by the Act of June 6, 1968 (82 Stat. 170) or by section 1752 of title 18, United States Code, shall be fined not more than $300 or imprisoned not more than one year or both."

Mr. FLOWERS (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

The 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.

GENERAL LEAVE

Mr. FLOWERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill, H.R. 15371, just passed.

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

There was no objection.

EXTENSION OF LEAA

Mr. CONYERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 13636) to amend title I (Law Enforcement Assistance) of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan.

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further

consideration of the bill H.R. 13636, with Mr. ROSENTHAL in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Tuesday, August 31, 1976, title I was considered as having been read, and pending was an amendment offered by the gentleman from California (Mr. WIGGINS).

Without objection, the Clerk will reread the amendment.

There was no objection.

The Clerk read as follows:

Amendment offered by Mr. WIGGINS: On page 16, line 2, strike "(a)" and on lines 10 through 24, and on page 17, lines 1 through 5, strike the whole of section 108 (b) and (c).

Mr. WIGGINS. Mr. Chairman, present law requires that the administrator promulgate physical and service standards for the improvement or renovation of local jails. The committee, in the bill before us, has expanded this obvious intrusion into matters which are within a locality's jurisdiction by adding, in addition to renovation and improvements, the word "construction," so that the duty of the administrator is to promulgate physical and service standards with respect to new construction, renovation and improvement of all State and local correctional institutions and facilities which may be funded in part by LEAA funds. No Federal funds made available under this act are available for these purposes unless the States and localities accept the Federal standards.

The amendment which I have offered strikes this responsibility. Why is it, ladies and gentleman—why is it that the Federal Government is getting into the business of design and construction of local detention facilities, and I emphasize service standards, with respect to activities conducted therein? The answer, according to the committee, has been that there is a failure on the part of some of the States and some communities to design and construct "modern" facilities, or "enlightened" detention facilities.

To be sure, some States and some localities have erred, but what makes anyone in this Chamber think that the Federal administrator is infallible? If a locality makes a mistake, only its citizens suffer, and the Nation may indeed profit from the experience; but if a Federal administrator errs, the Nation as a whole suffers.

We all feel strongly, I think, about the elimination of unnecessary Federal bureaucratic intrustion into local affairs. Removing the Federal Government from the business of setting standards for the construction, modification, renovation or improvement of all local detention facilities is an opportunity to put up or shut up on our often-expressed convictions. This is a modest step, of course, but even such a modest step can leave a footprint in the shifting bureaucratic sands which others may follow.

The administrator, if my amendment is adopted, still will have the power to develop suggested standards in jail and prison design, but localities would have the option of accepting his advice or rejecting it, and they should be given that option. Unless my amendment is accepted, however, every item of construction for jail facilities will require the locality to seek prior approval of a Federal administrator and, Members of the Committee, that is simple foolishness.

Keep the faith, I say, that the people who sent us here have enough commonsense to build a local jail without Federal guidance. I urge support of my amendment.

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

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

Mr. GOLDWATER. Would the gentleman explain to the House, if his amendment is adopted, what then would be the conditions under LEAA funds as it pertains to the penal institutions in the local community?

Mr. WIGGINS. If a State wished to utilize its LEAA funds for the construction of a jail, subject to the dollar limitation, it could do so, but it would not have to come hat-in-hand to the Federal administrator to supervise its design in order to gain a determination as to whether it meets standards promulgated by the administrator.

Mr. GOLDWATER. In other words, if the gentleman's amendment is adopted, those funds could be used for the planning and construction of a jail, but the construction and the standards will be left up to the local restraints and conditions and desires.

Mr. WIGGINS. Of course. There is no limitation on the availability of funds for jails. It just says the architect is not going to be here in Washington.

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

Mr. Chairman, I would like to continue the discussion raised by the gentleman from California (Mr. GOLDWATER) whose question goes to the reason that this provision was incorporated rather easily by the subcommittee and accepted by the full Committee on the Judiciary and, as a matter of fact, extended in the full committee by the gentleman from Wisconsin (Mr. KASTENMEIER) whose subcommittee it is to oversight correctional facilities of a Federal nature.

The reason is that this amendment does not restrict or inhibit the nature of the kinds of facilities that would be constructed or designed by correctional administrators at the local and even at the State level. I repeat to the gentleman from California that this would not inhibit it. There is a requirement that there be established minimal standards, both physical and service in nature.

The reason that this was added was not on the whim of some members of the committee, but it was based upon the GAO reports that were fully circulated to each and every Member of the House, which attempted to prove that, even though we had set aside 20 percent of the part E funds for corrections since 1971, the fact of the matter is that the results have been much less than satisfactory.

It was based on these considerations that it was thought that we ought to require that these minimal standards be incorporated and required as a matter of law.

As the gentleman's question suggested, they do not inhibit in any way the nature of the kinds of facilities or the philosophy that the correctional officials would employ or the nature of the program that State or local units might apply for funding through LEAA.

So this provision, we think, is the result of some of the oversight that this committee was able to have made effective since the last time we considered this legislation.

For those reasons, I urge its consideration.

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

Mr. CONYERS. I yield to the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. I thank the gentleman for yielding.

When the gentleman speaks of acceptable physical and service standards, that, in the case of construction, might be so many square feet to each individual, and so on; in other words, a very general standard?

Mr. CONYERS. The gentlewoman is correct.

Mrs. FENWICK. If the gentleman would yield further, I would like to ask about the service standards, which are far more complex. Could the gentleman give me an example of what the service standards would be? What does the gentleman suggest?

Mr. CONYERS. We would be talking about the number of people that would be incarcerated and how many of them would be allocated to each one of them, in terms of minimal standards of that nature.

Mrs. FENWICK. If the gentleman will yield further, what about services?

Mr. CONYERS. So far as the services themselves, for example, we found that there are inadequate toilet facilities, wash bowls, and other essential facilities in places where there have been rather substantial LEAA grants. And so this language is incorporated directly as a result of the GAO study.

Mrs. FENWICK. If the gentleman will yield further, I am confused because it seems to me we have two elements here. One is construction, and certainly the facilities would be involved, the square footage, and so on.

What I thought the gentleman meant by "services" would be certain kinds of programs or services.

Mr. CONYERS. Yes. Mr. Chairman, if the gentlewoman will allow me to respond, in a correctional facility we need probation officers, we need psychologists, and we need those people who are working in an ancillary capacity with the people in the correctional facilities.

What this attempts to do is to suggest that there ought to be some relationship between those services provided and the physical standards and the plan which is now offered and which is using Federal moneys through LEAA.

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

Mr. Chairman, I would like to pursue

this subject a little bit because the gentlewoman from New Jersey (Mrs. FENWICK) raises some very pertinent questions.

The Administrator of LEAA does not seek the authority which is reposed in him by the language presently in the bill and would prefer an elimination of the provision as recommended by the amendment offered by the gentleman from California (Mr. WIGGINS).

Under this language every improvement and every change in a local jail would have to be approved here in Washington by LEAA. They would have to develop nationwide standards to apply to every community and every county jail and every local jail, including every improvement to be made. As the gentlewoman from New Jersey indicates, it has nothing to do with services or the training of jailers or the facilities or the food or the light or the work-release programs. It has nothing whatever to do with those items; they are not covered at all by this law.

What the Administrator has recommended and what he has undertaken to do is to establish a National Advisory Commission on Standards and Goals, and this is headed by the Governor of New Jersey, Governor Byrne. There are 15 members on this advisory commission. As a matter of fact, I will offer an amendment as soon as I get an opportunity—and I believe the amendment will be accepted—to give effect to this National Advisory Committee which has been established informally—at present.

The Advisory Committee on Standards and Goals can set standards and goals with regard to local jails, with regard to local jail services, with regard to probation officers, with regard to training, with regard to work-release programs, and with regard to all kinds of practices which relate to criminal justice and in the enforcement of law. That is something that the Administrator of LEAA definitely requires for the benefit of every community in the country.

However, to establish here by rigid legislation a requirement that the Administrator of LEAA has to pass upon every building plan or every building change that is made in every local jail is just the kind of Federal bureaucracy we want to get rid of, and I believe I can say that on behalf of the Members on both sides of the aisle, liberals and conservatives.

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

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

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

Mr. Chairman, this is the question that comes into my mind: In the light of the GAO report, in the light of my own personal experience from traveling around the country and having served in law enforcement and seeing the differences in penal institutions, and in the light of my own personal knowledge as to the deprivations and the denials of basic human comforts. I believe attention should be given somewhere along the line to those problems. I think it is the Federal responsibility to provide minimal basic standards.

Mr. McCLORY. Mr. Chairman, the gentleman is correct, and I am sure we agree that there should be standards and goals. These can be set forth very comprehensively; we can set forth standards and goals which would be generally applicable. There would be input in respect to the States and the local areas as to what those standards and goals should be.

As a matter of fact, the Advisory Committee is not only headed by Governor Byrne, of New Jersey, but is also served by Chief Justice House, of Connecticut, and by Mayor Pete Wilson, of San Diego, and by a number of other persons who are authorities, including sheriffs and other law enforcement officers who are capable of providing good input.

We do not have the bureaucratic expertise down here in Washington to pass on all these matters, and we do need comprehensive standards and goals. I believe they should be authorized by legislation and should be made available to the administration.

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

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

Mr. WIGGINS. Mr. Chairman, the federal system is a magnificent laboratory for experimentation and innovation. The States should be encouraged to try new ideas. However, this repudiates that philosophy. It says that infinite wisdom with respect to design of jail facilities rests here in Washington.

I ask the Members to reject that. That is inconsistent with the philosophy underpinning our federal system which says that here is an opportunity to avoid a little redtape, to save a little money, and thereby to conserve.

Mr. Chairman, I urge the adoption of the amendment.

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

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

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

I just want to read the language so that the committee will not be misguided in terms of what we are doing here.

The requirements sought to be stricken say "sets forth minimally acceptable physical and service standards agreed upon by the administration and the State to construct, improve or renovate State and local correctional institutions and facilities."

The CHAIRMAN. The time of the gentleman from Illinois (Mr. McCLORY) has expired.

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

Mr. McCLORY. Mr. Chairman, what the gentleman is reading should be read in the context of the physical and service standards for the construction, improvement, and renovation of State and local correctional institutions and facilities. In other words, it relates to construction, the physical aspects of the local jail or the county jail.

Mr. CONYERS. Mr. Chairman, if the gentleman will yield further, what the provision in paragraph (13) attempts to do is that it merely suggests that since our funding to LEAA has not been successful—and that is in a GAO report; it dates from 1971 when we earmarked money to correctional facilities—that this cooperation would ensue to set minimal standards for local facilities.

I say that that does not create a bureaucracy or something that liberals and conservatives can fight about in terms of whether it is too big or too little. This points toward cooperation, and I urge its retention.

Mr. McCLORY. Mr. Chairman, I would just say that I think while it relates to construction, what it does is to result in the establishment here in Washington of rigid standards which would have to be complied with. As a matter of fact, it mandates or puts this requirement on the administration. It says that the administration shall, in consultation with the States, develop minimally acceptable standards.

Mr. CONYERS. Mr. Chairman, if the gentleman will yield further, may I point out that there is nothing rigid about it. It says "minimally acceptable physical and service standards agreed upon."

That does not specify the standards. It requires in each instance with respect to these funds only that they meet a test with respect to what these standards would be, and that then, and only then, would there be any agreement about what the minimally acceptable standard is. There is nothing rigid about it.

Mr. McCLORY. I realize that, but the Administrator has the responsibility.

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

Mr. Chairman, I would like to say that I understand the need for some of this. I have visited every prison in my State many, many times over; and until we get some real incentive to require that when money is used it is going to be used to produce a situation or an atmosphere in which human beings can live, no matter for how long or how short a time, we are not going to get compliance.

While these advisory commissions with goals and objectives are very inspiring, I am afraid that we have to do something about this situation.

We have a prison in my State that has a wing built in 1835 for one man, and it is now housing three and sometimes four. This is what we have to come to grips with.

Mr. Chairman, I would like to ask the chairman and the ranking member if we could possibly make a change in here. There should be construction, yes; but if we are going to mandate that, in order to get money to help to construct or change or renovate one of these disgraceful places, we commit the States to expenses that they cannot meet, there we will not get construction.

Mr. Chairman, this is what I was trying to clairfy: If we mean by "services" psychiatrists and job trainers involving the States and localities in programs with

continuing expenses they cannot meet, we are not going to get the construction changes that they so urgently need as a first step.

Mr. Chairman, would the gentleman be willing to accept the elimination of the word "services" so that it would be clear?

Mr. CONYERS. Mr. Chairman, if the gentlewoman from New Jersey (Mrs. FENWICK) will yield, I appreciate, first of all, her concern on the subject of prisons and reform institutions because she has reflected this position in our committee many times before.

The gentlewoman from New Jersey should be clear that these amendments to part E are places in which money for prisons can come from the Federal Government. This, in other words, only points toward projects that are federally funded. These do not impose any requirements that a State institution make innovations which it would be unable to meet.

Mrs. FENWICK. We are talking about psychoanalysts and social workers and that will continue to go on when this appropriation is finished.

Would the gentleman be willing to remove the word "services" and leave in "construction"?

Mr. CONYERS. If the gentlewoman will yield further, Mr. Chairman, we do not think that that is the appropriate interpretation of the language that is already in the bill, so that the gentleman whose subcommittee has exclusive jurisdiction over correctional facilities, the gentleman from Wisconsin (Mr. KASTENMEIER) and I am sorry to say that he is not on the floor at this time, thought our bill was consonant with his oversight responsibility over institutional facilities, in addition to the local correctional institutions, that was in the original language.

Mr. McCLORY. Mr. Chairman, if the gentleman will yield, the gentleman from Michigan (Mr. CONYERS) has mentioned the fact that funds are available from other sources in the paragraph that would be stricken by the amendment offered by the gentleman from California (Mr. WIGGINS) it says:

> A plan incorporating such standards shall be a condition for acquiring Federal Funds for construction, improvement and renovation of state and local correctional institutions and facilities.

So that it would be a continuing thing no matter where the funds came from; that is the way the language is in the bill at the present time.

Mr. CONYERS. Mr. Chairman, as the gentlewoman from New Jersey is well aware, the LEAA program is not a continuing grant that would run ad infinitum.

Mrs. FENWICK. That is what I mean.

Mr. CONYERS. So that there would be no requirements and no way that our language, either inadvertently or unintentionally could be binding upon the States and their correctional facilities programs that would extend beyond the term of the grant.

Mrs. FENWICK. What I am trying to find out, does the gentleman maintain that we cannot get money to improve the construction or renovation of an old jail unless we also have programs as a part of the securing of that money?

The CHAIRMAN. The time of the gentlewoman has expired.

(On request of Mr. CONYERS, and by unanimous consent, Mrs. FENWICK was allowed to proceed for 2 additional minutes.)

Mrs. FENWICK. Mr. Chairman, I thank the gentleman for yielding me the additional time.

In other words, why are we stuck with the word "services" and what does it mean? Does it mean bathroom or shower facilities or psychoanalysts or social workers?

Mr. CONYERS. If the gentlewoman will yield further, I will say it again so that everyone may understand correctly, it means that within the grant in the funds appropriated, if the services of an educational program, or vocational program or a counseling program may be planned for. I say to the gentlewoman from New Jersey that it is a condition to be agreed upon in terms of a plan to be incorporated by the officials and by LEAA and the States.

I would also say to the gentlewoman from New Jersey that if that has not been the outcome of her experience in traveling through all of the places of incarceration, institutions, and so forth, in New Jersey, I would frankly ask that she examine again the GAO report which did not particularly dwell upon the State of New Jersey, and the gentlewoman will find that the reasonableness of this request is consonant with the findings of the gentleman from Wisconsin (Mr. KASTENMEIER) whose subcommittee studies involve correctional institutions exclusively.

Mrs. FENWICK. I can only say I am sure that the GAO report is correct. But let me say further that I have worked in correctional institutions in my State for over 10 years. I know all of them. I know all about what is going on there. This would be a continuing cost that they could not meet; they cannot do it because they cannot get the money.

Mr. CONYERS. That is precisely why we put the language in so they will know what they are supposed to do with the Federal money.

Mrs. FENWICK. If we put "services" in the law, it is because we want the programs. The States and localities cannot afford the programs. The Federal money is going to stop, as the gentleman wisely said.

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

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

RECORDED VOTE

Mr. WIGGINS. 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 he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

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

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from California (Mr. WIGGINS) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 211, noes 159, not voting 60, as follows:

[Roll No. 691]

AYES—211

Abdnor
Ambro
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
AuCoin
Bafalis
Baldus
Bauman
Beard, Tenn.
Bedell
Bevill
Boggs
Boland
Bowen
Breaux
Brooks
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Butler
Byron
Carter
Cederberg
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collins, Tex.
Conable
Conte
Coughlin
Crane
D'Amours
Daniel, Dan
Daniel, R. W.
Davis
Dent
Derrick
Derwinski
Devine
Dickinson
Downey, N.Y.
Downing, Va.
Duncan, Oreg.
Duncan, Tenn.
Edwards, Ala.
Emery
English
Erlenborn
Eshleman
Evans, Ind.
Fenwick
Fish
Fithian
Flowers
Flynt
Fountain
Frenzel
Frey
Gaydos
Gibbons
Ginn
Goldwater
Goodling
Gradison
Grassley
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hammer-schmidt
Hansen
Harkin
Harsha
Hechler, W. Va.
Hefner
Henderson
Hightower
Hillis
Holt
Howard
Howe
Hubbard
Hyde
Ichord
Jarman
Jeffords
Jenrette
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Kasten
Kazen
Kelly
Kemp
Ketchum
Krueger
LaFalce
Lagomarsino
Landrum
Latta
Leggett
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Lujan
McClory
McDade
McDonald
McEwen
McKay
Madigan
Mahon
Mann
Martin
Mathis
Michel
Milford
Miller, Ohio
Minish
Mitchell, N.Y.
Mollohan
Montgomery
Moore
Moorhead, Calif.
Mosher
Mottl
Murtha
Myers, Ind.
Myers, Pa.
Neal
Nix
Nowak
O'Brien
Ottinger
Passman
Paul
Pickle
Poage
Pressler
Preyer
Quie
Quillen
Randall
Regula
Rhodes
Rinaldo
Risenhoover
Roberts
Robinson
Roe
Rogers
Roush
Rousselot
Runnels
Sarasin
Satterfield
Schneebeli
Schulze
Sebelius
Sharp
Shipley
Shriver
Shuster
Skubitz
Slack
Smith, Nebr.
Snyder
Spence
Staggers
Stanton, J. William
Steed
Steiger, Wis.
Stuckey
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Thone
Thornton
Traxler
Treen
Ullman
Van Deerlin
Vander Jagt
Waggonner
Walsh
Wampler
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Winn
Wright
Wydler
Wylie
Yatron
Young, Fla.
Young, Tex.

NOES—159

Adams	Florio	Obey
Addabbo	Ford, Mich.	O'Hara
Alexander	Ford, Tenn.	O'Neill
Allen	Fraser	Patten, N.J.
Anderson, Calif.	Giaimo	Patterson, Calif.
Annunzio	Gilman	Pattison, N.Y.
Ashley	Gonzalez	Perkins
Aspin	Gude	Pike
Baucus	Haley	Price
Beard, R.I.	Hall, Ill.	Pritchard
Bennett	Hanley	Railsback
Bergland	Hannaford	Rangel
Biaggi	Harris	Reuss
Biester	Hayes, Ind.	Richmond
Bingham	Hicks	Rodino
Blanchard	Holtzman	Roncalio
Blouin	Hughes	Rooney
Bolling	Hungate	Rose
Bonker	Jacobs	Rosenthal
Brademas	Johnson, Calif.	Rostenkowski
Breckinridge	Johnson, Colo.	Roybal
Brodhead	Jones, Tenn.	Russo
Brown, Calif.	Jordan	Santini
Burke, Calif.	Kastenmeier	Sarbanes
Burke, Mass.	Keys	Scheuer
Burlison, Mo.	Koch	Schroeder
Burton, John	Krebs	Seiberling
Burton, Phillip	Long, La.	Simon
Carney	Long, Md.	Smith, Iowa
Carr	Lundine	Solarz
Chisholm	McCloskey	Spellman
Clay	McCormack	Stark
Collins, Ill.	McFall	Stokes
Conyers	McHugh	Stratton
Cornell	Madden	Studds
Cotter	Maguire	Sullivan
Daniels, N.J.	Mazzoli	Symington
Delaney	Melcher	Thompson
Dellums	Metcalfe	Tsongas
Diggs	Mezvinsky	Udall
Dingell	Mikva	Vander Veen
Dodd	Miller, Calif.	Vanik
Drinan	Mills	Vigorito
Eckhardt	Mineta	Waxman
Edgar	Mink	Weaver
Edwards, Calif.	Moakley	Whalen
Eilberg	Moffett	Wilson, C. H.
Evans, Colo.	Moorhead, Pa.	Wirth
Evins, Tenn.	Morgan	Wolff
Fary	Moss	Yates
Fascell	Murphy, N.Y.	Young, Ga.
Fisher	Natcher	Zablocki
Flood	Nolan	
	Oberstar	

NOT VOTING—60

Abzug	Heckler, Mass.	Pepper
Badillo	Heinz	Pettis
Bell	Helstoski	Peyser
Brinkley	Hinshaw	Rees
Broomfield	Holland	Riegle
Chappell	Horton	Ruppe
Conlan	Hutchinson	Ryan
Corman	Jones, Ala.	St Germain
Danielson	Karth	Sikes
de la Garza	Kindness	Sisk
du Pont	Lehman	Stanton, James V.
Early	Lott	Steelman
Esch	McCollister	Steiger, Ariz.
Findley	McKinney	Stephens
Foley	Matsunaga	Teague
Forsythe	Meeds	Wilson, Tex.
Fuqua	Meyner	Young, Alaska
Green	Mitchell, Md.	Zeferetti
Harrington	Murphy, Ill.	
Hawkins	Nedzi	
Hébert	Nichols	

The Clerk announced the following pairs:

On this vote:

Mr. Sikes for, with Mr. Corman against.

Mr. Hébert for, with Mrs. Meyner against.

Mr. Teague for, with Mr. Murphy of Illinois against.

Mr. Nichols for, with Mr. Mitchell of Maryland against.

Mr. Chappell for, with Mr. Zeferetti against.

Mr. Conlan for, with Mr. McKinney against.

Mr. Horton for, with Ms. Abzug against.

Mr. Kindness for, with Mr. Badillo against.

Mr. Steiger of Arizona for, with Mr. Hawkins against.

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

Mr. NIX changed his vote from "no" to "aye."

Mr. LONG of Maryland, Mrs. SULLIVAN, and Mr. JOHN L. BURTON changed their vote from "aye" to "no."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MS. HOLTZMAN

Ms. HOLTZMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. HOLTZMAN: Page 17, immediately after line 24 insert the following new section:

"GRANTS TO COMBAT HIGH FEAR CRIMES IN HIGH CRIME AREAS

"SEC. 109. (a) Title I of such Act is amended by inserting immediately after part E the following:

"'PART F—GRANTS TO COMBAT HIGH FEAR CRIMES IN HIGH CRIME AREAS

"'SEC. 476. It is the purpose of this part to encourage and enable areas characterized by high incidence of violent crimes and burglary to develop and implement programs and projects to reduce and prevent crimes such as murder, nonnegligent manslaughter, forcible rape, aggravated assault, robbery, and burglary.

"'SEC. 477. The Administration shall make grants under this part to units of general local government or any combinations of such units which make application in accordance with the requirements of this part and which are identified by the Administration as having a high incidence of crimes such as those listed in section 476 and a special and urgent need for Federal financial assistance.

"'SEC. 478. In order to receive a grant under this part a unit of general local government or combination of such units shall submit an application to the Administration in such form and containing such information as the Administration shall require. Such application shall set forth a plan to reduce the incidence of crimes such as those listed in section 476 and such plan shall—

"'(1) provide for the administration of such grant by the grantee in keeping with the purposes of this part;

"'(2) set forth specific goals for the reduction of any or all of such crimes; and

"'(3) comply with the requirements of paragraphs (13), (15), (16), (17), and (20) of section 303(a).

The limitations and requirements contained in the unnumbered paragraph in section 306 (a) shall apply, to the extent appropriate, to grants made under this part.

"'SEC. 479. (a) The Administration shall give special emphasis, in allocating funds among units of general local government or combinations thereof under this part, to (1) the incidence of crimes such as those listed in section 476 within such unit or combination, (2) the population of such unit or combination, (3) the likely impact of the programs or projects for which funding is sought on the incidence of such crimes within such unit or combination, and (4) the capacity of such unit or combination to administer a grant effectively and in accordance with the requirements of this part.

"'(b) Upon receipt of an application under this part, the Administration shall notify the State planning agency of the State in which the applicant is located of such application, and afford such State planning agency a reasonable opportunity to comment on the application with regard to its conformity to the State plan and whether the proposed programs or projects would duplicate, conflict with, or otherwise detract from programs or projects within the State plan.'

"(b) Parts G, H, and I of such Act are redesignated as parts H, I, and J, respectively.

"(c) Section 520 of such Act is amended by adding at the end thereof the following: 'From the amount appropriated in the aggregate for the purposes of this title such sums shall be allocated as are necessary for the purposes of part F, but such sums shall not exceed $12,500,000 for the period July 1, 1976 through September 30, 1976, and $50,000,000 for each of the fiscal years enumerated above, and shall be in addition to funds made available for those purposes from other sources.'".

Renumber succeeding sections accordingly.

Ms. HOLTZMAN (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 gentlewoman from New York?

There was no objection.

Ms. HOLTZMAN. Mr. Chairman, this amendment is offered on behalf of myself and the gentleman from Illinois (Mr. McCLORY). It is an amendment that is supported by the Justice Department.

Mr. Chairman, our amendment targets some of the LEAA funds to fight high-fear crimes—violent crimes—in areas which have a high rate of such crimes. The amendment establishes a $50 million annual fund for use in fighting crimes such as murder, rape, robbery, aggravated assault, and burglary. The focus is on areas with a high incidence of these crimes—whether urban or suburban or rural. Funds will be awarded on the basis of an area's crime rate, the quality of the program for which funding is sought, the capacity of the local government to administer the grant, and population.

Let me point out to my colleagues here that the crimes which this amendment seeks to attack are crimes that affect and frighten Americans most. In order for people to feel secure in the streets of their cities and towns, and in their homes, we must cut the rate of violent crime and burglary. In addition crime is not uniform throughout the Nation, but is concentrated in certain areas. What this amendment would do is enable those areas that have a high incidence of high-fear crime to develop special programs to fight these crimes.

I would like now to anticipate one objection to this program. People will say, "We have had it before, and it has not worked."

Mr. Chairman, let me say to my colleagues that this argument is incorrect. We have not had a program like this before. Unlike past programs, this amendment sets specific standards. For example, cities, countries, and other local governments cannot obtain money under this $50 million program unless they demonstrate two very important things: They have to demonstrate that they would administer the grant effectively, and they also have to demonstrate that the program or the project which they want to fund is likely to have an impact on reducing crime.

There was a "high-impact" crime program in the past; but that program simply threw funds at eight cities in the country without first requiring any demonstration that the projects were likely to succeed and without requiring any demonstration that the county or the city or combinations thereof showed a capacity to administer the program.

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

Ms. HOLTZMAN. I yield to the gentleman from Tennessee.

Mr. ALLEN. Mr. Chairman, may I ask the gentlewoman a question. Would this $50 million which would be earmarked for the purposes enumerated by the gentlewoman from New York (Ms. HOLTZMAN) come in the form of additional appropriations or would it come out of other funds?

Ms. HOLTZMAN. Let me say to my friend, the gentleman from Tennessee, that the appropriations for the program have already been voted on by the House of Representatives and that the LEAA has already budgeted $40 million out of this $50 million amount for this kind of program. Therefore, if the House does not accept this program, then the $40 million that has been budgeted by LEAA could be used for other purposes.

Mr. ALLEN. If the gentlewoman will yield further, if I understand the gentlewoman correctly, does this mean that this would not increase the price of this bill?

Ms. HOLTZMAN. That is correct.

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

Ms. HOLTZMAN. I yield to the gentleman from Texas.

Mr. KAZEN. My understanding is that we have $700 million total.

Ms. HOLTZMAN. Seven hundred and fifty-three million dollars.

Mr. KAZEN. Seven hundred and fifty-three million dollars, and out of that we are going to earmark $50 million for the purposes for which the gentlewoman has stated to be expended under those conditions, is that correct?

Ms. HOLTZMAN. Let me say to my friend, the gentleman from Texas (Mr. KAZEN) that $50 million is the authorization figure. In talking about the appropriation figures, the amount to be considered would be $40 million instead of $50 million. This is an authorization bill but in actuality, this year, we are talking about a $40 million allocation out of a $753 million appropriation.

Mr. KAZEN. Mr. Chairman, what I am questioning is this, that that money will be spread all over all of the LEAA units all over our country.

Ms. HOLTZMAN. Not really.

Mr. KAZEN. But all of them would be eligible.

Ms. HOLTZMAN. Not really.

Mr. KAZEN. If they meet the criteria.

Ms. HOLTZMAN. But the criteria are very specific. You have to have, first, a high incidence of violent crime, and, thank goodness, not every county and city in the country meets that requirement.

The CHAIRMAN. The time of the gentlewoman has expired.

(On request of Mr. KAZEN, and by unanimous consent, Ms. HOLTZMAN was allowed to proceed for 3 additional minutes.)

Ms. HOLTZMAN. Not only does a county, or a combination of counties and cities, have to show a high incidence of these violent crimes to qualify under my amendment, but it has to show, as well, that it has a project that is likely to succeed, that is likely to have an impact on cutting down these crimes. Cities or counties cannot just come in and say, "We have a terrible crime problem and we will develop some program." They have to have something that is demonstrably likely to succeed.

Then they must show they can administer the grant, and that the program can be administered soundly.

I think these requirements will mean that only the best projects, and only the counties and cities that can administer them properly, will be awarded funds under this program.

Mr. KAZEN. Mr. Chairman, if the gentlewoman will yield further, that is the point that I am trying to make, that this money is going to be spread awfully thin because apparently, according to latest statistics, this type of crime has risen all over the country. There are many counties and localities that can administer this properly, and could handle this program, and the $50 million is not going to do this.

Ms. HOLTZMAN. I share the concern of the gentleman from Texas but the problem is that if we do not have this kind of a program then there is no incentive for these localities to spend money to develop effective crime fighting capabilities to deal with these violent crimes.

Mr. KAZEN. Mr. Chairman, let me say to the gentlewoman wrom New York (Ms. HOLTZMAN) that I appreciate what the gentlewoman is trying to do and I commend her for it. The only thing is that the way this is set up I doubt that it is really going to amount to anything because it will not do the job that the gentlewoman wants done.

Ms. HOLTZMAN. Mr. Chairman, I would assure my friend, the gentleman from Texas (Mr. KAZEN) that this, in my judgment, would not be a giveaway. The areas that can qualify are the ones that are hardest hit by these crimes, and they must develop effective programs and effective administrative capability before they can qualify for the funds.

Let me also say, because I see my friend, the gentleman from Michigan (Mr. CONYERS) rising to oppose me, that the argument that the "high-impact anticrime" program was a failure is not entirely accurate. I would point out to my colleagues on the floor that there was an evaluation of the prior program.

The evaluation of the prior program said that it had worked in eight cities of the country, and I will quote from that evaluation.

The CHAIRMAN. The time of the gentlewoman has again expired.

(By unanimous consent, Ms. HOLTZMAN was allowed to proceed for 1 additional minute.)

Ms. HOLTZMAN. Mr. Chairman, let me quote from the evaluation that was done on the prior "high impact anticrime" program: "Impact cities used the Federal moneys as they were intended to be used for worthwhile anticrime efforts that could not otherwise have been funded." "Eight cities in the United States now possess . . . a system capability to rationally plan, implement and evaluate their anticrime program." "Anticrime effectiveness was demonstrated at the project level for 35 impact projects representing an expenditure of about $35 million in Federal funds."

I would reiterate, as well, that my amendment contains a number of provisions that make it far superior to the program which achieved these results.

Mr. Chairman, I would urge my colleagues to support this amendment as an effort on the part of the House of Representatives to help the States and localities that are hardest hit by violent crimes develop an effective capacity to deal with these crimes.

Mr. CONYERS. Mr. Chairman, I rise in opposition to the amendment offered by the gentlewoman from New York.

CORRECTION OF TECHNICAL AMENDMENTS

Mr. Chairman, I ask unanimous consent that, in the technical amendments previously agreed to by the Committee, the reference to page 36 be changed to page 35, to correct a typographical error.

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

There was no objection.

Mr. CONYERS. Mr. Chairman, I do not know how long we will consider an appropriate time to spend on a $50 million amendment in a package that for 1 year sends to LEAA over $700 million. If the object of this amendment is to create money to combat high crime and the fear of crime in the high crime areas, and I read from the amendment, I would like to point out that this is just giving the Director of LEAA $50 million to do with as he wishes. If one is from an area in which major crime is not rising, then he is one of the unique Members of this body.

We are spending, Mr. Chairman, nearly $1 billion of Federal money each year and the rate of crime is increasing. Now we come up with an amendment which was rejected in the committee and in the subcommittee. As a matter of fact the idea is right out of an administration bill on the LEAA, a program which has been unfortunately roundly criticized.

I am from an area which would need a program such as this as much as the district of anybody in this body. The $50 million would not get the west side of Detroit started, much less the entire United States where there are LEAA units, coordinating councils, and local units of government who would all be entitled to apply for this money based on the fact that there was a rising incidence of crime.

The rate of crime is rising everywhere. As a matter of fact it is rising in the suburbs at a rate greater than it is in the cities of our Nation.

Mr. Chairman, if that is not bad enough, there is a second reason Members should be considering. We are raising totally false hopes in those districts and those units that are going to be trying to apply for this money if they qualify. How far is $50 million going to go among several hundred qualifying units?

We are taking a billion dollar program and doing just that. So it is going to breed senseless competition.

I think that should be considered.

Finally this program has been criticized by every impartial evaluating organization that has analyzed the previous programs sponsored by this amendment, and I refer to the report entitled "Law and Disorder," the 20th Century Fund report, the General Accounting Office report on "Pilot Cities," and the Mitre Corp. funded by LEAA itself to evaluate the program.

I will close by a quote from the Mitre Corp., not my most favorite corporation, incidentally:

"Impact City" violent crime rates considerably worsened overall.

That is, among those cities that got money under a previous project of this nature, the crime statistics worsened.

So I ask my colleagues not to spend an unduly long amount of time on this amendment. If the Members want to have $50 million going to LEAA to allocate to an indeterminate number of cities, counties, and suburbs in a nearly $1 billion program, if they think this is going to add something to it, then I think they can agree with the gentlewoman from New York.

If the Members think a billion dollars that is fairly sensibly distributed, and for which we are providing oversight, is more desirable, then we have LEAA on a short leash, which is a more sensible approach, and then I would urge the Members to reject the Holtzman amendment.

Mr. FISH. Mr. Chairman, will the gentelman yield?

Mr. CONYERS. I yield to my colleague, the gentleman from New York (Mr. FISH) briefly.

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

Mr. CONYERS. I yield to my colleague, the gentleman from New York.

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

Mr. Chairman, I want to clarify something that bothers me, that is, the need for this amendment. Why isn't it possible for localities to seek help under State plans?

The CHAIRMAN. The time of the gentleman from Michigan (Mr. CONYERS) has expired.

(At the request of Mr. FISH, and by unanimous consent, Mr. CONYERS was allowed to proceed for an additional 2 minutes.)

Mr. CONYERS. Mr. Chairman, I yield to the gentleman from New York (Mr. FISH).

Mr. FISH. Mr. Chairman, my point is, why cannot this be done under existing law? Why cannot the State plan incorporate emphasis on areas of high violent crime within their jurisdictions?

Mr. CONYERS. Mr. Chairman, I say to the gentleman from New York, that is the precise point. We have a State planning agency for that. We spend 9 percent of our funds planning, not only among the States, within the States, but on a regional basis with coordinating local units of government. We spend 9 percent of the $1 billion we get for that precise purpose. Each local unit that has an incidence of crime can create its own plan. Many of the metropolitan area plans would call for more than $50 million from the beginning.

So I agree with the logic behind the gentleman's question.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

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

Ms. HOLTZMAN. Mr. Chairman, I would just like to respond to the gentleman from New York. There is nothing to prevent any State from developing a plan to deal with the high incidence of violent crimes; but neither is there any incentive or requirement for them to do so.

The point of my amendment, in which the gentleman from Illinois (Mr. McCLORY) joins, is to provide a financial incentive to the States with the highest incidence of violent crime to develop programs to reduce this kind of crime.

Mr. CONYERS. Mr. Chairman, with the millions of dollars going into each State planning agency, with the hundreds of millions of dollars that will go to combat crime, if anybody here thinks for a minute that a $50 million amendment proposed by the administration is going to have some serious impact on the major crime, that according to the FBI has risen 18 percent, I would say he is sadly mistaken.

Mr. Chairman, I urge rejection of the amendment.

Mr. McCLORY. Mr. Chairman, I rise in support of the amendment.

Mr. Chairman, I think that the last statement of the gentleman from Michigan (Mr. CONYERS) is most significant. I must agree that the amount allocated in high crime areas is a wholly inadequate amount insofar as fighting violent crime in America is concerned; but at least it is a $40 million allocation of Federal funds for the purpose of helping to combat violent crime in those areas which have the highest incidence of such crome; burglarly, rape, murder, and so on.

It seems to me that the effort of the Federal Government today is very, very puny. As a matter of fact, we put in about 5 percent or less of the total funds to fight crime in America. It certainly is a very minor contribution which the Federal Government is making; not that we want to take over the problem of crime in America, but we should be making larger contributions to enable the local communities to undertake a better effort against crime.

Now, the Mitre Corp. report while it does show that the impact area program has not had the effect of reducing crime in the areas studied, there are some areas where certain crimes did show a reduction. The evaluation report is very valuable in establishing what kinds of programs seem to be the best in the large cities, where we have a high incidence of crime.

Mr. Chairman, this modest amendment is an initiative which has been recommended by the attorneys general to try to get at this problem of street crime and violent crime in our cities and other areas where crime is increasing. It seems to me we should support this. This is, in a sense, a separate program. It has been separately funded. It is independent of the discretionary and the block grant programs. It is an additional effort. It is a new initiative and it is something it seems to me we should certainly strongly support.

I am very pleased, in my own behalf and in behalf of the administration, which has recommended this measure, to give my support to it.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

Mr. McCLORY. I am happy to yield to the gentlewoman from New York.

Ms. HOLTZMAN. Mr. Chairman, I thank the gentleman for yielding.

I would just like to respond to some of the points that have been previously made in opposition to this amendment. The gentleman from Michigan, who argues that the amendment has too little money, argued against it in committee when it called for an expenditure of $100 million.

I think that the $50 million is better than nothing; it is better to try to help States and localities deal with the most serious crime problems in this country than ignore the matter totally.

The second argument made is that this amendment is going to create "senseless competition." That argument seems to me absolutely incomprehensibe. Competition to find effective answers to violent crime could hardly be called senseless.

I would urge my colleagues to support this amendment.

Mr. McCLORY. I would say that some of these criticisms that have been made against the Impact Anti-Crime Program are just the traditional, proverbial critics, and are not the kinds of criticisms made by the gentleman from Michigan. I think this is a very good amendment, and I hope that it will have overwhelming support.

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

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

Mr. Chairman, I respectfully rise in opposition to this amendment. I am a member of the subcommittee, and have taken part in this effort that has taken place over the last year and a half. I would like to point out that LEAA, at best, should be at this time on probation. The programs that it has promoted have really not worked very well. The purpose was excellent, and it should be encouraged where possible, but actually nothing has been done by LEAA of any substantial value in contributing to the control of street crime.

I am convinced that if we were to pass this amendment and lift another $50 million out of the funds which would be available to local units of government, to the States for the control of urban crime, we would be making a great error.

Fifty million dollars taken out of the funds that would otherwise be available to each Member's State and mine to meet our own problems, invested in a

discretionary government program to combat crime in high impact areas, would be a waste. If we spread out $50 million in high impact areas—heaven knows how many there are—we are going to have a drop in the bucket in each instance. The money would have no beneficial effect whatsoever.

I would like to state that the opinion I have just given the Members is not just my own. During the past year, a study was made by the Center for National Security Studies, and I would like to quote very briefly from a press story reflecting their findings of what has happened in the LEAA programs, and particularly high impact areas:

LEAA's performance in the high impact program was an irresponsible, ill-conceived and politically motivated effort to "throw money at a social program."

"Many of the cities had no idea how to effectively spend such a high level of funding in such a short period of time and complained bitterly about LEAA's lack of assistance," it added.

The high impact program "imposed multiple levels of red tape," the study said.

I want to point out that it is not just one level of red tape but multiple levels.

It criticized the program for having "no clear objective and no preconceived idea of what would work."

And, finally, it said, the program "did not produce significant results in regard to crime."

That is not my opinion. That is the opinion of an independent agency which has made a study as to what LEAA has accomplished.

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

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

Mr. McCLORY. There is no report which has been published by this organization—or individual. The Center for National Security Studies is a proverbial critic of LEAA without basis for criticizing. I will insert at this point a statement which really, clearly describes this organization:

CENTER FOR NATIONAL SECURITY STUDIES

(Sara Carey—"Law and Disorder IV")

The Members should be very cautious about basing their decisions and actions on the press accounts of the report by Miss Sara Carey of the Center for National Security Studies for several reasons:

1. Copies of the Report are not available from the Center.

2. LEAA, the subject of the alleged report, has not even been given a copy.

3. The author of the report has issued three previous attacks on LEAA and testified before the Subcommittee in both 1973 and 1976 with essentially the same criticisms.

4. The sponsoring group, the Center for National Security Studies has no established expertise or reputation for objectivity in matters of this kind.

One might wonder who the Center represents or from whom does it obtain policy direction. According to the available information, the Center lists as an "advisor" Mr. Stuart Mott, of Chicago, and as a member of its "staff", Mr. Morton Halperin.

The Center is funded by the Fund for Peace of New York City, which is, in turn, funded by the Abalard Foundation, the Field Foundation and the Stearne Foundation.

The Center's seven ongoing projects are identified as follows:

1. Democracy in the Military
2. Intelligence and the CIA
3. South African National Security
4. Project on National Security and Individual Rights
5. LEAA
6. Police and Military Arms Control
7. Internship Program.

Source: Congressional Research Service, Lib. of Congress.

Mr. DANIELSON. Mr. Chairman, I will reclaim my time at this point to state that the report has not yet been published. However, the person from the organization that wrote the report did appear before the subcommittee and did testify, and I have every reason to believe that the language I have just quoted which, as I did tell the Members was from a press report, will appear in the report.

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

Mr. DANIELSON. I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Chairman, I have only this comment to add to the gentleman's statement, in which I concur. If this amendment were to carry, we would be enacting into statutory language two pilot programs that have failed and were criticized, and now we come back, disregarding the oversight of the Judiciary Subcommittee, and enact it into statute.

Mr. DANIELSON. I thank the Chairman.

Mr. Chairman, I would like to point out, in closing, that putting $50 million of added discretionary money in the bureaucracy downtown is not going to end street crime in our cities. I respectfully submit that the people of Kentucky, the people of Tennessee, the people of New Jersey, the people of Illinois, the people of New York, the people of Michigan and the people of the Carolinas have a far better idea of the status of crime in their cities and in their States than some bureaucrat downtown in Washington.

For heaven's sake, let us put this money where it will do some good. I urge the Members to vote no on the amendment.

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

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

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

Ms. HOLTZMAN. I thank the gentleman for yielding.

Mr. Chairman, I would like to respond to my friend, the gentleman from California, who has quoted from a newspaper article which inaccurately describes the evaluation by Mitre Corp. I am presently holding the evaluation in my hand. It is called the Executive Summary, High Impact Anticrime Program, National Level, Final Evaluation Report, dated January, 1976. I would like to direct the attention of my colleagues to the report's conclusion which appears on page 56:

Impact cities used the Federal money as they were intended to be used, for worthwhile anticrime efforts which could not otherwise have been funded. Eight United States cities now possess the system capability to rationally plan and implement anticrime programs.

It also indicates that the program had beneficial impact on the crime rate rankings.

I know that the gentleman from California is well aware that a press report is not the same thing as the document itself, and I would ask the gentleman from California, before he makes statements about what the evaluation report shows, that he read the document itself.

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

Mr. BREAUX. I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Chairman, I would like to point out to the gentlewoman from New York that the report cited by the gentleman from California is not the final version because when the subcommittee held its hearings the final version was not in print.

The major author of that report testified in person before the subcommittee, and I think it is the subcommittee's conclusions and that testimony that the gentleman is making reference, if he is, to these reports.

We have had four reports. The GAO is not a partisan body. The Twentieth Century Fund is a generally highly regarded agency. The Law and Disorder Group has written about LEAA for two legislative sessions. So we have four units, Government and citizens, that have criticized the program and the genesis from which it is derived. I do not think that is in dispute, whether we support the amendment or not.

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

Mr. BREAUX. I yield to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. I thank the gentleman for yielding.

Mr. Chairman, I would like to say, in response to this statement of the gentleman from California (Mr. WIGGINS) the high crime area funds are going to be disbursed at the local level. Decisions are going to be made by the local people. It is not that we are going to send out the Federal police, or anything like that, to handle local crime. It is going to be handled locally. The funds are going to be handled locally.

We are going to be giving some Federal support to local law enforcement people in these critical areas.

Mr. MANN. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

Mr. Chairman, I know I cannot clear up the confusion in 5 minutes, but let me start.

The gentleman from Illinois (Mr. McCLORY) has stated that this is a separate amount of money. The gentleman from Tennessee (Mr. ALLEN) asked a question and did not get the right answer.

If we do not agree to this amendment, this money is going to the States

and local governments under the bill and under the appropriations act. If this amendment is agreed to, that money will be taken away from the States and local governments. It is already appropriated, but it will be taken away from the States and local governments and given to the LEAA to conduct an exercise in grantsmanship. Now, I will ask the Members to dispute that, please.

Mr. McCLORY. Mr. Chairman, if the gentleman will yield, it says specifically in the amendment offered by the gentlewoman from New York (Ms. HOLTZMAN) that—

> The Administration shall make grants under this part to units of general local government or any combinations of such units . . .

This provision says that it is going to go to governmental units and not revert to the LEAA fund.

Mr. MANN. I hope they do not give it to the Federal Government, and I hope this is not a Federal law enforcement program. The gentleman is not telling me anything.

Mr. McCLORY. This is just detailing the Federal funds being used, but they are being applied and administered by units of local government.

Mr. MANN. Under this bill all of the $753 million is Federal funds, and under this bill as of right now $340 million would go to States under part C of the grant program. If we agree to this amendment, $306 million will go to States and local governments, and next year, if we agree to this amendment, $42.5 million will be taken away from States and local governments for this program.

I make the distinction between this year and next year because LEAA only plans to use $40 million of this high impact money this year, and we are authorizing $50 million, which you can be sure they will plan to use next year.

Mr. McCLORY. Mr. Chairman, if the gentleman will yield further, it is my understanding that in the package of the appropriation bill we appropriated $40 million for this specific purpose.

It may be true that if we do not adopt this amendment, the funds may be reallocated, but the Committee on Appropriations and the House have already acted to appropriate and allocate the funds for this purpose, and if this purpose is defeated by the defeat of this amendment, then there may be a reallocation.

Mr. MANN. Mr. Chairman, the gentleman is mistaken. The funds are not earmarked in the appropriation bill for this program. The gentleman is mistaken.

Mr. CONYERS. Mr. Chairman, if my colleague, the gentleman from South Carolina, will yield, unfortunately, because the appropriation process preceded the authorization process, the amendment proposed by the gentlewoman from New York was offered and did succeed. So we have completed the appropriation authorization.

Ms. HOLTZMAN. Mr. Chairman, if the gentleman will yield, I never offered any such amendment to any appropriation bill.

Mr. CONYERS. Then I withdraw my statement and agree that my colleague, Mr. MANN, is correct.

Mr. MANN. Mr. Chairman, it was cleaned up in conference, but if it had not been, the Committee on the Judiciary, with its great effort to acquire some oversight responsibility, could not and would not have accepted the verdict of the Appropriations Committee. We do not have authorizing responsibility with reference to the Justice Department, so we latched onto LEAA. This is our great oversight responsibility. If we let the Committee on Appropriations write this bill, then we do not have anything left.

Mr. McCLORY. Mr. Chairman, if the gentleman will yield, I suggest most charitably that the gentleman from South Carolina has not cleared up the confusion which exists here in the House.

Mr. MANN. No, I probably have not, in the gentleman's mind, cleared up the confusion.

What we have here is a program that LEAA has maintained through the use of its discretionary funds, and it can still do that through the use of its discretionary funds, as it has over the last 8 years.

We have a program that LEAA has administered through the use of its discretionary funds, and it still has its discretionary power. LEAA has used almost all of its discretionary funds—as a matter of fact, they have used $190 million—over the past several years for a pilot cities program, $30 million, and $160 million for a high impact crime area program. And we have heard what the results are. There are virtually no beneficial results.

Mr. Chairman, another bit of confusion that I would like to clear up in my own mind and perhaps in someone else's is occasioned by the assertion that having this fund under the discretionary control of LEAA creates incentives for communities to use this money.

The CHAIRMAN. The time of the gentleman from South Carolina (Mr. MANN) has expired.

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

Mr. MANN. To continue, Mr. Chairman, we create incentives for those communities that are good at grantsmanship, and we create a preconception here that I hate to refer to; but every time I inquire about why LEAA seems to want this program—and of course, they failed twice and maybe they want the third strike—I find that their plans downtown are labeled a "major cities program." That is the way it is labeled. I am curious about it, but that is the way it is labeled.

In any event, concerning the incentive itself to fight violent crimes, if it calls for more money to give your town or your county or your State the incentive to fight high crime or to stop violent crime if it means that in order to get it they have to get a discretionary grant from LEAA, then there is something basically wrong with our law enforcement direction and motivation.

Mr. Chairman, I am sure that their incentive would be encouraged much more if we gave them the money in the first instance, which the bill will now do. However, to require them to have to undergo competition with Detroit or New York or somewhere else is not an incentive-creating mechanism, as I see it.

If LEAA wants to have a discretionary program for demonstration purposes—and that has been our big problem; we have no evaluation of what they have done that is any good; we do not know what we have accomplished with all this money, but we do know that the crime problem is on the State and local level—if LEAA wants to put money there for demonstration and evaluation purposes, for a demonstration program, they have $54 million for that purpose in the bill as it is written.

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

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

Mr. CONYERS. Mr. Chairman, could I point out to the gentleman, in order to supplement his remarks, that LEAA has discretionary power with respect to 9 percent of the total of this $1 billion already?

The CHAIRMAN. The time of the gentleman from South Carolina (Mr. MANN) has again expired.

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

Mr. MANN. Mr. Chairman, I will conclude now.

Mr. CONYERS. Mr. Chairman, if the gentleman will yield further, I might point out that the discretionary power of LEAA is not an inconsiderable one. Under the allocations for 1976 we have $71.544 million. It was a little less than at other times, but that is in the general area of $50 million or $60 million in discretionary funds; and now they are asking to enact into law a $50 million program that has been proved a failure.

Mr. MANN. Mr. Chairman, in conclusion, I would like to read from a staff memorandum presented when the full committee voted down such an amendment as is offered here today. It reads as follows:

> The National League of Cities, U.S. Conference of Mayors does not think this is the appropriate way of addressing the needs of the cities and counties. They do not need uncertain amounts of additional money, nor do they need the extra work of writing additional plans. What they need is autonomy in planning and implementing their projects within their own formula of allocated sums.

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

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

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

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

Mr. Chairman, I asked for this time in order to set forth accurately in the RECORD what the situation is insofar as appropriation and budgeting of funds are concerned.

I think that the RECORD will show, when I make an insertion in it, that the statement which I made in support

of the position of the gentlewoman from New York (Ms. HOLTZMAN) was accurate, in that there are separate funds budgeted, requested, allocated, and appropriated. It is true that we reduced the amount from $50 million to $40 million. But the $40 million is neither in the appropriation for the discretionary grant program, nor in the block grant appropriation. It is a separate appropriation. I refer you to the President's budget request and the committee's subsequent action not altering that request. In order to reprogram these funds approvals would have to be given by the Department of Justice and the Office of Management and Budget—as well as the approval of the House and Senate Appropriations Committees. None of those approvals have been given to date.

Ms. HOLTZMAN. Mr. Chairman, will the gentleman yield?

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

Ms. HOLTZMAN. Mr. Chairman, I thank the gentleman for yielding.

I would like to respond to the objection just made by Mr. MANN, to the effect that this is just a major cities program. It is not. Counties, rural areas, and the suburbs are eligible also, if they have a high incidence of violent crime.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. HOLTZMAN).

The question was taken; and on a division (demanded by Ms. HOLTZMAN) there were ayes 5, noes 28.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. M'CLORY

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

The Clerk read as follows:

Amendment offered by Mr. McCLORY: On page 15, after line 24, insert the following:

"(d) Add a new section to such act as follows:

"'SEC. 420(a). There is hereby established the National Advisory Committee on Criminal Justice Standards and Goals which shall consist of fifteen members including the chairman.

"'(b) Members of the Committee shall be appointed by the Administrator of the Law Enforcement Assistance Administration. The membership shall include persons who by virtue of their training and expertise have special knowledge concerning prevention and control of crime and juvenile delinquency.

"'(c) Members appointed by the Administrator to the Committee shall serve for terms of three years and shall be eligible for reappointment except that for the first composition of the Advisory Committee, one-third of these members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; thereafter each term shall be three years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. A member may serve as chairman for no more than two years.

"'(d) The Committee shall—

"'(1) assess and evaluate existing standards and goals for the improvement of juvenile and criminal justice systems at all levels of government;

"'(2) make recommendations for the modification or elimination of existing standards where assessment and evaluation indicate the necessity to do so;

"'(3) develop, as necessary, new standards and goals for the improvement of juvenile and criminal justice systems;

"'(4) make recommendations for actions which can be taken by Federal, State, and local governments and by private persons and organizations to facilitate the adoption of the standards and goals;

"'(5) assess the progress of Federal, State, and local governments in implementing standards and goals; and

"'(6) carry out a program of collection and dissemination of information on the implemention, assessment, and evaluation of standards and goals for the improvement of juvenile and criminal justice systems.

"'(e) The Administrator of LEAA is authorized to appoint and fix the compensation of the Executive Director and such other personnel as may be necessary to enable the Committee to carry out its functions. Such positions shall be in the excepted service.

"'(f) Members of the Committee may be allowed travel expenses and per diem in lieu of the subsistence as authorized by law for persons employed intermittently.

"'(g) Members of the Committee not otherwise employed by the United States shall receive compensation at a rate not to exceed the rate now or hereafter prescribed for a GS-18 of the General Schedule by § 5332 of Title V of the United States Code including travel time for each day they are engaged in the performance of their duties as members of the Advisory Committee.

"'(h) Agencies and instrumentalities of the Federal Government are authorized to furnish the Committee with such information and assistance, consistent with law, as it may require in the performance of its functions and duties.

"'(i) The Committee is authorized to carry out any standard setting obligations imposed on the Administration or its Advisory Committees.

"'(j) No later than January 1, 1978 and January 1 of each succeeding year, the Advisory Committee shall submit to the Administrator, to the President, and to the Congress, a report on its actions taken under this section.

"'(k) The Advisory Committee shall make such reports and recommendations from time to time as it deems suitable to carry out the purposes of this section.'"

Mr. McCLORY (during the reading). Mr. Chairman, I ask unanimous consent that this amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. McCLORY. Mr. Chairman, this is an amendment which I discussed with the other side. It merely provides the authority for the establishment of the Advisory Committee on Standards and Goals, to which reference was made before.

I urge the adoption of the amendment.

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

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

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

Mr. Chairman, I would like to advise the Committee that we are now coming together on both sides and I am in total support of this amendment.

Mr. McCLORY. I thank the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois (Mr. McCLORY).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BIAGGI

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

The Clerk read as follows:

Amendment offered by Mr. BIAGGI:

Page 35, immediately after line 17, insert the following new section:

LAW ENFORCEMENT OFFICERS' BILL OF RIGHTS

SEC. 115. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by redesignating parts G, H, and I as parts H, I, and J, respectively, and by inserting immediately after part E the following new part:

"PART F—LAW ENFORCEMENT OFFICERS "'BILL OF RIGHTS

"SEC. 471. Beginning with the first fiscal year commencing not less than two years after the date of the enactment of this part, no grant under parts B, C, or E of this title shall be made directly or indirectly, to any State, unit or general local government, or public agency, unless there is an effect with respect to such State, unit of general local government, or public agency, a law enforcement officers' bill of rights which substantially provides as a minimum the following rights for the law enforcement officers of such State, unit of general local government, or public agency:

"BILL OF RIGHTS

"'POLITICAL ACTIVITY OF LAW ENFORCEMENT OFFICERS

"'SECTION 1. Except when on duty or acting in his official capacity, no law enforcement officer shall be prohibited from engaging in political activity or be denied the right to refrain from engaging in such activity.

"'RIGHTS OF LAW ENFORCEMENT OFFICERS WHILE UNDER INVESTIGATION

"'SEC. 2. Whenever a law enforcement officer is under investigation for alleged malfeasance, misfeasance, or non-feasance of official duty, with a view to possible disciplinary action, demotion, dismissal, or criminal charges, the following minimum standards shall apply:

"'(1) No adverse inference shall be drawn and no punitive action taken from a refusal of the law enforcement officer being investigated to participate in such investigation or be interrogated other than when such law enforcement officer is on duty, or when exigent circumstances otherwise require.

"'(2) Any interrogation of a law enforcement officer shall take place at the offices of those conducting the investigation, the place where such law enforcement officer reports for duty, or such other reasonable place as the investigator may determine.

"'(3) The law enforcement officer being investigated shall be informed, at the commencement of any interrogation, of the nature of the investigation, the names of any complainants, and the identity and authority of the person conducting such investigation, and at the commencement of any interrogation of such officer in connection with any such investigation shall be informed of all persons present during such interrogation. All questions asked in any such interrogation shall be asked by or through a single interrogator.

"'(4) No formal proceeding which has authority to penalize a law enforcement officer may be brought except upon charges signed by the persons making those charges.

"'(5) Any interrogation of a law enforcement officer in connection with an investiga-

tion shall be for a reasonable period of time, and shall allow for reasonable periods for the rest and personal necessities of such law enforcement officer.

"'(6) No threat, harassment, promise, or reward shall be made to any law enforcement officer in connection with an investigation in order to induce the answering of any question, but immunity from prosecution may be offered to induce such answering.

"'(7) All interrogations of any law enforcement officer in connection with the investigation shall be recorded in full.

"'(8) The law enforcement officer shall be entitled to the presence of his counsel or any other one person of his choice at any interrogation in connection with the investigation.

"'REPRESENTATION ON COMPLAINT REVIEW BOARDS

"'SEC. 3. Whenever a police complaint review board has been established which includes in its membership persons other than law enforcement officers of the agencies under the jurisdiction of such board, such board shall also include a fair representation of such officers.

"'CIVIL SUITS OF LAW ENFORCEMENT OFFICERS

"'SEC. 4. Any law enforcement officer shall have the right, and shall receive public legal assistance when requested, to recover pecuniary and other damages from persons violating any of the rights established under the law enforcement officer's Bill of Rights.

"'DISCLOSURE OF FINANCES

"'SEC. 5. No law enforcement officer shall be required to disclose, for the purposes of promotion or assignment, any item of his property, income, assets, debts, or expenditures or those of any member of such officer's household.

"'NOTICE OF DISCIPLINARY ACTION

"'SEC. 6. Whenever a personnel action which will result in any loss of pay or benefits, or is otherwise punitive is taken against a law enforcement officer, such law enforcement officer shall be notified of such action and the reasons therefor a reasonable time before such action takes effect.

"'RETALIATION FOR EXERCISING RIGHTS

"'SEC. 7. There shall be no penalty nor threat of any penalty for the exercise by a law enforcement officer of his rights under this Bill of Rights.

"'LAW ENFORCEMENT OFFICERS' GRIEVANCE COMMISSION

"'SEC. 8. (a) There shall be a commission composed of an equal number of—

"'(1) representatives of the general public,

"'(2) of law enforcement agencies of the jurisdiction, and

"'(3) of other public agencies;

with the authority and duty to receive, investigate, and determine grievances of any law enforcement officer. Grievances considered by the commission shall be limited to those alleging violations of rights under this Bill of Rights.

"'(b) A duly certified or recognized employee organization representing law enforcement officers, when requested by a law enforcement officer in writing, may act on behalf of such law enforcement officer before the commission with respect to any grievance. Such an organization may itself initiate the grievance procedure on behalf of two or more law enforcement officers.

"'(c) The commission shall have authority to require testimony under oath and the production of documents, to issue orders to protect the rights of law enforcement officers and to institute appropriate actions in court to enforce such orders.

"'OTHER REMEDIES NOT DISPARAGED

"'SEC. 9. Nothing in this Bill of Rights shall disparage or impair any other legal remedy any law enforcement officer shall have with respect to any rights under this Bill of Rights.'.

"SEC. 472. As used in this part—

"(1) 'law enforcement officer' means any officer or employee of a public agency, if the principal official function of such officer or employee is to investigate crimes, or to apprehend or hold in custody persons charged or convicted of crimes, and include police, sheriffs, bailiffs, and corrections guards;

"(2) 'complainant' means the person whose information was the basis for the initiation of an investigation; and

"(3) 'complaint review board' means any public body with specific lawful authority to investigate and take public action, including making reports, on charges of improper conduct by law enforcement officers, but is not a law enforcement agency, a grand jury, or other entity similar to a grand jury; and

"(4) 'law enforcement agency' means any public agency charged by law with the duty to investigate crimes, apprehend and hold in custody persons charged with crimes.".

Redesignate succeeding sections accordingly.

Mr. BIAGGI (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

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

There was no objection.

Mr. BIAGGI. Mr. Chairman, I rise to offer an amendment to H.R. 13636 the LEAA reauthorization bill. My amendment requires that States, units of local government, and public agencies which seek funds from the LEAA enact a law enforcement officers bill of rights as part of their plan. Passage of this amendment could have a profound effect on the morale of thousands of law enforcement officers in this Nation who continue to strive for the same basic civil rights and protection provided to the citizens they serve.

This amendment is identical to legislation I have introduced in each of the past three Congresses, most recently H.R. 2788 which is cosponsored by some 90 of my colleagues.

This amendment embodies a multipoint program which will guarantee that law enforcement officers are afforded the same basic civil and political rights as all other Americans enjoy.

First. Law enforcement personnel would have the right to participate in political activities while off duty and out of uniform.

Second. Law enforcement officers under investigation must be notified from the outset the nature of the complaint, all complaintants as well as those who will be present during the interrogation, and their legal rights including right to counsel.

Third. All interrogations must be conducted in a reasonable manner and while being conducted no threats of disciplinary action shall be made.

Fourth. The complete interrogation proceeding must be recorded.

Fifth. A law enforcement officer must be notified and given reasons for any punitive action taken against him prior to the effective date of such action.

Sixth. Law enforcement officers have the right to bring civil suits against all those who violate their rights under the bill of rights.

Seventh. No law enforcement officer shall be required to disclose information on personal finances as a basis for promotion.

Eighth. Adequate representation of law enforcement personnel must be provided whenever a police complaint review board is established.

Ninth. A law enforcement officers grievance commission shall be established to investigate all allegations of violations of civil rights emanating under the bill of rights.

The legislation would apply to police, sheriffs, bailiffs, and correction officers. The amendment is identical to H.R. 2788 which has 90 cosponsors. I urge your support for this most important effort.

I consider this amendment both germane and necessary to this legislation. My colleagues may recall that a great deal of criticism was heard during the hearings on this bill relative to allegations that LEAA funds and programs were being distributed in a discriminatory fashion by those States and units of local government which themselves engaged in discrimination. As a result, strong new affirmations of civil rights protections were written into H.R. 13636, including a provision which could suspend funds for up to 120 days in any unit of government which is not in full compliance with the civil rights law in their distribution of LEAA funds. My amendment is quite consistent with this argument as it further mandates that the civil rights of law enforcement officers must also be recognized and provided for by a unit of government seeking LEAA funds.

Further on the germaneness question, I refer my colleagues to the decision of the Chair during the House consideration of my amendment to an LEAA authorization bill in 1973:

> The committee bill seeks to establish a comprehensive approach to the financing of programs aimed at improving State and local law enforcement systems. Included in this comprehensive approach is the subject of the welfare of law enforcement officers as it relates to their official duties. The issue of a grievance system for law enforcement officers is within the general subject of the improvement of State and local law enforcement systems and the amendment is germane to the bill.

As one who has been closely affiliated with law enforcement for 23 years as a member of the police department, and for 8 years a constant advocate of law enforcement legislation in Congress, I continue to be appalled over the fact that the members of the law enforcement community continue to be in the position of second-class citizens with their own departments. We do not tolerate such widespread and rampant abuses of civil rights among any other segment of our population. We have enacted landmark laws, such as the Civil Rights Act of 1964 which protects citizens and imposes civil and criminal penalties against persons public or private who encroach upon the civil rights of others.

We have established grievance commissions such as the equal employment opportunity commissions which operate virtually every government agency to protect against employment discrimination. Large sums of money are provided each year for an Office of Civil Rights in HEW to investigate alleged civil rights

violations and the issuing of corrective regulations. On State and local levels, we have human rights commissions. Yet, what do the brave men and women of law enforcement have at their disposal when their civil rights have been violated? How can we expect our law enforcement personnel to go out day after day—risk their lives to protect the rights of others knowing that if their rights are violated they are almost helpless under law. An extreme example of how we extend guarantees of civil rights to Americans can be evidenced by a decision handed down several years ago by a Federal court judge for the eastern district of Virginia. The highlight of the decision was its provision calling for a basic bill of rights for prison inmates. In his decision the judge said:

> The administration of discipline within prisons disclosed a disregard of constitutional guarantees of so grave a nature as to violate the most common notions of due process and humane treatment. It is further held that in order to discipline prisoners in State penal institutions, certain due process rights are necessary.

The circumstances which lead to that court decision are similar in nature to the circumstances facing law enforcement officers today and clearly demonstrate the need for legislative relief.

Consider these other facts. Criminals from the moment of arrest are provided with their legal rights, including the right to counsel for all proceedings, a criminal can and does face his accuser, a criminal does not have to take a lie detector test, a criminal cannot be grilled for unreasonably long hours without rest. These are some of the things we do to protect criminals. How many of these basic privileges do our law enforcement personnel enjoy when they are subjects of investigation? I daresay a very few, and only in certain jurisdictions.

A point also worth remembering during the consideration of this amendment. We are dealing with civil rights guaranteed under the law. We have seen other groups in this Nation who have felt rightfully or otherwise that their civil rights have been violated advocated or actually engaged in violent activities to focus attention on their grievances. Coercive persuasion has worked. Yet the law enforcement personnel of this Nation have not resorted to violence, they continue to work, waiting, hoping that someone will hear their call for justice. We have an excellent opportunity to respond in a most affirmative manner, an opportunity we should capitalize on immediately.

Many rank and file law enforcement personnel across the Nation are aware of and strongly support my efforts to gain passage of the law enforcement officers bill of rights. Two States, Maryland and most recently California, where Governor Brown on August 18 signed into law a policeman's bill of rights, have enacted similar laws to what we are trying to pass today. In addition, the cities of Milwaukee, Seattle, and New York have enacted city ordinances which provide for a bill of rights for their law enforcement personnel. Other cities including Memphis, Tenn., and Greensboro, N.C., have included a bill of rights for law enforcement officers in the contract between the police department and the city. Certainly the actions of these States and localities demonstrates that there is support for this type of proposal. It is now time to make it a Federal law.

Failure to pass this amendment today would cause great frustration and embitterment among the law enforcement officers of this Nation. They are fully aware of the inordinately long period of time it has taken the House Judiciary Committee to complete action on the law enforcement officers bill of rights. They have heard promises but they thus far have been nothing more than empty rhetoric. I was content to allow this legislation to go through the normal legislative channels and be considered and passed as a separate bill. The men and women of our law enforcement units are tired of waiting; let us act today, now, and clearly demonstrate our solidarity with the law enforcement officers of this Nation.

If we are going to continue to spend millions of dollars in finding ways to fight crime, let us not forget or neglect the very cornerstone of an effective crime prevention program—the men and women in charge of enforcing our laws. Let us assure our law enforcement personnel that they too can be protected by the same laws they enforce every day. Let us help bolster sagging police morale by allowing them to remove the stigma of being second-class citizens under the law. If we are successful, both the morale and the efficiency of our law enforcement personnel will improve and the effect on crime reduction will be significant.

I offer this amendment with a deep sense of personal pride. The pride of having served as a police officer for 23 years. The pride of knowing the essential roles which the brave men and women of law enforcement play toward making this a safer and better Nation. The pride of knowing how well received the passage of this amendment would be in the law enforcement community. I implore my colleagues to join with me in supporting this effort, for it is not only for the good of this legislation, it is for the good of this Nation.

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

Mr. BIAGGI. Mr. Chairman, I ask unanimous consent that I may be allowed to proceed for 5 additional minutes.

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

Mr. CONYERS. Mr. Chairman, reserving the right to object, and I shall not object, I do so merely to say to my colleague that if everyone takes this amount of time we are not ever going to get out of here.

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

Mr. CONYERS. Sure, I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, I sat through the entire debate on the LEAA and listened to amendment after amendment, and even an accepted amendment that had consumed far more time.

Mr. CONYERS. Mr. Chairman, I withdraw my reservation of objection.

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

There was no objection.

Mr. BIAGGI. Mr. Chairman, I would like to say when we started consideration of this legislation some 6 years ago it was a novel notion and there was discussion pro and con and some valid criticism. That was subsequently accommodated.

Mr. ASHBROOK. Mr. Chairman, I think what the gentleman is saying is important. I think a quorum should be present. It is very important.

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

The CHAIRMAN. Evidently a quorum is not present.

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

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

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

The Committee will resume its business.

The Chair recognizes the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. Mr. Chairman, in connection with this Bill of Rights, I have enumerated some of its provisions. I believe I started to recount its history. I introduced a motion some 6 years ago in this Congress. Each time the bill was cosponsored by 90 or 100 or 120 Members. People said it could not work, we would be interfering with the local communities, there would be conflicting jurisdiction.

I disputed them then; I dispute them now. The advantage of history, the advantage of the passage of time, the passage of time and events have proven that I was right, because in the intervening period, the State of Maryland, through the State legislature, enacted a bill of rights for police officers. On the 18th of August, of this year, Gov. Jerry Brown of California signed legislation providing for a bill of rights for police officers. By city ordinance, the city of New York, the city of Seattle, and the city of Milwaukee have passed a bill of rights for police officers. During negotiations, Memphis, Tenn., and Greensboro, N.C., have contracted a bill of rights for police officers.

What they are really saying is that we, who should have assumed the leadership and are in a position to demonstrate that leadership, failed by our dilatory conduct. The bill of rights in those areas is working, and nothing has gone awry—no chaos, no diminution in the effectiveness of law enforcement, no conflict in personnel. The bill of rights has been adopted and pursued.

Some people say, "Well, this is not the way to legislate, with an amendment avoiding procedure."

I have accommodated every criticism made during debate in the previous sessions of Congress. We have adjusted our bill. We did in fact have hearings by the

subcommittee of the Committee on the Judiciary, with the gentleman from Pennsylvania, Mr. EILBERG, presiding. We have a record here of those hearings. We accommodated every criticism. So the product that is before the Members today is not a trifling submission. It is not one that is given without thought. My respect for law enforcement, my respect for the responsibility of government supersedes many other considerations. But they are not divided here. They are consistent. They are concurrent. All of our concerns are met. I do not understand those civil libertarians who would find themselves in opposition to providing basic civil rights, some of which I enumerated in the early part of my discussion, to police officers.

Is it necessary to be an intellectual and be victimized before the civil libertarians respond?

Or do we believe in the philosophy and apply it universally to every American and to every human being in this country?

I prefer to believe the latter. I am realistic enough that the former is the policy adhered to by some, but not by the majority. I am hopeful that the majority today will sustain my belief and my feeling that we do believe in civil rights and equal justice for all.

Mr. Chairman, I urge the adoption of this amendment.

Mr. CONYERS. Mr. Chairman, I rise reluctantly in opposition to the amendment.

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

The CHAIRMAN pro tempore (Mr. DOWNEY of New York). The Chair will count. Sixty-three Members are present, not a quorum.

The Chair announces that pursuant to clause 2 of rule XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

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

The Committee will resume its business.

The gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

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

Mr. CONYERS. Mr. Chairman, I yield to my colleague, the gentleman from Illinois (Mr. RUSSO), a former member of the Committee on the Judiciary.

Mr. RUSSO. Mr. Chairman, I thank my colleague, the gentleman from Michigan (Mr. CONYERS) for yielding to me.

Mr. Chairman, I rise in strong support of the amendment offered by my good friend and colleague, the champion of law enforcement, Representative MARIO BIAGGI. Passage of the law enforcement officers bill of rights would be considered a legislative landmark in congressional history of which we could be exceptionally proud.

After his election to Congress following an outstanding career as a New York City police officer, Congressman BIAGGI immediately introduced the law enforcement officers bill of rights. Nearly 90 other Members have also cosponsored this meritorious proposal and I am sure are working hard for its passage today.

At this late stage in our Nation's history, it seems an anomaly to me that our country's courageous law enforcement officials should be denied the same constitutional protections guaranteed to all other Americans. Many Americans take these liberties and rights for granted, but for those citizens who have ever experienced life without them the saga reads very differently. Congress has extended these safguards to other groups not previously protected and should continue this process today. This amendment seeks to add legislative substance to the constitutional provisions that protect citizens who are under criminal investigations.

Congressman BIAGGI's amendment will mandate that in order for States and localities to receive LEAA funding they must enact statutes and ordinances establishing mechanisms to guarantee law enforcement officials procedural due process. Foremost among the rights involved the sixth amendment's right to counsel and the right to be fully informed of the nature and cause of the accusation.

In an effort to encourage the orderly protection of these rights, a grievance commission must also be established by the States and localities to investigate law enforcement officials' complaints that their rights have been violated under this bill of rights. These commissions' powers are narrowly defined in the amendment and would prevent the commissions from straying outside their prescribed areas. Members of the public, law enforcement agencies, and other public agencies would compose the commissions, while the accused could be represented by a certified employee organization. Under this concept, which is similar to the Equal Employment Opportunity Commission procedure, disputes could be handled internally without the monetary expense of a court battle.

In addition to the grievance commission, the sponsor has wisely chosen to include a section authorizing a civil suit by any official who contends that his rights under any provision of the amendment have been violated. The grievance commission procedure, and the civil suit are not mutually exclusive remedies and neither are they the only statutory provisions upon which an action might be brought; other civil rights laws will remain available. A decision this past term by the Supreme Court interpreted one civil rights statute as providing the exclusive avenue upon which particular individuals could bring suit and I think that the language of this amendment will preclude any such strict interpretation by the Federal courts.

Finally, Mr. Chairman, I would like to voice my strong support for that section of the amendment that permits all law enforcement officials the right to engage in partisan political activities when off duty and out of uniform. My colleague has been assured by the distinguished chairman of the Judiciary Committee that the amendment's language will conform to that language in the Hatch Act which allows certain public officials to engage in partisan political activities. Participating in politics is probably the most basic right guaranteed in America because all other rights flow from participation in the democratic process. The First Amendment guarantees freedom of speech to all Americans, including law enforcement officials.

Mr. CONYERS. Mr. Chairman, and members of the Committee, I would want the Members to know immediately that I do not associate myself with the remarks of the gentleman from Illinois (Mr. RUSSO), to whom I rather graciously yielded because of some time constraints of his.

Mr. Chairman, on a more serious level, I would ask the Committee to do what they have had to do on occasions in the past, that is to, with some reluctance, reject this amendment regardless of its good intentions.

The short and the simple objection to this is that if we were to pass a bill of rights for policemen at the Federal level the question that would occur would be: What about correction officers? What about other people in the law enforcement field? What of all the other members that comprise the law enforcement agencies in the several States?

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

Mr. CONYERS. I yield to my colleague, the gentleman from New York (Mr. BIAGGI), the author of the amendment.

Mr. BIAGGI. Mr. Chairman, to begin with, the gentleman from Michigan makes a valid point, except the fact of the matter is that provisions for correction officers and for sheriffs have been made and if I have, in fact, left anyone out, then it is incumbent, I would say to my friend, for the Congress to seek out those that have been denied these basic rights and provide for them.

Mr. CONYERS. That raises perhaps a more fundamental question, Mr. Chairman: What suggests to the gentleman from New York, or any Member of this body, that policemen are denied their constitutional rights? They are included within the purview of the Constitution, within the meaning of all the State constitutions and the Federal rules of evidence and procedure, and those at the State level apply to police officers as well as they do to citizens engaged in any other pursuit. So that it would seem, on the surface, highly unusual to suggest that they are in need of this special legislation, which the gentleman from New York additionally has pointed out is being passed by a number of States already? And I yield to the gentleman from New York.

Mr. BIAGGI. Mr. Chairman, to begin with, the gentleman says why do they need it? The fact remains there must be a need, and before I enumerate the reasons, we have in the State of California just enacted legislation that answered that need. And in the State of Maryland, they did likewise.

Mr. CONYERS. Then why should the

Federal Government engage in this same action?

Mr. BIAGGI. Because at long last somebody responded. The Federal Government failed to provide the leadership despite the fact that this legislation was introduced 6 years ago.

I voted with the gentleman from Michigan earlier on this afternoon when the gentleman attempted to—condition—providing funding for the correctional facilities on establishing basic standards. I agreed with the concept. I agree with it still. The gentleman says, "Well, why is it necessary?" It is necessary because we know, unfortunately, that people out in the hinterlands of our Nation do not always do the right thing, and therefore it is incumbent upon us to enact legislation that will compel them to do that.

What I am trying to do here is to establish a similar condition.

Mr. CONYERS. Why do not probation officers get included in this bill? The first thing we know, someone will be saying they need such provisions too.

Mr. BIAGGI. If the gentleman will yield further, when the facts are brought to my attention that justify, because of the peculiar nature of their work and conditions developing within that structure, that there is a need, I will be the first to include them in any legislation.

Mr. CONYERS. I should point out to the gentleman that in the hearings that were held in the Judiciary Committee, which were recommended in the previous session in 1973, when this matter came before the entire House for disposition, it was rejected at that time.

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

Mr. CONYERS. Mr. Chairman, will the gentleman yield briefly?

Mr. WIGGINS. I yield.

Mr. CONYERS. I thank my colleague for yielding. I would conclude here my point which is that the Subcommittee on Immigration, Citizenship, and International Law of the Committee on the Judiciary held hearings and they failed to report this bill to the full committee. I wanted to make that fact known.

Mr. BIAGGI. Mr. Chairman, will the gentleman yield so I may respond?

Mr. WIGGINS. I have just a limited period of time.

Mr. Chairman, I oppose the amendment. The amendment purports to grant to police officers something called a bill of rights. Let us understand what we are talking about. We are not talking about constitutional rights, of course, because police officers are entitled to the full protection of the U.S. Constitution, whether we have an LEAA bill or an amendment to it or not. And we are not talking about civil rights, as that term is generally understood, because the civil rights statutes of the United States already are of general application. They apply to every police officer in the land.

No, we are talking about something else under the rubric of a bill of rights. We are talking about employee benefits which police officers would like to obtain. They have been successful in some places and unsuccessful in others.

The amendment proposes federally mandated benefits to police officers.

Let me explain it just a bit further so Members will understand that these benefits accorded to police officers are not granted to other people in our society and are indeed special benefits.

First of all, all funding is conditioned upon the States and localities accepting these standards. What are these standards?

Any time a police officer is being investigated, an administrative investigation with respect to his conduct, even though no crime is alleged, these are some of the things he is entitled to.

First, no inference can be drawn against him if he refuses to cooperate with the investigation. How does that strike the Members as a matter of simple common sense?

The interrogation of the police officer can be conducted only in the police station or some regularly assigned place of duty. It could not be conducted, for example, in the home of the police officer even though that might work to his benefits.

What else?

The police officer is entitled to the name of the person making the complaint. I will tell the Members, if a citizen is accused of a crime and is interrogated by a police officer, he is not entitled to the name of his accuser. That right only ripens when the matter gets to the court, not during the investigative stage.

There is more.

The interrogation can be conducted only by one police officer. If two or three are conducting the investigation, the duty of asking questions must be assigned only to one.

The interrogation cannot be extended over an unreasonable period of time. I think that is fair.

The police officer shall be entitled to counsel during the interrogation.

This is not constitutional right. Unless the focus of an investigation points to a particular person as the one likely to be accused of a crime, Miranda rights do not arise. Nobody else in our society is entitled to an attorney during an investigative stage.

There is more.

The amendment permits police officers, if they wish to sue to recover private damages, to receive public legal assistance. Legal fees are apparently payable even to unsuccessful litigants. They are entitled to receive public legal assistance for the purpose of preparation of even a frivolous lawsuit.

And it goes on and on.

Mr. Chairman, the reason this proposal did not survive the Subcommittee of the Judiciary and has not moved forward in the last 6 years is because it is not a meritorious proposal.

I want it fully understood for the benefit of my police officer friends that I have no objection to them going to their employers and bargaining as best they can for such rights as they can extract in the normal bargaining process. But I certainly object to deciding a matter of normal labor bargaining by statute.

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

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

Mr. SEIBERLING. Mr. Chairman, of course, a police officer would be entitled to the benefits of the Miranda rule, the same as anyone else, if he was being held for a possible trial.

Mr. WIGGINS. Oh, indeed.

Mr. SEIBERLING. Mr. Chairman, if the gentleman will yield further, for that very reason he does not need to have additional protection concerning his right to counsel.

Mr. WIGGINS. That is correct.

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

Mr. Chairman, I rise in support of the amendment proposed by my distinguished colleague, the gentleman from New York, Mr. BIAGGI, an amendment which would establish a policemen's bill of rights. Although our law enforcement officers, like any other citizen, are protected by the freedoms guaranteed by our Constitution, it is essential in these troublesome times to provide our policemen with an additional cloak of protection; namely, a restatement of the basic rights of police—a policemen's bill of rights. We are living during a time in which violence and disregard for the law has assumed epidemic proportions: violence pervades every aspect of our lives and oftentimes the most visible and readily identifiable representatives of the law, our law enforcement officers, are victims of the violence they are compelled to control and eradicate. It is certainly not too much for us to state for these men and women, whose life-sustaining and vital services insure our own well-being, the basic rights to which they are entitled as protectors of the peace, and as personifiers of the law.

Accordingly, Mr. Chairman, in light of the sacrifices that these law enforcers are daily called upon to make, I give my wholehearted support to the policemen's bill of rights, which I have previously cosponsored. Provisions in this bill include some very basic statements: That any investigation of an officer which might lead to "disclipinary action, demotion, dismissal, or criminal charges" should take place at a reasonable hour; that a law enforcement official should be informed of the nature of the investigation; that a complaint against the officer should be authorized; that the policeman investigated should have the right to counsel. These are basic rights guaranteed to all of us and are in no way extensions of privileges not granted to each and every citizen. Rather, the policeman's bill of rights is merely a restatement of these basic rights, a commemoration and proclamation of our gratitude to the officers in whom our safety and well-being lie.

Accordingly, Mr. Chairman, I am pleased to support the amendment of the gentleman from New York (Mr. BIAGGI), to the LEAA appropriations bill and urge my colleagues to favorably consider this measure.

Mr. DENT. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the amendment.

Mr. Chairman, I do not expect to take the 5 minutes, but I do want to say that anything we can do to encourage good citizens to become police officers we ought to do. I have noticed over the

years a great number of rights that we did not think were rights at one time being extended to many groups.

Mr. Chairman, we are accused at times of doing too much for lawbreakers. There was a shootout, which turned out to be a big one, in one of the shopping centers last year in western Pennsylvania. Two police officers tried to apprehend persons in an attempted robbery. A shooting took place. One police officer was killed and the other police officer is standing trial for the death of one of the suspects.

I do not know how much it is going to cost this officer. I do not know what the total cost is going to be or who is going to pick up the bill, but on the police officer's side we know just about what the lawyers' costs will be, much more than he earns. I would imagine that he is in a very, very sad situation at this time.

I do not know how many Members of this Congress would, under any conditions, volunteer to become an everyday patrol cop in any of our cities, any of our major cities. I have talked to a few policemen on our highways. There have been some bad incidents when stopping cars at night. There is an element of danger getting out of their cars to go up to the drivers of the cars that they stop. I would not be surprised if they are tempted to just let the speeder go, especially when they have an alert on someone who is considered to be a dangerous person and are patrolling alone. The officer has to get out of his car, and he is at the mercy of the driver of the stopped car.

I had an incident where one of my colleagues in the House told me of being stopped by a police officer. My colleague was going 5 miles over the speed limit on the Pennsylvania Turnpike. When he was stopped, he got out of his car and walked back to the policeman's car. The policeman said, "Thank you very kindly."

In the old days, a police uniform was all we needed to respect an officer. He did not need any clubs. In our small town there was one officer for the whole community, but what that uniform meant to everyone was that it represented authority. However, today it is completely ignored by a growing legion of citizens in this country who believe that police officers are some kind of tax-eating, nonworking entities, and are fair game.

I would not want to be a policeman. I do not think I would be a policeman under any conditions. I cannot conceive of anything that would force me into that uniform, because there is no respect for the uniform. Those having no respect for the uniform, have absolutely no respect for the wearer of the uniform.

It crosses all lines in this country, and especially today when so many, at times, are not themselves; some are drinking, some are hopped up, and there is no way that a policeman has any idea of what he is going to run into. Here is a broad daylight robbery attempt, and one of the suspected thieves was shot. A policeman was shot, too. They were both killed, and the surviving policeman is being tried.

This bill of rights does not bring any spectacular benefits to the police which we do not enjoy ourselves. For instance, it contains the right to counsel, along with other provisions.

Mr. Chairman, I believe the amendment ought to be accepted.

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

Mr. Chairman, I rise in strong support of this amendment. I am very proud to have been one of the original cosponsors, starting several years ago, of the legislation which underlies this. The amendment is offered by a joint sponsor who probably knows more about the police and their problems than any other Member of this body, my friend and colleague, MARIO BIAGGI, who before he came here was the most decorated police officer in the State of New York.

I think this bill of rights is important for psychological reasons as much as anything else. The profession of police officer is one of the very, very few where a man is asked to put his life on the line every day, to risk his life to protect ours and to protect our property. Today the police, I think with considerable justification, are very demoralized.

They feel they do not have the support of the community. They feel that they are taking many of these risks and we do not provide adequate money for courts to quickly process the arrests that they make. They see people who they know are criminals going free, and the community does not seem to care.

I have examined the points in this bill of rights very carefully. I do not think there is anything objectionable from the civil rights point of view. I think I am as strong an advocate of civil rights as anybody in this body. I think this will give an acclamation by the Congress of the United States that it supports the important work that the police do for us and it wants to give a vote of confidence to those policemen and women. I think we should adopt the amendment.

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

Mr. OTTINGER. I yield to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. I thank the gentleman for yielding.

Mr. Chairman, I would like to respond to several points that were made by the gentleman from California (Mr. WIGGINS). He said a police officer could be confronted and not answer and avoid interrogation.

Nothing could be further from the truth. He could be subjected to charges and he could be subjected to due process. The question is, while he is subjected to interrogation he must have the right of counsel. In many cases that is denied him. That is the point.

Another reference was made to the provision of the bill which says a man should be interrogated by one interrogator, and he finds that objectionable.

The days of Humphrey Bogart, James Cagney, and all of these gangster movies, are over, with the dark room, the big light and 10 or 12 people interrogating from different parts of each room. We have case law established that that is improper. That is improper and shall not be practiced. They cannot be used on the worst of criminals. They must be interrogated by a single interrogator. He can be provided with as much as he likes, in the form of questions, but multiple interrogation is regarded as cruel and harassing.

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

Mr. OTTINGER. I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Chairman, I would like the gentleman to know, and all of those who are considering the support of this amendment, that it went through another subcommittee of the Committee on the Judiciary, and they failed to report it. This amendment has nothing whatever to do with LEAA, even ignoring the constitutional defects, which are very serious in nature. If the gentleman asks me what they are, I simply say to the gentleman that we would be passing some additional constitutional rights for one class of employee in this country, when all of the others which are now on the books, both Federal and State, apply to police officers. I know of no constitutional provisions that exclude a citizen who happens to be in law enforcement. We would be embarking upon most dangerous constitutional grounds.

Mr. OTTINGER. Mr. Chairman, I decline to yield further at this time.

It seems to me that we implement constitutional protection in all kinds of ways, in all kinds of laws, all the time. There is no class of people more deserving of protection than our police.

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

Mr. OTTINGER. I yield to the gentleman from New York (Mr. BIAGGI).

Mr. BIAGGI. I thank the gentleman for yielding.

Mr. Chairman, to begin with, I would not want to put the nine men sitting on the Supreme Court out of business. It is not for us to determine the constitutional questions.

No. 2, so far as the Constitution and its provisions for all of the people of the United States, they have been there since our Founding Fathers put it together. If that was properly implemented, as it should be, there would be no need for all of the civil rights legislation. But the fact of the matter is that it has not been, and it has required specific legislation from many different areas. If it requires more from another area, then so be it. But why deny any group any of their rights?

Mr. McCLORY. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment, with all due respect to the gentleman from New York.

Mr. Chairman, the gentleman's amendment would make receipt of LEAA grants by all State and local governments participating in the program contingent upon those governments adopting a law enforcement officer's bill of rights. This means that every government unit in the country must

adopt the specified bill of rights or lose their LEAA funds. The amendment establishes formalized procedures for the redress of grievances of law enforcement officers as well as specifying these officers' rights, including the right to engage in political activity.

Mr. Chairman, the Federal Government should not be involved in prescribing to State and local governments the nature of relationships with their own law enforcement personnel. This is a matter for collective bargaining. The amendment represents an unwarranted intrusion of Federal authorities into the activities of these jurisdictions. It also places a new string on the Federal funds which may cause participants in the LEAA program to drop rather than be coerced into adopting particular changes. It is contrary to our federal system and goes against the clear intent of the LEAA program. In fact, the LEAA legislation explicitly prohibits Federal direction of local law enforcement practices.

This is not the first time that a proposal to establish federally dictated law enforcement officers' rights has been introduced in the Congress. Legislation which would accomplish this has been introduced and considered in the last several Congresses. The Department of Justice has consistently opposed its enactment, and the Congress has repeatedly declined to act favorably on it. I strongly urge that my colleagues again reject this unwise proposal.

Mr. FLOWERS. Mr. Chairman, I move to strike the requisite number of words, and I rise in opposition to the amendment.

I do not want to belabor this point. I think it has been spoken to sufficiently and in detail. I reluctantly oppose the amendment offered by my good friend, the gentleman from New York (Mr. BIAGGI).

Everything that has been said in opposition to it is basically correct. There are many constitutional problems connected with some of the provisions of the so-called Bill of Rights. It would create, one might say, a preferred class of citizens, the police officers, giving them, if it is possible under our Constitution—although I do not think so—greater rights than those of other people, including employees of municipalities of counties. This is not the place for it. That has been said over and over again. It is not the place for this kind of action.

Any matter of this magnitude ought to be considered on its own merits. Perhaps there is room for a so-called policeman's bill of rights in the Federal statutes. I do not think this particular version thereof ought to be in the Federal statutes, but perhaps something else could be proposed. I believe it ought to be considered on its own merits.

There are mechanisms for bringing something like this to the floor, whether or not the subcommittee of the Committee on the Judiciary approves it. I do not serve on the subcommittee, but it apparently does not approve this action either.

Let us do this in due course and not try to attach it hodge-podge onto another piece of legislation that in and of itself is most important in protecting the rights of policemen as well as the rights of citizens.

This bill needs to be passed soon, and action like this will only impede its passage. Let us vote down this amendment. I say that although I can certainly understand there will be some political problems to some Members if they do so, but let us exercise some courage here and vote down the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BIAGGI).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 17, noes 33.

Mr. BIAGGI. 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, role XXIII, he will vacate proceedings under the call when a quorum of the Committee appears.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

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

The Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from New York (Mr. BIAGGI) for a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 148, noes 213, not voting 69, as follows:

[Roll No. 692]

AYES—148

Addabbo
Allen
Ambro
Anderson, Calif.
Annunzio
Archer
Ashbrook
Aspin
AuCoin
Bauman
Beard, R.I.
Bevill
Biaggi
Blanchard
Bolling
Breaux
Brodhead
Burke, Fla.
Burke, Mass.
Burton, John
Burton, Phillip
Byron
Carney
Carr
Carter
Clausen, Don H.
Cleveland
Collins, Tex.
Conte
Cotter
Crane
D'Amours
Daniels, N.J.
Davis
Delaney
Dent
Derwinski
Devine
Dodd
Downey, N.Y.
Duncan, Tenn.
Edgar
Eilberg
Evans, Ind.
Fary
Fascell
Flood
Florio
Ford, Mich.
Gaydos
Giaimo
Gilman
Ginn
Guyer
Hanley
Hannaford
Harsha
Hechler, W. Va.
Hefner
Hicks
Hillis
Holland
Holt
Howard
Hubbard
Hughes
Hyde
Jacobs
Jones, N.C.
Karth
Kemp
Keys
Krebs
LaFalce
Lent
Lloyd, Calif.
Lloyd, Tenn.
Lundine
McDade
Madden
Maguire
Mathis
Melcher
Miller, Ohio
Mills
Minish
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moore
Moorhead, Calif.
Morgan
Mottl
Murphy, N.Y.
Murtha
Natcher
Nedzi
Nix
Nowak
Oberstar
O'Brien
O'Hara
Ottinger
Patten, N.J.
Patterson, Calif.
Paul
Pepper
Perkins
Pike
Pressler
Price
Quillen
Rangel
Rinaldo
Risenhoover
Roe
Roncalio
Rooney
Rostenkowski
Rousselot
Russo
Santini
Sarasin
Sarbanes
Schroeder
Schulze
Shipley
Shriver
Slack
Smith, Nebr.
Snyder
Solarz
Spellman
Stanton, James V.
Stratton
Symms
Thone
Traxler
Vigorito
Walsh
Waxman
Weaver
Winn
Wolff
Wydler
Yatron
Zablocki

NOES—213

Abdnor
Adams
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Armstrong
Ashley
Bafalis
Baldus
Baucus
Beard, Tenn.
Bedell
Bennett
Bergland
Biester
Bingham
Blouin
Boland
Bowen
Brademas
Breckinridge
Brooks
Brown, Mich.
Brown, Ohio
Buchanan
Burgener
Burke, Calif.
Burleson, Tex.
Burlison, Mo.
Butler
Cederberg
Clawson, Del
Clay
Cochran
Cohen
Conable
Conyers
Cornell
Coughlin
Daniel, Dan
Daniel, R. W.
Danielson
Dellums
Derrick
Dickinson
Diggs
Dingell
Downing, Va.
Drinan
Eckhardt
Edwards, Ala.
Edwards, Calif.
Emery
English
Erlenborn
Eshleman
Evans, Colo.
Evins, Tenn.
Fenwick
Findley
Fish
Fisher
Fithian
Flowers
Flynt
Foley
Ford, Tenn.
Fountain
Fraser
Frenzel
Frey
Gibbons
Goldwater
Gonzalez
Gradison
Grassley
Gude
Hagedorn
Haley
Hall, Ill.
Hall, Tex.
Hamilton
Hammer-schmidt
Hansen
Harkin
Harris
Hayes, Ind.
Hébert
Henderson
Hightower
Holtzman
Hungate
Ichord
Jarman
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, Okla.
Jones, Tenn.
Jordan
Kasten
Kastenmeier
Kazen
Kelly
Ketchum
Koch
Krueger
Lagomarsino
Landrum
Latta
Leggett
Levitas
Long, La.
Long, Md.
Lott
Lujan
McClory
McCloskey
McDonald
McFall
McHugh
McKay
Madigan
Mahon
Mann
Martin
Mazzoli
Metcalfe
Mezvinsky
Michel
Mikva
Milford
Miller, Calif.
Mineta
Mink
Mitchell, Md.
Montgomery
Moorhead, Pa.
Mosher
Moss
Myers, Ind.
Myers, Pa.
Nolan
Obey
O'Neill
Passman
Pattison, N.Y.
Pickle
Poage
Preyer
Pritchard
Quie
Railsback
Randall
Regula
Reuss
Rhodes
Richmond
Roberts
Robinson
Rodino
Rogers
Rose
Rosenthal
Roush
Roybal
Runnels
Satterfield
Scheuer
Seiberling
Sharp
Shuster
Simon
Skubitz
Smith, Iowa
Spence
Stanton, J. William
Stark
Steed
Steiger, Wis.
Stephens
Stokes
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thompson
Thornton
Treen
Tsongas
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Waggonner
Wampler
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wirth
Wylie
Yates
Young, Fla.
Young, Ga.
Young, Tex.

NOT VOTING—69

Abzug
Alexander
Badillo
Bell
Boggs
Bonker
Brinkley
Broomfield
Brown, Calif.
Broyhill
Chappell
Chisholm
Clancy
Collins, Ill.
Conlan

Corman	Hutchinson	Ruppe
de la Garza	Jones, Ala.	Ryan
Duncan, Oreg.	Kindness	St Germain
du Pont	Lehman	Schneebeli
Early	McCollister	Sebelius
Esch	McCormack	Sikes
Forsythe	McEwen	Sisk
Fuqua	McKinney	Staggers
Goodling	Matsunaga	Steelman
Green	Meeds	Steiger, Ariz.
Harrington	Meyner	Stuckey
Hawkins	Murphy, Ill.	Studds
Heckler, Mass.	Neal	Sullivan
Heinz	Nichols	Wilson, C. H.
Helstoski	Pettis	Wilson, Tex.
Hinshaw	Peyser	Wright
Horton	Rees	Young, Alaska
Howe	Riegle	Zeferetti

Messrs. TALCOTT, LONG of Maryland, BUCHANAN, HÉBERT and HANSEN changed their vote from "aye" to "no."

Mr. HUGHES changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

Mr. Chairman, I had originally intended to introduce an amendment which would deal with the very vital and pressing problems in cities in connection with law enforcement, but after some conversation with the chairman of the full committee and my colleague, the gentleman from New Jersey (Mr. RODINO), it is my understanding that we will have hearings in connection with this problem and, as a consequence, I will not introduce the following amendment:

AMENDMENT TO H.R. 13636, AS REPORTED OFFERED BY MR. BIAGGI

Page 35, immediately after line 25, insert the following:

ASSISTANCE TO PREVENT POLICE LAYOFFS CAUSED BY BUDGETRY PROBLEMS

SEC. 116. Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is further amended by adding at the end the following:

"PART J—ASSISTANCE TO PREVENT POLICE LAYOFFS CAUSED BY BUDGETARY PROBLEMS

"SEC. 680. The Administration is authorized to make grants under this part to eligible units of general local government to enable such units to retain or reattain employment levels of essential law enforcement and criminal justice personnel which would have to be reduced or have been reduced because of such units' bona fide budgetary problems.

"SEC. 681. A unit of general local government may receive grants under this part if the Administration determines, upon such application as the Administration shall by regulation require, that—

"(1) the essential law enforcement and criminal justice personnel who, during a period commencing on or after January 1, 1975, have been released, or would but for assistance under this part be released, from employment as such personnel equals or exceeds 5 percent of the total law enforcement and criminal justice work force employed by that unit;

"(2) such release of such personnel resulted or would result from the bona fide budgetary problems of such unit; and

"(3) the most recent available rate of reported crime as determined by the Administration for such unit of general local government equals or exceeds the national average rate of reported crime as determined by the Administration for the same time period for which such most recent available rate is computed.

"SEC. 682. The amount of assistance under this part to a unit of general local government during a Federal fiscal year shall equal, subject to the availability of appropriated money for such grants, the sum needed by the grantee unit for such year to retain or reattain the level of employment of essential law enforcement and criminal justice personnel which existed or exists before the release referred to in paragraph (1) of section 681."

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

Mr. BIAGGI. I yield to the gentleman from New Jersey (Mr. RODINO).

Mr. RODINO. I thank the gentleman for yielding.

Mr. Chairman, I want to assure the gentleman from New York (Mr. BIAGGI) that I recognize there is a need to consider the amendment which he was about to offer. I think, however, it is a matter that should be discussed thoroughly, that should be aired thoroughly, and in committee before acting on it. And I assured the gentleman from New York that we would hold hearings in the Committee on the Judiciary in the next session of Congress.

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

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

Mr. CONYERS. I yield to the gentleman from New York (Mr. KOCH).

Mr. KOCH. I thank the gentleman for yielding.

Mr. Chairman, I would like to engage in a colloquy with the gentleman from Illinois (Mr. MCCLORY) concerning an amendment that I had proposed introducing but which I will not, because it has been brought to my attention by general counsel that the thrust of the amendment may already be in the law. I would like to verify that and certify it, to some extent.

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

Mr. CONYERS. I yield to the gentleman from Illinois (Mr. MCCLORY).

Mr. MCCLORY. I thank the gentleman for yielding.

Mr. Chairman, the purpose of section 301(d) is to limit the use of LEAA funds to pay for salaries of personnel engaged in the routine, day-to-day activities of law enforcement. The purpose of the entire act has been—and continues to be—the promotion of innovative programs in law enforcement and criminal justice. That is why in prior Congresses we have indicated our intention that LEAA funds should not be used simply to increase the size of the regular police force or to provide for salary increases. However, it has always been our intention that such funds be used to pay for personnel engaged in innovative programs designed to improve and strengthen law enforcement and criminal justice. In my opinion, the last sentence of section 301(d) permits the use of funds for such purposes without any reservation. That sentence is as follows:

The limitations contained in this subsection shall not apply to the compensation of personnel for time engaged in conducting or undergoing training programs or to the compensation of personnel engaged in research, development, demonstration or other short-term programs.

This sentence makes unnecessary any provision that LEAA have the authority to waive the limitations of section 301 (d) for innovative programs.

Mr. KOCH. Mr. Chairman, I thank the gentleman for that clarification, because the fact is, so far as I understand it up until now, that it had been thought by many that there was this limitation. This discussion will make it clear to LEAA that there is no artificial one-third limitation in the program as described by the gentleman.

Mr. Chairman, again I thank the gentleman for the clarification.

Mr. Chairman, will the gentleman yield for one additional point?

Mr. CONYERS. Yes, I yield to the gentleman from New York.

Mr. KOCH. Mr. Chairman, for the purposes of clarification and for the benefit of those reading the RECORD, I wish to include at this point the amendment that I would have offered.

The amendment is as follows:

AMENDMENT TO H.R. 13636, AS REPORTED OFFERED BY MR. KOCH

On page 6, insert immediately after line 3 the following new subsection (c) and redesignate succeeding subsections accordingly:

(c) Section 301(d) of such Act is amended by inserting immediately after the second sentence the following: "The limitations contained in this subsection may be waived when the Administration finds that such waiver is necessary to encourage and promote innovative programs designed to improve and strengthen law enforcement and criminal justice.".

AMENDMENT OFFERED BY MS. HOLTZMAN

Ms. HOLTZMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Ms. HOLTZMAN: Page 5, beginning on line 7, strike out everything down through "justice;" on line 11 and insert in lieu thereof:

"(10) The definition, development, and implementation of programs and projects designed to improve the functioning of courts, prosecutors, defenders, and supporting agencies, reduce and eliminate criminal case backlog, accelerate the processing and disposition of criminal cases, and improve the administration of criminal justice in the courts;".

Ms. HOLTZMAN (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 gentlewoman from New York?

There was no objection.

Ms. HOLTZMAN. Mr. Chairman, this is a technical amendment that is offered simply to clarify language in the existing bill. It amends section 106(b)(4) of the bill, which makes speeding criminal trials and eliminating trial delay specific objectives of State plans. My amendment removes an unintended emphasis on mechanical rather than human components of the trial process, and recognizes

the integral roles of the prosecution and defense in speeding criminal trials.

The amendment is being offered at the suggestion of the National District Attorneys Association and the National District Attorneys Association and the National Legal Aid and Defender Association.

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

Ms. HOLTZMAN. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, I have examined the amendment, and we have no objection to the amendment.

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

Ms. HOLTZMAN. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, we are perfectly satisfied with the amendment, and we are prepared to accept it.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New York (Ms. HOLTZMAN).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MYERS OF PENNSYLVANIA

Mr. MYERS of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MYERS of Pennsylvania: Page 29, line 20, immediately after "title", insert the following: "No money authorized to be appropriated by this title shall be made available for the interstate transportation or out-of-State sustenance of persons held in custody and convicted of armed robbery, homicide (other than involuntary manslaughter), rape, or an analogous crime under applicable State law as determined by the Administration, if such transportation or sustenance is for the purpose of facilitating participation in an athletic event in a State other than the State in which such person is so held".

Mr. MYERS of Pennsylvania (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 Pennsylvania?

There was no objection.

Mr. MYERS of Pennsylvania. Mr. Chairman, the Pittsburgh Post Gazette carried a front-page story on May 25 telling of two convicted murderers who were given 10-day, all-expenses-paid vacations to Las Vegas, Nev., to participate in the National Golden Gloves boxing championships. The trip was made possible through the cooperation of the Amateur Athletic Union and the State Bureau of Correction. The Bureau of Correction program was financed through an LEAA grant. Even though one of the boxers was eliminated on the fifth day of the competition and the other on the sixth, both were permitted to remain in Las Vegas until the competition ended.

Although the Governor of Pennsylvania's justice commission justified these long trips by felons convicted of violent crimes as a "fitness training experience for sociably dormant inmates," I feel that cross-country trips by men convicted of violent crimes were unjustifiable under the circumstances.

Mr. Chairman, there have been events which have led to undesirable results by the release of violent criminals. I think the use of LEAA funds to not only release criminals for events such as this but to transport them interstate and across a number of State borders presents an unreasonable risk to the general society. I would like to think that the Governor's office could use LEAA grants without strings attached at the Federal level.

However, I think this is one example of an extreme use for which we should not permit the funds to be put.

Mr. Chairman, it is this type of example that frustrates Congressmen like myself in trying to answer constituents' questions about how Federal funds are wasted. I think it is an example of irresponsibility at the State level and that the funds could be used to improve the facilities rather than in transporting a couple of violent criminals to a sporting event.

For these reasons, Mr. Chairman, I offer this amendment to restrict the Governors from transporting violent criminals for these purposes.

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

Mr. Chairman, I think that I have the amendment, and I will ask the gentleman if this is correct, that no money be authorized from LEAA funds for the transportation of convicted felons for the purpose of engaging in athletic activities; is that the thrust of the gentleman's amendment?

Mr. MYERS of Pennsylvania. Mr. Chairman, if the gentleman will yield, the thrust of the amendment is to prohibit the interstate transportation of violent criminals through the use of LEAA funds. It does not prevent the Governors from transporting them intrastate.

Mr. CONYERS. Does the gentleman mean convicted felons, not unapprehended criminals? Is that correct?

Mr. MYERS of Pennsylvania. I am not sure of the point that the gentleman is making.

Mr. CONYERS. Is the gentleman from Pennsylvania talking about persons who have been convicted pursuant to State or Federal law and are in an incarcerated condition and are then engaging in athletic activities and that LEAA funds are involved? Is that correct?

Mr. MYERS of Pennsylvania. The thrust is that they cannot take the prisoners out of the correctional institution and transport them somewhere for an athletic event.

Mr. CONYERS. Then, Mr. Chairman, understanding that to be the purpose of this amendment, I am not unsympathetic with the fact that this has caused problems in the past.

It has occurred. I think the incidents that the gentleman has in mind, which motivated this amendment, are very few in number; but I think it would be highly unusual in this kind of legislation for us to determine a point as remote as this one.

Mr. Chairman, I would think that the corrections officials and certainly LEAA authorities in the several States, as a result of the incidents that the gentleman has in mind, which motivated his amendment, would certainly try to preclude and to minimize the kind of incident about which the gentleman complains.

For that reason, Mr. Chairman, I would really feel reluctant to accept or support an amendment of this nature. I would oppose it and call for a vote if there is no further discussion.

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

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

Mr. McCLORY. Mr. Chairman, I support the position of the gentleman from Michigan (Mr. CONYERS).

I likewise am going to oppose this amendment. It certainly would impose a limitation on the penal authorities and on those undertaking programs of rehabilitation.

Therefore, Mr. Chairman, I urge that the amendment be defeated.

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

Mr. CONYERS. I yield to the gentleman from Pennsylvania.

Mr. MYERS of Pennsylvania. Mr. Chairman, I thank the gentleman for yielding.

I would say that a vote against the amendment essentially is a vote to condone this type of activity. I think the American public would view it that way, and that is the reason that I have brought the amendment to the floor.

Mr. CONYERS. Mr. Chairman, I want everyone in the committee to know that a vote against this amendment would not condone or support or in any way demonstrate any kind of approval of the activity of which the gentleman complains. That would not be correct at all.

There are a number of other ways to correct a situation of this kind, such as through the Governors of the several States, through the penal or correction authorities; and there are various associations and organizations which would not approve of this kind of incident.

However, I think that on the basis of one incident, for us to raise this to the level of an amendment to a Federal law would be highly inappropriate.

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

Mr. Chairman, I would like to have the attention of the distinguished chairman of the subcommittee, the gentleman from Michigan (Mr. CONYERS), who is handling this bill and say that I strongly support the Federal Government's participation in trying to curb and punish crime in this country. I think on the whole the law enforcement administration has made a saluatory contribution toward the suppression and punishment of crime in this country. But, Mr. Chairman, I have been very much disappointed that LEAA seems to have put its principal emphasis upon the orthodox approach to the crime problem rather than innovative procedures and inquiries. It would appear that primarily LEAA is not putting sufficient emphasis on the preventive aspects of crime, employing innovative procedures to find the causes of and to prevent juvenile crime.

As an example, Mr. Chairman, I asked the staff of the distinguished gentleman from Michigan a few minutes ago to see

a statement of how the money of LEAA was being expended. They showed me some figures that 5 percent, that is about $50 million of the amount that LEAA received of nearly $1 billion, was spent on juvenile justice cases and the whole area of juvenile crime—$50 million out of about $1 billion. Yet I think the distinguished gentleman from Michigan (Mr. CONYERS) will agree with me that about one-half of all the arrests for serious crime in this country is of people under 18 years of age. So it would appear one-half of the crime population is getting 5 percent of the funds of the Federal Government designed to curb crime in this country.

Just recently I have been in touch with some people who are thinking in terms of setting up a national institute to study the cases of young people who just do not seem to fit into the community, who drop out of school, who although intelligent are unable to learn, and the like.

It would seem to me, Mr. Chairman, that LEAA should be encouraging this kind of innovative research into this problem of dealing with young people and trying to keep a bent limb from growing up into a twisted tree.

I would like to invoke the comments of the distinguished gentleman from Michigan (Mr. CONYERS), who I know is so much interested in curbing all aspects of crime, to speak upon that subject.

Mr. CONYERS. Mr. Chairman, if the gentleman will yield, the gentleman from Florida (Mr. PEPPER), makes an extremely important point, and it is one of major concern to the subcommittee. We cannot tell the gentleman how much money has been spent in preventive operations because we do not have that kind of a breakdown. I hope that we will. But the gentleman is correct that about 5 percent of the total allocation of some $810,677,000 in 1976, or about $39 million, went into the juvenile justice system. Part C of the State action program could, of course, contain as many programs, that the gentleman would prefer, as they choose, but we do not have any evidence on how much they are. The National Institute could also be engaged in research but we cannot pull out their total research activities directed toward this. So I must say to the gentleman that it may be more than merely 5 percent that we have reported to the gentleman.

But, Mr. Chairman, the point of the remarks made by the gentleman from Florida (Mr. PEPPER), are quite accurate that until we who are involved with LEAA begin revising the percentages, as well as the day-to-day operational activities, the procedural and the planning and the technology of the programs, we are still going to be closing our minds and our attention to that great area in which juveniles are getting pulled into the system and becoming hardened criminals in the process, and frequently becoming the recidivists which cause the great trouble.

Mr. PEPPER. Mr. Chairman, we certainly hope that the distinguished chairman, the gentleman from Michigan (Mr. CONYERS), and his committee will indicate to the LEAA that we are looking toward the time when it will be more innovative particularly in preventing youth crimes in its program in the future.

Mr. CONYERS. Mr. Chairman, let me say to the gentleman from Florida that we will certainly do that. I want to assure the gentleman from Florida that, as my predecessor on the Select Committee on Crime, as the chairman, that we are very sensitive indeed to his remarks.

The CHAIRMAN. The time of the gentleman has expired.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MYERS).

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

Mr. MYERS of Pennsylvania. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

So the amendment was rejected.

AMENDMENT OFFERED BY MR. BREAUX

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

The Clerk read as follows:

Amendment offered by Mr. BREAUX: Page 12, in line 10, strike out "and" and in line 18, strike out "needs." and insert in lieu thereof the following: "needs; and

"(22) provides for the direct grant to the chief law enforcement official of each county in the State of at least that percent of an amount equal to 20 percent of the money available under section 306(a)(1) of this title which equals the percent of the population of such State that resides in such county, as determined by the Administration.

Mr. BREAUX (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be considered as read.

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

There was no objection.

Mr. BREAUX. Mr. Chairman, I do support H.R. 13636, legislation to extend the Law Enforcement Assistance Administration, as I realize that it has contributed to combating crime in the United States; however, my amendment would channel funds directly to the chief law enforcement official of each county which in the case of Louisiana is the sheriff of each parish (county). I feel that my amendment would greatly improve this legislation.

In my own State of Louisiana, there is an unusual local government structure which provides that the local parish (county) governing body, the police jury, does not have law enforcement jurisdiction but, rather, law enforcement responsibility is the function of the sheriff's department, an entirely separate constitutional body.

One result is that when local parish governing bodies receive Federal revenue sharing funds, many are not distributing a portion of these funds to the parish sheriff departments. "Public safety" is merely a suggested area in which these funds may be spent. There is no legal requirement that funds be spent in any particular category, as one goal of Congress was to get away from big government in Washington telling local governments what they should do, a goal which I strongly support.

In addition, in some parishes, as a result of Federal revenue sharing, local police juries are able to cut back on parish taxes, an action which subtracts from the operating budget of the sheriffs which is based on tax collections in the parish. The end result is that sheriffs are not being helped by Federal revenue sharing, but are actually being hurt by a reduction in their revenues caused indirectly by Federal revenue sharing.

Since, in most instances, local funds are sent directly to the local governing units, I think that those individuals directly responsible for providing law enforcement and who bear the brunt of the burden insofar as fighting crime is concerned, should receive a direct portion of the LEAA funds.

Direct funding to these chief enforcement officials will provide increased funds for demonstration projects involving new criminal justice concepts and for those criminal justice programs that address their most pressing needs. Since the block grant concept is to give the local governments the leading voice in how to set up their crime reduction programs and use of funds, direct funding to chief law enforcement officials will enhance the block grant concept.

These law enforcement officers have demonstrated acute needs for assistance in the development and implementation of projects and programs to combat criminal activities and LEAA was created for the purpose of assisting State and local governments in their law enforcement activities to reduce crime. Any reauthorization of LEAA should satisfactorily recognize the responsibility and role of chief law enforcement officers.

My amendment to section 303 of H.R. 13636 would provide for the direct grant to the chief law enforcement official of each county in the State of at least that percent of an amount equal to 10 percent of the money available under section 306(a)(1) of this title which equals the percent of the population of such State that resides in such county, as determined by the administration.

Although I do realize that this problem is one that is unique to Louisiana, I do not wish to give the impression that our police juries are not equally and responsibly distributing Federal revenue sharing funds. However, since the chief law enforcement officer in Louisiana is an independent governing agency, direct grants under LEAA will increase the amount of funds coming into their department and can be used for such important matters as drug enforcement, equipment, construction, increasing the salaries of their employees which may be low as compared to the national level, and most importantly, assisting them in their overall efforts to reduce crime.

I am hopeful that my colleagues will see fit to support me in my efforts.

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

Mr. Chairman, may I ask my friend, the gentleman from Louisiana, a question. The amendment I have says: "an

amount equal to 10 percent of the money available under section 306(a)(1)."

Has there been a change during the time when the gentleman was waiting to get this amendment before us? Did this rate increase?

Mr. BREAUX. Mr. Chairman, if the gentleman will yield, the chairman of the subcommittee makes a wise observation. Had the discussion gone on an additional day, we might have seen 30 percent instead of 20 percent.

But in all seriousness, in checking out all the figures, the figure of 20 percent was determined to be an appropriate figure in the light of what we have done.

Mr. CONYERS. Mr. Chairman, I oppose the amendment, but I guess I am grateful the 20 percent did not go to 30 percent during the time the gentleman was waiting to get his amendment before the committee.

I would point out to our colleagues that of course this strikes at the very heart of the theory under which LEAA disburses its funds, since under the part C action grants we, of course, direct millions of dollars to each of the several States—including, of course, the gentleman's own State.

Now, the police, of course, have been the prime beneficiaries of LEAA. I am sure the gentleman is aware that much of the directed criticism across the years has derived from the inordinate amount of money that has gone to law enforcement agencies and organizations that were put together to derive funds from the LEAA. It started off, they were getting an unbelievably 75 percent of all of the LEAA money. I am happy to report that in 1975 the amount that went to the police, as opposed to courts and correction agencies, has diminished to about 40 percent; but what the gentleman would do now is require, if I understand correctly, that in addition to the part C moneys that go to the several States that the chief law enforcement official in each county would get 20 percent of the State money.

Now, who would be the chief law enforcement official?

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

Mr. CONYERS. I yield to the gentleman from Louisiana.

Mr. BREAUX. Mr. Chairman, in terms of who is the chief law enforcement official in each county is a determination made at the State level and made by the State constitution and set up on the State level.

Mr. CONYERS. May I ask my colleague, what objection does the gentleman have to the present method of distribution, which would allow any police agency and the local sheriff or the highest-ranking county law enforcement officer to make application through part C of the funds to the State planning agency to become a beneficiary of the several millions dollars that already go to each State?

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

Mr. CONYERS. I yield.

Mr. BREAUX. Mr. Chairman, I have a little problem about the concept. I just think this concept is a better concept. It would insure that the local government law enforcement official is the one that, indeed, gets the funding necessary.

Mr. CONYERS. Mr. Chairman, I am sorry that my colleague feels that way. We have had no testimony in the subcommittee. We have had no one from the law enforcement agencies; as a matter of fact, certainly none of the organizations that join us in evaluating LEAA as a program that have made this request. It is rather unusual.

Mr. Chairman, I hope that the gentleman will study the methods that are presently employed and any corrections that the gentleman has, I hope the gentleman will bring to the attention of the subcommittee, whose oversight activities will be generated to a very high degree in the future.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Louisiana (Mr. BREAUX).

The amendment was rejected.

AMENDMENT OFFERED BY MRS. FENWICK

Mrs. FENWICK. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mrs. FENWICK: On page 16, line 16, strike "and" following "physical" and on page 16, line 17, strike out "services" and on page 17, line 3, following "physical" strike out "and services".

Mrs. FENWICK. Mr. Chairman, I do not think I will take more than a minute.

Mr. Chairman, this is a correction which I hope we can replace in the bill. It provides that the States, the localities, can receive money for construction, provided they have certain proper standards that are agreeable to both the State and the Administrator. It strikes the word "services," so that the States would not be required to establish long-term programs that they may not be able to fund.

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

Mrs. FENWICK. I yield to the gentleman from Illinois.

Mr. McCLORY. Mr. Chairman, do I understand the gentlewoman's amendment would attempt to reinsert into the bill the entire language that was deleted by the Wiggins amendment, with the exception that the gentlewoman is keeping out two words?

Mrs. FENWICK. Three words. I think maybe there were four, "and services," and "and services" would be removed, so that the construction elements would remain as they were in the original bill and we would replace that authorization.

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

Mrs. FENWICK. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, I would like to indicate a willingness to support this amendment. I would like a moment to explain why.

Mr. Chairman, I think that this amendment is consistent with the findings that the GAO has made about LEAA grants that have gone under section E to correctional institutions; but they have found necessary to report that the conditions remain inadequate, despite the Federal funding improvements which have gone on since 1971, as the gentlewoman knows.

Mrs. FENWICK. If the gentleman does not mind, I do not want to take the time of the House because this was debated earlier, but we have many, many very bad prisons, jails, and county lockups in our States. This amendment would require that if we are going to renovate and build new facilities, some care is going to be taken as to the square feet allotted in the cell; as to the numbers that can be put in one cell. There is a shocking situation now, and I really think that we must put back some kind of teeth in the bill. We have an advisory committee which has objectives and goals as to what we should do in construction and renovation of prisons, but without any teeth.

This amendment says, "If you want some Federal money, you are going to have to sit down with us and talk about what kind of standards you are going to provide for people who are incarcerated."

Mr. CONYERS. If the gentlewoman would yield further I would be grateful to her. I think the section that this cures was in the original bill. It was the gentlewoman's fear that the line that contains "service" be subject to the coordination of both LEAA and State corrections officials, or LEAA grantees, whichever they may be, and would lead to the requirements of services that might go beyond the expiration of the LEAA grant, thereby encumbering the State with an obligation which it might not be able to sustain.

If that is the point of the gentlewoman's amendment, I am very happy to announce that I have reached an agreement with her, and I hope the amendment will be restored to the bill.

Mrs. FENWICK. Mr. Chairman, I apologize to the gentleman. My amendment refers to the original of the bill, and not to the section which has been cut out by the Wiggins amendment.

PARLIAMENTARY INQUIRY

Mr. WIGGINS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WIGGINS. Mr. Chairman, I regret that I was not on the floor at the time the amendment was read, but listening to the discussion leads me to the conclusion that the gentlewoman from New Jersey is offering to amend a section of the bill which has been deleted by an earlier amendment.

If, in fact, that is the amendment, it is rather late for me to make a point of order with respect to it, but we are amending something which is not in the bill to be amended.

The CHAIRMAN. The Chair has examined the Wiggins amendment, which struck out, on page 16, lines 10 to 24, down through line 5 on page 17. For that reason, in response to the gentleman's parliamentary inquiry, the gentlewoman's amendment would have no effect.

Mrs. FENWICK. Mr. Chairman, I should have included in my amendment the restoration of the original phraseology, omitting only those three or four words.

The CHAIRMAN. Would the gentlewoman perhaps seek unanimous consent to withdraw her amendment, and at her

leisure and prerogative redraft the amendment consistent with the situation the bill is in as of now?

Mrs. FENWICK. Mr. Chairman, I do so.

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

Mr. McCLORY. Mr. Chairman, I reserve the right to object.

The CHAIRMAN. The gentleman will state his reservation of objection.

Mr. McCLORY. The reservation of objection is this, Mr. Chairman: The committee has already taken out, with respect to this section, by deleting it. The reason for my reservation is to inquire of the Chair whether or not it is appropriate to reconsider, without a motion to reconsider by which the vote was taken, the identical section which is already omitted.

The CHAIRMAN. The motion to reconsider is not in order in the Committee of the Whole. By unanimous consent, the gentlewoman may withdraw her amendment.

Is there objection to the request of the gentlewoman from New Jersey?

Mr. McCLORY. Mr. Chairman, I object.

The CHAIRMAN. Objection is heard.

The CHAIRMAN. The question is on the amendment offered by the gentlewoman from New Jersey (Mrs. FENWICK).

Mr. WIGGINS. Mr. Chairman, I have another parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WIGGINS. Mr. Chairman, if I understood the Chairman's ruling on the previous parliamentary inquiry, there is nothing to be amended and we are voting on nothing.

The CHAIRMAN. In respect to the gentleman's very thoughtful parliamentary inquiry, the Chair has previously stated that the amendment offered by the gentlewoman from New Jersey would in fact be null and void. But under the parliamentary situation and the objection of the gentleman from Illinois, the Chair has no choice but to put the question on the amendment, and the members of the Committee will make such decision as they deem appropriate under these circumstances.

PARLIAMENTARY INQUIRIES

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

The CHAIRMAN. The gentleman objected. Objection has been heard.

The gentleman will state his parliamentary inquiry.

Mr. McCLORY. Mr. Chairman, on my reservation of objection, I made my parliamentary inquiry as to whether or not it was appropriate to reinsert language which had already been deleted.

The CHAIRMAN. The Chair will state that language which has been stricken cannot be inserted; but other language can be inserted that is germane to the bill.

Mr. McCLORY. Mr. Chairman, did I understand accurately the request of the gentlewoman, that she wanted to reinsert the language except for these words?

The CHAIRMAN. The gentlewoman's request was to withdraw the amendment and she would offer another amendment, which is her total prerogative.

Mr. McCLORY. Mr. Chairman, I have no objection to the gentlewoman withdrawing the amendment.

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

Mr. MANN. Mr. Chairman, I object to the unanimous consent request.

The CHAIRMAN. Objection is heard.

The question is on the amendment offered by the gentlewoman from New Jersey (Mrs. FENWICK).

The question was taken; and the Chairman being in doubt, the Committee divided, and there were—ayes 23, noes 20.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. KRUEGER

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

The Clerk read as follows:

Amendment offered by Mr. KRUEGER: Page 6, at the end of line 3, strike out the quotation mark and period which follows, and insert immediately after line 3, the following:

"(12) The establishment of early case assessment panels under the authority of the appropriate prosecuting official for any unit of general local government within the State having a population of two hundred and fifty thousand or more to screen and analyze cases as early as possible after the time of the bringing of charges, to determine the feasibility of successful prosecution, and to expedite the prosecution of cases involving repeat offenders and perpetrators of violent crimes.".

The CHAIRMAN. The gentleman from Texas (Mr. KRUEGER) is recognized for 5 minutes in support of his amendment.

Mr. KRUEGER. Mr. Chairman, a program of early case assessment employs a panel of experienced prosecutors under the authority of the district attorney to study cases immediately upon their entrance into the criminal justice. It is the job of these panels to assure the expeditious trying of repeat offenders and those charged with violent crimes. I believe that swift trials, an idea envisioned by our forebears as a guarantee to individual liberty, will also prove a significant deterrent to crime. Our distinguished colleague in the other body, Mr. ROBERT MORGAN, former attorney general of the State of North Carolina has stated:

As one who has spent 25 years of his life in the law, I am not convinced that severity of punishment is as important a deterrent to crime as is swift and sure justice.

It is also the function of these early case assessment panels to examine a case, pointing out its strengths and weaknesses to the prosecutor. Through this mechanism, frivolous cases will be removed from the docket of our already overcrowded court system.

To conclude my brief presentation I would like to make two points. First, this amendment in no way alters the form of our Nation's criminal justice system. The district attorney has always had the authority to choose which cases will be prosecuted.

My amendment does not abrogate this authority. It simply enables the district attorney to empanel a group of criminal justice experts to assist him in the discharge of his duties. Second, it should be noted that this amendment does not require the establishment of early case assessment panels. It simply expresses the opinion of the Congress that such action would be in keeping with the purposes for which LEAA was established.

I urge my colleagues to support the passage of this amendment, and, thereby, to further the movement of our justice system toward the notion of reducing recidivism by speeding the procedures whereby repeat offenders may be brought to trial.

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

Mr. KRUEGER. I yield to the distinguished gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. I thank the gentleman for yielding.

Mr. Chairman, I just want to say that we have had occasion to examine the amendment offered by the gentleman from Texas (Mr. KRUEGER) and we accept the amendment on this side.

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

Mr. KRUEGER. I yield to the gentleman from Michigan (Mr. CONYERS).

Mr. CONYERS. I thank the gentleman for yielding.

Mr. Chairman, we feel the same way on this side. The amendment is acceptable.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. KRUEGER).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MYERS OF PENNSYLVANIA

Mr. MYERS of Pennsylvania. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MYERS of Pennsylvania: On page 34 after line 6 add the following:

SEC. 113. After section 527 of the Omnibus Crime Control and Safe Streets Act of 1963 as redesignated by section 10(c) of this Act, add the following new section:

"SUNSHINE IN GOVERNMENT

"SEC. 520. (a) Each officer or employee of the Administrator who—

"(1) performs any function or duty under this act; and

"(2) has any known financial interest in any person who applies for or receives financial assistance under this Act;

"Shall, begin on February 1, 1977, annually file with the Administrator a written statement concerning all such interests held by such officer or employee during the proceeding calendar year. Such statement shall be available to the public.

"(b) The Administrator shall—

"(1) act within ninety days after the date of enactment of this Act—

"(A) to define the term 'known financial interest' for purposes of subsection (a) of this section; and

"(B) to establish the methods by which the requirement to file written statements specified in subsection (a) of this section will be monitored and enforced, including appropriate provision for the filing by such officers and employees of such statements and the review by the Administrator of such statements; and

"(2) report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

"(c) In the rules prescribed in subsection (b) of this section, the Administrator may identify specific positions within the Administration which are of a nonpolicymaking nature and provide that officers or employees occupying such positions shall be exempt from the requirements of this section.

"(d) Any officer or employee who is subject to, and knowingly violates, this section, shall be fined not more than $2,500 or imprisoned not more than one year, or both."

Mr. MYERS of Pennsylvania (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 Pennsylvania?

There was no objection.

Mr. MYERS of Pennsylvania. Mr. Chairman, this amendment is the so-called sunshine-in-Government amendment that the gentleman from West Virginia (Mr. HECHLER) and I have been offering to a number of authorization bills.

What the amendment does is it simply requires those individuals in the agency who are involved in policymaking decisions and who can affect grants to disclose any financial problems in relation to those grants. It does not require a full financial disclosure on the part of persons who are not in this position, but where a conflict of interest would be occurring it would be the responsibility of those members of the agency to reveal that conflict.

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

Mr. MYERS of Pennsylvania. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Chairman, there is nothing offensive to the committee in this amendment, and we are delighted to accept it.

Mr. MYERS of Pennsylvania. Mr. Chairman, I thank the gentleman, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. MYERS).

The amendment was agreed to.

The CHAIRMAN. If there are no further amendments to title I, the Clerk will read.

The Clerk read as follows:

TITLE II—REQUIREMENT FOR SPECIFIC AUTHORIZATION OF JUSTICE DEPARTMENT APPROPRIATIONS

SEC. 201. No sums shall be deemed to be authorized to be appropriated for any fiscal year beginning after October 1, 1977, for the Department of Justice (including any bureau, agency, or other similar subdivision thereof) except as specifically authorized by Act of Congress with respect to such fiscal year. Neither the creation of a subdivision in the Department of Justice, nor the authorization of an activity of the Department, any subdivision, or officer thereof, shall be deemed in itself to be an authorization of appropriations for the Department of Justice, such subdivision, or activity, with respect to any fiscal year beginning after October 1, 1977.

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

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

There was no objection.

COMMITTEE AMENDMENTS

The CHAIRMAN. The Clerk will report the first committee amendment.

The Clerk read as follows:

Committee amendment: Page 28, lines 18 and 19, strike out "after October 1, 1977" and insert in lieu thereof "on or after October 1, 1978".

The amendment was agreed to.

The CHAIRMAN. The Clerk will report the remaining committee amendment.

The Clerk read as follows:

Committee amendment: Page 28, lines 18 and 3, strike out "after October 1, 1977" and insert in lieu thereof "on or after October 1, 1978".

The committee 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 having resumed the Chair, Mr. ROSENTHAL, 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. 13636) to amend title I (Law Enforcement Assistance) of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes, pursuant to House Resolution 1246, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

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

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

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

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

Mr. McCLORY. 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 324, nays 8, not voting 98, as follows:

[Roll No. 693]

YEAS—324

Abdnor
Adams
Addabbo
Allen
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Ashley
Aspin
AuCoin
Bafalis
Baldus
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brodhead
Brooks
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Carney
Carr
Carter
Cederberg
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Cornell
Coughlin
D'Amours
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Danielson
Davis
Delaney
Dellums
Dent
Derrick
Derwinski
Dickinson
Diggs
Dingell
Dodd
Downey, N.Y.
Downing, Va.
Drinan
Duncan, Oreg.
Duncan, Tenn.
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fary
Fenwick
Findley
Fisher
Fithian
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Fountain
Fraser
Frenzel
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Gradison
Grassley
Guyer
Hagedorn
Haley
Hall, Ill.
Hall, Tex.
Hamilton
Hammer-schmidt
Hanley
Hannaford
Harkin
Harris
Harsha
Hayes, Ind.
Hechler, W. Va.
Hefner
Henderson
Hicks
Hightower
Holland
Holt
Holtzman
Howard
Hubbard
Hughes
Hungate
Hyde
Ichord
Jacobs
Jarman
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Krebs
Krueger
LaFalce
Latta
Leggett
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
Lundine
McClory
McCloskey
McDade
McEwen
McFall
McHugh
Madden
Madigan
Maguire
Mahon
Mann
Martin
Mathis
Mazzoli
Melcher
Metcalfe
Mezvinsky
Michel
Mikva
Milford
Miller, Calif.
Miller, Ohio
Mills
Mineta
Mink
Mitchell, Md.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Morgan
Mosher
Moss
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nix
Nolan
Nowak
Oberstar
Obey
O'Hara
O'Neill
Ottinger
Passman
Patten, N.J.
Pattison, N.Y.
Pepper
Perkins
Pike
Poage
Preyer
Price
Quie
Quillen
Railsback
Randall
Rangel
Regula
Reuss
Rhodes
Richmond
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roe
Rogers
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Runnels
Russo
Sarasin
Sarbanes
Satterfield
Scheuer
Schroeder
Schulze
Seiberling
Sharp
Shipley
Shriver
Shuster
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
Stanton, James V.
Stark
Steed
Steiger, Wis.
Stephens
Stokes
Stratton
Symington
Taylor, Mo.
Thompson
Thone
Thornton
Traxler
Treen
Tsongas
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Waxman
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki

NAYS—8

Crane
Fascell
Goodling
Hansen
McDonald
Paul
Simon
Weaver

NOT VOTING—98

Abzug	Heckler, Mass.	Peyser
Alexander	Heinz	Pickle
Armstrong	Helstoski	Pressler
Ashbrook	Hillis	Pritchard
Badillo	Hinshaw	Rees
Bell	Horton	Riegle
Brinkley	Howe	Roncalio
Broomfield	Hutchinson	Rousselot
Brown, Calif.	Jones, Ala.	Roybal
Broyhill	Karth	Ruppe
Burgener	Ketchum	Ryan
Burke, Calif.	Keys	St Germain
Chappell	Kindness	Santini
Chisholm	Koch	Schneebeli
Clancy	Lagomarsino	Sebelius
Clawson, Del	Landrum	Sikes
Conlan	Lehman	Sisk
Corman	McCollister	Staggers
Cotter	McCormack	Stanton, J. William
de la Garza	McKay	Steelman
Devine	McKinney	Steiger, Ariz.
du Pont	Matsunaga	Stuckey
Early	Meeds	Studds
Esch	Meyner	Sullivan
Eshleman	Minish	Symms
Fish	Mitchell, N.Y.	Talcott
Forsythe	Moorhead, Pa.	Taylor, N.C.
Frey	Mottl	Teague
Fuqua	Murphy, Ill.	Wampler
Green	Nichols	Young, Alaska
Gude	O'Brien	Zeferetti
Harrington	Patterson, Calif.	
Hawkins	Pettis	
Hébert		

The Clerk announced the following pairs:

Mrs. Keyes with Mr. Karth.
Mrs. Chisholm with Mr. Jones of Alabama.
Ms. Abzug with Mr. Conlan.
Mr. Zeferetti with Mr. Horton.
Mr. Corman with Mr. Kindness.
Mrs. Meyner with Mr. Steiger of Arizona.
Mr. Murphy of Illinois with Mr. Young of Alaska.
Mr. Badillo with Mr. McKinney.
Mr. Hawkins with Mr. du Pont.
Mr. Helstoski with Mr. Forsythe.
Mr. Sikes with Mr. Esch.
Mr. Chappell with Mr. Bell.
Mr. Nichols with Mr. Steelman.
Mrs. Burke of California with Mr. Ruppe.
Mr. Lehman with Mr. Peyser.
Mr. Meeds with Mr. Heinz.
Mr. Sisk with Mr. Fish.
Mr. St Germain with Mr. Rees.
Mr. Fuqua with Mrs. Pettis.
Mr. Riegle with Mr. Pressler.
Mr. de la Garza with Mr. Hillis.
Mr. Moorhead of Pennsylvania with Mrs. Heckler of Massachusetts.
Mr. Minish with Mr. Armstrong.
Mr. Matsunaga with Mr. Ashbrook.
Mr. Cotter with Mr. Broomfield.
Mr. Mottl with Mr. Broyhill.
Mr. Early with Mr. Hutchinson.
Mr. Green with Mr. Lagomarsino.
Mr. Harrington with Mr. Landrum.
Mr. Hébert with Mr. McCollister.
Mr. Pickle with Mr. McKay.
Mr. Alexander with Mr. Mitchell of New York.
Mr. Brinkley with Mr. O'Brien.
Mr. Brown of California with Mr. Rousselot.
Mr. Koch with Mr. Sebelius.
Mr. McCormack with Mr. Schneebeli.
Mr. Howe with Mr. Burgener.
Mr. Patterson of California with Mr. Clancy.
Mr. Roncalio with Mr. Eshleman.
Mr. Roybal with Mr. Ketchum.
Mr. Ryan with Mr. William J. Stanton.
Mr. Teague with Mr. Del Clawson.
Mr. Taylor of North Carolina with Mr. Stuckey.
Mr. Studds with Mr. Frey.
Mr. Santini with Mrs. Sullivan.
Mr. Staggers with Mr. Devine.
Mr. Talcott with Mr. Symms.
Mr. Wampler with Mr. Gude.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid upon the table.

Mr. CONYERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2212) to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes, and ask for its immediate consideration.

The Clerk read the title of the Senate bill.

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

There was no objection.

The Clerk read the Senate bill, as follows:

S. 2212

An act to amend the Omnibus Crime Control and Safe Streets Act of 1968, as amended, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Crime Control Act of 1976".

SEC. 2. The "Declaration and Purpose" of title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended, is amended as follows:

(a) by inserting between the second and third paragraphs the following additional paragraph: "Congress finds further that the financial and technical resources of the Federal Government should be used to provide constructive aid and assistance to State and local governments in combating the serious problem of crime and that the Federal Government should assist State and local governments in evaluating the impact and value of programs developed and adopted pursuant to this title."; and

(b) by deleting the fourth paragraph and substituting in lieu thereof the following new paragraph:

"It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement and criminal justice at every level by Federal assistance. It is the purpose of this title to (1) encourage, through the provision of Federal technical and financial aid and assistance, States and units of general local government to develop and adopt comprehensive plans based upon their evaluation of and designed to deal with their particular problems of law enforcement and criminal justice; (2) authorize, following evaluation and approval of comprehensive plans, grants to States and units of local government in order to improve and strengthen law enforcement and criminal justice; and (3) encourage, through the provision of Federal technical and financial aid and assistance, research and development directed toward the improvement of law enforcement and criminal justice and the development of new methods for the prevention and reduction of crime and the detection, apprehension, and rehabilitation of criminals.".

SEC. 3. Section 101(a) of title I of such Act is amended by inserting a comma after the word "authority" and adding "policy direction, and control" and by adding the following: "There shall be established in the Administration an appropriate organizational unit for the coordination and management of community anticrime programs. Such unit shall be under the direction of the Deputy Administrator for Policy Development. Such unit shall—

"(1) provide appropriate technical assistance to community and citizens groups to enable such groups to apply for grants to encourage community and citizen participation in crime prevention and other law enforcement and criminal justice activities;

"(2) coordinate its activities with other Federal agencies and programs (including the Community Relations Division of the Department of Justice) designed to encourage and assist citizens participation in law enforcement and criminal justice activities; and

"(3) provide information on successful programs of citizen and community participation to citizen and community groups.".

PART B—PLANNING GRANTS

SEC. 4. Section 201 of title I of such Act is amended by adding after the word "part" the words "to provide financial and technical aid and assistance".

SEC. 5. Section 203 of title I of such Act is amended to read as follows:

"SEC. 203. (a) A grant made under this part to a State shall be utilized by the State to establish and maintain a State planning agency. Such agency shall be created or designated by the chief executive of the State or by State law and shall be subject to the jurisdiction of the chief executive. Where such agency is not created or designated by State law, it shall be so created or designated by no later than December 31, 1979. The State planning agency and any regional planning units within the State shall, within their respective jurisdictions, be representative of the law enforcement and criminal justice agencies, including agencies directly related to the prevention and control of juvenile delinquency, units of general local government, and public agencies maintaining programs to reduce and control crime, and shall include representatives of citizens, professional, and community organizations, including organizations directly related to delinquency prevention.

"The State planning agency shall include as judicial members, at a minimum, the chief judicial officer or other officer of the court of last resort, the chief judicial administrative officer or other appropriate judicial administrative officer of the State, and a local trial court judicial officer. The local trial court judicial officer and, if the chief judicial officer or chief judicial administrative officer cannot or does not choose to serve, the other judicial members shall be selected by the chief executive of the State from a list of no less than three nominees for each position submitted by the chief judicial officer of the court of last resort within thirty days after the occurrence of any vacancy in the judicial membership. Additional judicial members of the State planning agency as may be required by the Administration pursuant to section 515(a) of this title shall be appointed by the chief executive of the State from the membership of the judicial planning committee. Any executive committee of a State planning agency shall include in its membership the same proportion of judicial members as the total number of such members bears to the total membership of the State planning agency. The regional planning units within the State shall be comprised of a majority of local elected officials.

"(b) The State planning agency shall—

"(1) develop, in accordance with part C, a comprehensive statewide plan and necessary revisions thereof for the improvement of law enforcement and criminal justice throughout the State;

"(2) define, develop, and correlate programs and projects for the State and the units of general local government in the State or combinations of States or units for improvement in law enforcement and criminal justice;

"(3) establish priorities for the improvement in law enforcement and criminal justice throughout the State; and

"(4) assure the participation of citizens

and community organizations at all levels of the planning process.

"(c) The court of last resort of each State or a judicial agency authorized on the date of enactment of this Act by State law to perform such function, provided it has a statutory membership of at least 75 percent judges, may establish or designate a judicial planning committee for the preparation, development, and revision of an annual State judicial plan. The members of the judicial planning committee shall be appointed by the court of last resort or a judicial agency authorized on the date of enactment of this Act by State law to perform such function, provided it has a statutory membership of at least 75 percent judges, and serve at its pleasure. The committee shall be reasonably representative of the various local and State courts of the State, including appellate courts.

"(d) The judicial planning committee shall—

"(1) establish priorities for the improvement of the courts of the State;

"(2) define, develop, and coordinate programs and projects for the improvement of the courts of the State; and

"(3) develop, in accordance with part C, an annual State judicial plan, for the improvement of the courts of the State to be included in the State comprehensive plan.

The judicial planning committee shall submit to the State planning agency its annual State judicial plan for the improvement of the courts of the State. Except to the extent disapproved by the State planning agency for the reasons stated in section 304(b), the annual State judicial plan shall be incorporated into the comprehensive statewide plan.

"(e) If a State court of last resort or a judicial agency authorized on the date of enactment of this Act by State law to perform such function, provided it has a statutory membership of at least 75 percent judges, does not create or designate a judicial planning committee, or if such committee fails to submit an annual State judicial plan in accordance with this section, the responsibility for preparing and developing such plan shall rest with the State planning agency. The State planning agency shall consult with the judicial planning committee in carrying out functions set forth in this section as they concern the activities of courts and the impact of the activities of courts on related agencies (including prosecutorial and defender services). All requests from the courts of the State for financial assistance shall be received and evaluated by the judicial planning committee for appropriateness and conformity with the purposes of this title.

"(f) The State planning agency shall make such arrangements as such agency deems necessary to provide that at least $50,000 of the Federal funds granted to such agency under this part for any fiscal year will be available to the judicial planning committee and at least 40 per centum of the remainder of all Federal funds granted to the State planning agency under this part for any fiscal year will be available to units of general local government or combinations of such units to participate in the formulation of the comprehensive State plan required under this part. The Administration may waive this requirement, in whole or in part, upon a finding that the requirement is inappropriate in view of the respective law enforcement and criminal justice planning responsibilities exercised by the State and its units of general local government and that adherence to the requirement would not contribute to the efficient development of the State plan required under this part. In allocating funds under this subsection, the State planning agency shall assure that major cities and counties within the State receive planning funds to develop comprehensive plans and coordinate functions at the local level. Any portion of such funds made available to the judicial planning committee and such 40 per centum in any State for any fiscal year not required for the purpose set forth in this subsection shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development by it of the State plan required under this part.

"(g) The State planning agency and any other planning organization for the purposes of this title shall hold each meeting open to the public, giving public notice of the time and place of such meeting, and the nature of the business to be transacted, if final action is to be taken at that meeting on (A) the State plan, or (B) any application for funds under this title. The State planning agency and any other planning organiaztion for the purposes of this title shall provide for public access to all records relating to its functions under this Act, except such records as are required to be kept confidential by any other provision of local, State, or Federal law.".

SEC. 6. Section 204 of title I of such Act is amended by inserting "the judicial planning committee and" between the words "by" and "regional" in the first sentence; and by striking the words "expenses, shall" and inserting in lieu thereof "expenses shall".

SEC. 7. Section 205 of title I of such Act is amended by—

(a) inserting ", the judicial planning committee," after the word "agency" in the first sentence;

(b) deleting "$200,000" from the second sentence and inserting in lieu thereof "$250,000"; and

(c) inserting the following sentence at the end thereof: "Any unused funds reverting to the Administration shall be available for reallocation among the States as determined by the Administration.".

SEC. 8. Part B is amended by inserting at the end thereof the following new section:

"SEC. 206. At the request of the State legislature (or a legislative body designated by it), the comprehensive statewide plan or revision thereof shall be submitted to the legislature for its review, comment, or suggested amendment of the general goals, priorities, and policies that comprise the basis of that plan or revision prior to its submission to the Administration by the chief executive of the State. The State legislature shall also be notified of substantial modifications of such general goals, priorities, and policies, and, at the request of the legislature, these modifications shall be submitted for review, comment, or suggested amendment. If the legislature (while in session) or an interim legislative body designated by the legislature (while not in session) has not reviewed, commented on, or suggested amendments to the general goals, priorities, and policies of the plan or revision within forty-five days after receipt of such plan or revision, or within thirty days after receipt of substantial modifications, such plan or revision or modifications thereof shall then be deemed approved.".

PART C—GRANTS FOR LAW ENFORCEMENT PURPOSES

SEC. 9. Section 301 of title I of such Act is amended by—

(a) inserting after the word "part" in subsection (a) the following: ", through the provision of Federal technical and financial aid and assistance,";

(b) deleting the words "Public education relating to crime prevention" from paragraph (3) of subsection (b) and inserting in lieu thereof "Public education programs concerned with the administration of justice";

(c) deleting the words "the approval of" from paragraph (7) of subsection (b) and inserting in lieu thereof "notification to";

(d) deleting the words "and coordination" from paragraph (8) of subsection (b) and inserting in lieu thereof ", coordination, monitoring, and evaluation";

(e) inserting after paragraph (10) of subsection (b) the following new paragraphs:

"(11) The development, demonstration, evaluation, implementation, and purchase of methods, devices, personnel, facilities, equipment, and supplies designed to strengthen courts and to improve the availability and quality of justice; the collection and compilation of judicial data and other information on the work of the courts and other agencies that relate to and affect the work of the courts; programs and projects for expediting criminal prosecution and reducing court congestion; revision of court criminal rules and procedural codes within the rulemaking authority of courts or other judicial entities having criminal jurisdiction within the State; training of judges, court administrators, and support personnel of courts; support of court technical assistance and support organizations; support of public education programs concerning the administration of criminal justice; equipping of court facilities; and multiyear systemwide planning for all court expenditures made at all levels within the State.

"(12) The development and operation of programs designed to reduce and prevent crime against elderly persons.

"(13) The development of programs to identify the special needs of drug-dependent offenders (including alcoholics, alcohol abusers, drug addicts, and drug abusers) and the establishment of procedures for effective coordination between State planning agencies and single State agencies designated under section 409(e)(1) of the Drug Abuse Office and Treatment Act of 1972 and section 303(a) of the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970.

"(14) The establishment of early case assessment panels for any unit of local government within the State having a population of two hunderd and fifty thousand or more to screen and analyze cases as early as possible from the time of the bringing of charges, to determine the feasibility of successful prosecution, to expedite the prosecution of cases involving repeat offenders and perpetrators of violent crimes, and to concentrate prosecution efforts on cases with a high probability of successful prosecution.

"(15) The development and operation of crime prevention programs in which members of the community participate, including but not limited to 'block watch' and similar programs."; and

(f) inserting the following sentence after the second sentence of subsection (d): "The limitations contained in this subsection may be waived when the Administration finds that such waiver is necessary to encourage and promote innovative programs designed to improve and strengthen law enforcement and criminal justice.".

SEC. 10. Section 302 of title I of such Act is amended by redesignating the present language as subsection (a) and adding the following new subsections:

"(b) Any judicial planning committee established pursuant to this title may file at the end of each fiscal year with the State planning agency, for information purposes only, a multiyear comprehensive plan, for the improvement of the State court system. Such multiyear comprehensive plan shall be based on the needs of all the courts in the State and on an estimate of funds available to the courts from all Federal, State, and local sources and shall, where appropriate—

"(1) provide for the administration of programs and projects contained in the plan;

"(2) adequately take into account the needs and problems of all courts in the State and encourage initiatives by the appellate

and trial courts in the development of programs and projects for law reform, improvement in the administration of courts and activities within the responsibility of the courts, including but not limited to bail and pretrial release services, and provide for an appropriately balanced allocation of funds between the statewide judicial system and other appellate and trial courts;

"(3) provide for procedures under which plans and requests for financial assistance from all courts in the State may be submitted annually to the judicial planning committee for evaluation;

"(4) incorporate innovations and advanced techniques and contain a comprehensive outline of priorities for the improvement and coordination of all aspects of courts and court programs, including descriptions of (A) general needs and problems; (B) existing systems; (C) available resources; (D) organizational systems and administrative machinery for implementing the plan; (E) the direction, scope, and general types of improvements to be made in the future; and (F) to the maximum extent practicable, the relationship of the plan to other relevant State or local law enforcement and criminal justice plans and systems;

"(5) provide for effective utilization of existing facilities and permit and encourage units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment provided for courts and related purposes;

"(6) provide for research, development, and evaluation;

"(7) set forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would, in the absence of such Federal funds, be made available for the courts; and

"(8) provide for such fund accounting, auditing, monitoring, and program evaluation procedures as may be necessary to assure sound fiscal control, effective management, and efficient use of funds received under this title.

"(c) Each year, the judicial planning committee shall submit an annual State judicial plan for the funding of programs and projects recommended by such committee to the State planning agency for approval and incorporation, in whole or in part, in accordance with the provisions of section 304(b), into the comprehensive State plan which is submitted to the Administration pursuant to part B of this title. Such annual State judicial plan shall conform to the purposes of this part.".

SEC. 11. Section 303 of title I of such Act is amended by—

(a) striking out subsection (a) up to the sentence beginning "Each such plan" and inserting in lieu thereof the following:

"(a) The Administration shall make grants under this title to a State planning agency if such agency has on file with the Administration an approved comprehensive State plan or an approved revision thereof (not more than one year in age) which conforms with the purposes and requirements of this title. In order to receive formula grants under the Juvenile Justice and Delinquency Prevention Act of 1974 a State shall submit a plan for carrying out the purposes of that Act in accordance with this section and section 223 of that Act. No State plan shall be approved as comprehensive unless the Administration finds that the plan provides for the allocation of adequate assistance to deal with law enforcement and criminal justice problems in areas characterized by both high crime incidence and high law enforcement and criminal justice activity. No State plan shall be approved as comprehensive unless it includes a comprehensive program, whether or not funded under this title, for the improvement of juvenile justice.";

(b) deleting paragraph (4) of subsection (a) and substituting in lieu thereof the following:

"(4) specify procedures under which local multiyear and annual comprehensive plans and revisions thereof may be submitted to the State planning agency from units of general local government or combinations thereof to use funds received under this part to carry out such plans for the improvement of law enforcement and criminal justice in the jurisdictions covered by the plans. The State planning agency may approve or disapprove a local comprehensive plan or revision thereof in whole or in part based upon its compatibility with the State comprehensive plan and subsequent annual revisions and modifications. Approval of such local comprehensive plan or parts thereof shall result in the award of funds to the units of general local government or combinations thereof to implement the approval parts of their plans;";

(c) inserting after the word "necessary" in paragraph (12) of subsection (a) the following language: "to keep such records as the Administration shall prescribe";

(d) deleting "and" after paragraph 14 of subsection (a), deleting the period at the end of paragraph 15 and inserting in lieu thereof ": and", and adding the following new paragraph after paragraph 15:

"(16) Provide for the development of programs and projects for the prevention of crimes against the elderly, unless the State Planning Agency makes an affirmative finding in such plan that such a requirement is inappropriate for the State.";

(e) deleting subsection (b) and substituting in lieu thereof the following:

"(b) Prior to its approval of any State plan, the Administration shall evaluate its likely effectiveness and impact. No approval shall be given to any State plan unless and until the Administration makes an affirmative finding in writing that such plan reflects a determined effort to improve the quality of law enforcement and criminal justice throughout the State and that, on the basis of the evaluation made by the Administration, such plan is likely to contribute effectively to an improvement of law enforcement and criminal justice in the State and make a significant and effective contribution to the State's efforts to deal with crime. No award of funds that are allocated to the States under this part on the basis of population shall be made with respect to a program or project other than a program or project contained in an approved plan.";

(f) inserting in subsection (c) after the word "unless" the words "the Administration finds that"; and

(g) inserting after subsection (c) the following new subsection:

"(d) In making grants under this part, the Administration and each State planning agency, as the case may be, shall provide an adequate share of funds for the support of improved court programs and projects. No approval shall be given to any State plan unless and until the Administration finds that such plan provides an adequate share of funds for court programs. In determining adequate funding, consideration shall be given to (1) the need of the courts to reduce court congestion of backlog; (2) the need to improve the fairness and efficiency of the judicial system; (3) the amount of State and local resources committed to courts; (4) the amount of funds available under this part; (5) the needs of all law enforcement and criminal justice agencies in the State; (6) the goals and priorities of the comprehensive plan; (7) written recommendations made by the judicial planning committee to the Administration; and (8) such other standards as the Administration may deem consistent with this title.".

SEC. 12. Section 304 of title I of such Act is amended to read as follows:

"SEC. 304. (a) State planning agencies shall receive plans or applications for financial assistance from units of general local government and combinations of such units. When a State planning agency determines that such a plan or application is in accordance with the purposes stated in section 301 and in conformance with an existing statewide comprehensive law enforcement plan or revision thereof, the State planning agency is authorized to disburse funds to implement the plan or application.

"(b) After consultation with the State planning agency pursuant to subsection (e) of section 203, the judicial planning committee shall transmit the annual State judicial plan approved by it to the State planning agency. Except to the extent that the State planning agency thereafter determines that such plan or part thereof is not in accordance with this title is not in conformance with, or consistent with, the statewide comprehensive law enforcement and criminal justice plan, or does not conform with the fiscal accountability standards of the State planning agency, the State planning agency shall incorporate such plan in the State comprehensive plan to be submitted to the Administration.".

SEC. 13. Section 306 of title I of such Act is amended by—

(a) inserting the following between the third and fourth sentences of the unnumbered paragraph in subsection (a): "Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and may pursue such legal remedies as are necessary."; and

(b) amending subsection (b) by striking "(1)" and inserting in lieu thereof "(2)".

SEC. 14. Section 307 of title I of such Act is amended by deleting the words "and of riots and other violent civil disorders" and substituting in lieu thereof the words "and programs and projects designed to reduce court congestion and backlog and to improve the fairness and efficiency of the judicial system".

SEC. 15. Section 308 of title I of such Act is amended by deleting "302(b)" and inserting in lieu thereof "303".

SEC. 16. Part C of title I of such Act is amended to include the following new section—

"SEC. 309. (a) The Attorney General is authorized to provide assistance and make grants to States which have State plans approved under subsection (c) of this section to improve the antitrust enforcement capability of such State.

"(b) The attorney general of any State desiring to receive assistance or a grant under this section shall submit a plan consistent with such basic criteria as the Attorney General may establish under subsection (d) of this section. Such plan shall—

"(1) provide for the administration of such plan by the attorney general of such State;

"(2) set forth a program for training State officers and employees to improve the antitrust enforcement capability of such State;

"(3) establish such fiscal controls and fund accounting procedures as may be necessary to assure proper disposal of and accounting of Federal funds paid to the State including such funds paid by the State to any agency of such State under this section; and

"(4) provide for making reasonable reports in such form and containing such information as the Attorney General may reasonably require to carry out his function under this section, and for keeping such records and affording such access thereto as the Attorney General may find necessary to assure the correctness and verification of such reports.

"(c) The Attorney General shall approve any State plan and any modification thereof which complies with the provisions of subsection (b) of this section.

"(d) As soon as practicable after the date of enactment of this section the Attorney General shall, by regulation, prescribe basic criteria for the purpose of establishing equitable distribution of funds received under this section among the States.

"(e) Payments under this section shall be made from the allotment to any State which administers a plan approved under this section. Payments to a State under this section may be made in installments, in advance, or by way of reimbursement, with necessary adjustments on account of underpayment or overpayment, and may be made directly to a State or to one or more public agencies designated for this purpose by the State, or to both.

"(f) The Comptroller General of the United States or any of his authorized representatives shall have access for the purpose of audit and examination to any books, documents, papers, and records that are pertinent to any grantee under this section.

"(g) Whenever the Attorney General, after giving reasonable notice and opportunity for hearing to any State receiving a grant under this section, finds—

"(1) that the program for which such grant was made has been so changed that it no longer complies with the provisions of this section;

"(2) that in the operation of the program there is failure to comply substantially with any such provision;

the Attorney General shall notify such State of his findings and no further payments may be made to such State by the Attorney General until he is satisfied that such noncompliance has been, or will promptly be, corrected. However, the Attorney General may authorize the continuance of payments with respect to any program pursuant to this part which is being carried out by such State and which is not involved in the noncompliance.

"(h) As used in this section the term—

"(1) 'State' includes each of the several States of the United States, the District of Columbia, and the Commonwealth of Puerto Rico;

"(2) 'attorney general' means the principal law enforcement officer of a State, if that officer is not the attorney general of that State; and

"(3) 'State officers and employees' includes law or economics students or instructors engaged in a clinical program under the supervision of the attorney general of a State or the Assistant Attorney General in charge of the Antitrust Division.

"(i) There are authorized to be appropriated to carry out the purposes of this section not to exceed $10,000,000 for the fiscal year ending September 30, 1977; not to exceed $10,000,000 for the fiscal year ending September 30, 1978; and not to exceed $10,000,000 for the fiscal year ending September 30, 1979.".

PART D—TRAINING, EDUCATION, RESEARCH, DEMONSTRATION, AND SPECIAL GRANTS

SEC. 17. Section 402 of title I of such Act is amended by—

(a) deleting "Administrator" in the third sentence of subsection (a) and inserting in lieu thereof "Attorney General";

(b) deleting "and" at the end of paragraph (7) of subsection (b); changing the period to a semicolon at the end of paragraph (8) of subsection (b) and inserting "and" thereafter; and adding the following new paragraph to that subsection:

"(9) to conduct studies and undertake programs of research, in consultation with the National Institute on Drug Abuse and the National Institute on Alcohol Abuse and Alcoholism, to determine the relationship between drug abuse and crime, and between alcohol abuse and crime; to evaluate the success of the various types of treatment programs in reducing crime; and to report its findings to the President, the Congress, the State planning agencies, and units of general local government,"; and

(c) adding the following sentence at the end of the second paragraph of subsection (e): "The Institute shall also assist the Administrator in the performance of those duties mentioned in section 515(a) of this title."; and

(d) adding at the end of such section the following new paragraph: "The Institute shall, before September 30, 1977, survey existing and future needs in correctional facilities in the Nation and the adequacy of Federal, State, and local programs to meet such needs. Such survey shall specifically determine the effect of anticipated sentencing reforms such as mandatory minimum sentences on such needs. In carrying out the provisions of this section, the Director of the Institute shall make maximum use of statistical and other related information of the Department of Labor, Department of Health, Education, and Welfare, the General Accounting Office, Federal, State, and local criminal justice agencies and other appropriate public and private agencies.".

SEC. 18. Part D is amended by adding the following new section:

"SEC. 408. (a) The Administration is authorized to make high crime impact and serious court congestion grants to State planning agencies, units of general local government, or combinations of such units. Such grants are to be used to provide impact funding to areas which are identified by the Administration as high crime or serious court congestion areas having a special and urgent need for Federal financial assistance. Such grants are to be used to support programs and projects which will improve the law enforcement and criminal justice system or the capability of the courts to eliminate congestion and backlog of criminal matters.

"(b) Any application for a grant under this section shall be consistent with the approved comprehensive State plan or an approved revision thereof.".

SEC. 19. (a) Section 453 of such Act is amended by—

(1) striking out "and" at the end of paragraph (11);

(2) striking out the period at the end of paragraph (12) and inserting "; and" in lieu thereof; and

(3) adding at the end thereof the following:

"(13) sets forth minimally acceptable physical and service standards to construct, improve or renovate State and local correctional institutions and facilities funded under this part.".

(b) Section 454 of such Act is amended by adding at the end thereof the following: "The Administration shall, in consultation with the States, develop minimally acceptable physical and service standards for the construction, improvement and renovation of State and local correctional institutions and facilities funded under this part.".

SEC. 20. Section 455 of title I of such Act is amended by—

(a) deleting the word "or" in paragraph (a)(2) and inserting "or nonprofit organizations," after the second occurrence of the word "units," in that paragraph; and

(b) inserting the following at the end of subsection (a): "In the case of a grant to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the cost of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and may pursue such legal remedies as are necessary.".

PART F—ADMINISTRATIVE PROVISIONS

SEC. 21. Section 501 of title I of such Act is amended by inserting the following sentence at the end thereof: "The Administration shall establish such rules and regulations as are necessary to assure the proper auditing, monitoring, and evaluation by the Administration of both the comprehensiveness and impact of programs funded under this title in order to determine whether such programs submitted for funding are likely to contribute to the improvement of law enforcement and criminal justice and the reduction and prevention of crime and juvenile delinquency and whether such programs once implemented have achieved the goals stated in the original plan and application.".

SEC. 22. Section 507 of title I of such Act is amended to read as follows:

"SEC. 507. Subject to the Civil Service and classification laws, the Administration is authorized to select, appoint, employ, and fix compensation of such officers and employees as shall be necessary to carry out its powers and duties under this title and is authorized to select, appoint, employ, and fix compensation of such hearing examiners or to request the use of such hearing examiners selected by the Civil Service Commission pursuant to section 3344 of title 5, United States Code, as shall be necessary to carry out its powers and duties under this title.".

SEC. 23. Section 509 of title I of such Act is amended by deleting the language "reasonable notice and opportunity for hearing" and substituting in lieu thereof the following: "notice and opportunity for a hearing on the record in accordance with section 554 of title 5, United States Code,".

SEC. 24. Section 512 of title I of such Act is amended by striking the words "June 30, 1974, and the two succeeding fiscal years" and inserting in lieu thereof "June 30, 1976, through fiscal year 1981".

SEC. 25. Section 515 of title I such Act is amended to read as follows:

"SEC. 515. (a) Subject to the general authority of the Attorney General, and under the direction of the Administrator, the Administration shall—

"(1) review, analyze, and evaluate the comprehensive State plan submitted by the State planning agency in order to determine whether the use of financial resources and estimates of future requirements as requested in the plan are consistent with the purposes of this title to improve and strengthen law enforcement and criminal justice and to reduce and prevent crime; if warranted, the Administration shall thereafter make recommendations to the State planning agency concerning improvements to be made in said comprehensive plan;

"(2) assure that the membership of the State planning agency is fairly representative of all components of the criminal justice system and review, prior to approval, the preparation, justification, and execution of the comprehensive plan to determine whether the State planning agency is coordinating and controlling the disbursement of the Federal funds provided under this title in a fair and proper manner to all components of the State and local criminal justice system; to assure such fair and proper disbursement, the State planning agency shall submit to the Administration, together with its comprehensive plan, a financial analysis indicating the percentage of Federal funds to be allocated under the plan to each component of the State and local criminal justice system;

"(3) develop appropriate procedures for determining the impact and value of programs funded pursuant to this title and whether such funds should continue to be allocated for such programs; and

"(4) assure that the programs, functions, and management of the State planning agency are being carried out efficiently and economically.

"(b) The Administration is also authorized—

"(1) to collect, evaluate, publish, and disseminate statistics and other information on the condition and progress of law enforcement within and without the United States; and

"(2) to cooperate with and render technical assistance to States, units of general local governments, combinations of such States or units, or other public or private agencies, organizations, institutions, or international agencies in matters relating to law enforcement and criminal justice.

"(c) Funds appropriated for the purposes of this section may be expanded by grant or contract, as the Administration may determine to be appropriate.".

SEC. 26. Section 517 of title I of such Act is amended by adding the following new subsection:

"(c) The Attorney General is authorized to establish an Advisory Board to the Administration to review programs for grants under sections 306(a)(2), 402(b), and 455(a)(2). Members of the Advisory Board shall be chosen from among persons who, by reason of their knowledge and expertise in the areas of law enforcement and criminal justice and related fields, are well qualified to serve on the Advisory Board.".

SEC. Section 519 of title I of such Act is amended to read as follows:

"SEC. 519. On or before December 31 of each year, the Administration shall submit a comprehensive report to the President and the Congress on activities pursuant to the provisions of this title during the preceding fiscal year. The report shall include—

"(a) a summary of the major innovative policies and programs for reducing and preventing crime recommended by the Administration during the preceding fiscal year in the course of providing technical and financial aid and assistance to State and local governments pursuant to this title;

"(b) an explanation of the procedures followed by the Administration in reviewing, evaluating, and processing the comprehensive State plans submitted by the State planning agencies;

"(c) the number of comprehensive State plans approved by the Administration without substantial changes being recommended;

"(d) the number of comprehensive State plans approved or disapproved by the Administration after substantial changes were recommended;

"(e) the number of State comprehensive plans funded under this title during the preceding three fiscal years in which the funds allocated have not been expended in their entirety;

"(f) the number of programs funded under this title discontinued by the Administration following a finding that the program had no appreciable impact in reducing and preventing crime or improving and strengthening law enforcement and criminal justice;

"(g) the number of programs funded under this title discontinued by the State following the termination of funding under this title;

"(h) a financial analysis indicating the percentage of Federal funds to be allocated under each State plan to the various components of the criminal justice system;

"(i) a summary of the measures taken by the Administration to monitor criminal justice programs funded under this title in order to determine the impact and value of such programs;

"(j) an analysis of the manner in which funds made available under section 306(a)(2) of this title were expended; and

"(k) a description of the Administration's compliance with the requirements of section 454 of this title.".

SEC. 28. Section 520 of title 5 of such Act is amended by—

(a) striking subsection (a) and inserting in lieu thereof the following:

"(a) There are authorized to be appropriated such sums as are necessary for the purposes of each part of this title, but such sums in the aggregate shall not exceed $250,000,000 for the period July 1, 1976, through September 30, 1976, $1,000,000,000 for the fiscal year ending September 30, 1977, $1,100,000,000 for the fiscal year ending September 30, 1978, $1,100,000,000 for the fiscal year ending September 30, 1979, $1,000,000,000 for the fiscal year ending September 30, 1980, and $1,100,000,000 for the fiscal year ending September 30, 1981. From the amount appropriated in the aggregate for the purposes of this title, such sums shall be allocated as are necessary for the purposes of providing funding to areas characterized by both high crime incidence and high law enforcement and criminal justice activities or serious court congestion and backlog, but such sums shall not exceed $12,500,000 for the period July 1, 1976, through September 30, 1976, and $50,000,000 for each of the fiscal years enumerated above and shall be in addition to funds made available for these purposes from the other provisions of this title as well as from other sources. Funds appropriated for any fiscal year may remain available for obligation until expended. Beginning in the fiscal year ending June 30, 1972, and in each fiscal year thereafter, there shall be allocated for the purpose of part E an amount equal to not less than 20 per centum of the amount allocated for the purpose of part C.";

(b) striking subsection (b) and inserting in lieu thereof the following:

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least the same level of financial assistance for juvenile delinquency programs that such assistance bore to the total appropriation for the programs funded pursuant to part C and part E of this title during fiscal year 1972; namely, 19.15 per centum of the total appropriation for the Administration.".

SEC. 29. Section 601 of title I of such Act is amended by—

(a) inserting after "Puerto Rico," in subsection (c) the words "the Trust Territory of the Pacific Islands, the Commonwealth of the Northern Mariana Islands,"; and

(b) inserting at the end of the section the following new subsections:

"(p) The term 'court of last resort' shall mean that State court having the highest and final appellate authority of the State. In States having two or more such courts, court of last resort shall mean that State court, if any, having highest and final appellate authority, as well as both administrative responsibility for the State's judicial system and the institutions of the State judicial branch and rulemaking authority. In other States having two or more courts with highest and final appellate authority, court of last resort shall mean that highest appellate court which also has either rulemaking authority or administrative responsibility for the State's judicial system and the institutions of the State judicial branch.

"(q) The term 'court' or 'courts' shall mean a tribunal or tribunals having criminal jurisdiction recognized as a part of the judicial branch of a State or of its local government units.

"(r) The term 'evaluation' means the administration and conduct of studies and analyses to determine the impact and value of a project or program in accomplishing the statutory objectives of this title.".

SEC. 30. Section 261 of the Juvenile Justice and Delinquency Prevention Act of 1974 (88 Stat. 1129) is amended by striking subsection (b) and inserting in lieu thereof the following:

"(b) In addition to the funds appropriated under section 261(a) of the Juvenile Justice and Delinquency Prevention Act of 1974, the Administration shall maintain from the appropriation for the Law Enforcement Assistance Administration, each fiscal year, at least the same level of financial assistance for juvenile delinquency programs that such assistance bore to the total appropriation for the programs funded pursuant to part C and part E of this title during fiscal year 1972; namely, 19.5 per centum of the total appropriation for the Administration.".

SEC. 31. Section 521 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting at the end of the section the following new subsection:

"(e) There is hereby established a revolving fund for the purpose of supporting projects that will acquire stolen goods and property in an effort to disrupt illicit commerce in such goods and property. Notwithstanding any other provisions of law, any income or royalties generated from such projects together with income generated from any sale or use of such goods or property, where such goods or property are not claimed by their lawful owner, shall be paid into the revolving fund. Where a party establishes a legal right to such goods or property, the Administrator of the fund may in his discretion assert a claim against the property or goods in the amount of Federal funds used to purchase such goods or property. Proceeds from such claims shall be paid into the revolving fund. The Administrator is authorized to make disbursements by appropriate means, including grants, from the fund for the purpose of this section.".

SEC. 32. Section 301(c) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting at the end of the section the following: "In the case of a grant for the purpose of supporting projects that will acquire stolen goods and property in an effort to disrupt commerce in such property, the Administration may increase the Federal share of the cost thereof, to the extent it deems necessary.".

SEC. 33. Section 225 of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended as follows:

(a) After section 225(c)(6) add a new paragraph as follows:

"(7) the adverse impact that may result from the restriction of eligibility, based upon population, for cities with a population greater than forty thousand, located within States which have no city with a population over two hundred fifty thousand.".

(b) Add a new subsection (d) as follows:

"(d) No city should be denied an application solely on the basis of its population.".

SEC. 34. (a) One year after the date of enactment of this Act, all positions in the Drug Enforcement Administration, which was established under section 4 of the Reorganization Plan Numbered 2 of 1973, as amended, to which grades GS-15 or above of the General Schedule under section 5332(a) of title 5, United States Code, apply are excepted from the competitive service.

(b) The incumbents of such positions occupy positions in the excepted service and the provisions of sections 7501 and 7512 of title 5, United States Code, shall not apply to such incumbents.

(c) Under regulations prescribed by the Civil Service Commission, any incumbent of such position may—

(1) transfer to a similar position to the

competitive service in another agency if such incumbent is qualified for such position, or

(2) within one year of the date of enactment of this Act transfer to another position in the Drug Enforcement Administration to which grade GS-14 of the General Schedule under section 5332(a) of title 5, United States Code, applies.

Any individual who transfers to another position in the Drug Enforcement Administration shall be entitled to have his initial rate of pay for such position set at a step of grade GS-14 which is nearest to but not less than the rate of pay which such individual received at the time of such transfer. If the rate of pay of such individual at the time of such transfer is greater than the rate of pay for step 10 of grade GS-14, such individual shall be entitled to have his initial rate of pay for such position set at step 10 but such individual shall be entitled to receive the rate of pay he received at the time of such transfer until the rate of pay for step 10 is equal to or greater than such rate of pay.

(d) Subsection (c) of section 5108 of title 5, United States Code is amended by:

(1) repealing paragraph (8); and

(2) substituting in lieu thereof the following new paragraph:

"(8) the Attorney General, without regard to any other provision of this section, may place a total of 32 positions in GS-16, 17, and 18;".

(e) Section 5315 of title 5, United States Code, is amended by adding at the end thereof the following new paragraphs:

"(105) Commissioner of Immigration and Naturalization, Department of Justice.

"(106) United States attorney for the Northern District of Illinois.

"(107) United States attorney for the Central District of California.

"(108) Director, Bureau of Prisons, Department of Justice.

"(109) Deputy Administrator for Administration of the Law Enforcement Assistance Administration.".

(f) Section 5316 of title 5, United States Code, is amended by:

(1) repealing paragraph (44);

(2) repealing paragraph (115);

(3) repealing paragraph (116);

(4) repealing paragraph (58); and

(5) repealing paragraph (134).

SEC. 35. Section 1101 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting "(a)" after the section designation and by adding at the end thereof the following new subsection:

"(b) Effective with respect to any individual appointment by the President, by and with the advice and consent of the Senate, after June 1, 1973, the term of service of the Director of the Federal Bureau of Investigation shall be ten years. A Director may not serve more than one ten-year term. The provisions of subsections (a) through (c) of section 8335 of title 5, United States Code, shall apply to any individual appointed under this section.".

MOTION OFFERED BY MR. CONYERS

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

The Clerk read as follows:

Mr. CONYERS moves to strike out all after the enacting clause of the Senate bill, S. 2212, and insert in lieu thereof the provisions of H.R. 13636, as passed, as follows:

TITLE I—LAW ENFORCEMENT ASSISTANCE

AUGMENTED AUTHORITY OF ATTORNEY GENERAL

SEC. 101. Section 101(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting after "authority" the following: ", policy direction, and general control".

OFFICE OF COMMUNITY ANTI-CRIME PROGRAMS

SEC. 102. Section 101 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end the following:

"(c) There is established in the Administration the Office of Community Anti-Crime Programs (hereinafter in this subsection referred to as the 'Office'). The Office shall be under the direction of the Deputy Administrator for Policy Development. The Office shall—

"(1) provide appropriate technical assistance to community and citizens groups to enable such groups to apply for grants to encourage community and citizen participation in crime prevention and other law enforcement and criminal justice activities;

"(2) coordinate its activities with other Federal agencies and programs (including the Community Relations Division of the Department of Justice) designed to encourage and assist citizens participation in law enforcement and criminal justice activities; and

"(3) provide information on successful programs of citizen and community participation to citizen and community groups.".

STATE LEGISLATURES

SEC. 103. Part B of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by adding at the end thereof the following new section:

"SEC. 206. At the request of the State legislature while in session or a body designated to act while the legislature is not in session, the comprehensive statewide plan, or any revisions or modifications thereof, shall be submitted to the legislature for an advisory review prior to its submission to the Administration by the chief executive of the State. In this review the general goals, priorities, and policies that comprise the basis of that plan, or any reviews or modifications thereof, including possible conflicts with State statutes or prior legislative Acts, shall be considered. If the legislature or the interim body has not reviewed the plan, or revision or modifications thereof within forty-five days after receipt, such plan, or revisions or modifications thereof, shall then be deemed reviewed.".

JUDICIAL PARTICIPATION IN PLANNING AGENCY

SEC. 104. Section 203(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting immediately before the last sentence the following: "Not less than two of the members of such State planning agency shall be appointed from a list of nominees submitted by the chief justice or chief judge of the court of last resort of the State to the chief executive of the State, such list to contain at least six nominees. State planning agencies which choose to establish regional planning units shall utilize, to the maximum extent practicable, the boundaries and organization of existing general purpose regional planning bodies within the State.".

CITIZEN AND COMMUNITY PARTICIPATION

SEC. 105. Section 203(b) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking out "and" at the end of paragraph (2);

(2) by striking out the period at the end of paragraph (3) and inserting in lieu thereof the following: "; and"; and

(3) by adding at the end the following:

"(4) assure the participation of citizens and community organizations at all levels of the planning process.".

AMENDMENTS TO PART C

SEC. 106. (a) Section 301(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting immediately bfore "improve and strengthen" the following: "reduce and prevent crime and to".

(b) Section 301(b) of such Act is amended—

(1) by striking out paragraph (6);

(2) by redesignating paragraph (7) as paragraph (6);

(3) by redesignating paragraphs (8) through (10) as paragraphs (7) through (9), respectively; and

(4) by adding at the end the following:

"(10) The definition, development, and implementation of programs and projects designed to improve the functioning of courts, prosecutors, defenders, and supporting agencies, reduce and eliminate criminal case backlog, accelerate the processing and disposition of criminal cases, and improve the administration of criminal justice in the courts; the collection and compilation of judicial data and other information on the work of the courts and other agencies that relate to and affect the work of the courts; programs and projects for expediting criminal prosecution and reducing court congestion; revision of court criminal rules and procedural codes within the rulemaking authority of courts or other judicial entities having criminal jurisdiction within the State; the development of uniform sentencing standards for criminal cases; training of judges, court administrators, and support personnel of courts having criminal jurisdiction; support of court technical assistance and support organizations; support of public education programs concerning the administration of criminal justice; and equipping of court facilities.

"(11) The development and operation of programs and projects designed to prevent crime against elderly persons.

"(12) The establishment of early case assessment panels under the authority of the appropriate prosecuting official for any unit of general local government within the State having a population of two hundred and fifty thousand or more to screen and analyze cases as early as possible after the time of the bringing of charges, to determine the feasibility of successful prosecution, and to expedite the prosecution of cases involving repeat offenders and perpetrators of violent crimes.".

(c) Section 303 of such Act is amended by striking out all that follows the sentence that ends with "and section 223 of that Act.", and inserting in lieu thereof the following:

"(b) No State plan shall be approved as comprehensive unless the Administrator finds that the plan—

"(1) includes a comprehensive program, whether or not funded under this title, for the improvement of juvenile justice;

"(2) provides for adequate assistance to deal with law enforcement and criminal justice problems in areas characterized by both high crime incidence and high law enforcement and criminal justice activity;

"(3) provides for attention to the special problems of prevention and treatment of crime against the elderly;

"(4) is a total and integrated analysis of the problems regarding the law enforcement and criminal justice system throughout the State, establishes goals, priorities, and standards, and addresses methods, organization, and operation performance, and the physical and human resources necessary to accomplish crime prevention, the identification, detection, and apprehension of suspects; adjudication; custodial treatment of suspects and offenders, and institutional and noninstitutional rehabilitative measures;

"(5) provides for the administration of such grants by the State planning agency;

"(6) provides that at least the per centum of Federal assistance granted to the State planning agency under this part for any fiscal year which corresponds to the per centum of the State and local law enforcement expenditures funded and expended in the immediately preceding fiscal year by

units of general local government will be made available to such units or combinations of such units in the immediately following fiscal year for the development and implementation of programs and projects for the improvement of law enforcement and criminal justice, and that with respect to such programs or projects the State will provide in the aggregate not less than one-half of the non-Federal funding. Per centum determinations under this paragraph for law enforcement funding and expenditures for such immediately preceding fiscal year shall be based upon the most accurate and complete data available for such fiscal year or for the last fiscal year for which such data are available. The Administration shall have the authority to approve such determinations and to review the accuracy and completeness of such data;

"(7) adequately takes into account the needs and requests of the units of general local government in the State and encourage local initiative in the development of programs and projects for improvements in law enforcement and criminal justice, and provide for an appropriately balanced allocation of funds between the State and the units of general local government in the State and among such units;

"(8) provides for procedures under which plans may be submitted to the State planning agency for approval or disapproval, in whole or in part, annually from units of general local government or combinations thereof having a population of at least two hundred and fifty thousand persons to use funds received under this part to carry out a comprehensive plan consistent with the State comprehensive plan for the improvement of law enforcement and criminal justice in the jurisdiction covered by the plan;

"(9) incorporates innovations and advanced techniques and contains a comprehensive outline of priorities for the improvement and coordination of all aspects of law enforcement and criminal justice dealt with in the plan, including descriptions of: (A) general needs and problems; (B) existing systems; (C) available resources; (D) organizational systems and administrative machinery for implementing the plan; (E) the direction, scope, and general types of improvements to be made in the future; and (F) to the extent appropriate, the relationship of the plan to other relevant State or local law enforcement and criminal justice plans and systems;

"(10) provides for effective utilization of existing facilities and permits and encourages units of general local government to combine or provide for cooperative arrangements with respect to services, facilities, and equipment;

"(11) provides for research and development;

"(12) provides for appropriate review of procedures or actions taken by the State planning agency disapproving an application for which funds are available or terminating or refusing to continue financial assistance to units of general local government or combinations of such units;

"(13) demonstrates the willingness of the State and units of general local government to assume the costs of imrovements funded under this part after a reasonable period of Federal assistance;

"(14) demonstrates the willingness of the State to contribute technical assistance or services for programs and projects contemplated by the statewide comprehensive plan and the programs and projects contemplated by units of general local government or combinations of such units;

"(15) sets forth policies and procedures designed to assure that Federal funds made available under this title will be so used as not to supplant State or local funds, but to increase the amounts of such funds that would in the absence of such Federal funds be made available for law enforcement and criminal justice;

"(16) provides for such fund accounting, audit, monitoring, and evaluation procedures as may be neecssary to assure fiscal control, proper management, and disbursement of funds received under this title;

"(17) provides for the maintenance of such data and information, and for the submission of such reports in such form, at such times, and containing such data and information as the National Institute for Law Enforcement and Crinimal Justice may reasonably require to evaluate pursuant to section 402(c) programs and projects carried out under this title and as the Administration may reasonably require to administer other provisions of this title;

"(18) provides funding incentives to those units of general local government that coordinate or combine law enforcement and criminal justice functions or activities with other such units within the State for the purpose of improving law enforcement and criminal justice;

"(19) provides for procedures that will insure that (A) all applications by units of general local government or combinations thereof to the State planning agency for assistance shall be approved or disapproved, in whole or in part, no later than ninety days after receipt by the State planning agency, (B) if not disapproved (and returned with the reasons for such disapproval, including the reasons for the disapproval of each fairly severable part of such application which is disapproved) within ninety days of such application, any part of such application which is not so disapproved shall be deemed approved for the purposes of this title, and the State planning agency shall disburse the approved funds to the applicant in accordance with procedures established by the Administration, (C) the reasons for disapproval of such application or any part thereof, in order to be effective for the purposes of this section, shall contain a detailed explanation of the reasons for which such application or any part thereof was disapproved, or an explanation of what supporting material is necessary for the State planning agency to evaluate such application, and (D) disapproval of any application or part thereof shall not preclude the resubmission of any such application or part thereof to the State planning agency at a later date;

"(20) provides for the development and, to the maximum extent feasible, implementation of procedures for the evaluation of programs and projects in terms of their success in achieving the ends for which they were intended, their conformity with the purposes and goals of the State plan, and their effectiveness in reducing crime and strengthening law enforcement and criminal justice; and

"(21) identifies the special needs of drug-dependent offenders (including alcoholics, alcohol abusers, drug addicts, and drug abusers) and establishes procedures for effective coordination between State planning agencies and single State agencies designated under section 409(e)(1) of the Drug Abuse Office and Treatment Act of 1972 (21 U.S.C. 1176(e)(1)) in responding to such needs.

Any portion of the per centum to be made available pursuant to paragraph 6 of this subsection in any State in any fiscal year not required for the purposes set forth in such paragraph 6 shall be available for expenditure by such State agency from time to time on dates during such year as the Administration may fix, for the development and implementation of programs and projects for the improvement of law enforcement and criminal justice and in conformity with the State plan.

"(c) The requirement of subsection (b)(6) shall not apply to funds used in the development or implementation of a statewide program of evaluation, in accordance with an approved State plan, but the exemption from said requirement shall extend to no more than 10 per centum of the funds allocated to a State under section 306(a)(1).".

(d) Section 306(a)(2) is amended by inserting immediately after "to the grant of any State," the following: "plus any additional amounts that may be authorized to provide funding for the purposes of section 301(b)(6),".

(e) Section 306(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting immediately after the sentence beginning with "nI the case of a grant under such paragraph" the following: "Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liablity and pursue such legal remedies as are necessary.".

(f) Title I of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out section 307 and by redesignating section 308 as section 307.

(g) Section 307 of such Act, as so redesignated by subsection (f) of this section, is further amended by striking out "302(b)" and inserting "303" in lieu thereof.

AMENDMENTS TO PART D

SEC. 107. (a) Section 401 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting "reducing and preventing crime by" immediately before "improving law enforcement and criminal justice".

(b) Section 402(c) of such Act is amended—

(1) in the second paragraph, by striking out "to evaluate" and inserting in lieu thereof the following: "to make evaluations and to receive and review the results of evaluations of";

(2) in the second paragraph, by adding at the end the following: "The Institute shall, in consultation with State planning agencies, develop criteria and procedures for the performance and reporting of the evaluation of programs and projects carried out under this title, and shall disseminate infomation about such criteria and procedures to State planning agencies."; and

(3) by inserting immediately before the final paragraph the following:

"The Institute shall, in consultation with the National Institute on Drug Abuse, make continuing studies and undertake programs of research to determine the relationship between drug abuse and crime and to evaluate the success of the various types of drug treatment programs in reducing crime and shall report its findings to the President, the Congress, and the State planning agencies and, upon request, to units of general local government.

"The Institute shall identify programs and projects carried out under this title which have demonstrated success in improving law enforcement and criminal justice and in furthering the purpose of this title, and which offer the likelihood of success if continued or repeated. The Institute shall compile lists of such programs and projects for the Administrator who shall disseminate them to State planning agencies and, upon request, to units of general local government.".

(c) Section 402(b)(3) of such Act is amended by striking out ", and to evaluate the success of correctional procedures".

(d) Add a new section to such Act as follows:

"SEC. 402 (a). There is hereby established the National Advisory Committee on Criminal Justice Standards and Goals which shall consist of fifteen members including the chairman.

"(b) Members of the Committee shall be appointed by the Administrator of the Law Enforcement Assistance Administration. The membership shall include persons who by virtue of their training and expertise have spe-

cial knowledge concerning prevention and control of crime and juvenile delinquency.

"(c) Members appointed by the Administrator to the Committee shall serve for terms of three years and shall be eligible for reappointment except that for the first composition of the Advisory Committee, one-third of these members shall be appointed to one-year terms, one-third to two-year terms, and one-third to three-year terms; thereafter each term shall be three years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed, shall be appointed for the remainder of such term. A member may serve as chairman for no more than two years.

"(d) The Committee shall—

"(1) assess and evaluate existing standards and goals for the improvement of juvenile and criminal justice systems at all levels of government;

"(2) make recommendations for the modification or elimination of existing standards where assessment and evaluation indicate the necessity to do so;

"(3) develop, as necessary, new standards and goals for the improvement of juvenile and criminal justice systems;

"(4) make recommendations for actions which can be taken by Federal, State, and local governments and by private persons and organizations to facilitate the adoption of the standards and goals;

"(5) assess the progress of Federal, State, and local governments in implementing standards and goals; and

"(6) carry out a program of collection and dissemination of information on the implementation, assessment, and evaluation of standards and goals for the improvement of juvenile and criminal justice systems.

"(e) The Administrator is authorized to appoint and fix the compensation of the Executive Director and such other personnel as may be necessary to enable the Committee to carry out its functions. Such positions shall be in the excepted service.

"(f) Members of the Committee may be allowed travel expenses and per diem in lieu of the subsistence as authorized by law for persons employed intermittently.

"(g) Members of the Committee not otherwise employed by the United States shall receive compensation at a rate not to exceed the rate now or hereafter prescribed for a GS-18 of the General Schedule by § 5332 of Title V of the United States Code including travel time for each day they are engaged in the performance of their duties as members of the Advisory Committee.

"(h) Agencies and instrumentalities of the Federal Government are authorized to furnish the Committee with such information and assistance, consistent with law, as it may require in the performance of its functions and duties.

"(i) The Committee is authorized to carry out any standard setting obligations imposed on the Administrative or its Advisory Committee, .

"(j) No later than January 1, 1978 and January 1 of each succeeding year, the Advisory Committee shall submit to the Administrator, to the President, and to the Congress, a report on its actions taken under this section.

"(k) The Advisory Committee shall make such reports and recommendations from time to time as it deems suitable to carry out the purposes of this section.".

AMENDMENTS TO PART E

SEC. 108. (a) Section 453(10) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"(10) complies with the same requirements established for comprehensive State plans under paragraphs (5), (7), (9), (10), (12), (13), (14), (15), (16), (17), (18), (19), (20), and (21) of section 303(b) of this title;".

(b) Section 455(a)(2) of such Act is amended by inserting immediately after "combinations of such units," the following: "or private nonprofit organizations,".

(c) Section 507 of such Act is amended—

(1) by inserting "(a)" immediately after "SEC. 507."; and

(2) by adding at the end the following new subsection:

"(b) In the case of a grant to an Indian tribe or other aboriginal group, if the Administration determines that the tribe or group does not have sufficient funds available to meet the local share of the costs of any program or project to be funded under the grant, the Administration may increase the Federal share of the cost thereof to the extent it deems necessary. Where a State does not have an adequate forum to enforce grant provisions imposing liability on Indian tribes, the Administration is authorized to waive State liability and may pursue such legal remedies as are necessary.".

CIVIL RIGHTS ENFORCEMENT PROCEDURES

SEC. 109. (a) Section 509 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out "Whenever the Administration" and inserting in lieu thereof "Except as provided in section 518 (c), whenever the Administration".

(b) Section 518(c) of such Act is amended to read as follows:

(c)(1) No person in any State shall on the ground of race, color, religion, national origin, or sex be excluded from participation in, be denied the benefits of, or be subjected to discrimination under or denied employment in connection with any program or activity funded in whole or in part with funds made available under this title.

(2)(A) Whenever there has been—

(i) receipt of notice of a finding, after notice and opoprtunity for a hearing, by a Federal court (other than in an action brought by the Attorney General) or State court, or by a Federal or State administrative agency (other than the Administrator under subparagraph (ii)), to the effect that there has been a pattern or practice of discrimination in violation of subsection (c)(1); or

(ii) a determination after an investigation by the Administrator (prior to a hearing under subparagraph (F) but including an opportunity for the State government or unit of local government to make a documentary submission regarding the allegation of discrimination with respcet to the funding of such program or activity, with funds made available under this title) that a State government or unit of general local government is not in compliance with subsection (c)(1); the Administrator shall, within 10 days after such occurrence, notify the chief executive of the affected State, or the State in which the affected unit of general local government is located, and the chief executive of such unit of general local government, that such program or activity has been so found or determined not to be compliance with subsection (c)(1), and shall request each chief executive, notified under this subparagraph with respect to such violation, to secure compliance. For purposes of subparagraph (i) a finding by a Federal or State administrative agency shall be deemed rendered after notice and opportunity for a hearing if it is rendered pursuant to procedures consistent with the provisions of subchapter II of chapter 5, title, United States Code.

(B) In the event the chief executive secures compliance after notice pursuant to subparagraph (A), the terms and conditions with which the affected State government or unit of general local government agrees to comply shall be set forth in writing and signed by the chief executive of the State, by the chief executive of such unit (in the event of a violation by a unit of general local government), and by the Administrator and the Attorney General. On or prior to the effective date of the agreement, the Administrator shall send a copy of the agreement to each complainant, if any, with respect to such violation. The chief executive of the State, or the chief executive of the unit (in the event of a violation by a unit of general local government) shall file semiannual reports with the Administrator detailing the step taken to comply with the agreement. Within 15 days of receipt of such reports, the Administrator shall send a copy thereof to each such complainant.

(C) If, at the conclusion of 90 days after notification under subparagraph (A)—

(i) compliance has not been secured by the chief executive of that State or the chief executive of that unit of general local government; and

(ii) an administrative law judge has not made a determination under subparagraph (F) that it is likely the State government or unit of local government will prevail on the merits; the Administrator shall notify the Attorney General that compliance has not been secured and suspend further payment of any funds under this title to that program or activity. Such suspension shall be limited to the specific program or activity cited by the Administration in the notice under subparagraph (A). Such suspension shall be effective for a period of not more than 120 days, or, if there is a hearing under subparagraph (G), not more than 30 days after the conclusion of such hearing, unless there has been an express finding by the Administrator after notice and opportunity for such a hearing, that the recipient is not in compliance with subsection (c)(1).

(D) Payment of the suspended funds shall resume only if—

(i) such State government or unit of general local government enters into a compliance agreement approved by the Administer and the Attorney General in accordance with subparagraph (B);

(ii) such State government or unit of general local government complies fully with the final order or judgment of a Federal or State court, or by a Federal or State administrative agency if that order or judgment covers all the matters raised by the Administrator in the notice pursuant to subparagraph (A), or is found to be in compliance with subsection (c)(1) by such court; or

(iii) after a hearing the Administrator pursuant to subparagraph (F) finds that noncompliance has not been demonstrated.

(E) Whenever the Attorney General files a civil action alleging a pattern or practice of discriminatory conduct on the basis of race, color, religion, national origin, or sex in any program or activity of a State government or unit of local government which State government or unit of local government receives funds made available under this title, and the conduct allegedly violates the provisions of this section and neither party within 45 days after such filing has been granted such preliminary relief with regard to the law, the Administrator shall suspend further payment of any funds under this title to that State government or that unit of local government until such time as the court orders resumption of payment.

(F) Prior to the suspension of funds under subparagraph (C), but within the 90-day period after notification under subparagraph (C), the State government or unit of local government may request an expedited preliminary hearing by an administrative law judge in order to determine whether it is likely that the State government or unit of local government would, at a full hearing under subparagraph (G), prevail on the merits on the issue of the alleged noncompliance. A finding under this subparagraph by the administrative law judge in favor of the State government or unit of local government shall defer the suspension of funds un-

der subparagraph (C) pending a finding of noncompliance at the conclusion of the hearing on the merits under subparagraph (F).

(G)(i) At any time after notification under subparagraph (A), but before the conclusion of the 120-day period referred to in subparagraph (C), a State government or unit of general local government may request a hearing, which the Administration shall initiate within 30 days of such request.

(ii) Within 30 days after the conclusion of the hearing, or, in the absence of a hearing, at the conclusion of the 120-day period referred to in subparagraph (C), the Administrator shall make a finding of noncompliance, the Administrator shall notify the Attorney General in order that the Attorney General may institute a civil action under subsection (c)(3), terminate the payment of funds under this title, and, if appropriate, seek repayment of such funds.

(iii) If the Administrator makes a finding of compliance, payment of the suspended funds shall resume as provided in subparagraph (D).

(H) Any State government or unit of general local government aggrieved by a final determination of the Administrator under subparagraph (G) may appeal such determination as provided in section 511 of this title.

(3) Whenever the Attorney General has reason to believe that a State government or unit of local government has engaged or is engaging in a pattern or practice in violation of the provisions of this section, the Attorney General may bring a civil action in an appropriate United States district court. Such court may grant as relief any temporary restraining order, preliminary or permanent injunction, or other order, as necessary or appropriate to insure the full enjoyment of the rights described in this section, including the suspension, termination, or repayment of funds made available under this Act, or placing any further payments under this title in escrow pending the outcome of the litigation.

(4)(A) Whenever a State government or unit of local government, or any officer or employee thereof acting in an official capacity, has engaged or is engaging in any act or practice prohibited by this Act, a civil action may be instituted after exhaustion of administrative remedies by the person aggrieved in an appropriate United States district court or in a State court of general jurisdiction. Administrative remedies shall be deemed to be exhausted upon the expiration of sixty days after the date the administrative complaint was filed with the Administration, or any other administrative enforcement agency, unless within such period there has been a determination by the Administration or the agency on the merits of the complaint, in which case such remedies shall be deemed exhausted at the time the determination becomes final.

(B) In any civil action brought by a private person to enforce compliance with any provision of this title, the court may grant to a prevailing plaintiff reasonable attorney fees, unless the court determines that the lawsuit is frivolous, vexatious, brought for harassment purposes, or brought principally for the purpose of gaining attorney fees.

(C) In any action instituted under this section to enforce compliance with section 518(c)(1), the Attorney General, or a specially designated assistant for or in the name of the United States, may intervene upon timely application if he certifies that the action is of general public importance. In such action the United States shall be entitled to the same relief as if it had instituted the action.

EXTENSION OF PROGRAM; AUTHORIZATION OF APPROPRIATIONS

SEC. 110. (a) Section 520(a) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by striking out the first sentence and inserting in lieu thereof the following: "There are authorized to be appropriated for the purposes of carrying out this title not to exceed $220,000,000 for the period beginning on July 1, 1976, and ending on September 30, 1976, and not to exceed $880,000,000 for the fiscal year ending September 30, 1977. In addition to any other sums available for the purposes of grants under part C of this title, there is authorized to be appropriated not to exceed $15,000,000 for the fiscal year ending September 30, 1977, for the purposes of grants for community patrol activities and the encouragement of neighborhood participation in crime prevention and public safety efforts under section 301(b)(6) of this title.".

(b) Title I of such Act is amended by striking out section 512.

ANNUAL REPORTS AMENDMENT

SEC. 111. Section 519 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended to read as follows:

"SEC. 519. On or before December 31 of each year, the Administration shall report to the President and to the Committees on the Judiciary of the Senate and House of Representatives on activities pursuant to the provisions of this title during the preceding fiscal year. Such report shall include—

"(1) an analysis of each State's comprehensive plan and the programs and projects funded thereunder including:

"(A) the amounts expended for each of the components of the criminal justice system,

"(B) the methods and procedures followed by the State in order to audit, monitor, and evaluate programs and projects,

"(C) the descriptions and number of programs and projects, and the amounts expended therefore, which are innovative or incorporate advanced techniques and which have demonstrated promise of furthering the purposes of this title,

"(D) the descriptions and number of programs and projects, and amounts expended therefore, which seek to replicate programs and projects which have demonstrated success in furthering the purposes of this title,

"(E) the descriptions and number of program areas and related projects, and the amounts expended therefor, which have achieved the specific purposes for which they were intended and the specific standards and goals set for them,

"(F) the descriptions and number of program areas and related projects, and the amounts expended therefor, which have failed to achieve the specific purposes for which they were intended or the specific standards and goals set for them, and

"(G) the descriptions and number of program areas and related projects, and the amounts expended therefor, about which adequate information does not exist to determine their success in achieving the purposes for which they were intended or their impact upon law enforcement and criminal justice;

"(2) a detailed explanation of the procedures followed by the Administration in reviewing, evaluating, and processing the comprehensive State plans submitted by the State planning agencies and programs and projects funded thereunder;

"(3) the number of comprehensive State plans approved by the Administration without recommending substantial changes;

"(4) the number of comprehensive State plans on which the Administration recommended substantial changes, and the disposition of such State plans;

"(5) the number of State comprehensive plans funded under this title during the preceding three fiscal years in which the funds allocated have not been expended in their entirety;

"(6) the number of programs and projects with respect to which a discontinuation, suspension, or termination of payments occurred under section 509, or 518(c), together with the reasons for such discontinuation, suspension, or termination;

"(7) the number of programs and projects funded under this title which were subsequently discontinued by the States following the termination of funding under this title;

"(8) a detailed explanation of the measures taken by the Administration to audit, monitor, and evaluate criminal justice programs funded under this title in order to determine the impact and value of such programs in reducing and preventing crime;

"(9) a detailed explanation of how the funds made available under sections 306(a)(2), 402(b), and 455(a)(2) of this title were expended, together with the policies, priorities and criteria upon which the Administration based such expenditures; and

"(10) a complete and detailed description of the implementation of, and compliance with, the regulations, guidelines, and standards required by section 454 of this Act.".

REGULATIONS REQUIREMENT

SEC. 112. Section 521 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by inserting immediately after subsection (c) the following:

"(d) Within one hundred and twenty days after the enactment of this subsection, the Administration shall promulgate regulations establishing—

(1) reasonable and specific time limits for the Administration to respond to the filing of a complaint by any person alleging that a State government or unit of general local government is in violation of the provisions of this title; including reasonable time limits for instituting an investigation, making an appropriate determination with respect to the allegations, and advising the complainant of the status of the complaint, and

"(2) reasonable and specific time limits for the Administration to conduct independent audits and reviews of State governments and units of general local government receiving funds pursuant to this title for compliance with the provisions of this title."; and

(2) by redesignating subsection (d) as subsection (e).

SEC. 113. After section 527 of the Omnibus Crime Control and Safe Streets Act of 1963 as redesignated by section 10(c) of this Act, add the following new section:

"SUNSHINE IN GOVERNMENT

"SEC. 520(a) Each officer or employee of the Administrator who—

"(1) performs any function or duty under this Act; and

"(2) has any known financial interest in any person who applies for or receives financial assistance under this Act;

Shall, begin on February 1, 1977, annually file with the Administrator a written statement concerning all such interests held by such officer or employee during the proceeding calendar year. Such statement shall be available to the public.

"(b) The Administrator shall—

"(1) act within ninety days after the date of enactment of this Act—

"(A) to define the term 'known financial interest' for purposes of subsection (a) of this section; and

"(B) to establish the methods by which the requirement to file written statements specified in subsection (a) of this section will be monitored and enforced, including appropriate provision for the filing by such officers and employees of such statements and the review by the Administrator of such statements; and

"(2) report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

"(c) In the rules prescribed in subsection (b) of this section, the Administrator may identify specific positions within the Administration which are of a nonpolicymaking nature and provide that officers or employees

occupying such positions shall be exempt from the requirements of this section.

"(d) Any officer or employee who is subject to, and knowingly violates, this section, shall be fined not more than $2,500 or imprisoned not more than one year, or both."

DEFINITIONS AMENDMENTS

SEC. 114. Section 601 of the Omnibus Crime Control and Safe Streets Act of 1968 is amended—

(1) by striking out subsection (m);

(2) by redesignating subsections (n) and (o) as (m) and (n), respectively; and

(3) by adding at the end the following:

"(c) The term 'local elected officials' means chief executive and legislative officials of units of general local government.

"(p) The term 'court of last resort' means that State court having the highest and final appellate authority of the State. In States having two such courts, court of last resort shall mean that State court, if any, having highest and final appellate authority, as well as both administrative responsibility for the State's judicial system and the institutions of the State judicial branch and rulemaking authority. In other States having two courts with highest and final appellate authority, court of last resort shall mean the highest appellate court which also has either rulemaking authority or administrative responsibility for the State's judicial system and the institutions of the State judicial branch. Except as used in the definition of the term 'court of last resort', the term 'court' means a tribunal or judicial system having criminal or juvenile jurisdiction.".

TRUST TERRITORY OF THE PACIFIC

SEC. 115. Section 601(c) of the Omnibus Crime Control and Safe Streets Act of 1968 is amended by inserting "the Trust Territory of the Pacific Islands," after "Puerto Rico,".

CONFORMING AMENDMENT TO JUVENILE JUSTICE ACT

SEC. 116. Section 223(a) of the Juvenile Justice and Delinquency Prevention Act of 1974 is amended by striking out "section 303(a) (1), (3), (5), (6), (8), (10), (11), (12), and (15)" and inserting in lieu thereof the following: "paragraphs (5), (7), (9), (10), (12), (14), (15), (16), (19), and (20) of section 303(b)".

TITLE II—REQUIREMENT FOR SPECIFIC AUTHORIZATION OF JUSTICE DEPARTMENT APPROPRIATIONS

SEC. 201. No sums shall be deemed to be authorized to be appropriated for any fiscal year beginning on or after October 1, 1978, for the Department of Justice (including any bureau, agency, or other similar subdivision thereof) except as specifically authorized by Act of Congress with respect to such fiscal year. Neither the creation of a subdivision in the Department of Justice, nor the authorization of an activity of the Department, any subdivision, or officer thereof, shall be deemed in itself to be an authorization of appropriations for the Department of Justice, such subdivision, or activity, with respect to any fiscal year beginning on or after October 1, 1978.

Amend the title so as to read: "An Act to amend title I (Law Enforcement Assistance) of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes.".

The SPEAKER. The question is on the motion offered by the gentleman from Michigan.

The motion was agreed to.

The SPEAKER. The question is on the third reading of the Senate bill.

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

The title was amended so as to read: "to amend title I (Law Enforcement Assistance) of the Omnibus Crime Control and Safe Streets Act of 1968, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill, H.R. 13636, was laid on the table.

AUTHORIZING CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 13636

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that in the engrossment of the House amendments to the Senate bill, the Clerk be authorized to correct punctuation and section numbers and cross-references to reflect the will and action of the House.

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

There was no objection.

GENERAL LEAVE

Mr. CONYERS. 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 extraneous matter on the bill, H.R. 13636, just passed.

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

There was no objection.

CORRECTING ENGROSSMENT OF SENATE AMENDMENTS TO H.R. 10612

Mr. BURLESON of Texas. Mr. Speaker, on behalf of the gentleman from Oregon (Mr. ULLMAN), who as we all know is now occupied in conference on the tax bill, I ask unanimous consent to take from the Speaker's table the Senate Concurrent Resolution (S. Con. Res. 137) to correct the engrossment of the Senate amendments to H.R. 10612, and consider the Senate concurrent resolution in the House.

The Clerk read the title of the Senate concurrent resolution.

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

There was no objection.

The Clerk read the Senate concurrent resolution as follows:

S. CON. RES. 137

Resolved by the Senate (the House of Representatives concurring), That the following language be inserted in the engrossment of the Senate amendments to H.R. 10612 and be considered as being in conference:

"SEC. 1510. TREATMENT OF CERTAIN LIFE INSURANCE CONTRACTS GUARANTEED RENEWABLE.

"(a) IN GENERAL.—Paragraph (d)(5) of section 809 of the Internal Revenue Code of 1954 is amended by adding at the end thereof the following sentence: 'For purposes of this paragraph, the period for which any contract is issued or renewed includes the period for which such contract is guaranteed renewable.'.

"(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to taxable years beginning after December 31, 1957.".

The Senate concurrent resolution was concurred in.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 14940, AUTHORIZING OBLIGATION AND EXPENDITURE OF FUNDS TO IMPLEMENT FOR FISCAL YEAR 1977 PROVISIONS OF TREATY OF FRIENDSHIP AND COOPERATION BETWEEN UNITED STATES AND SPAIN

Mr. MOAKLEY, from the Committee on Rules, reported the following privileged resolution (H. Res. 1519, Rept. No. 94-1466), which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF S. 2371 PROVIDING FOR REGULATION OF MINING ACTIVITY WITHIN NATIONAL PARK SYSTEM

Mr. MOAKLEY, from the Committee on Rules, reported the following privileged resolution (H. Res. 1520, Rept. No. 94-1467), which was referred to the House Calendar and ordered to be printed.

PERMISSION FOR COMMITTEE ON AGRICULTURE TO HAVE UNTIL MIDNIGHT, SEPTEMBER 7, 1976, TO FILE REPORT ON H.R. 15069

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight Tuesday, September 7, 1976, to file a report on the bill (H.R. 15069), the National Forest Management Act of 1976.

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

There was no objection.

CONFERENCE REPORT ON S. 327, AMENDING LAND AND WATER CONSERVATION ACT OF 1965, AS AMENDED

Mr. SEIBERLING submitted the following conference report and statement on the Senate bill (S. 327) to amend the Land and Water Conservation Fund Act of 1965, as amended, to establish the National Historic Preservation Fund, and for other purposes:

CONFERENCE REPORT (H. REPT. NO. 94-1468)

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (S. 327) To amend the Land and Water Conservation Fund Act of 1965, as amended, to establish the National Historic Preservation Fund, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with the following amendment: In lieu of the matter proposed to be inserted by the House amendment, to strike all after the enacting clause and insert in lieu thereof the following:

TITLE I—LAND AND WATER CONSERVATION FUND

SEC. 101. The Land and Water Conservation Fund Act of 1965 (78 Stat. 987), as amended (16 U.S.C. 4061–4 et seq.), is further amended as follows:

(1) Amend section 2 to read as follows:

"SEC. 2. SEPARATE FUND.—During the period ending June 30, 1989, there shall be covered into the land and water conservation fund in the Treasury of the United States, which fund is hereby established and is hereinafter referred to as the "fund", the following revenues and collections:

"(a) SURPLUS PPROPERTY SALES.—All proceeds (except so much thereof as may be otherwise obligated, credited, or paid under authority of those provisions of law set forth in section 485(b)(e), title 40, United States Code, or the Independent Offices Appropriation Act, 1963 (76 Stat. 725) or in any later appropriation Act) hereafter received from any disposal of surplus real property and related personal property under the Federal Property and Administrative Services Act of 1949, as amended, notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Nothing in this Act shall affect existing laws or regulations concerning disposal of real or personal surplus property to schools, hospitals, and States and their political subdivisions.

"(b) MOTORBOAT FUELS TAX.—The amounts provided for in section 201 of this Act.

"(c)(1) OTHER REVENUES.—In addition to the sum of the revenues and collections estimated by the Secretary of the Interior to be covered into the fund pursuant to this section, as amended, there are authorized to be appropriated annually to the fund out of any money in the Treasury not otherwise appropriated such amounts as are necessary to make the income of the fund not less than $300,000,000 for fiscal year 1977, $600,000,000 for fiscal year 1978, $750,000,000 for fiscal year 1979, and $900,000,000 for fiscal year 1980 and for each fiscal year thereafter through September 30, 1989.

"(2) To the extent that any such sums so appropriated are not sufficient to make the total annual income of the fund equivalent to the amounts provided in clause (1), an amount sufficient to cover the remainder thereof shall be credited to the fund from revenues due and payable to the United States for deposit in the Treasury as miscellaneous receipts under the Outer Continental Shelf Lands Act, as amended (43 U.S. 1331 et seq.): *Provided*, That notwithstanding the provisions of section 3 of this Act, moneys covered into the fund under this paragraph shall remain in the fund until appropriated by the Congress to carry out the purpose of this Act.".

(2) Amend section 5 to read as follows:

"ALLOCATION OF LAND AND WATER CONSERVATION FUND FOR STATE AND FEDERAL PURPOSES

"SEC. 5. ALLOCATION.—There shall be submitted with the annual budget of the United States a comprehensive statement of estimated requirements during the ensuing fiscal year for appropriations from the fund. Not less than 40 per centum of such appropriations shall be available for Federal purposes.".

(3) Amend section 6 to read as follows:

"FINANCIAL ASSISTANCE TO STATES

"SEC. 6. GENERAL AUTHORITY; PURPOSES.—(a) The Secretary of the Interior (hereinafter referred to as the "Secretary") is authorized to provide financial assistance to the States from moneys available for State purposes. Payments may be made to the States by the Secretary as hereafter provided, subject to such terms and conditions as he considers appropriate and in the public interest to carry out the purposes of this Act, for outdoor recreation: (1) planning, (2) acquisition of land, waters, or interests in land or waters, or (3) development.

"(b) APPORTIONMENT AMONG STATES; NOTIFICATION.—Sums appropriated and available for State purposes for each fiscal year shall be apportioned among the several States by the Secretary, whose determination shall be final, in accordance with the following formula:

"(1) Forty per centum of the first $225,000,000; thirty per centum of the next $275,000,000; and twenty per centum of all additional appropriations shall be apportioned equally among the several States; and

"(2) At any time, the remaining appropriation shall be apportioned on the basis of need to individual States by the Secretary in such amounts as in his judgment will best accomplish the purposes of this Act. The determination of need shall include among other things a consideration of the proportion which the population of each State bears to the total population of the United States and of the use of outdoor recreation resources of individual States by persons from outside the State as well as a consideration of the Federal resources and programs in the particular States.

"(3) The total allocation to an individual State under paragraphs (1) and (2) of this subsection shall not exceed 10 per centum of the total amount allocated to the several States in any one year.

"(4) The Secretary shall notify each State of its apportionments; and the amounts thereof shall be available thereafter for payment to such State for planning, acquisition, or development projects as hereafter prescribed. Any amount of any apportionment that has not been paid or obligated by the Secretary during the fiscal year in which such notification is given and for two fiscal years thereafter shall be reapportioned by the Secretary in accordance with paragraph (2) of this subsection, without regard to the 10 per centum limitation to an individual State specified in this subsection.

"(5) For the purposes of paragraph (1) of this subsection, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands (when such islands achieve Commonwealth status) shall be treated collectively as one State, and shall receive shares of such apportionment in proportion to their populations. The above listed areas shall be treated as States for all other purposes of this title.

"(c) MATCHING REQUIREMENTS.—Payments to any State shall cover not more than 50 per centum of the cost of planning, acquisition, or development projects that are undertaken by the State. The remaining share of the cost shall be borne by the State in a manner and with such funds or services as shall be satisfactory to the Secretary. No payment may be made to any State for or on account of any cost or obligation incurred or any service rendered prior to the date of approval of this Act.

"(d) COMPREHENSIVE STATE PLAN REQUIRED; PLANNING PROJECTS.—A comprehensive statewide outdoor recreation plan shall be required prior to the consideration by the Secretary of financial assistance for acquisition or development projects. The plan shall be adequate if, in the judgment of the Secretary, it encompasses and will promote the purposes of this Act: *Provided*, That no plan shall be approved unless the Governor of the respective State certifies that ample opportunity for public participation in plan development and revision has been accorded. The Secretary shall develop, in consultation with others, criteria for public participation, which criteria shall constitute the basis for the certification by the Governor. The plan shall contain—

"(1) the name of the State agency that will have authority to represent and act for the State in dealing with the Secretary for purposes of this Act;

"(2) an evaluation of the demand for and supply of outdoor recreation resources and facilities in the State;

"(3) a program for the implementation of the plan; and

"(4) other necessary information, as may be determined by the Secretary.

The plan shall take into account relevant Federal resources and programs and shall be correlated so far as practicable with other State, regional, and local plans. Where there exists or is in preparation for any particular State a comprehensive plan financed in part with funds supplied by the Housing and Home Finance Agency, any statewide outdoor recreation plan prepared for purposes of this Act shall be based upon the same population, growth, and other pertinent factors as are used in formulating the Housing and Home Finance Agency financed plans.

"The Secretary may provide financial assistance to any State for projects for the preparation of a comprehensive statewide outdoor recreation plan when such plan is not otherwise available or for the maintenance of such plan.

"(e) PROJECTS FOR LAND AND WATER ACQUISITION; DEVELOPMENT.—In addition to assistance for planning projects, the Secretary may provide financial assistance to any State for the following types of projects or combinations thereof if they are in accordance with the State comprehensive plan:

(1) ACQUISITION OF LAND AND WATERS.—For the acquisition of land, waters, or interests in land or waters (other than land, waters, or interests in land or waters acquired from the United States for less than fair market value), but not including incidental costs relating to acquisition.

Whenever a State provides that the owner of a single-family residence may, at his option, elect to retain a right of use and occupancy for not less than six months from the date of acquisition of such residence and such owner elects to retain such a right, such owner shall be deemed to have waived any benefits under sections 203, 204, 205, and 206 of the Uniform Reallocation Assistance and Real Property Acquisition Policies Act of 1970 (84 Stat. 1894) and for the purposes of those sections such owner shall not be considered a displaced person as defined in section 101(6) of that Act.

"(2) Development.—For development of basic outdoor recreation facilities to serve the general public, including the development of Federal lands under lease to States for terms of twenty-five years or more: *Provided*, That no assistance shall be available under this Act to enclose or shelter facilities normally used for outdoor recreation activities, but the Secretary may permit local funding, and after the date of enactment of this Proviso not to exceed 10 per centum of the total amount allocated to a State in any one year to be used for sheltered facilities for swimming pools and ice skating rinks in areas where the Secretary determines that the severity of climatic conditions and the increased public use thereby made possible justifies the construction of such facilities.

"(f) REQUIREMENTS FOR PROJECT APPROVAL; CONDITION.—(1) Payments may be made to States by the Secretary only for those planning, acquisition, or development projects that are approved by him. No payment may be made by the Secretary for or on account of any project with respect to which financial assistance has been given or promised under any other Federal program or activity, and no financial assistance may be given under any other Federal program or activity for or on account of any project with respect to which such assistance has been given or promised under this Act. The Secretary may make payments from time to time in keeping with the rate of progress toward the

satisfactory completion of individual projects: *Provided*, That the approval of all projects and all payments, or any commitments relating thereto, shall be withheld until the Secretary receives appropriate written assurance from the State that the State has the ability and intention to finance its share of the cost of the particular project, and to operate and maintain by acceptable standards, at State expense, the particular properties or facilities acquired to be developed for public outdoor recreation use.

(2) Payments for all projects shall be made by the Secretary to the Governor of the State or to a State official or agency designated by the Governor or by State law having authority and responsibility to accept and to administer funds paid hereunder for approved projects. If consistent with an approved project, funds may be transferred by the State to a political subdivision or other appropriate public agency.

"(3) No property acquired or developed with assistance under this section shall, without the approval of the Secretary, be converted to other than public outdoor recreation uses. The Secretary shall approve such conversion only if he finds it to be in accord with the then existing comprehensive statewide outdoor recreation plan and only upon such conditions as he deems necessary to assure the substitution of other recreation properties of at least equal fair market value and of reasonably equivalent usefulness and location.

"(4) No payment shall be made to any State until the State has agreed to (1) provide such reports to the Secretary, in such form and containing such information, as may be reasonably necessary to enable the Secretary to perform his duties under this Act, and (2) provide such fiscal control and fund accounting procedures as may be necessary to assure proper disbursement and accounting for Federal funds paid to the State under this Act.

"(5) Each recipient of assistance under this Act shall keep such records as the Secretary shall prescribe, including records which fully disclose the amount and the disposition by such recipient of the proceeds of such assistance, the total cost of the project or undertaking in connection with which such assistance is given or used, and the amount and nature of that portion of the cost of the project or undertaking supplied by other sources, and such other records as will facilitate an effective audit.

"(6) The Secretary, and the Comptroller General of the United States, or any of their duly authorized representatives, shall have access for the purpose of audit and examination to any books, documents, papers, and records of the recipient that are pertinent to assistance received under this Act.

"(7) Each State shall evaluate its grant programs annually under guidelines set forth by the Secretary and shall transmit such evaluation to the Secretary, together with a list of all projects funded during that fiscal year, including, but not limited to, a description of each project, the amount of Federal funds employed in such project, the source of other funds, and the estimated cost of completion of the project. Such evaluation and the publication of same shall be eligible for funding on a 50–50 matching basis. The results of the evaluation shall be annually reported on a fiscal year basis to the Bureau of Outdoor Recreation, which agency shall forward a summary of such reports to the Committees on Interior and Insular Affairs of the United States Congress. Such report to the committees shall also include an analysis of the accomplishments of the fund for the period reported, and may also include recommendations as to future improvements for the operation of the Land and Water Conservation Fund program.

"(8) With respect to property acquired or developed with assistance from the fund, discrimination on the basis of residence, including preferential reservation or membership systems, is prohibited except to the extent that reasonable differences in admission and other fees may be maintained on the basis of residence.

"(g) COORDINATION WITH FEDERAL AGENCIES.—In order to assure consistency in policies and actions under this Act, with other related Federal programs and activities (including those conducted pursuant to title VII of the Housing Act of 1961 and section 701 of the Housing Act of 1954) and to assure coordination of the planning, acquisition, and development assistance to States under this section with other related Federal programs and activities, the President may issue such regulations with respect thereto as he deems desirable and such assistance may be provided only in accordance with such regulations."

(4) Amend section 7 to read as follows:

"SEC. 7. (a) Moneys appropriated from the fund for Federal purposes shall, unless otherwise allotted in the appropriation Act making them available, be allotted by the President to the following purposes and subpurposes:

"(1) For the acquisition of land, waters, or interests in land or waters as follows:

NATIONAL PARK SYSTEM; RECREATION AREAS.—Within the exterior boundaries of areas of the National Park System now or hereafter authorized or established and of areas now or hereafter authorized to be administered by the Secretary of the Interior for outdoor recreation purposes.

NATIONAL FOREST SYSTEM.—Inholdings within (a) wilderness areas of the National Forest System, and (b) other areas of national forests as the boundaries of those forests exist on the effective date of this Act, or purchase units approved by the National Forest Reservation Commission subsequent to the date of this Act, all of which other areas are primarily of value for outdoor recreation purposes: *Provided*, That lands outside of but adjacent to an existing national forest boundary, not to exceed three thousand acres in the case of any one forest, which would comprise an integral part of a forest recreational management area may also be acquired with moneys appropriated from this fund: *Provided further*, That except for areas specifically authorized by Act of Congress, not more than 15 per centum of the acreage added to the National Forest System pursuant to this section shall be west of the 100th meridian.

NATIONAL WILDLIFE REFUGE SYSTEM.—Acquisition for (a) endangered species and threatened species authorized under section 5(a) of the Endangered Species Act of 1973; (b) areas authorized by section 2 of the Act of September 28, 1962, as amended (16 U.S.C. 460k–1); (c) national wildlife refuge areas under section 7(a)(5) of the Fish and Wildlife Act of 1956 (16 U.S.C. 742f(5)) except migratory waterfowl areas which are authorized to be acquired by the Migratory Bird Conservation Act of 1929, as amended (16 U.S.C. 715–715s); (d) any areas authorized for the National Wildlife Refuge System by specific Acts.

"(2) For payment into miscellaneous receipts of the Treasury as a partial offset for those capital costs, if any, of Federal water development projects hereafter authorized to be constructed by or pursuant to an Act of Congress which are allocated to public recreation, and the enhancement of fish and wildlife values and financed through appropriations to water resource agencies.

"(b) ACQUISITION RESTRICTION.—Appropriations from the fund pursuant to this section shall not be used for acquisition unless such acquisition is otherwise authorized by law.".

(5) Amend section 8 to read as follows:

"SEC. 8. Moneys derived from the sources listed in section 2 of this Act shall not be available for publicity purposes: *Provided, however*, That in each case where significant acquisition or development is initiated, appropriate standardized temporary signing shall be located on or near the affected site, to the extent feasible, so as to indicate the action taken is a product of funding made available through the Land and Water Conservation Fund. Such signing may indicate the per centum and dollar amounts financed by Federal and non-Federal funds, and that the source of the funding includes moneys derived from Outer Continental Shelf receipts. The Secretary shall prescribe standards and guidelines for the usage of such signing to assure consistency of design and application.".

(6) Add the following new section:

"SEC. 12. Within one year of the date of enactment of this section, the Secretary is authorized and directed to submit to the Committees on Interior and Insular Affairs of the Senate and House of Representatives a comprehensive review and report on the needs, problems, and opportunities associated with urban recreation in highly populated regions, including the resources potentially available for meeting such needs. The report shall include site specific analyses and alternatives, in a selection of geographic environments representative of the Nation as a whole, including, but not limited to, information on needs, local capabilities for action, major site opportunities, trends, and a full range of options and alternatives as to possible solutions and courses of action designed to preserve remaining open space, ameliorate recreational deficiency, and enhance recreational opportunity for urban populations, together with an analysis of the capability of the Federal Government to provide urban-oriented environmental education programs (including, but not limited to, cultural programs in the arts and crafts) within such options. The Secretary shall consult with and request the views of, the affected cities, counties, and States on the alternatives and courses of action identified.".

TITLE II—NATIONAL HISTORIC PRESERVATION FUND

SEC. 201. The Act of October 15, 1966 (80 Stat. 915), as amended (16 U.S.C. 470), is amended as follows:

(1) Amend section 102 to read as follows:

"SEC. 102. (a) No grant may be made under this Act—

"(1) unless application therefor is submitted to the Secretary in accordance with regulations and procedures prescribed by him;

"(2) unless the application is in accordance with the comprehensive statewide historic preservation plan which has been approved by the Secretary after considering its relationship to the comprehensive statewide outdoor recreation plan prepared pursuant to the Land and Water Conservation Fund Act of 1965 (78 Stat. 897);

"(3) for more than 50 per centum of the total cost involved, as determined by the Secretary and his determination shall be final;

"(4) unless the grantee has agreed to make such reports, in such form and containing such information as the Secretary may from time to time require;

"(5) unless the grantee has agreed to assume, after completion of the project, the total cost of the continued maintenance, repair, and administration of the property in a manner satisfactory to the Secretary; and

"(6) until the grantee has complied with such further terms and conditions as the Secretary may deem necessary or advisable.

"(b) The Secretary may in his discretion waive the requirements of subsection (a), paragraphs (2) and (5) of this section for any grant under this Act to the National

Trust for Historic Preservation in the United States, in which case a grant to the National Trust may include funds for the maintenance, repair, and administration of the property in a manner satisfactory to the Secretary.

"(c) The Secretary may in his discretion waive the requirements of paragraph (3) of subsection (a) of this section for the purposes of making grants for the preparation of statewide historic preservation plans and surveys and project plans. Any grant made pursuant to this subsection may not exceed 70 per centum of the cost of a project; and the total of such grants made pursuant to this subsection in any one fiscal year may not exceed one-half of the funds appropriated for that fiscal year pursuant to section 108 of this Act.

"(d) No State shall be permitted to utilize the value of real property obtained before the date of approval of this Act in meeting the remaining cost of a project for which a grant is made under this Act.".

(2) Amend section 103(a) by deleting "*Provided, however,* That the amount granted to any one State shall not exceed 50 per centum of the total cost of the comprehensive statewide historic survey and plan for that State, as determined by the Secretary.".

(3) Amend section 106 by inserting after the words "included in" the phrase "or eligible for inclusion in".

(4) Amend section 108 to read as follows:

"SEC. 108. To carry out the provisions of this Act, there is hereby established the Historic Preservation Fund (hereafter referred to as the 'fund') in the Treasury of the United States.

There shall be covered into such fund $24,400,000 for fiscal year 1977, $100,000,000 for fiscal year 1978, $100,000,000 for fiscal year 1979, $150,000,000 for fiscal year 1980, and $150,000,000 for fiscal year 1981, from revenues due and payable to the United States under the Outer Continental Shelf Lands Act (67 Stat. 462, 469), as amended (43 U.S.C. 338), and/or under the Act of June 4, 1920 (41 Stat. 813), as amended (30 U.S.C. 191), notwithstanding any provision of law that such proceeds shall be credited to miscellaneous receipts of the Treasury. Such moneys shall be used only to carry out the purposes of this Act and shall be available for expenditure only when appropriated by the Congress. Any moneys not appropriated shall remain available in the fund until appropriated for said purposes: *Provided,* That appropriations made pursuant to this paragraph may be made without fiscal year limitation.".

(5) Amend section 201 to read as follows:

"SEC. 201. (a) There is established as an independent agency of the United States Government an Advisory Council on Historic Preservation (hereinafter referred to as an independent agency of the United States Government an Advisory Council on Historic Preservation (hereinafter referred to as the 'Council') which shall be composed of twenty-nine members as follows:

"(1) The Secretary of the Interior;

"(2) The Secretary of Housing and Urban Development;

"(3) The Secretary of Commerce;

"(4) The Administrator of the General Services Administration;

"(5) The Secretary of the Treasury;

"(6) The Attorney General;

"(7) The Secretary of Agriculture;

"(8) The Secretary of Transportation;

"(9) The Secretary of State;

"(10) The Secretary of Defense;

"(11) The Secretary of Health, Education, and Welfare;

"(12) The Chairman of the Council on Environmental Quality;

"(13) The Chairman of the Federal Council on the Arts and Humanities;

"(14) The Architect of the Capitol;

"(15) The Secretary of the Smithsonian Institution;

"(16) The Chairman of the National Trust for Historic Preservation;

"(17) The President of the National Conference; and

"(18) Twelve appointed by the President from outside the Federal Government. In making these appointments, the President shall give due consideration to the selection of officers of State and local governments and individuals who are significantly interested and experienced in the matters to be considered by the Council.

"(b) Each member of the Council specified in paragraphs (1) through (17) of subsection (a) may designate another officer of his department, agency, or organization to serve on the Council in his stead.

"(c) Each member of the Council appointed under paragraph (18) of subsection (a) shall serve for a term of five years from the expiration of his predecessor's term; except that the members first appointed under that paragraph shall serve for terms of from one to five years, as designated by the President at the time of appointment, in such manner as to insure that the terms of not less than one nor more than two of them will expire in any one year.

"(d) A vacancy in the Council shall not affect its powers, but shall be filled in the same manner as the original appointment (and for the balance of the unexpired term).

"(e) The Chairman and the Vice Chairman of the Council shall be designated by the President. During the absence or disability of the Chairman or when the office is vacant, the Vice Chairman shall act in the place of the Chairman.

"(f) Fifteen members of the Council shall constitute a quorum.".

(6) Amend section 204 by deleting the term "(10)" in the first sentence and inserting in lieu thereof the term "(17)", and by striking the term "(11)" in the second sentence and inserting in lieu thereof the term "(18)".

(7) Amend section 205 to read as follows:

"SEC. 205. (a) There shall be an Executive Director of the Council who shall be appointed in the competitive service by the Chairman with the concurrence of the Council. The Executive Director shall report directly to the Council and perform such functions and duties as the Council may prescribe.

"(b) The Council shall have a General Counsel, who shall be appointed by the Executive Director. The General Counsel shall report directly to the Executive Director and serve as the Council's legal advisor. The Executive Director shall appoint such other attorneys as may be necessary to assist the General Counsel, represent the Council in courts of law whenever appropriate, assist the Department of Justice in handling litigation concerning the Council in courts of law, and perform such other legal duties and functions as the Executive Director and the Council may direct.

"(c) The Executive Director of the Council may appoint and fix the compensation of such officers and employees in the competitive service as are necessary to perform the functions of the Council at rates not to exceed that now or hereafter prescribed for the highest rate for grade 15 of the General Schedule under section 5332 of title 5, United States Code: *Provided, however,* That the Executive Director, with the concurrence of the Chairman, may appoint and fix the compensation of not to exceed five employees in the competitive service at rates not to exceed that now or hereafter prescribed for the highest rate of grade 17 of the General Schedule under section 5332 of title 5, United States Code.

"(d) The Executive Director shall have power to appoint and fix the compensation of such additional personnel as may be necessary to carry out its duties, without regard to the provisions of the civil service laws and the Classification Act of 1949.

"(e) The Executive Director of the Council is authorized to procure expert and consultant services in accordance with the provisions of section 3109 of title 5, United States Code.

"(f) Financial and administrative services (including those related to budgeting, accounting, financial reporting, personnel and procurement) shall be provided the Council by the Department of the Interior, for which payments shall be made in advance, or by reimbursement, from funds of the Council in such amounts as may be agreed upon by the Chairman of the Council and the Secretary of the Interior: *Provided,* That the regulations of the Department of the Interior for the collection of indebtedness of personnel resulting from erroneous payments (5 U.S.C. 46e) shall apply to the collection of erroneous payments made to or on behalf of a Council employee, and regulations of said Secretary for the administrative control of funds (31 U.S.C. 665 (g)) shall apply to appropriations of the Council: *And provided further,* That the Council shall not be required to prescribe such regulations.

"(g) The members of the Council specified in paragraphs (1) through (16) of section 201(a) shall provide the Council, with or without reimbursement as may be agreed upon by the Chairman and the members, with such funds, personnel, facilities, and services under their jurisdiction and control as may be needed by the Council to carry out its duties, to the extent that such funds, personnel, facilities, and services are requested by the Council and are otherwise available for that purpose. To the extent of available appropriations, the Council may obtain, by purchase, rental, donation, or otherwise, such additional property, facilities, and services as may be needed to carry out its duties.".

(8) Amend section 206 (c) to read as follows:

"(c) For the purposes of this section there are authorized to be appropriated not more than $175,000 per year for fiscal years 1977, 1978, and 1979: *Provided,* That no appropriation is authorized and no payment shall be made to the Centre in excess of 25 per centum of the total annual assessment of such organization."

(9) Add the following new sections:

"SEC. 207. So much of the personnel, property, records, and unexpended balances of appropriations, allocations, and other funds employed, held, used, programed, or available or to be made available by the Department of the Interior in connection with the functions of the Council, as the Director of the Office of Management and Budget shall determine, shall be transferred from the Department to the Council within 60 days of the effective date of this Act.

"SEC. 208. Any employee in the competitive service of the United States transferred to the Council under the provisions of this section shall retain all the rights, benefits, and privileges pertaining thereto held prior to such transfer.

"SEC. 209. The Council is exempt from the provisions of the Federal Advisory Committee Act (86 Stat. 770), and the provisions of the Administrative Procedure Act (80 Stat. 381) shall govern the operations of the Council.

"SEC. 210. Whenever the Council transmits any legislative recommendations, or testimony, or comments on legislation to the President or the Office of Management and Budget, it shall concurrently transmit copies thereof to the House Committee on Interior and Insular Affairs and the Senate Committee on Interior and Insular Affairs. No officer or agency of the United States shall have any authority to require the Council to sub-

mit its legislative recommendations, or testimony, or comments on legislation to any officer or agency of the United States for approval, comments, or review, prior to the submission of such recommendation, testimony, or comments to the Congress. In instances in which the Council voluntarily seeks to obtain the comments or review of any officer or agency of the United States, the Council shall include a description of such actions in its legislative recommendations, testimony, or comments on legislation which it transmits to the Congress.

"SEC. 211. The Council is authorized to promulgate such rules and regulations as it deems necessary to govern the implementation of section 106 of this Act.

"SEC. 212. (a) The Council shall submit its budget annually as a related agency of the Department of the Interior. To carry out the provisions of this title, there are authorized to be appropriated not more than $1,500,000 in fiscal year 1977, $1,750,000 in fiscal year 1978, and $2,000,000 in fiscal year 1979.

"(b) Whenever the Council submits any budget estimate or request to the President or the Office of Management and Budget, it shall concurrently transmit copies of that estimate or request to the House and Senate Appropriations Committees and the House Committee on Interior and Insular Affairs and the Senate Committee on Interior and Insular Affairs."

SEC. 202. Section 5316 of title 5 of the United States Code is amended by adding at the end thereof the following new paragraph:

"(135) Executive Director, Advisory Council on Historic Preservation.".

TITLE III—STATES OIL SHALE FUNDS

SEC. 301. Section 35 of the Act of February 25, 1920 (41 Stat. 450), as amended (30 U.S.C. 191), is further amended by striking the period at the end of the proviso and inserting in lieu thereof the language as follows: "; *And provided further*, That all moneys paid to any State from sales, bonuses, royalties, and rentals of oil shale in public lands may be used by such State and its subdivisions for planning, construction, and maintenance of public facilities, and provision of public services, as the legislature of the State may direct, giving priority to those subdivisions of the State socially or economically impacted by the development of the resource.".

ROY A. TAYLOR,
HAROLD T. JOHNSON,
ABRAHAM KAZEN, Jr.,
JONATHAN B. BINGHAM,
JOHN F. SEIBERLING,
BOB ECKHARDT,
ALLAN T. HOWE,
KEITH G. SEBELIUS,
VIRGINIA SMITH,

Managers on the Part of the House.

HENRY M. JACKSON,
J. BENNETT JOHNSTON,
LEE METCALF,
FLOYD K. HASKELL,
DALE BUMPERS,
MARK O. HATFIELD,
DEWEY F. BARTLETT,

Managers on the Part of the Senate.

JOINT STATEMENT OF THE COMMITTEE OF CONFERENCE

INTRODUCTION

The Managers on the part of the House and the Senate at the Conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 327) 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 properties throughout the Nation, as amended, and for other purposes submit this joint statement in explanation of the effect of the language agreed upon by the Managers and recommended in the accompanying Conference Report.

The language agreed upon by the Managers is the language of the Senate bill with modifications incorporating various provisions of the House amendment. There were numerous points of difference between the Senate version and the House amendment which were the subject of discusssion and action by the Committee of Conference. The major points at issue, and the disposition of them are discussed below.

Title I and Title II, as approved by both the House and Senate, included numerous complex technical changes in the Land and Water Conservation Fund Act and in the National Historic Preservation Act. To simplify and clarify these changes, the amendment recommended has been drafted to incorporate the changes in context. While this requires some repetition of existing law in which no substantive change has been made, it facilitates complete understanding of the recommendation and minimizes the possibility of error in the consideration of this legislation and in the future, should further amendments be proposed.

LAND AND WATER CONSERVATION FUND PROVISIONS

Level of the fund

Both the House and Senate versions of the legislation provided for a substantial expansion of the Land and Water Conservation Fund. The Senate approved a $1 billion per year authorization for the life of the program (through 1989). In the House, the funding level was to increase in stages to $800 million by fiscal year 1980. The Conference Committee recommends that the House staging provision be adopted, but that the levels be increased to $600 million in fiscal year 1978, $750 million in fiscal year 1979, and ultimately to $900 million in fiscal year 1980 and annually thereafter through 1989.

Allocation formula

This provision provides that in any appropriation, not less than 40 percent shall be for Federal purposes. The conferees are concerned over the continuing backlog of unappropriated funds despite the critical needs for land acquisition in the National Park System and elsewhere. The current backlog is, in large measure, the result of past years when the Federal portion was reduced drastically. The conferees are aware that both Senate and House Interior Committees have been required to significantly increase the authorization ceilings at many units of the National Park System because the needed funds have not been forthcoming and inflation and land price escalation have driven the cost of these areas up.

While the Conference Committee did not approve the mandatory 60–40 division in the House version of this legislation, because of its inflexibility, it did recognize that the States may sometimes be unable to provide the amounts necessary to match their share of the appropriations from the fund. Generally, appropriations should continue to reflect the 60–40 allocation established by the Act, to allow the States to have an opportunity to match their full share of the fund but the conferees believe that if the situation arises when the States are unable to match their portion of a full appropriation, then the unmatched moneys should be distributed to the Federal agencies. The conferees strongly believe that the present unappropriated moneys in the fund should be immediately released and that no backlog should be permitted to occur again. The ability of the Congress to control the activities of the Federal agencies should insure that any portion of the normal 60 percent available to the States which could not be matched is in fact spent by the Federal agencies to preserve and protect those areas which the Congress and the President have agreed should be preserved for future generations.

Apportionment of funds among the states

Another major point of difference involved the House-approved provision which would have modified the present formula for distribution of Land and Water Conservation Fund moneys among the States to benefit the more populous States. The Senate version was silent on this issue and would have retained the present formula which works to the benefit of the less populous States. In reaching the recommended solution, the Committee of Conference agreed to a three-stage formula which retains the 40 percent equal distribution for the first $225 million (the same as existing law), but once the level of the fund begins to grow, the portion of the incremental sums to be divided equally will decrease. Of the first $225 million, 40 percent ($90 million) will be equally divided among the States. When the States share of the fund exceeds that amount then 30 percent ($82.5 million) of the next $275,000,000 is to be equally divided. Finally, when the States share exceeds $500 million, then only 20 percent of that incremental amount will be divided equally. In addition, both versions of the bill increased the maximum share of the fund which any single State may receive from 7 percent to 10 percent and the conferees agreed that the District of Columbia, Puerto Rico, the Virgin Islands, American Samoa, and the Northern Marianas (when the latter achieves Commonwealth status) should be entitled to receive, on the basis of their relative populations, an amount equal to the share of one state in terms of the portion of the fund apportioned equally among the States.

Sheltered facilities

The Senate version of S. 327 proposed permitting States to use up to 25 percent of their allocation to shelter ice skating rinks and swimming pools in areas where the severity of the climate and the increased use made possible by the sheltering justifies such action. The House version permitted unrestricted use of local funds for shelters, but prohibited any Federal matching assistance from being used for such shelters. The conferees agreed that the basic concept of the Land and Water Conservation Fund as a source of financial assistance for *outdoor recreation* should remain paramount, but the conferees recognize that modest enclosures and shelters in northern tier areas can provide significantly increased recreation opportunities for the normal outdoor activities of ice skating and swimming. Therefore, the conferees agreed that States may use up to 10 percent of their annual allocation (including the matching funds for that 10 percent) for future sheltered facilities for ice skating rinks and swimming pools.

The conferees also agreed that it would be appropriate to permit States to use local funds to shelter existing facilities or new facilities. The conferees, however, have retained the limitations contained in the Senate version that there may not be any sheltering unless the severity of the climate and the increased public use thereby made possible justifies such sheltering. The conferees understand severity of climate to mean extreme cold, heavy snow, or high winds with respect to ice skating rinks; warm weather is *not* contemplated as justification. For swimming pools, the conferees again are concerned with the onset of cold weather which unduly restricts the available days in which the facility may be used.

The conferees wish to emphasize that for the purposes of computing the 10 percent of a state's allocation, the entire cost of a sheltered facility is to be used not just the cost attributable to the shelter.

Urban recreation

The House version of the bill addressed the issue of expanding urban recreation needs and the planning which is needed in order to find a solution to this matter. The Conference Committee recommendation provides that within 1 year from the date of enactment of this section, the Secretary of the Interior shall prepare and submit a *comprehensive* review and report on urban recreation.

This language was proposed in response to nearly a year of difficulties experienced in obtaining urban recreation study data and alternatives from the Department of the Interior. Hypothetical examples and general studies of past policies are not a useful tool for congressional decisionmaking on these issues. The cities and metropolitan areas selected for study need not include locations on which the Congress has already acted or which it has under active consideration since for these areas sufficient data has already been developed. The more populous regions should be examined in detail sufficient to distill a policy and program agenda for the future.

The study would neither accept nor reject any feasible alternative, from full Federal acquisition and management as a part of the National Park System to total financial and operating responsibility at the local level or in the private sector. It is the sense of the Conference Committee that for each of the areas studied, the National Park Service should provide a professional analysis and opinion on the significance and suitability of sites identified as to their possible inclusion in the National Park System. It is understood such findings do not commit the Department to support National Park System status. Such analysis can, however, assist the Congress in gauging relative significance, and subsequent priorities in considering options and alternatives.

Numerous efforts have been made in the past in considering strategies for coping with urban recreation needs. The study directed by this legislation should, therefore, be as specific as possible. The land and water resources which could satisfy the unmet needs in particular urban areas should be identified, and various approaches to meeting recreation needs in each of these areas should be detailed. Federal land managing agencies, particularly the National Park Service, which might be involved under some of the options to be identified, should play an active role in the study from the time of its inception through its presentation to the committees.

This study should have been an integral part of the Nationwide Outdoor Recreation Plan and, in fact, was included in early drafts of that document. Unfortunately, when that plan finally surfaced, it was so severely compromised as to be virtually useless as a guide for congressional action. What is necessary for proper consideration of the various proposals before both the Senate and House of Representatives is a series of options which can be related directly to resources.

To satisfy the requirements of this provision, it is recognized that the study cannot be quickly completed; however, the conferees expect that it can be accomplished in 1 full year. This will allow the Secretary to consult with affected States and localities in developing options with respect to each site to assure their maximum participation and cooperation in future planning and implementation. In developing the options, the Secretary is required to analyze the potential role of Federal agencies in providing interpretive programs and support functions for such activities as environmental education, the performing arts, and so forth.

HISTORIC PRESERVATION FUND PROVISIONS

Level of Historic Preservation Funding

Both the House and the Senate approved the creation of an Historic Preservation Fund similar to the Land and Water Conservation Fund. The Committee of Conference recommends the adoption of the 5-year program approved by the Senate rather than the longer program in the House amendment. In making this recommendation, the conferees recognize that the program must be extended in order to accomplish the objectives of the original National Historic Preservation Act, but it was agreed that at the end of the 5-year authorization, the Congress would be in a better position to judge what future needs might be.

Upon agreeing to limit this authorization to 5 years, the conference adopts the staged implementation of the incremental increases contained in the House amendment, but recommends that the funding levels increase to the Senate-approved level. If approved as recommended, the funding level will be $24.4 million in fiscal year 1977, $100 million annually in fiscal years 1978 and 1979, and $150 million for fiscal years 1980 and 1981.

The conferees agreed that Federal matching grants might provide up to 70 percent of the cost of statewide planning for historic preservation. This limited use of a greater matching ratio was considered justified to encourage the States to proceed with their inventories of historic properties. Identification of potential National Register properties and planning for their preservation will be vital to the effective use of the expanded matching grants program for the restoration of historic properties.

Advisory Council on Historic Preservation

The Committee of Conference recommends approval of the Senate provisions dealing with the Advisory Council on Historic Preservation. As approved by the Senate, the legislation recognizes the Council as an independent agency and makes all of the necessary changes in the National Historic Preservation Act of 1966 to accomplish this purpose, including the changes required to staff the Council with its own personnel. In light of the great need for administrative personnel to carry out the functions assigned to the National Park Service throughout the United States, it is expected that the personnel ceiling applicable to this agency will remain unchanged so that the number of positions now assigned to the Council can be utilized elsewhere in the National Park System where the needs are greatest.

Extension of participation in the International Centre for the Study of the Preservation and Restoration of Cultural Property

The Committee of Conference recommends the approval of the provision in the House amendment extending U.S. participation in the Centre for 3 additional years. In accordance with the House provision this authorization is limited to not more than $175,000 for each of the 3 fiscal years involved.

OIL SHALE FUNDS

On August 4, the Federal Coal Leasing Amendments Act (S. 391) was enacted into law. Section 9(a) of Public Law 94–377 relates to the sharing of Federal mineral leasing revenues with the States. It provides in part that:

Such funds now held or to be received, by the States of Colorado and Utah separately from the Department of the Interior oil shale test leases known as "C–A"; "U–A" and "U–B" shall be used by such States and subdivisions as the legislature of each State may direct giving priority to those subdivisions socially or economically impacted by the development of minerals leased under this Act for (1) planning, (2) construction and maintenance of public facilities, and (3) provision of public services.

Section 301 of the Conference Report makes it clear that this provision of Public Law 94–377 applies to *all* money paid to Colorado and Utah, from the oil shale leases, specified in the Act. In addition, section 301 would apply to *all* moneys paid to *any* State as its share of Federal oil shale revenues.

CONCLUSION

There are other differences between the House and Senate versions of the legislation; however, the key issues in disagreement have been discussed above. The recommendation reported represents the agreements reached by the Committee of Conference and has been reported in context to facilitate comprehension of the changes to be made in the Land and Water Conservation Fund Act and National Historic Preservation Act if S. 327 is approved as recommended.

ROY A. TAYLOR,
HAROLD T. JOHNSON,
ABRAHAM KAZEN, Jr.,
JONATHAN B. BINGHAM,
JOHN F. SEIBERLING,
BOB ECKHARDT,
ALLAN T. HOWE,
KEITH G. SEBELIUS,
VIRGINIA SMITH,
Managers on the Part of the House.

HENRY M. JACKSON,
J. BENNETT JOHNSTON,
LEE METCALF,
FLOYD K. HASKELL,
DALE BUMPERS,
MARK O. HATFIELD,
DEWEY F. BARTLETT,
Managers on the Part of the Senate.

CLEAN AIR ACT AMENDMENTS OF 1976

Mr. ROGERS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 10498) to amend the Clean Air Act, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from Florida (Mr. ROGERS).

The motion was agreed to.

The SPEAKER. The Chair requests the gentleman from North Carolina (Mr. NEAL) to assume the chair temporarily.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 10498, with Mr. NEAL (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee rose on Wednesday, August 4, 1976, the gentleman from Florida (Mr. ROGERS) had consumed 1 hour and 30 minutes, and the gentleman from Kentucky (Mr. CARTER) had consumed 49 minutes.

The Chair recognizes the gentleman from Kentucky.

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

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

Mr. MICHEL. Mr. Chairman, the bill before us represents more than a year of work by the committee, and tons of material produced by a broad range of

interested groups and individuals. I appreciate all the work that has been done and certainly cannot argue with the ultimate objectives of the proposal. I voted for the Clean Air Act in 1970 when it passed this House and could not agree more that the Congress must be on top of the environmental problems facing this country and should take steps to see that a sound policy is put into force which will protect our natural resources and guarantee a healthy environment for future generations.

But at the same time, I am concerned about a number of provisions in the bill before us and the impact this will have on the all-around well-being of this country. We are moving down the road of sound economic recovery; we are seeing a steady decline in the unemployment rate; we have weathered one energy crisis and have witnessed comprehensive planning toward setting long-range goals which will avert another one. In short, the prognosis for our Nation's economic recovery and growth is good. But we still have a way to go, and I am concerned that we allow this development to proceed and not throw a monkey wrench in the works. And while I am in favor of appropriate measures to preserve our environment, I fear we may be leaping from one extreme to another and are expecting too much, too fast in this particular bill.

I feel it essential that we consider the importance of industrial growth to our economy, especially employment, and maintain a balanced approach to the problem. Thus I continue to be concerned with the proposed nondeterioration section of the bill. Quite frankly, I do not believe we are yet capable of adequately determining the full effect such a policy will have on our future industrial-economic development, and, consequently, would hope that section would be deleted from the bill. The issue needs considerable clarification before we approve such a far-reaching policy.

Furthermore, many of the standards established in the bill were based on the belief that they can be achieved by using the best available control technology. I personally have serious questions as to what the best available technology really is. We are told that industry should be required to install flue gas desulfurization systems, commonly labeled "scrubbers," at all coal-burning facilities. Yet from the material I have seen, I have not been convinced that this prototype model is the best pollution-control device. It would seem a better policy to allow industry the ability to study the feasibility of such a prototype model prior to constructing such a model at all coal-burning facilities, especially those industries which have shown good faith through installing at least one scrubber at one of their major facilities.

In addition, I am concerned about the requirement that pollution-control equipment be operated 24 hours a day, even when the company's coal-burning facilities are not reaching unacceptable levels of pollution. It would seem to me that intermittent controls, required when specified levels of pollution have been reached, would permit continued maintenance of air quality standards, but would be much less costly in terms of energy since the "scrubbers" themselves consume a tremendous amount of energy when in operation.

We have been deluged with material regarding automobile emissions controls, but neither side has been able to present cold, hard facts which show that proposed standards can now be met on an industrywide, all-inclusive basis. I do not think we can promote a single model automobile in the name of clean air. By the same token, I question the proposed reduction of emissions required for heavy-duty diesel engines. I am concerned that requirements be based on available technology and that our expectations are not only reasonable, but necessary to maintain an acceptable air quality standard.

In short, I have serious reservations about this bill and expect a lot more answers before we end this debate and adopt any comprehensive policy in such an important and far-reaching area affecting our health and well-being.

Mr. CARTER. Mr. Chairman, I yield back the balance of my time.

Mr. ROGERS. Mr. Chairman, I have no further requests for time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. NEAL, Chairman pro tempore 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. 10498) to amend the Clean Air Act, and for other purposes, had come to no resolution thereon.

LEGISLATIVE PROGRAM

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

Mr. RHODES. Mr. Speaker, I take this time to inquire as to whether the distinguished majority leader, the gentleman from Massachusetts (Mr. O'NEILL) can inform the House as to the program for the balance of the day, the balance of the week, and for next week.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. RHODES. I yield to the distinguished majority leader.

Mr. O'NEILL. I thank the gentleman for yielding.

Mr. Speaker, the program for the House of Representatives for the week of September 8, 1976, is as follows:

Monday and Tuesday is the Labor Day recess.

On Wednesday the House will consider:

House Concurrent Resolution 728, second budget resolution, fiscal year 1977, with 10 hours of debate, general debate only.

I am sure the gentleman is aware that is in the law, and we do not anticipate it will take 10 hours.

That will immediately be followed by the continued consideration of H.R. 10498, the Clean Air Act amendments.

On Thursday and the balance of the week, the House will consider:

House Concurrent Resolution 728, second budget resolution, fiscal year 1977, with votes on amendments and the resolution. We will complete consideration of that.

Then we will go back to H.R. 10498, the Clean Air Act amendments, and we will conclude consideration of that bill.

Conference reports may be brought up at any time, and any further program will be announced later.

There is a possibility of the DOD conference report being brought up.

If we finish the Clean Air Act amendments, there is a possibility we will not work on Friday. But we do want to finish the clean air bill.

Mr. RHODES. I understand that if the Clean Air Act amendments are not concluded, there will be a Friday session?

Mr. O'NEILL. If the gentleman will yield, that is the present plan.

Mr. RHODES. That is the present plan?

Mr. O'NEILL. Yes.

Mr. RHODES. Am I correct in understanding that there will be no votes on Wednesday?

Mr. O'NEILL. No. There will be votes on the Clean Air Act amendments on Wednesday, but there will be no votes on the second budget resolution.

Mr. RHODES. Of course that assumes that we finish the general debate on the second budget resolution on Wednesday?

Mr. O'NEILL. It is my understanding that the chairman feels it will not take more than 3 hours.

Mr. RHODES. I thank the gentleman.

AUTHORIZING SPEAKER TO ACCEPT RESIGNATIONS AND APPOINT COMMISSIONS, BOARDS, AND COMMITTEES, NOTWITHSTANDING ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Wednesday, September 8, 1976, the Speaker be authorized to accept resignations, and to appoint commissions, boards, and committees authorized by law or by the House.

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

There was no objection.

AUTHORIZING CLERK TO RECEIVE MESSAGES FROM THE SENATE AND THE SPEAKER TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS DULY PASSED BY THE TWO HOUSES AND FOUND TRULY ENROLLED, NOTWITHSTANDING ADJOURNMENT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that notwithstanding the adjournment of the House until Wednesday, September 8, 1976, the Clerk be authorized to receive messages from the Senate and that the Speaker be authorized to sign any enrolled bills and joint resolutions duly passed by the two Houses and found truly enrolled.

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

There was no objection.

REQUEST TO DISPENSE WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, September 8, 1976.

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

Mr. BAUMAN. Mr. Speaker, reserving the right to object, before that permission is granted I wonder if the gentleman from Massachusetts can tell us if and when the estate tax bill will be brought up.

Mr. O'NEILL. If the gentleman will yield, I have no answer on that. I can just assure the gentleman that it will be brought up. As the gentleman knows, the Committee on Ways and Means is in conference at the present time.

As I understand it, the estate tax provision was in the Senate bill. Now, whether it will be brought up through the conference report, I do not know, but if it is not, I know that the Committee on Ways and Means has been examining the various amendments and giving thought as to whether we would go with that bill or bring up a rule from the Committee on Rules, thereby meeting the will of the House as concerning the actions on the floor the other day.

Mr. BAUMAN. Mr. Speaker, if the other body includes these provisions in a conference report, that would preclude the House from having any further debate on or consideration of the estate tax bill in the House under a rule. The rule has been passed, and it could be called up in the regular order of business. Possibly the provisions of Calendar Wednesday rule would provide an opportunity for consideration and therefore should be left available to the Members if they so desire for consideration of this bill under the Calendar Wednesday rule.

Therefore, Mr. Speaker, I object to the request.

The SPEAKER. Objection is heard.

APPOINTMENT AS MEMBER OF U.S. GROUP OF NORTH ATLANTIC ASSEMBLY AND DESIGNATION OF CHAIRMAN THEREOF

The SPEAKER. Pursuant to the provisions of section I, Public Law 689, 84th Congress, as amended, the Chair appoints as a member of the U.S. Group of the North Atlantic Assembly the following Member on the part of the House: The gentleman from Wisconsin, (Mr. ZABLOCKI) to fill the existing vacancy thereon; and the Chair designates the gentleman from Texas (Mr. BROOKS) to serve as chairman of the delegation for the remainder of the 94th Congress.

THE PROFIT '76 ADVISORY COMMITTEE

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. CHARLES H. WILSON) is recognized for 60 minutes.

Mr. CHARLES H. WILSON of California. Mr. Speaker, the mobility of personnel between defense and industry has often been brought to the attention of this body. Any number of inquiries have established the presence of conflicts of interest involving high defense officials and the companies dependent on their good will, if not their objective analysis, for the production contracts and profits vital to their survival. Less well known, however, is the metastasis between political committees and sectors of defense, both in industry and in Government.

A recent example came to my attention in an excellent article written by Sheila Hershow of the Federal Times. Ms. Hershow discovered that Deputy Secretary of Defense William P. Clements, a former cochairman of the Texas Committee to Re-Elect the President, had apopinted the treasurer of the President Ford Committee to head a special advisory committee to evaluate a new policy expected to increase the profits of shipbuilders and missile manufacturers.

Naturally, we may expect the shipbuilders and missilemakers to express their gratitude. Was this not the kind of hamfisted politics we left behind with Nixon?

On the face of it, the appointment of Ford Treasurer Robert C. Moot was improper. When reached for comment, Clements replied through an aide, "I made a mistake, I blew it." It was a disclaimer I found hard to take from a man who has himself been the subject of controversy and investigation relating to conflicts of interest. Had not Clements himself promulgated a DOD policy in October 1975, in which he admonished Department officials to "avoid even the appearance of a conflict of interest"?

After personally studying "Profit '76" for the last 6 weeks, I would like to bring my preliminary results to the attention of the Congress because, as a member of the Armed Services Committee and as a taxpayer, I am appalled at the possible consequences of "Profit '76." Under its proposals for revision of the Armed Services Procurement Regulations rule on productivity, defense contractors would be formally encouraged in their tendency to massive cost overruns.

I am even more concerned as to the reasons behind the public association of the President Ford Committee with the "Profit '76" study through its treasurer and study participant, Robert Moot. While Mr. Moot avows that President Ford had nothing to do with "Profit '76," we learned from Watergate the excesses to which powerful subordinates are prone.

Our work uncovered a complex buddy system between the President Ford Committee and the Department of Defense built on prior acquaintance and revolving around short-term considerations of political expediency, prior involvement in conflicts of interest, personal considerations of private benefit, and anxiety over congressional commitment to an adequately funded defense.

The old Texas Nixon campaign team—James A. Baker, chairman of the President Ford Committee; Robert Mosbacher, Ford's chief fundraiser; and William Clements—have joined the Pentagon bailout squad of former Deputy Secretary of Defense and Lockheed lobbyist David Packard and former defense comptroller, Robert Moot.

The interests of Baker and Mosbacher in winning Presidential primaries coincided with the massive claims submitted by the shipbuilders in the spring. Our work attempts to establish a link between the two situations and to inquire whether "Profit '76" has been exploited for political profit. We have also examined whether "Profit '76" has institutionalized a bailout of the shipbuilding concerns—a bailout far less controversial and apparent than asking Congress for bailout appropriations.

I believe that the public ought to be alerted to the kind of conduct and impropriety I have discovered. Perhaps other offices, with other resources, can take the case further.

I believe the facts deserve to be put in the public domain. It is important that we realize that unhappy precedents compel a close examination of the President Ford Committee and "Profit '76."

In March 1975 President Gerald Ford and George Steinbrenner were named, innocuously enough, among the best dressed men in America. Two years earlier, Mr. Steinbrenner was chairman of the American Shipbuilding Co. and in September 1973 his name surfaced in connection with the investigations of the Watergate grand jury. The jury discovered that officials of the American Shipbuilding Co. had made a secret $100,000 donation to President Nixon's political campaign while that concern was trying without success to win payment of a $6 million overrun on a Government contract. Today, three major shipbuilding companies are experiencing major cost overruns in their contracts with the Navy and have submitted $1.4 billion in claims for resolution. Although the claims settlement has reached an impasse, little public attention has been called to the convening of a Department of Defense advisory committee whose recommendations, if adopted, would quietly but substantially amortize the massive overruns over time. In the words of the Office of Secretary of Health, Education, and Welfare:

> The adoption of the policy may well result in a massive windfall to government contractors.

The chairman of the advisory committee is the treasurer of the President Ford Committee. Robert C. Moot.

He was appointed by the former Texas CREEP cochairman and present Deputy Secretary of Defense, William P. Clements. With all the earmarks of Nixon's

tactics, President Ford has identified himself with a policy bearing gifts to shipbuilders in trouble. They may feel inclined to return the favor, and the juxtaposition of Gerald Ford and George Steinbrenner—so innocent in 1975—may have become more sinister in 1976.

The DOD study which Robert Moot was called to pass on is entitled "Profit '76." The profit policy it recommends places an emphasis on greater rewards for contractor investment in capital facilities. The present weighted guidelines determining the level of profit on negotiated contracts are to be amended accordingly. Because of their already large investment in facilities, shipbuilders and missilemakers stand to make an automatic and dramatic increase in their allowable costs, and thus in their profits. It is a change which these particular industries had long been pressing for. The timing surrounding the promulgation of the change and the empaneling of an advisory committee to add authority to it illuminates a number of conflicts of interests and some subtle political engineering. In addition to Moot and Clements, the cast of characters includes the present chairman of the President Ford Committee, James A. Baker; Ford's chief fundraiser, Robert Mosbacher; and former Ford campaign finance chairman, David Packard.

On May 11, on the heels of his loss to Reagan in Texas, President Ford lost the Nebraska primary. The central issue of both campaigns had been national defense, and the central touchstone of that issue, as Joseph Harsh noted that week in the Christian Science Monitor, was the adequacy of American seapower. On May 12 the Senate Armed Services Committee rejected an expanded naval shipbuilding plan; earlier, the House Armed Services Committee had decided to limit funds for settling shipbuilders' claims on their overruns. Now the shipbuilders threatened to stop work on their Navy contracts and this threat, in turn, jeopardized Ford's ability to project himself, at a critical point in his campaign, on the defense issue. The need to defuse defense as an issue, the need to diminish the Reagan factor, the need, in short, to prevent the shipbuilders from further disrupting the Ford counterattack may have been on the mind of Ford's campaign strategist, Stuart Spencer, who was known for his artful timing of official announcements. Although the DOD rarely uses advisory committees, Moot was appointed by Clements on May 12. Significantly, the committee which Moot was to head was not legally extant until June 17, when notification of its empaneling was published in the Federal Register.

On May 17, Adm. Hyman Rickover alerted Representative LES ASPIN to the fact that—

> (Shipbuilding company officials) recommended that the Navy adjust its contracts and modify its procurement policies to ensure profitability in future contracts.

On May 19, Secretary Clements addressed those procurement policies by proposing to the shipbuilders a new "inflation escalator contract" which would turn their projected losses on overruns into profits of at least $74 million. Members of the Armed Services Committee charged that the Clements proposal amounted to a bailout. Representative STRATTON commented:

> You're going to turn a deficit situation into a substantial profit. That's a bailout.

When pressed further, Mr. Clements pulled back from the figure but said that his proposal would give the shipyards about a 1-percent profit.

Coincidentally, 1 percent happens to be the additional profit which the shipbuilders would realize if the "Profit '76" recommendations were adopted. Should Clements' new inflation escalator contract have failed in the Armed Services Committees, reweighting the profit guidelines could be a way of accomplishing the bailout without calling it a bailout. Furthermore, if institutionalized in new DOD regulations, the bailout would become far less controversial and apparent than asking Congress for bailout appropriations. Known for his distrust of congressional commitment to defense funding, Clements may have rationalized a method of appropriations "entrapment," and his old friends from Texas CREEP campaigns, James Baker and Robert Mosbacher, may have encouraged it in the political crisis facing the Ford campaign in May. By "entrapment," Congress may be restricted from making a decision on the justice of proposals for increased funding, for if the contractor has complied with DOD regulations, how can Congress equitably refuse him? This, perhaps, was the promise held out to the contentious shipbuilders in May.

The advisory committee which Clements appointed included, in addition to Robert Moot, J. Ronald Fox, Herbert Stein, Ronald Ross, and Herman W. Bevis. Before joining the Ford campaign, Moot was a vice president of Amtrak and, earlier, an Assistant Secretary of Defense—Comptroller. Of his appointment to the Ford campaign, columnists Evans and Novak wrote in June 1975:

> A career government employee who started out in the Truman administration, Moot's credentials as a nuts-and-bolts certified public accountant are gilt-edged, exactly what is wanted by political advisors of Mr. Ford, equeamish about any financial hanky-panky.

He served under his former boss at the Pentagon, David Packard, who had been appointed the Ford finance chairman.

Mr. Fox also served with Secretary Packard as the then-Assistant Secretary of the Army for Installations and Logistics. He sat with Mr. Moot in 1969 to 1971 as the chairman of the Defense Industry Advisory Committee on Contract Financing and Profit Policy, whose recommendations are substantially recapitulated in "Profit '76."

Mr. Stein was Chairman of the President's Council of Economic Advisers between 1972 and 1974.

Mr. Ross is a senior vice president of the Bank of America N.T. & S.A. and has worldwide responsibility for the bank's relationships in aerospace, transportation, and related fields.

Mr. Bevis is a former senior partner of Price Waterhouse. He served as an adviser to Mr. Moot when Moot was at the Pentagon.

In addition to the obvious impropriety and putative conflict of interest inherent in having a political campaign treasurer chairing a committee to restructure defense profits to the benefit of selected industries, real conflicts of interest existed among certain committee members.

Mr. Bevis, for example, is a member of the Cost Accounting Standards Board. The Board issued a new standard CAS 414 on which the DOD profit study is structured. As a member of the Board, how can Mr. Bevis be expected to pass objective judgment on policies that embody his own recommendations?

Mr. Ross, as a representative specializing in the aerospace interests of the Bank of America, must admit to an intense interest in the profit policy—it is a policy weighted in favor of those most troubled industries to which his bank has tied itself with its loans. On June 7, 1976, Rohr Industries, who teamed with Litton Industries for the preliminary design and hardware planning for the 2,200 ton surface effects ship, was forced to transfer its interest-most-company assets to the Bank of America to secure its loans. Rohr won its $35.2 million Navy contract in July 1974, and is competing for the production contract on the ship. After disengaging itself from its transportation interests, Rohr is concentrating on its aerospace assets. The Bank of America is also one of the major banks in the 24-bank consortium which holds more than $500 million in outstanding loans to the Lockheed Corp. Lockheed is in parlous circumstances; its missile and shipbuilding operations would benefit under the new policy.

In order to get a better fix on the benefits of "Profit '76," two simple questions ought to be asked and answered. What do the shipbuilders want? What does "Profit '76" give them?

In his remarks to the Naval Postgraduate School on April 6, 1976, Mr. Edwin M. Hood, the president of the Shipbuilders Council of America declared:

> Since 1970, the active U.S. Navy fleet has dropped from 976 to 477 vessels and private shipbuilders have, for the most part, become increasingly disillusioned with naval ship construction work. There is no derivative connection between these two developments, but a cure to the latter industrial malady will be fundamental to achievement of superior naval capabilities.

Mr. Hood further stated that the shipbuilders sought provisions which would relieve them of the burden of interest for financing ship construction.

The problem of cash flow, exacerbated by the claims dispute, is extremely important. John Finney reported in the New York Times on May 15, 1976, that an official close to Defense Secretary Donald H. Rumsfeld said he could "not shoot down" a theory by a reporter that the—Clements'—plan was originally devised to provide emergency relief for Litton Industries, which reportedly is having cash flow problems. A month later, Litton's O'Green took the position that the Defense Department was not being generous enough and was adopting a take-

it-or-leave-it attitude toward the claims. When asked what he wanted, O'Green replied:

> One thing is money, another is a better method of contracting. As it stands, the risks are unacceptable to contract for Navy ships.

In addition to these demands, John Diesel, president of Newport News Shipbuilding, has urged the widespread use of cost-plus contracts. The shipbuilders also have urged that contractor informational systems be relied on to the maximum practical extent and, concommitantly, that Government-imposed reporting requirements be reduced.

The claims dispute is an outgrowth of the particular disputes noted above: $1.4 billion is being claimed by Newport News, Litton, and General Dynamics against the Navy for damages to contractors from late Government-furnished equipment, bad Naval management, and the effects of inflation. The Electric Boat Division of General Dynamics is losing $137.4 million; Litton Ingalls, of Pascagoula, Miss., is losing $207 million; Newport News is losing $127.4 million. These losses stand in addition to prior-year losses, so that the total outstanding in claims approaches $1.4 billion.

Secretary Clements attempted in May to rewrite the shipbuilders' contracts under a 1958 law invoked for "national emergencies." Mr. Clements hoped to give the companies additional money in return for their dropping these claims against the Navy. At that time, Senator PROXMIRE charged that the Pentagon and the shipbuilders have "conspired to cover up cost overruns and possible false claims. Litton Industries could collect hundreds of millions of dollars partly on the basis of vague estimates, phony assertions and inflated figures."

How does "Profit '76" meet the concerns of the shipbuilders? The new DOD policy will give the shipbuilders more money—in fact, nearly $200 million more per year. The reweighted guidelines will take care of that. Further, the policy affords limited recognition, in competitively awarded fixed-priced contracts, for withholding government scrutiny. It affords compensation for "risk," and looks toward a better method of contracting.

As far as claims, per se, were concerned, among the recommendations of the conference board convened by the financial community was that there be prompter and more equitable resolution of disputes. The board could supply, however, no statistics on the relationship between profits and DOD sales, and thus no background on the legitimacy of the disputes themselves.

"Profit '76" takes no stand on the claims dispute. It provides guidelines for negotiating contracts, and not for reconciling contract overruns. Nonetheless, as the issue at the heart of both contracts and claims is the adequacy of profit, some relationship is imputed. Congress recognized as much in the House-passed version of the defense procurement authorization bill on April 9. The bill included general provisions which attempted to change procurement policy, and involved requiring initial contractor certification of the accuracy and completeness of requests for price adjustments; the hiring of outside lawyers to process requests for equitable price adjustments; and giving the Government the right to appeal to the Armed Services Board of Contract Appeals. The provisions were opposed by the shipbuilders.

In the administration's January budget, Secretary Rumsfeld presented $320 million for claims and $1.1 billion for cost growth and escalation. The House disallowed the $320 million of claims on the basis that, as no settlements were expected in the calendar year, the amount was not expendable in fiscal year 1977. The House authorized $217 million in cost growth and $256 million in escalation. The Senate, however, included the full amount and this was sustained in conference and passed by both Houses on June 30 and July 1. It should be noted that although the Senate authorized payment of claims, it sought an important caution:

> None of the funds appropriated in this Act may be used to pay any claim against the United States, unless such claim has been thoroughly examined and evaluated by officials of the Department of Defense responsible for determining such claims and a report is made to the Armed Services Committees and Appropriations Committees as to the validity of those claims.

The practical effect of this language was to enjoin Secretary Clements from precipitous action with the emergency powers he was seeking in order to resolve the claims.

The "Profit '76" study, echoing the concerns of John Diesel of Newport News Shipbuilding, maintains the cost-plus type contract in the research and development phase of system engineering. The General Accounting Office has already found that while cost-plus may be an acceptable way of performing on Naval contracts, "the shipbuilders have taken extraordinary liberties with it." It should also be pointed out that since published financial statements do not disclose the difference between profit on defense business and profit on commercial business, the "Profit '76" researchers had to turn to defense contractors themselves for their data. GAO cautioned against the use of contractor estimates as a reliable base for forecasting program costs; "Profit '76" has no similar reservation against using contractor estimates as a reliable base for establishing profit levels.

What "Profit '76" finds is that missile manufacturers made an average profit on defense contracts between 1970 and 1974—before taxes—of 6.1 percent; shipbuilders made 2.9 percent. While the average profit for the shipbuilders on commercial contracts was 3.5 percent, they are making a 5.8-percent return on their investment in defense contracts as compared with a 4.2-percent return on commercial contracts. "Profit '76" does not explain why a sector of industry would need special financial encouragement to invest in capital for Government contracts when in fact normal business logic would compel increased investment in a sector in which the return on investment is greater, that is, in defense investment.

The objectives of Secretary Clements, as articulated in the claims dispute, compounds the irrationalities of the logic cited above. On its very first page, the "Profit '76" memorandum notes that "the automatic application of a predetermined percentage to the total estimated cost of a product does not provide the motivation to accomplish such performance." In March of this year, however, Clements prodded the Navy to "promise" to create a contracting climate under which the yards could earn real—as distinguished from target—profits as high as 8 percent. In other words, no matter what the guidelines, Clements is going to insure the shipbuilders an 8-percent profit. It is an unprecedented level of profit. Profit rates on completed contracts in fiscal years 1959 to 1969 showed, for example, that for the two types of contracts most likely to be employed in negotiations in the future—cost-plus-fixed-fee and cost-plus-incentive-fee—the profit rates were 7 and 6.2 percent respectively.

In making the cost of capital "allowable" as a cost instead of forcing contractors to compensate for it in their profits, the "Profit '76" group hoped to reduce the portion of contractor's profit which had previously accounted for it. Now, however, Secretary Clements has assured the shipbuilders of an 8-percent profit—a profit which, with the adoption of "Profit '76," need not be reduced by the previously unallowable cost of capital. Consequently, the shipbuilders receive a windfall benefit on both the profit and cost sides of their contracts.

In order to understand Clements behavior in this matter it is necessary to point to his long-held fears of an inadequately funded national defense and to his prior involvement in conflict of interest situations. Also important are the short-term considerations of Republican political expediency and, perhaps, personal considerations of private benefit. As the lodestone of this examination lies in the "Profit '76" study, it is appropriate to begin with the connection between Ford Treasurer Robert Moot and Secretary Clements.

Why appoint Robert Moot?

Mr. Moot, as a former Pentagon Comptroller, had both the familiarity and expertise with the problem of defense profits which a formal review of the "Profit '76" study would have required. Yet given his association with the President Ford Committee, his appointment as chairman of the advisory committee was, on the face of it, wholly improper. When confronted with the impropriety of Moot's appointment, Secretary Clements replied through an aide, "I made a mistake, I blew it." For a man who had himself been the subject of Congressional scrutiny for impropriety, for a man who had cautioned Defense Department officials to avoid "even the appearance of a conflict of interest," the disclaimer is quite lame.

Clements wrote on April 2 to Senator JOHN STENNIS, the chairman of the Senate Armed Services Committee that—

> The cumulative effect of the many problems that have beset the Navy shipbuilding program has had a crippling impact on the Navy's ability to acquire the ships needed for our national defense.

Clements attempted to force both the Navy and the shipbuilders into line, but

as the primary campaign season heated up around the issue of national defense, the shipbuilders found themselves with the strongest hand and continued to balk.

One way or another—Clements declared in June—

> We intend to get those ships built.

The association of President Ford, through Moot, with the "Profit '76" study so favorable to the shipbuilders, may have been one way of publicly proving the administration's good faith in the matter. Given that the Ford campaign was in retreat on defense issues, given that Clements publicly considered the shipbuilding dispute a "national security issue," and given that Clements once avowd that "rules are made to be broken" in the interest of national security, the exploitation of "Profit '76" as both a partisan exercise and a way round a supposedly, untrustworthy Congress is plausible.

Robert Moot saw nothing extraordinary about his appointment to the advisory committee. In a telephone conversation, July 28, he avowed that he did not see any apparent conflict of interest between his role on the "Profit '76" advisory committee and his role on the President Ford committee. He said that the report to be produced by the committee would be impossible to construe as favoring certain political interests. President Ford, he said, was not familiar with the "Profits '76" committee and had had nothing to do with it.

What is at issue, however, is not the political content of the committee's report, but rather the use of that report for political gain. The cast of characters swirling about Clements and the President Ford committee, and the historical circumstances themselves, make it difficult to trust in the Moot-Clements disavowal. Too many men had too much to gain at a very critical time. The sense of unease with their explanations is heightened by an examination of the backgrounds of the individuals and of the particular pressures of the Republican primary campaign.

William P. Clements' career in defense began in October 1969 with his appointment to President Nixon's blue-ribbon defense panel. The panel was directed to study the procurement and management practices of the Pentagon. Immediately, however, the panel was criticized by Senator WILLIAM PROXMIRE for the apparent bias of its appointees. He said:

> These are eight men, who will be asked to view critically possibly their own companies and recommend changes in procurement policies . . . they may be faced with recommending changes which may hurt their own interests.

Of the eight major participants on the panel, each man, through his company associations, had interests on the average of over $100 million in either defense contracts or defense industry business of over $300 million. From the vantage of "Profit '76," it is interesting to note that, with Clements, the panel also included the present Supreme Court Justice, Lewis F. Powell, Jr., who was then a member of the law firm of Williams, Gay, Powell, and Bibson. This law firm represented, and continues to represent, the major participant in the present shipbuilding claims dispute, the Newport News Shipbuilding and Drydock Co. David Packard, then Deputy Secretary of Defense and chairman of the panel, has now returned to his electronics firm, one which stands to gain by the profit recommendations of the present "Profit '76" study. Mr. Packard did not divest himself of his Hewlett-Packard holdings to avoid conflict of interest in 1969, but placed his $300 million block of stock in trust. Tom Wicker commented:

> Since he retained ownership of the stock he retained the conflict.

Further irregularities in Packard's conduct will be taken up below.

The panel's top staff man was J. Fred Buzhardt, at that time Special Assistant to Assistant Secretary of Defense Robert Froehlke, later a participant in the controversial bailout negotiations with the Grumman Aircraft Corp. in 1973, and later Counsel to President Nixon during the Watergate affair.

Since his appointment to the Nixon panel, Mr. Clements has been involved in numerous controversies concerning his oil and defense associations; he has usually landed on his feet. But the number and severity of the controversies may suggest that Mr. Clements may in fact be telling the truth when he remarks that he "blew it" by appointing the Ford treasurer to head the profit advisory committee—falling into conflicts of interest comes naturally.

As a former chairman of SEDCO, an oil drilling company in which he continues to hold over $120 million in stock, Mr. Clements was barred by then-Defense Secretary James Schlesinger from making any decision on oil exploration. SEDCO had partnered with another company in a contract for construction of a part of the controversial trans-Alaska pipeline. The Defense Department's largest untapped petroleum reserve lies in the Arctic, south of Point Barrow, Alaska. A task group appointed by Clements in November 1973 recommended a 10 year, $5 billion program for the field. Later, columnist Jack Anderson printed memos that showed Clements still involved in oil decisions after he supposedly had removed himself, in Schlesinger's words, "to avoid even the appearance of a possible conflict of interest."

In early 1973, Clements was a key figure in the controversial negotiations leading to the restructuring of the Grumman Aircraft Corp.'s F-14 fighter production contract with the Navy; indeed, later that year, Clements played a central role in showing the Grumman plane in the Paris Air Show—an event which probably saved the fighter from extinction. As noted above, J. Fred Buzhardt, the Nixon lawyer, was present in the negotiating meetings. Not present, but very concerned, was the former chairman of the Committee To Reelect the President, Clark MacGregor, who had signed on as the vice president of United Technologies. Its subsidiary, Pratt & Whitney engines, stood to lose $800 million had the F-14 project been discontinued. Clements, as cochairman of Texas CREEP, had had close contact with MacGregor.

In August 1973, Clements' oil company had 11 oil drilling rigs under contract to an oil consortium working the nationalized Iranian oil fields. The firm earned $11 million from that operation alone in 1972. In June of 1973, SEDCO formed a new drilling subsidiary, Sediran, an Iranian company to be owned half by SEDCO and half by an Iranian bank and the Pahlevi foundation, headed by the Shah of Iran, a personal friend of Mr. Clements.

In late 1973, the Shah made an agreement with President Nixon to purchase 80 F-14 fighters.

In December 1974, then-Interior Secretary Rogers Morton warned that President Ford might have to allocate steel and shipyard space to construction of offshore oil-drilling rigs to meet domestic energy needs. SEDCO, whose chief executive officer is William Clements' son, B. G. Clements, still maintains a strong interest in the proposal. As of June 30, 1975, the company and its affiliates operated 16 semisubmersible drilling units—two, 50 percent owned; three, 95 percent owned. Under construction were five semisubmersible drilling units and two drill ships, scheduled for delivery by October 1977, at an estimated total cost of $335,000,000. SEDCO also guarantees the payments on the construction of six ships by its affiliate, SEDCO Maritime. Stockholder Clements would benefit by Government initiatives such as "Profit '76" which increase the amount of cash flowing into shipbuilding. For the record it ought to be noted that SEDCO's long-term debt includes U.S. Government insured merchant marine bonds, to a value of $72 million, and U.S. Government guaranteed ship financing bonds, to a value of $74 million. The trustee and registrar for the bonds is the First National Bank of Dallas, for which Clements is a director and in which he holds stock.

Clements' bank association reveals a most glaring conflict of interest in the context of "Profit '76." First National has long been the financial mainstay of the LTV Corp., LTV Aerospace, an LTV subsidiary, is the prime contractor for the Cruise missile and stands to profit by the "Profit '76" guidelines. In 1973, First National was one of several banks involved in providing a $75 million line of credit and a $25 million loan to LTV. At present, the bank is the trustee for the corporation in its 5-percent subordinate debentures due January 15, 1988. The total outstanding amount at December 31, 1975, was $283,385,000.

Finally, Secretary Clements' national defense concerns in shipbuilding dovetail nicely with his private concerns in SEDCO's Iranian operations. In June 1973, the same month in which SEDCO entered into its Iranian partnership, Clements declared at a news conference that because of a potential future dependence on foreign oil supplies, "particularly from the Persian Gulf area,"

renewed consideration was being given to the construction of nuclear-powered ships for the Navy. Sealanes to the Gulf would also have to be protected.

At the time of Clements' news conference, David Packard, his predecessor, had returned to his chairmanship of the Hewlett-Packard Corp. While Deputy Secretary of Defense, however, he had specialized in the kind of management and procurement problems which "Profit '76" addresses. In fact, Packard chaired the now-defunct Defense Industry Advisory Committee which, with the assistance of corporate heads in the defense sector, authored recommendations virtually indistinguishable from those contained in "Profit '76."

The most notable procurement problem with which Packard had to deal was the Public Law 83-804 "bailout" of Lockheed Aircraft Corp. in 1970. While the bailout involved a number of complex arrangements, Packard showed a particular solicitation for the shipbuilding aspect of Lockheed's difficulties.

Lockheed made its original claim in 1969, the beginning of Packard's term, for $160 million on its shipbuilding projects. The Board of Contract Appeals looked over the work and made an offer, through the Bureau of Ships, for a $62 million settlement. Lockheed agreed to the terms. However, the process required that such agreements be approved by the Chief of Naval Materiel and the Assistant Secretary of the Navy for Installations and Logistics. Both refused to initial off on the deal because a higher review panel, the Navy Claims Review Board, had indicated to them that Lockheed had not supplied sufficient justification for the $62 million, much less the $160 million. When the Claims Review Board requested that Lockheed supply additional documentation on the work performed, they, like the shipbuilders in the 1976 dispute, refused. The matter went into litigation.

In November of 1974, Packard surfaced as a lobbyist for Lockheed. Senator PROXMIRE roundly scored him for "actively lobbying" in the Pentagon and Congress in an effort to force the Navy to pay the Lockheed Aircraft Corp. what the Wisconsin Democrat described as an "inflated" $62 million shipbuilding claim. PROXMIRE noted that Packard had sent his successor at the Pentagon, William P. Clements, a memorandum in which Packard said that the Navy had a "legal and moral obligation" to make a settlement, and he urged Clements to urge the Navy to pay and, if necessary, to order the Navy to pay. Packard also wrote to the Armed Services Committee chairman. Senator PROXMIRE said:

> Mr. Packard's contacts with the powerful committee chairmen could be interpreted as an effort to use political influence to alter the outcome of administrative proceedings. The mere fact that the letters were sent, and distributed within the Pentagon could be enough to create pressure to settle the claim for an amount that could not be justified on the fact.

Packard's active interest in the claim may have represented Hewlett-Packard's concerns. Lockheed is one of Hewlett-Packard's best customers.

In 1975, the Criminal Division of the Department of Justice began investigating Lockheed for fraud on the $62 million claim which Packard was promoting.

Packard now holds a position on the President Ford Committees' Executive Committee after resigning as finance chairman of the campaign on October 31, 1975. Prior to his resignation, however, he had split the duties of finance chairman and treasurer with Robert Moot. The recommendations of the "Profit '76" advisory committee which Moot chairs are most welcome to interests such as those of Lockheed's hard-pressed shipbuilding subsidiary—the interests, indeed, which Packard sought to promote in 1974. Also of interest is the fact that when Packard came to the Ford campaign in May of 1975, he was recommended to President Ford by Clark MacGregor, William Clements' Nixon campaign contact.

In addition to their historical plausibility, the confluence of private interests in the recommendations of "Profit '76" become explicit in the political relationships between Clements and the Ford campaign managers, James A. Baker and Robert Mosbacher.

Clements, Baker, and Mosbacher were together in Texas in the heyday of the 1972 Nixon campaign. Baker, now Chairman of the President Ford Committee, is a former Texas oilman and member of the board of Welltech, Inc. A former 1972 finance chairman of the Texas State GOP, he resigned as Under Secretary of Commerce to follow Rogers Morton on May 8, 1976 to the Ford campaign. Robert Mosbacher became Ford's new fundraiser in early December 1975 after the departure of Packard. A Houston oil and gas "wildcatter," Mr. Mosbacher was the Republican National Finance Chairman for Texas in 1971 and early 1972. He later worked, he said in an interview, on "business and industry for the Nixon reelection."

The question raised by "Profit '76" is just how closely the Republicans are working with business and industry for Ford's election. While the answer to this question may be buried in finance reports or in invisible transactions, the importance of "Profit '76" as a means, perhaps, of bringing the vocal shipbuilders to terms while the Ford campaign was under the Reagan cannonade on defense would have had a political import not lost on Packard, Moot, Baker, or Mosbacher.

In the primary season, the delay resulting from the shipbuilding claims dispute was seen to jeopardize the realization of the Navy's modernization program. It was a threat that played right into the hands of administration opponents. Wrote Joseph Harsch:

> Governor Ronald Reagan, has won solidly over President Ford in Texas, Indiana, Alabama, and Georgia and has used as the main instrument of his success a demand for more seapower.

Thus, while in December 1975 Ford agreed with recommendations that the Navy defer plans to start work in 1976 on a new class of smaller nuclear-powered aircraft carriers and that production be ended of the Boeing Minuteman III intercontinental nuclear missile, after an upset defeat in North Carolina and in anticipation of a close campaign in Texas, he reversed his decision on April 26 and asked Congress for $322.4 million to continue production of the Minuteman missile. The suspicion of political expediency surrounding this decision is increased by reference to the explanation given by then-Pentagon spokesman William I. Greener, now director of communications for the President Ford Committee. While no decision had yet been made to produce the extra missile, Greener noted that the money request was submitted to Congress "so we could review the situation in late summer and retain the option to build the missile at that time."

Greener may have inadvertently let slip a future Ford campaign salvo. After using the Minuteman announcement for what it was worth in the immediate battle with Reagan, the Ford camp may also have been looking toward "late summer" and their campaign against Carter on similar issues. Should it find itself in trouble, the Ford campaign could announce the administration's intention to stand strong on defense and "build the missiles." Ford could milk the Minuteman for two campaigns.

Reagan certainly was not oblivious to the shift. On April 29, he said in Atlanta that his warning about America's defense position had led President Ford to request funds for strengthening the Minuteman missile system.

Actually—

Said Reagan:

> I think he would have the defense budget that he requested reduced by billions of dollars if I had not made this position in this campaign.

Earlier, in January, Ford had attempted to take the initiative on the touchstone of defense issues embraced by "Profit '76"—shipbuilding and missile-making. In an interview with New Hampshire journalists, Ford stated his commitment to continued operation of the Portsmouth Naval Shipyard in southeastern New Hampshire. Asked about his plan to create efficiencies in the Defense Department, Mr. Ford said that there was "no plan whatsoever to close Portsmouth Naval Yard." The Wall Street Journal editorialized:

> After his pro-Navy speech, Mr. Ford swept the wards near the Portsmouth navy yards, a significant contribution to his razor-thin New Hampshire victory over Ronald Reagan.

In this context, it is not difficult to imagine "Profit '76" being employed for similar ends. In fact, an examination of the momentum of the primary campaign invites this interpretation.

After close calls in New Hampshire and Florida, and on the heels of a campaign-sapping loss in North Carolina, Ford strategist Stuart Spencer declared:

> I've been yelling for 90 days that Reagan was going to use national defense to try to kill us. We've got to go on the defensive.

No one doubted that Spencer had the wherewithal to expand the ploy of the Portsmouth Naval Yard announcement into an enlarged campaign gambit.

The Washington Post took note of Spencer's tactics. During the Florida campaign there had been artful timing of official announcements—mass transit funds for Miami, an international convention in Orlando, a possible new veterans hospital in St. Petersburg. Again, with reference to "Profit '76," Spencer may have leaned on William Clements, through his Nixon-Ford acquaintances, for "artful" exploitation of an official report. The Post wrote:

On the surface at least, the reason for Mr. Ford's dramatic gains appear to be a campaign organization that began to mesh smoothly after Ford campaign director Stuart Spencer imported his old partner Bill Roberts from California plus Mr. Ford's effective and unsubtle political use of his office.

Appointing the treasurer of the President Ford Committee to chair a panel on restructuring millions in defense profits was, if anything, certainly "unsubtle."

In addition to his difficulties on the campaign trail, President Ford anticipated setbacks in Washington. Although the House approved a $33.4 billion authorization bill on April 9, it was understood that the bill's shipbuilding provisions stood to lose in the Senate.

On April 11, the headline in the New York Times read "Reagan's Issues Pursue Ford in Texas." The article found that everywhere the President went as he campaigned for the State's May 1 primary, he was greeted by questions his Republican rival had raised about national defense, the Panama Canal, and détente. Four days later, the officers of the Strategic Air Command in the critical primary State of Nebraska contended that, on the basis of intelligence reports, American improvements were well behind those made by the Soviet Union since the conclusion of the first strategic arms limitation talks.

On May 1, Reagan demolished Ford in the Texas primary.

The same day, President Ford and the National Security Council were weighing a multibillion dollar decision on whether to embark upon an expanded Navy shipbuilding program. Key to the success of the program would be the cooperation of the shipbuilders, whose dissatisfaction with the administration's handling of their claims had become more vocal. Notably, of the $894 million increase in ceiling prices requested in the claims submitted, $665 million was submitted betweed the New Hampshire and Texas primaries.

The New York Times commented:

The future size of the Navy, which at 480 ships is now at the lowest level since 1939, is regarded within the Pentagon as the most important military issue confronting the Administration. The issue has also become involved in domestic politics as Ronald Reagan has pressed his charge, in the contest for the Republican Presidential Nomination, that the Administration has allowed the Nation to slip into a position of military inferiority, including naval power.

White House officials have insisted that the timing of the decision was in no way related to or dependent on the outcome of the critical primary in Texas today. But Pentagon officials reported that the decision-making process had taken on an evident urgency as the Administration becomes more concerned about the Reagan challenge.

On May 4, the administration asked Congress to increase the Navy's shipbuilding funds $974 million to $7.3 billion to include a fourth *Nimitz*-class carrier.

The Washington Post editorialized:

Reagan is also in effect supplying ammunition to the Navy, whose judgment of American naval requirements reflects an alarm not entirely untinged by service self-interest. One result is that the other day the administration, which in January had asked for $6.3 billion to build 16 more ships, asked for an extra $1.2 billion to build five extra ships and to start on a new multi-billion aircraft carrier. The only new development of note since January is, of course, the Reagan campaign.

If the administration request was part of its campaign strategy, resistance by the shipbuilders could undermine it from the start.

On May 4, Ford lost in Alabama, Georgia, and Indiana. On May 7, he began going at Reagan point-for-point on the defense issue. On May 11, he lost the Nebraska primary.

On May 12, William Clements appointed Robert Moot to head the "Profit '76" advisory committee. That same day, the Senate Armed Services Committee rejected the expanded Naval shipbuilding plan proposed by Ford. The Senate felt that the House program did not provide the proper mix of nuclear and conventionally powered warships. The committee decided that the expanded shipbuilding program could not be accommodated within the limits adopted by Congress for the military budget in the coming fiscal year.

It will be remembered that Secretary Clements had expressed his preference for nuclear-powered ships. It should be noted that the "Profit '76" study which he engineered increases the costs of shipbuilding so that, irrespective of Congress appropriation limits, if Congress wants the ships, it is compelled to pay the inflated prices. Thus, "Profit '76" incorporates an expanded shipbuilding program into national defense posture while eluding strict congressional accounting. In the end, minimal damage is experienced to the expansion-oriented themes of the Ford campaign.

While "Profit '76" seemed to meet the political requirement of defusing the shipbuilding-defense issue in the critical primary month of May, it obviously meets the profit needs of the shipbuilders themselves. But how justified are those needs?

An examination of shipbuilding claims history reveals a concatenation of fraud and mistrust.

The 1971 bailout of the Lockheed Aircraft Corp. sets the context for the present claims. The affected businesses are in some kind of trouble, the banks who finance them are anxious, the services who have contracted with them are fearful that the hardware will never be delivered, and Congress is driven to the wall by byzantine "emergency" appropriation requests.

In 1972, the Comptroller General accused then-Treasury Secretary John Connally of a "clear violation of the law" in refusing to let the investigating arm of Congress audit records of the Government's guarantee of a $250 million loan. In 1975, Connally surfaced as a representative of the First Arabian Corp., an Arab-owned private investment banking concern in Beirut, Lebanon, that tried to buy the Lockheed Aircraft Corp. and which was then negotiating for an unidentified American bank. That same year, the General Accounting Office questioned Lockheed's accounting methods and criticized it for omitting from its original defense bids several employee pay increases it knew were imminent. Grumman Aircraft, earlier in trouble on its F–14 contract, had pulled a similar stunt by not including employee bonuses in its bid.

David Packard's involvement with the Lockheed affair in 1971 has been described earlier. That he returned later as a lobbyist on behalf of the deal he had arranged for Lockheed has also been noted. Interestingly, of the $62 million offered as a tentative settlement—an amount under Justice Department investigation—the Navy had already given Lockheed a provisional payment of $49 million. If the FBI and the Justice Department ever prove fraud on the $62 million, Lockheed will owe $49 million plus interest plus all the money it was not entitled to on the original contract. It will also go bankrupt.

It was Ford treasurer Robert Moot who, as Pentagon Comptroller, attempted in 1968 to prevent A. Ernest Fitzgerald, an Air Force efficiency expert, from testifying before the Joint Economic Committee and blowing the whistle on Lockheed's enormous cost overruns on the C–5A transport plane.

In February 1976, the GAO disclosed that Lockheed may not be able to repay its federally guaranteed loans on time because of the financial difficulties attendant to the revelation of its bribes to Japanese and Netherlands officials; $195 million in loans is still outstanding. The company paid $24.4 million in kickbacks in order to grease the way for its contracts. Any policy designed to increase the profits of Lockheed's shipbuilding and missilemaking subsidiaries would, naturally, be welcome. That Moot and Packard have a history of concern for Lockheed profits and that they have chosen to associate the President Ford Committee with machinery to increase those profits is, by any account, a clear conflict of interest.

The claims submitted by the Ingalls Shipbuilding Division of Litton Industries have had a long and equally controversial history. In 1972, Nixon appointed the chief executive of Litton, Roy L. Ash, head of the Office of Management and Budget. At that time, Litton had $500 million in disputed contract claims against the Navy. Congress was warned, prophetically it seems, that it might be expected to bail out the shipbuilding enterprises.

Senator PROXMIRE learned that Litton had been overpaid for completed work on submarines by "as much as $30 million," and advised that a team of investigators from the Navy Ship Systems Command was looking into "a serious possibility of fraudulent misrepresentation" in the pending claims as well as in the overpay-

ments. The Navy signed a contract with Litton to build nine landing helicopter assault ships in Pascagoula, Miss., for $133 million each. As things stood in 1972, each of the five ships will cost $237 million; even then, Litton had filed claims to increase the price to $294 million. The whole situation is now under investigation by a Federal grand jury in Alexandria for possible fraud. Adm. Hyman Rickover, in a letter to Congressman LES ASPIN in May of this year wrote that—

> It has become increasingly common for some shipbuilders who overrun their contracts to submit large, after-the-fact claims in an effort to get the government to pay for the overrun plus a desired profit . . . The amount claimed is often inflated sufficiently to produce the profit desired.

The admiral estimated that at least 30 percent of the claims were excessive.

Responding to criticism that profits are often kept up by keeping costs up, Gen. James Stansberry, the director of "Profit '76" remarked in July that—

> Over the past year, I have found this to be a valid criticism.

He continued:

> Profit is often bilateral. [The Defense contractors and their auditors] use the Armed Services Procurement Regulations to back into the numbers they select between themselves.

He also made an important observation in defense contractor performance, an issue at the heart of the shipbuilding claims dispute.

> We don't know how to measure performance—

Stansberry said—

> It is used as a factor to back into agreed-upon profit.

The taxpayer has a precedent to set against the present profits and claims disputes and it is not an encouraging one.

The present dispute has seen threats of closedowns by the shipbuilders unless they receive satisfaction; the dispute has felt the impact of the attempt to use the "emergency law," Public Law 85–804, to meet those threats; it has involved questionable and perhaps fraudulent claims on behalf of the manufacturers in order to increase profits on a shrinking business base. These same matters were rehearsed in the Grumman Aircraft Corp. contract dispute in 1972 and 1973.

Grumman informed the Navy that its performance of lots IV through VIII of the Navy's F–14 fighter was commercially impracticable under existing contractual terms. The corporation sought to break its fixed-price contract and restructure it. The shipbuilding companies want to restructure their own contracts—"Profit '76" will do the job. Should the restructuring be unsatisfactory, the shipbuilders threaten to close down all production lines. In the case of one shipbuilder with pending claims, Ingalls of Litton Industries, the Navy was forced to go to court and acquire an injunction against stoppage.

At one point in the spring, Secretary Clements announced his intention to use Public Law 85–804 in order to clear up the claims. He hoped to settle at about 50 percent of the $1.4 billion total, a move which would, however, have effectively prevented a Government audit of the claims. Public Law 85–804 settlements have been particularly generous. Total program costs of Grumman's F–14 have increased $2,347 million or 38 percent from the development estimate of 1969, while the quantity has decreased by 66 percent. The greatest part, $2,035 million, or 86 percent, has been experienced since the contract was renegotiated in fiscal year 1974 under Public Law 85–804 provisions. The new contracts have no penalty clause for late delivery. Under existing contracts, the shipbuilders have a clause designed to cover the increasing costs of labor and materials during economic inflation, but the escalator clause expires the date the ship is to be delivered. Clements proposed in May to rewrite the contracts to extend the escalator clause until the date the ship has actually been delivered—in effect, no penalty for late delivery.

Grumman also embraced a number of questionable financial dealings. It included $140 million in profits in its projected losses—losses which themselves included the restructuring of certain subcontracts when these subcontractors had testified that the contracts would hold. William Cardwell, a former auditor at one of the shipbuilders involved in the dispute, the Newport News Shipbuilding and Drydock Co., testified before the Joint Economic Committee this year that his sole job was to create a basis for supporting shaky claims. One of the arguments he said he created was that Newport News had been the victim of subcontractor delay and materials inflation when, in fact, subcontractors had met their obligations.

In explaining the rationale behind Grumman's poor cost estimating, the Congressional Research Service observed that the corporation's pricing was based on unrealistic inflation expectations and an overly optimistic estimate of the company's future business base. The base eroded by 20 percent while the contract was in progress. The shipbuilders, as Clements' spring proposal made clear, have made questionable assumptions on the rate of inflation; and like Grumman, their business base has been eroding. Demand for their major construction item, tankers, is off. Newport News Shipbuilding has commercial contracts for three liquefied natural gas—LNG—carriers and three 390,000-ton tankers. The facility is also constructing a new 157-acre yard for the construction of very large ships, such as the 390,000-tonners, to be built for the Shell Oil Co. operation. A 900-ton crane that will straddle a new graying dock is already in place. Plans for these major new additions were made when the outlook for tanker orders was much brighter than it is now. At midyear, Newport News had planned to idle 2,000 men. Todd Shipyards, which may see its orders for eight tankers cancelled, recently received a $295.6 million contract to build six guided missile frigates. Seatrain Lines, among the top 100 defense contractors in 1974, had in March 1975 two 225,000 deadweight ton tankers lying partially completed but without buyers or charterers. Only a Federal loan guarantee of $40 million prevented widescale layoffs.

While the Government may be setting itself up on the Grumman precedent for compensating the shipbuilders for a reduction in their business base, the shipbuilders themselves would prefer that the Government not examine that base at all, and a David Packard policy serves as their rationale.

The shipbuilders are plumping for the implementation of Packard's July 13, 1971 DOD Directive 5000.1. That Directive states that—

> Contractor management informational program control systems, and reports emanating therefrom, shall be utilized to the maximum extent possible.

Some recognition is accorded his directive in "Profit '76" in the case of fixed-price contracts. Some recognition ought also to be accorded to the fact that Mr. Packard was, at that time, a former director of one of the shipbuilders whose claims are now in dispute, General Dynamics.

If the question of precedent is unsettled as far as the contractor business base is concerned, the shipbuilders are not oblivious to the advantages that can be taken with the idea of a precedent itself. The door opened with Lockheed and Grumman; it will be kicked wide with the present claims.

In March of this year, Bath Iron Works won a Navy contract to build five guided missile frigates. John F. Sullivan, president of Bath, admitted, "We lowered our price some," but he declared that he was happy with the $238.8 million to build five of the ships. Three months later John Finney of the New York Times reported that Bath had asked the Defense Department that it be granted the same contractual relief being offered the three other shipbuilders on their contracts with the Navy. In a May 4th letter to William Clements, Sullivan said his company should be "accorded the same treatment" as the others. Sullivan believed that his company was entitled to the same special treatment because it had gone through the same inflationary problems as the other shipbuilders in their contracts with the Navy. Mr. Sullivan said he had no idea why Mr. Clements had not included Bath Iron Works on his original list of shipbuilders deserving emergency relief except that "maybe we did not bring our case to his attention forcefully enough." Or, perhaps, it was difficult to make a case for emergency inflation relief after only 3 months operation on a contract.

Congressman THOMAS DOWNEY took a look in June at the emergency contractual relief being contemplated by Clements for the shipbuilders and asked the GAO to study whether the Grumman Corp. might be entitled to the same relief on its F–14 contract. A bandwagon effect is shaping up among the contractors.

Work on the "Profit '76" objective of determining prenegotiation profit objectives was begun formally by the Logistics Management Institute—LMI—in 1962. President of LMI at that time was

Barry Shillito, who later, as an Assistant Secretary of Defense, paired with Robert Moot on the Lockheed bailout. Today Shillito heads a subsidiary of Teledyne, Inc., makers of the engines for the Navy's Harpoon missile system. Teledyne will benefit substantially by the "Profit '76" recommendations endorsed by Shillito's old Pentagon friend, Robert Moot.

The product of the LMI study formed the basis of the current "weighted guideline" policy for determining prenegotiation profit objectives, and was implemented DOD-wide in 1966. In 1971, a Subcommittee chaired by Dr. Ronald Fox of the defunct Industry Advisory Council, now of the "Profit '76" committee, formally announced the basis for the modifications of the Armed Services Procurement Regulations which, after further review, analysis, and internal staff work, led to the recommendations of the "Profit '76" study. Dr. Fox's subcommittee made the following recommendations:

1. Provide a mechanism to adjust profits to reflect changes in contract financing without distinguishing between sources of capital.
2. Correct weaknesses in current cost-based profit policy to the extent practicable.
3. Reduce inequities in contractor profit on capital.
4. Provide incentives for cost reducing investments.
5. Reduce earnings volatility.

The subcommittee also recommended that ASPR section 15–205.17 be amended to allow interest on claims against delayed payments resulting from amounts in dispute. "Profit '76's" most significant addition to the foregoing is that it places a weight on contractor "risk."

In private conversations, with OMB concurring, the GAO has indicated that DOD has demonstrated no clear mathematical path by which the profit objectives can be achieved. Ineffective or inefficient results seem likely in light of the fact that DOD objectives are neither linked together nor are consolidated into a corporate plan. Little emphasis seems placed on the critical factors of quantification, measurement, and control. There is, GAO noted, a significant confusion over the term "capital," the very basis for the new profit guidelines. The suggestion was that the policy is simply not sufficient to initiate a $200 million change.

There are already DOD regulations that address many of the concerns of "Profit '76". Should the new profit policy come into force in addition to these regulations—and no assurance has yet been given that they will not—the defense industries will experience what Senator PROXMIRE called double dipping.

For example, a procedure is currently available which recognizes and provides an adequate return on company capital employed. This procedure develops a ratio of capital per dollar of annual depreciation in a profit center performing defense work. It is used throughout the ensuing year to allocate the net book value of facilities located in that profit center to that portion of the profit center's total work which pertains to defense. Likewise, the operating capital ratio—which relates an approximation of net working capital used per dollar of annual cost—is developed once annually and applied over the forthcoming year.

Unless the DOD revises its profit guidelines to omit the above considerations given contractor capital, the contractors would realize windfall profits. When Senator PROXMIRE brought this situation to the attention of DOD officials, Frank Shrontz, the Assistant Secretary for Installations and Logistics, replied, "We understand your concern," without addressing the concern at all.

Also not addressed in the profit policy and conducive to windfall profits in the event of a policy change were such factors as: First, the risk-free return—circa 8 percent—at Treasury Department-established rates which will be provided as a cost; second, the incentive for economic expansion and recovery being provided by another arm of the Federal Government which permits companies to recover 10 percent of the cost of any needed cost-reducing facility as an investment credit in the year of acquisition; and third, the accelerated depreciation methods followed by most DOD contractors resulting in substantial recovery of the facilities costs in the early years, thus reducing the risk of nonrecovery of the facilities costs because of cancellations or reductions in defense programs.

Although one of the major reasons behind the adoption of the new profit policy is, in the opinion of its makers, to increase competition, the Navy had already consciously chosen a policy of limiting the number of yards participating in ship construction. Indeed, the Navy may be faced with the fact that it is too late to bring economics to the shipyards.

Already, for example, to realize the savings of multiyear procurement, acquisition must be applied to a single souce. The Navy finds itself locked into the paradox of attempting to secure the economics of sole source procurement in an environment where sole source procurement is itself uneconomical by virtue of the liberties the sources take with their privileged position. The hope was that cost advantages would accrue to the taxpayer from the "learning curve" or, more accurately, the "progress curve" effect. Furthermore, with a stable future workload, the shipbuilding contractor is encouraged to make improvements to his production facilities and methods in order to improve the efficiency of production. What has in fact happened is that the sole sources have found little incentive to make the efficiencies commensurate with the concept that justified them. The Government is simply held to ransom. And as long as the Government artificially sustains their profit rate, there is little real need for the shipbuilders to sustain it themselves. Indeed, analysis has determined that investment by many defense contractors has failed to achieve any significant reduction in costs. The contractors are not compelled to show any cost reduction as a result of those investments for which they receive Government bonuses. Many simply retain a vestigial and surplus work force over and above labor-saving investment in order to maintain their leverage in Congress. Senator LEE METCALF, the deciding vote in the Senate on the Lockheed bailout, voted in its favor because he "could not put 20,000 people out of work."

It has been shown above that the Navy has been disappointed in its belief that the "progress curve" on multiship contracts would, after the first buy, decrease total ship costs to the taxpayer: The more ships that are purchased, the less each will cost. The adoption of "Profit '76" will eliminate forever the opportunity for cost-savings once held out by this logic.

"Profit '76" proposes to change ASPR section 3–808.1 on productivity by creating a "productivity award" for contractors. The change is introduced, "reliable cost data is available to establish a fair and reasonable cost baseline." From this baseline, future costs will be estimated and, should a contractor beat the estimate, he will receive a "productivity" bonus. Here lies the real giveaway; here is the heart of the "windfall profits" which have appalled the Department of Health, Education, and Welfare. Simply stated, the "actual cost data" which DOD proposes to use is itself the historical result of overruns, and would encourage future overruns. The cost of ships built, for example, with monumental mismangement and cost blunders would serve as the "actual cost data" for estimating future costs of those ships. In order to win his productivity bonus, a contractor would have to come in under the inflated "actual cost" of his first ship. In effect, the taxpayer would find himself paying the contractor bonuses for merely doing the job expected of him. Under "Profit '76" the taxpayer is compelled to bribe contractors not to foul up.

The implications are severe. In order to acquire the benefits of the bonus policy, contractors are almost encouraged to go over ceiling on their first contract in order to establish the "actual cost data" which they will be rewarded for beating in future contracts. Whatever was spent on the first ship will become the baseline for future ships and for future "rewards." Thus, if the first ship on a multiship contract costs the contractor $100 million, he may be tempted to claim an overrun to $200 million in order to receive rewards, in the future, for actually producing the ship at $100 million.

On August 26, William P. Clements was designated the Defense Department's principal acquisition executive. He and Robert Moot, alined with the continued political interests of James Baker and Robert Mosbacker, have identified themselves with policies that can only mean trouble for the taxpayer. It is a combination that bears watching.

I include the following articles:

[From the Christian Science Monitor, May 7, 1976]

PRIMARIES HONE EDGE OF U.S. FOREIGN POLICY

(By Joseph C. Harsch)

The American political campaign will raise the level of American seapower and may also give American foreign policy a more assertive edge but this is not yet certain.

These two propositions emerge from the

latest rounds of voting in the American primary elections.

On the Republican side former California Gov. Ronald Regan has won solidly over President Ford in Texas, Indiana, Alabama, and Georgia, and has used as the main instrument of his success a demand for more seapower and for a more assertive posture toward Panama and the Soviet Union (This twinning of tiny Panama with mighty Moscow must seem flattering in Panama.)

The Reagan success with seapower and the * * * Panama and anti-Soviet issue has tilted the balance in the Congress decisively toward more appropriations for naval shipbuilding. The administration denies as "false" and "plain outrageous any suggestion that it has raised its naval budget proposals because of Mr. Reagan's charges of U.S. naval inferiority. The fact is that Mr. Reagan has ridden those charges to a substantial victory in a series of primary campaigns. And it is a twin fact that the Ford administration has raised its recommendations for the naval shipbuilding budget by $22 billion. This would raise the building program for the next fiscal year from 16 ships to 21 ships. It probably means a decision to raise the target size of the U.S. fleet from the present level of 480 ships to a future level of 600 ships.

The U.S. Navy Department has been seeking a 600-ship fleet for a long time. It contends that anything less would mean the loss of capacity to keep open the sea-lanes from the United States to its allies in Western Europe and in Asia. The administration has until now been holding out on the proposition that a 480-ship fleet would be adequate. Until recently the pressures from the political left for cuts in military spending have seemed to outweigh the pressures for more such spending.

The emergence of the Reagan factor on the American political scene has obviously changed the balance of forces bearing both on the White House and on the Congress. There is no longer the slightest serious likelihood of any military spending cuts. The candidates who have carried the torch for cutting down military spending have disappeared. Fred Harris of Oklahoma was the last of those who shouted from the buslines the old religion of welfare over defense. Fred Harris has been sunk without trace by the new Reagan chauvinism.

THE U.S. NAVY IS THE BENEFICIARY

American seapower will certainly begin soon to rise above the 480-ship level. Perhaps more importantly, the emphasis in the changed naval plans will be on more of the smaller ships designed for control of the sea-lanes. The change should be welcome to allies who have wondered about the security of those sea-lanes. The new administration plan adds four patrol frigates to previous intentions.

The current round of Reagan election successes can also give a more assertive edge to American foreign policy in general. However, this is less than certain. On the seapower issue there was already a "big Navy" inclination in the Congress. It is a popular cause in many parts of the country. The recent Reagan election scored added weight where little more was needed. Policy toward Panama and the Soviet Union is a different matter.

The most respected voice in the Republican Party today is that of Sen. Barry Goldwater of Arizona. It has been raised loud and clear against the Reagan position on Panama. He accuses the new leader of the Republican right wing of "gross factual errors" which could needlessly lead this country into open military conflict.

On the subject of policy toward the Soviet Union the essential fact is that majority sentiment in the United States as tested in recent public opinion polls still supports the foreign policies of Secretary of State Henry A. Kissinger. Mr. Reagan can make some votes from an anti-Soviet posture, but his ability to destroy "detente" is far less than his ability to raise the naval estimates.

Persons outside the United States who are trying to appraise the future foreign policy results of the voting should note the factor of numbers of votes involved. For example, in Texas Mr. Reagan won over President Ford by 2 to 1 in the Republican primaries. But the total Republican vote was only about 400,000. In the Texas Democratic primaries, which Jimmy Carter won handily, the total vote was over 1½ million. Mr. Carter got more votes than Mr. Reagan and President Ford.

However, there is an edge of chauvinism in the American mood today. It seems to be a belated reaction to American humiliation in Vietnam and the failure of Kissinger policy in Angola. Mr. Reagan is the cutting edge of that feeling.

WASHINGTON, D.C.,
May 3, 1976.

Hon. HUGH E. WITT,
Administrator for Federal Procurement Policy, Office of Management and Budget, Washington, D.C.

DEAR MR. WITT: I want to thank you and your staff for arranging for the DOD presentation on the proposed CASB Standard on Cost of Money. We have had reservations about the Standard particularly if it were made to apply to HEW and other civilian agency contractors and grantees. Having known of the Department of Defense's official support for the Standard, which we had asumed was based on factors either not in evidence in the non-defense agencies or which we may have otherwise overlooked, we were reluctant to take a stand against the Standard on the basis of its being poor public policy.

However, after having been exposed to the Department of Defense's rationale for supporting the policy, we share what I understand is the generally held opinion of the other civilian agencies that the issuance of this Standard is not good public policy and we would hope that the Department of Defense could be dissuaded from its current position.

I offer the following observations as a means of focusing the issues and to assist you in formulating an Executive Branch position on the Standard.

It is our view that in this Standard the Board has exceeded the authority vested in it by the Congress. Public Law 91-379, Section 719(g) states that "the Board shall from time to time promulgate cost accounting standards designed to achieve uniformity and consistency in the cost accounting principles followed by Defense contractors and subcontractors under Federal contracts." The term 'cost' is used elsewhere in that law, for example paragraph h (1) in which reference is made to direct cost and indirect cost. It is abundantly clear from the published legislative history of the bill, specifically Senate Report #91890 that the term 'cost' is used, and is meant to be used, in its traditional accounting sense, that is as a proxy for the term 'expenses' or 'expenditures.' For example, page 3530 of the history states "—cost accounting is concerned with allocating a part of a company's total expenses to a specific product or service" and "The essential problem in cost accounting is to develop methods for allocating expenses to a particular contract." Nowhere in the law itself, or the history leading up to the passage of the law, is there any indication of the Board's authority to, or the intent of the Congress that the Board deal with, "cost" in any terms other than that envisioned under what was conceived of as generally accepted accounting principles, i.e., expenditures and accrued liabilities. Indeed, the Board's own definition of cost falls outside the scope of the current Standard. Part 401(a) Definitions, states "actual costs—an amount determined on the basis of the cost incurred as distinguished from forecasted cost includes standard cost properly adjusted for applicable variance." The word incurred is significant and properly reflects the jurisdiction of the Board's authority.

Finally, Public Law 91-379 and the history before it make it abundantly clear that the purpose of the Board is to bring about consistency and uniformity in accounting practices by Defense contractors. There is no inference that the Board's authority extends to breaking new ground in accounting theory on what does or does not constitute 'cost'.

Aside from this issue, the seven reasons offered by General Stansbury as DOD's rationale for endorsement of the Standard and the discussions of that rationale, limited as it was at Wednesday's meeting, was so superficial and so open to dispute as to make their use as a basis for justifying the Standard highly questionable. Those reasons and our reactions to them are as follows:

1. Reason—It will directly motivate contractor capital investment.

Response—To accept this rationale, one has to accept as fact that all contractors are undercapitalized and that they will remain so indefinitely. Both of these conditions are implausible. Furthermore, the conclusion (for different reasons) reached by General Stansbury and Mr. Schoenhaut was that the relative budgetary impact of the Standard would not be material. Indeed the General's reference to the total DOD level of procurement led him to observe that the impact was insignificant. One then must ask how this contractor motivation will come about or what controls will be established by DOD to assure and determine that contractors, in fact, increase their capital investment. Not only do we not believe that the Standard is likely to motivate contractor investment, but we believe that where such stimulation is desired there are better, more direct and controllable ways to do it; for example, through modifications to current DOD profit policy, cost sharing in new facility investments, or tax incentives, etc.

2. Reason—It will enhance contractor confidence that its cost of capital will be recovered during performance of contracts.

Response—This assumes that all costs of Federal contracts will be reimbursed to a contractor without regard to overrun conditions and without regard to the risks inherent in fixed price contracts. It also assumes recoveries of additional monies by a contractor, a condition which both General Stansbury and Mr. Schoenhaut contend will not occur because of off-setting adjustments made to the profit factor. Again, there are more direct and better ways to accomplish this objective.

3. Reason—It will avoid the erosion of profit to contractors.

Response—We frankly don't understand how erosion occurs except perhaps through the incurrance of overruns, or a change in the scope of work during contract performance, or a change in the mix of factors on which the fee or profit is based. Again, the remedy to this phenomenon, if indeed a remedy is necessary, lies in a revision to the current profit or fee setting policies rather than the hybridization of Federal cost policies.

4. Reason—It will improve contractor cash flow.

Response—To the extent that it provides contractors with more money than they were entitled to in the past, the Standard would obviously improve their cash flow. However, if cash flow is an important consideration,

the remedy would seem to lie in the payment procedures of the Department of Defense. It is inconceivable to us that cash flow could be cited as a justification for the fundamental change in Federal accounting concept evidenced in the proposed Standard.

5. Reason—It adds balance to other CASB promulgations.

Response—This, from what we have been able to glean from various conversations, is the real reason for DOD's endorsement of the Standard. We fully appreciate the need for compromise at various points in issuing cost standards, or any other policies affecting the contractor community which reflect judgments as opposed to hard facts. We would normally support such compromise where it did not constitute a violation of principle. But this Standard does compromise principle. We believe balance can be achieved by the Executive Branch reassessing its current prohibition against the reimbursement of contractor interest expense and recognizing it as a legitimate cost of doing business. Such a position could be taken within the conceptual framework of generally accepted accounting principles and current Federal costing concepts and would have wide and strong support from both the contractors and the Federal agencies. The proposed Standard goes too far.

6. Reason—It would correct an inequity of the past by making interest expense allowable.

Response—As noted in No. 5 we would support making interest expense an allowable cost. But going beyond that the "cost of money", overcorrects what may have been a prior inequity against the contractor (an inequity which was at least partially alleviated through the fee mechanism).

7. Reason—Past efforts by DOD to provide use of capital payments to contractors via the profit factor were unsuccessful.

Response—It was unfortunate that General Stansbury could provide no insight as to why past efforts of DOD were unsuccessful. That lack of success however, would argue not in favor of the proposed standard but rather for a more concerned effort by DOD in "reforming" its profit policies.

The Standard as proposed in the Federal Register exempts organizations which are reimbursed for the use of their facilities via a use charge as opposed to depreciation, i.e., colleges and universities, State and local units of government and non-profit organizations. Additionally, it applies only to contracts and not to grants. However, these exemptions are illusory. The Standard will entice those organizations into a depreciation mode resulting in a higher claim for the use of facilities (use charges invariably result in less costs to the government than depreciation) without any commensurable benefit to the Government. Additionally, since few of these organizations receive a profit or fee under Federal awards the Standard will have further major budgetary impact upon Federal contracts performed by them, unlike the apparent minor dollar impact on profit making institutions. Finally, if the "cost of money" is accepted as a legitimate cost of an organization's operations, as it is in the proposed Standard, it will be difficult for the Executive Branch to stave off arguments that such "cost" should not also be recognized as a charge to grants as well as contracts.

If the Standard is made to apply to universities, the "cost of money" aspect, per se, will result in a minimum overall increase of indirect cost rates of 8-10%. Put another way, it will double that portion of the rate which represents use charges on equipment and buildings. The impact of universities switching from a use charge to a depreciation mode is less certain, but an estimate of 1-3% of the average indirect cost rate is not unrealistic. The budgetary impact for non-profit institutions and State and local units of government are more difficult to estimate, but we believe that it would be at least equal to that of colleges and universities.

Issuance of the proposed Standard will have a profound effect on future costing policies of the Federal Government as well as the more immediate effect on Federal programs resulting from its budgetary and outlay consequences. It opens the door and leaves the Government vulnerable to such concepts as inflation accounting, replacement cost, opportunity cost, etc., concepts which have their place in managerial planning and decision making, and perhaps in deliberations on fee setting, but not in determining reimburseable cost.

For all these reasons, we recommend the Cost of Money Standard not be adopted.

Sincerely yours,

HENRY G. KIRSCHENMANN, Jr.,
Director, Division of Financial Management Standards and Procedures, Office of the Assistant Secretary, Comptroller.

[From the Federal Times, July 19, 1976]

ARMS PROFITS STUDY

The treasurer of President Ford's campaign finance committee will head a special advisory committee set up by the Defense Department to evaluate a new policy expected to increase the profits of shipbuilders and missile manufacturers.

Robert C. Moot told *Federal Times* that he was asked to lead the "Profit '76" panel by Deputy Defense Secretary William P. Clements Jr. "two or three months ago."

Moot, formerly a DoD comptroller and ex-member of the Cost Accounting Standards Board, said the four other members of the advisory committee were "really all my recommendations."

The committee will meet July 19 and 20 to "take a disinterested look" at the methods, findings and recommendations of the "Profit '76" project, Edward J. Rader, a "Profit '76" staff member and DoD procurement analyst, said.

"Profit '76" was created by the Pentagon in May 1975 to draft new rules for determining the profits on the $17 billion in contracts negotiated by the Defense Department each year. The term has proposed reweighting the profit formula to place more emphasis on the contractor's investment and risks and to permit contractors to include in their costs the attributable cost of property, equipment and facilities used for Defense work, Rader said.

The results, according to Defense officials, will be an estimated one or two percent rise in profits for contractors who invest heavily in buildings and machinery and a slight dip in profits for light investors. Shipyards and missile contractors are expected to benefit but aircraft manufacturers may see their profits drop. Although the price of major weapons may increase by as much as one percent, the Pentagon hopes the new policy will promote efficiency and eventually lead to lower weapon prices.

Sen. William Proxmire, D-Wis., has termed "Profit '76" "unjustified profiteering."

According to Rader, "Profit '76" is "Clements' ballgame all the way." All the appointments to the special advisory committee reviewing the project were "made with Clements' cognizance and approval," Rader said.

Clements was unavailable for comment.

The committee's charter expires September 30 but the group will actually "only be in existence" for the two-day session in July, Rader said. Both the committee's recommendations and the new profit rules will be completed before the presidential election.

Moot said he did not think there was a conflict of interest between his work as treasurer of the Ford Finance Committee and his assignment to judge whether the profits of major Defense contractors are properly determined. "I am going to take an objective look at [the project's] conclusions and recommendations. The special advisory committee is a good group and an objective group," he said.

The other members of the committee are: Herman W. Bevis, former senior partner of Price Waterhouse & Co. and a member of the Cost Accounting Standards Board; J. Ronald Fox, a former assistant secretary of the Army for installations and logistics and author of *Arming America;* Ronald G. Ross, senior vice president of Bank of America; and Herbert Stein, former chairman of the Council of Economic Advisers.

The Cost Accounting Standards Board is an agent of Congress set up to achieve uniformity and consistency in the cost accounting principles used by Defense contractors. Both Moot and Bevis were appointed to the board by Comptroller General Elmer B. Staats, who is also the board's chairman.

In his former role as DoD comptroller, Moot attempted to stop A. Ernest Fitzgerald, then deputy for management systems in the Air Force, from testifying about the massive C5A cost overruns before Proxmire's subcommittee on economy in government. According to Fitzgerald, Moot was "adamant" in opposing Fitzgerald's appearance at the hearing, saying that it was widely believed that Fitzgerald "intended to present testimony that would leave blood on the floor."

Questioned about the 1968 incident, Moot said, "You are going way back in history." He described the episode as "just one of those things." Fitzgerald "was volunteering testimony" and Moot told him that testifying before the Proxmire subcommittee would "not be prudent," Moot said.

Moot said his current assignment as chairman of the special advisory committee would affect the well-being of the Defense industry. "It's an important area," he said. "The soundness of the Defense industry base is most important to all of us as citizens and taxpayers."

WASHINGTON, D.C.,
June 15, 1976.

Hon. WILLIAM PROXMIRE,
U.S. Senate,
Washington, D.C.

DEAR SENATOR PROXMIRE: Thank you for your letter of May 27, 1976 in which you discuss the impact of Cost Accounting Standard (CAS) 414 on contractors' profits. We understand your concern that policies developed based upon the Profit 76 Study take into account the effects of CAS 414.

I believe we share a common objective to provide incentives to contractors which will lead to their investment in cost savings capital equipment for defense production. I assure you that we will proceed toward this objective in a balanced manner which will include consideration of the effects of CAS 414.

Sincerely,

FRANK A. SHRONTZ,
Assistant Secretary of Defense, Installations and Logistics.

JUNE 28, 1976.

Hon. WILLIAM P. CLEMENTS,
Deputy Secretary of Defense,
Washington, D.C.

DEAR MR. CLEMENTS: On June 25, 1976, the Conference Committee resolved the differences between the House bill, H.R. 12438, and the Senate amendments authorizing appropriations for the Department of Defense for Fiscal Year 1977. As a part of the overall compromise, the House receded to the Senate position with respect to the line items for "cost growth" and "escalation" incident to Fiscal Year 1975 and prior year Naval shipbuilding programs.

So that there will be no misunderstanding of the status of the $533.7 million agreed to for "cost growth" and the $1,089.5 million agreed to for "escalation," I am taking this opportunity to review the facts.

The $533.7 million "cost growth" item was justified in testimony before the House Committee on Armed Services, and subsequently to the House of Representatives during debate on H.R. 12438, as necessary to fully fund certain growth items incident to ongoing contracts ($213.7 million) and to provide a reserve against shipbuilding claims settlements expected to be made during the fiscal year ($320.0 million).

The $1,089.5 million "escalation" item was justified before the Committee as necessary to fully fund anticipated escalation payments under clauses contained in shipbuilding contracts authorized in Fiscal Year 1975 and prior years.

The House included $213.7 million for "cost growth" on the basis that there was no demonstrated requirement to obligate the $320.0 million requested for claims settlements during Fiscal Year 1977. Also, the House included only $256.5 million for "escalation"—the amount required for obligation in Fiscal Year 1977. The Senate, on the other hand, included the entire amounts requested for the "cost growth" and "escalation" line items, citing strong support for the full funding policy. The report of the Senate Committee on Armed Services, however, contained language which would grant full flexibility to the Department of Defense to use the funds authorized for "cost growth" and "escalation" for those purposes or for "any actions pursuant to Public Law 85-804".

In his letter of appeal, dated April 23, 1976, Secretary Rumsfeld strongly urged the Congress to restore the "cost growth" and "escalation" funds. Without them, he said, "the U.S. Navy will be unable to meet its legal obligations". He cited a recent Comptroller General decision (B-184830) and Section 3679 of the Revised Statutes which, he said, "create significant doubt as to whether the Department can proceed with FY 1975 and prior year programs on an orderly basis."

The issues before the Conference Committee were: (a) whether to recommend authorization of all or part of the $320.0 million requested as a reserve against claim settlements, and (b) whether to recommend authorization of an amount greater than $256.4 million as a reserve against future contract escalation payments. The House receded from its position and agreed to the Senate provisions.

In view of the history of the 1977 Appropriations Authorization Act outlined above and the current uncertainty as to the ultimate use of the $1.6 billion authorized for "cost growth" and "escalation" relating to Fiscal Year 1975 and prior year shipbuilding programs, the Committee will insist upon a strict accounting of the use of these funds, including normal reprogramming actions where the Department proposes to obligate any part of them for purposes other than those for which the funds were justified to the Committee.

Sincerely yours,

MELVIN PRICE,
Chairman.

DEPARTMENT OF HEALTH,
EDUCATION, AND WELFARE,
Washington, D.C., July 12, 1976.

Mr. PHILIP G. READ,
Director, Federal Procurement Regulations, General Services Administration, Federal Supply Service, Washington, D.C.

DEAR SIR: At the June 24 meeting of the Interagency Procurement Policy Committee comments were requested on the DOD profit policy proposal and of the extension of that policy and CAS 414 to non-defense contracts.

We are already on record several times as opposed to CAS 414, we believe the Standard is economically unsound, ill-conceived to accomplish the objectives expounded by DOD in its Profit '76 presentation and contrary to generally accepted accounting principles. It is, in short, poor public policy and perceived to be so by virtually all who have had reason to evaluate it. Therefore, even though we are advocates of government-wide uniformity in costing and other procurement regulations, we are absolutely opposed to incorporating CAS 414 into FPR.

In regard to the DOD profit proposal itself, we have no recommendation to DOD. It is appropriate and logical to encourage contractor capital investment through the profit mechanism. Whether the formula proposed by DOD sufficiently weights the various factors prescribed for determining profit to favor capital investment is not determinable without testing under actual or realistically simulated conditions. If such tests have been made, the results and data have not been presented.

But regardless, the formula will only be as effective as the contracting officers' application of it. DOD has stated that the current formula is not being followed for a variety of reasons (e.g., contracting officer insistence on low profit rates irrespective of formula results, practical problems in applying weighting factors in actual negotiations, etc.). Nothing in the proposed formula modification would change the conditions that make the current formula ineffective. Thus, without some concerted action in addition to the revision of the profit policy itself, there is little reason to expect any change in practice. On the other hand, if such actions were undertaken, the current formula might well be adequate without modification.

Although we have no recommendation for DOD (all of the above must already be obvious to DOD), we believe that the proposed formula should not be incorporated into FPR until there has been a suitable testing of it and the results of the test (or DOD experience with the formula) are known. Additionally, the following questions needed to be answered affirmatively before the formula is incorporated into FPR:

1. Is the current profit policy contained in FPR resulting in inadequate competition for government work, i.e., is it resulting in fewer firms competing for Federal business? One of the principal reasons cited by DOD for its proposed formula was an alleged decrease in contractors willing and able to bid on defense work.

2. Are the facilities of those firms which contract with the civilian agencies outdated, inefficient or inadequate for Federal work and will adoption of the DOD proposed policy alleviate or solve that condition? The need for facility replacement is another major goal of DOD's profit policy, but to date facility inadequacies have not been identified as a problem with civilian agency procurements.

3. Is the rate of return earned by civilian agency contractors on Federal work less than earned by those firms on non-government work per dollar invested in facilities? If so, should it be?

4. All things considered (risk investment etc.) is the return on non-defense work unfair to contractors in comparison to their return on non-government work?

We are of the view that the conditions cited by DOD as underlying its proposed profit policy are unique to DOD procurement and that its proposed policy is designed in light of that uniqueness and CAS 414. Given that this is so, the desirability of policy consistency between the defense and civilian sectors becomes considerably less important, if not moot. This is especially true of the non-profit segment (i.e., colleges and universities, States and localities, and other non-profit institutions such as community action agencies, economic development agencies, Indian tribes, associations, foundations, research institutes, etc.). Indeed, the whole concept underlying CAS 414 and the DOD profit policy is inappropriate to these types of organizations. They do not exist to earn profits or maximize their return on investments and they receive maximum direct Federal aid for facilities in the form of construction and facilities awards.

It is our opinion that adoption of CAS 414 and the DOD profit policy may well result in a massive windfall to government contractors. We believe that the GSA and OFPP have a responsibility to taxpayers which precludes extension of those documents into FPR.

Sincerely,

HENRY G. KIRSCHENMANN, Jr.,
Director, Division of Financial Management Standards & Procedures, OASC.
MURRAY WEINSTEIN,
Director, Division of Procurement Policy & Regulations Development.

U.S. GENERAL ACCOUNTING OFFICE,
Washington, D.C., August 20, 1976.

Hon. CHARLES H. WILSON,
House of Representatives,
Washington, D.C.

DEAR MR. WILSON: This letter is in response to a telephone request of August 17, 1976, from your Research Assistant, Mr. Gregg Moore, to Mr. Pete McGough, Office of Congressional Relations, concerning our involvement with the Department of Defense's Profit '76 Study and proposed new profit policy.

The General Accounting Office first became involved with the Profit '76 Study in August 1975 when we learned that the Study was expected to be used in effecting a DOD profit policy change. We believed such a change could increase DOD's procurement expenditures and hence total U.S. defense costs. We believed that a survey was warranted to oversee the Study and any policy changes that would result from it.

Profit '76 was formally initiated in May 1975 to study contractor's investment and contribution toward increased productivity and reduced costs on defense contracts. DOD's stated goal was to develop policy revisions needed to motivate defense contractors to make investments which will reduce Defense Department acquisition costs. Sufficient data was accumulated by June 1976 by DOD to permit commencement of our survey.

We are still evaluating various aspects of DOD's Study and proposed new profit policy. The Logistics Management Institute, which was awarded a contract by DOD to develop indicators to show how the defense industrial base has changed during the past 5 or 10 years, is expected to issue its final report in about a month. Coppers and Lybrand, a public accounting and management consulting firm which was awarded a contract by DOD to gather and summarize financial data from defense contractors, is expected to issue its final report in about 3 weeks. The Defense Department told us that its summary report will be completed by October 1, 1976.

We expect to complete our report within a reasonable time after DOD issues its final summary. When our report is completed, we intend to make it available to all interested parties. We will be pleased to forward a copy to your office at that time.

Sincerely,

R. W. GUTMANN,
Director.

[From the Washington Star, Aug. 25, 1976]

DID CLEMENTS IGNORE PLEDGE ON IRAN DEAL?

(By Vernon A. Guildry, Jr.)

Deputy Defense Secretary William P. Clements Jr.'s performance in office is under scrutiny for conflicts of interest as part of a

closed-door congressional examination of U.S. fighter plane sales to Iran.

Clements has substantial business interests in Iran, some of them involving the ruling royal family. The Senate multinational corporations subcommittee has taken testimony on Clements' involvement in Defense Department decision-making on arms sales to Iran.

That involvement came despite Clements' official, public pledge to refrain from any actions involving Iran "to avoid even the appearance of conflict. . . ."

The subcommittee has received testimony that Clements not only had conflicts of interest, but was insensitive to them.

In an interview last month, Clements maintained that his duties demanded involvement, at least on policy matters involving sales large enough or of a nature to have an impact on the material state of U.S. forces. But he said at the time that he took no part in discussions on the details of sales to Iran.

By a number of accounts, however, Clements became specifically involved in at least one of the more controversial and financially significant decisions on the sale of 80 sophisticated F14 fighter planes to Iran by the Grumman Corp.

The issue was whether Grumman was to be allowed an additional 1 to 4 percent profit on its $1.3 billion sale. The Pentagon's Armed Services Purchasing Regulations, known generally as the "ASPERs," give officials the discretion to award the extra money.

It is called "special profit consideration" for foreign military sales and is intended to compensate for special marketing initiatives, additional risks involved in international marketing and for responsibility assumed for delivery.

It is in the interest of buying countries to keep costs down as much as possible. And Iran, according to knowledgeable officials, was not happy about paying even a 1 percent fee charged by the Pentagon's arms sale operation for administering the large F14 contract.

Indeed, Iranian officials have raised a question of whether Grumman was making "too much" profit on the contract in an as yet unsettled dispute over agents' fees.

It is against this backdrop that a number of sources say Clements stepped in to reject any additional profit for Grumman under the "special profit consideration" authority.

"The word very specifically came from Clements," said one individual in a position to have thorough knowledge of the F14 deal.

Another source well placed to follow the sequence of events says Clements made his viewpoint known to the Navy flag officers handling the issue in the summer of 1974.

One of those officers involved, Adm. I. C. Kidd Jr., said through a spokesman that the no-additional-profit decision was national policy set by the State Department. Kidd said he issued instructions conforming with this policy in the summer of 1974 when he was chief of naval material.

Neither Clements nor then-Defense Secretary James R. Schlesinger issued instructions contrary to that policy, Kidd said.

One source involved in the issue said that while Clements' position may have coincided with policy, "he wasn't supposed to be involved in it at all."

Defense Department spokesmen were not able yesterday to secure comment from Clements himself or from the agency within the Pentagon which is responsible for administering arms sales abroad.

Clements is the founder and a primary stockholder in a highly successful international oil drilling contracting firm, SEDCO, Inc. The firm is now headed by his son, B. Gill Clements. Through jointly owned firms and subsidiaries, SEDCO has been in business in Iran for 18 years, chiefly in supplying the know-how and equipment to drill for oil.

Pentagon officials in 1973 began to say that Clements would remain aloof from matters affecting Iran. And as recently as January of this year, Clements reiterated in a signed memorandum that he would disqualify himself in, among other things, questions affecting Iran.

When the Pentagon was asked last month about his involvement in Iranian affairs, a denial was prepared in Clements' absence in the department's public affairs apparatus. It read in part: "Mr. Clements, throughout his service in the Department of Defense, has disqualified himself from any actions in his official capacity which have an impact on the country of Iran."

That was in line with his signed pledge to keep hands off. But the Pentagon's denial didn't hold up even in Clements' own version in the later interview, in which he said his job demanded at least involvement in broad policy issues.

A recent staff report of the Senate foreign assistance subcommittee said Clements was "to a limited degree . . . personally involved at various times" in the questions of selling arms to Iran. The report however, offered no specifics.

The current examination of Clements' conflicts is but one of a number of congressional attacks on the issue. Two congressional staff members who have examined the issue of Clements' conflicts from different angles say that his pledges to disqualify himself in such matters as energy policy or arms sales to Iran aren't being adhered to—and couldn't be.

"There's no way he could totally keep himself out of it," said one, raising the question of why so much lip service is paid to the notion of avoiding "even the appearance of conflict."

Defense Department standards of conduct say that "personnel are bound to refrain from any private business or professional activity or from having any direct or indirect financial interest which would place them in a position where there is a conflict between their private interests and the public interests of the United States, particularly those related to their duties and responsibilities as DOD personnel."

One congressional staff member who looked at the Iran question says "we found no evidence that he (Clements) was anxious to take himself out" of Iranian matters.

Others characterize Clements as anxious to put himself in, using expertise gained during several years in a competitive business in the Middle East.

Others, both in the executive branch and in Congress, suggest that if the Defense Department has a problem with Clements' conflicts, it is one that should have been dealt with by the Senate Armed Services Committee.

That committee, during Clements' confirmation proceedings in 1973, permitted him to resign his position as an officer of the corporation but retain a large stockholding. According to papers filed by SEDCO with the Securities and Exchange Commission late last year, Clements then owned 750,058 shares of common stock. SEDCO stock, which is traded on the New York Stock Exchange, closed at 27¼ yesterday. Its high so far this year has been 35⅞.

Clements started the firm 28 years ago with one oil rig in northern Mississippi. Since then, it has become an industry leader, doing $230 million worth of business in 1975. Most of the firm's income comes from contract drilling, but it also provides engineering, pipeline construction and equipment for the oil industry.

Land drilling earned about 22 percent of SEDCO's oil drilling income for 1975, and the majority of land operations were in Iran. In addition to a number of wholly owned rigs, the corporation also operates SEIDRAN, a joint venture company 50 percent owned by SEDCO. Thirty percent is owned by Bank Bazargani Iran and 20 percent by the Pahlavi Foundation, a charitable trust under the control of the royal family. This spring, SEDCO-Khuzistan Construction Co., a 60 percent-owned subsidiary, began a large pipeline construction job in Iran.

REMOVE UNFAIR OSHA PROVISIONS

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. McCLORY) is recognized for 5 minutes.

Mr. McCLORY. Mr. Speaker, today I am offering an amendment to the Occupational Safety and Health Act of 1970 to provide that employers who do not supervise the activities of other employers at a workplace shall not be subject to certain requirements of such act with respect to hazards resulting from such activities.

Due to the fact that at present some subcontractors are being held responsible for hazards they did not cause and are being sued and fined by OSHA for such hazards, I feel this amendment is legitimate and long overdue. I, therefore, request the indulgence and support of this House of Representatives.

This problem was brought to my attention by my constituent, Mr. James L. Althoff, president of Althoff Industries, a plumbing contractor. This company is presently being sued by OSHA in a small amount—$50—for allowing the accumulation at the jobsite of "debris such as cut-off pieces of conduit, brick, cement block, metal banding, scrap lumber, wood pallets, and empty wasteboard containers." These materials are obviously not related to plumbing. My constituent, a plumbing subcontractor, is being held responsible for allowing his employees to work on the jobsite where such hazards have been created by another contractor or subcontractor. I maintain that this is not right. The safety and health of employees is important and should be maintained. However, I believe the employers actually responsible for safety hazards should be held responsible for the safety and health not only of their own employees but of any and all other employees who have to work in the same area.

It is my understanding that at present many small businesses, such as Althoff Industries, are fined for allowing hazards created by another company. In order for such a small business to fight such a suit, lawyer's fees, court costs, loss of time from work over a long period of time, and damage to the company's reputation are incurred. These injuries would very likely be more costly than payment of the fine. Therefore, I understand that many small businesses are paying these fines rather than taking the time, effort, and expense to fight the Department of Labor—but these same small businesses are developing a growing bitterness toward unfair governmental controls and public officials, including hostility toward their U.S. Representatives, who are criticized for allowing such unfair harassment of them to take place.

Mr. Speaker, as you and my other colleagues will remember, there were debates during this Congress and the last

Congress on the Labor/HEW appropriations bill in which allegations were made by many Members about the problems OSHA has created for small business—and attempts were made to limit the power of OSHA because of these complaints.

There were also complaints about OSHA harassment of small business during the House oversight hearings of 1974, 1975, and 1976 and these hearings resulted in the onsite consultation bill which was passed in November 1975 to allow employers who requested it to have consultation with OSHA personnel without penalty, with priority being given to small businesses and hazardous industries. The Republican Members of the House supported that bill almost unanimously. In 1974 Representative HUNGATE chaired hearings of the Permanent Select Committee on Small Business, Subcommittee on Environmental Problems Affecting Small Business. The subject of the administration of OSHA and its effects on small business was considered during those hearings. As my distinguished colleagues will recall, problems related to the administration of OSHA have been and continue to be numerous—while at the same time, much good has also resulted in the form of protection for employees.

Mr. Speaker, I express my views and invite favorable action on this bill in order that not only employees but also employers may be protected from unfair treatment. Because of the existing situation emanating from the implementation of the OSHA program, there appears a strong indication that remedial legislation is required to alleviate the problem.

The bill reads as follows:

H.R. 15410

A bill to amend the Occupational Safety and Health Act of 1970 to provide that employers who do not supervise the activities of other employers at a workplace shall not be subject to certain requirements of such Act with respect to hazards resulting from such activities

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 5(a) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 654(a)) is amended—

(1) by striking out "Each" and inserting in lieu thereof "Except as provided in subsection (b), each";

(2) by inserting immediately after "each of his employees" the following: ", and to any other employee engaged in any employment controlled, coordinated, or otherwise supervised by such employer,"; and

(3) by striking out "his" the second place it appears therein and inserting in lieu thereof "such".

SEC. 2. Section 5 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 654) is amended by redesignating subsection (b) as subsection (c) and by inserting immediately after subsection (a) the following new subsection:

"(b) If two or more employers are engaged in activities at any workplace and any such employer engages in any activity at such workplace which results in any hazard referred to in subsection (a)(1) or which is in violation of any standard referred to in subsection (a)(2), the requirements of subsection (a) shall apply only to—

"(1) the employer whose activity results in such hazard or violates such standard; and

"(2) any other employer at such workplace who controls, coordinates, or otherwise supervises such activity.".

A TRIBUTE TO HON. CHARLES A. MOSHER

The SPEAKER. Under a previous order of the House, the gentleman from Ohio (Mr. WHALEN) is recognized for 5 minutes.

Mr. WHALEN. Mr. Speaker, our distinguished colleague, the learned gentleman from Ohio (Mr. MOSHER), was the commencement speaker at the summer graduation ceremonies of the Ohio State University on Friday, August 27.

Approximately 1,800 degrees were awarded on this occasion which also saw the institution confer upon our highly regarded friend the honorary doctor of laws degree. It is also worth noting that Kent State University on the following day did the gentleman from Oberlin further honor by investing him with the honorary doctor of humane letters at its summer commencement. That CHUCK MOSHER should be the focus of so much praise is entirely appropriate since he is now serving his final term as a Member of this body. Suffice it to say his tenure in this House has been marked by many notable accomplishments which are a tribute to his own abilities and of incalculable value to all Americans. The country will lose one of its most skilled legislators when CHUCK MOSHER retires at the end of this session.

Congressman MOSHER's remarks on the occasion of the Ohio State University commencement centered on his belief that the public is ill informed about how the Congress operates. The former newspaper editor contended that the people crucially need and deserve "the hard truth" to stimulate them into more hard thinking.

Because of the unique vantage point that CHUCK has for the basis of his observations, Mr. Speaker, I insert herewith the full text of his "as delivered" remarks of last Friday:

THE CONGRESS AND THE INCONGRUOUS

(Remarks by Congressman CHARLES A. MOSHER, Ohio State University summer commencement, August 27, 1976)

President Enarson, distinguished guests, trustees, faculty, and especially today's accomplished scholars . . . ladies and gentlemen:

One year ago, speaking here to the OSU degree candidates of August 1975, Hugh Sidey, a keen observer of presidents and other people, suggested that we Americans "need nothing so much as to recover our national sense of humor."

Sidey's good advice, to all of us, is that we need to cultivate humor, and especially that people who hold great power need the wisdom and humility to recognize their own absurdities and to invite laughter.

He argued that true humor is a product of knowledge and understanding, of courage, confidence, love of life, and hope, of seeing life and ourselves in honest perspectives.

That seems particularly wise advice for each of us today who might be unduly puffed up because we are receiving very coveted degrees, earned or honorary, from this great university.

I shall attempt no additional advice for you this morning.

Instead, I will talk briefly about the Congress of the United States, and about Congressmen and Congresswomen, my own attempt to see these in honest perspective.

I remember being taught, in a freshman literature course, that the essence of humor is incongruity. And I must say there is much about the Congress that does seem incongruous!

Today's opinion polls say that no other institution, no other professions are lower in popular esteem. And yet, I suggest, no other institution today, nor any other profession wields such pervasive influence in the lives of all Americans. Some will say, not so pervasive as perverse. Either way, this situation is incongruous!

It is said that familiarity breeds contempt. Is that the reason for popular ridicule of the Congress? I will argue that genuine familiarity does not exist in this relationship; the public's knowledge and understanding of the congressional process is woefully inadequate. That, too, is an incongruity.

The Congress is supposed to represent the people. But I will argue it is in some ways too representative; too accurately it merely mirrors the popular mood and opinions of the moment, rather than being representative in the sense that Congressmen are elected not only to be public servants, but also exemplars and leaders.

An ancestral uncle of Mrs. Mosher, Hiram Pease, writing to his brother nearly 150 years ago, declared that "politicians are the meanest ticks that ever festered God's sheep." Thus, Uncle Hiram stated forcefully a view widely held throughout all 200 years of our history, and which undoubtedly will be popular 100 years hence. It is a hallowed, and largely healthy tradition that citizens have the right to make public officials and public institutions the butt of ridicule, to freely vent their frustrations and sometimes their angers on politicians. And Hugh Sidey is right, we politicians must accept with good grace and humor that humbling role of being the frequent target of ridicule, and we must learn from each such experience.

However, there is another side to that coin. Again, I suggest that the Congress is an accurate reflection of the very people who ridicule it, a microcosm which mirrors the American public as a whole . . . its diversity, its confusions and frustrations, its lack of adequate information and understanding, its complex mixture of strengths and weaknesses, genius and mediocrity, hopes, ambitions, anxieties, and essentially the same standards of personal morality. So, the humor in this relationship works both ways, the joke's on all of us!

The congressional process is intrinsically American and profoundly human, it is percolating always and everywhere, it is as large, dynamic, complicated and difficult to comprehend as is the nation itself. In more than a mystical sense, the congressional process *is* the whole people.

In Washington, it is cause for unhappy laughter that each year so many thousands of school children and other gullible tourists are told that they really are seeing the Congress in action, as they briefly and bewilderedly look down from the visitors' galleries upon the usually routine proceedings in the House and Senate chambers. With rare exceptions, those floor proceedings comprise the least significant, tiniest tip of the huge and fascinating legislative process which is not adequately reported by the news media, is not explained by congressmen to their constituents, is not adequately taught in the schools, and which goes largely unheeded by the people whom it affects the most.

I suspect that too few of you here this morning are fully aware, or perhaps care, that the Congress as an institution, this dynamic process of which you yourselves are part, plus the ways and responsibilities of congressmen, all are in a period of great stress and flux, of rapid, substantial change.

Of course, it should be obvious, a truism, that all our free institutions always will change, will evolve. That is the genius of the American system . . . and especially of our Constitution and the Bill of Rights . . . that it is so flexible, not rigid or brittle; it is designed to encourage and protect diversity, complexity, growth, change, evolving, and to reconcile dynamic tensions. That is inherently why with pride we now are able to celebrate the amazing stability of our nation, the miracle of America's resilience during 200 years of revolutionary experiments; but also recognizing that ours is a revolution never fully consummated, our stated principles only partly fulfilled; and that is why we can look ahead with assurance to the next century of opportunity for fruitful, revolutionary change.

Yes, all our institutions change. But the public seems too little aware of the extraordinary pace of changes in the Congress.

I have a running argument with the very bright editor of a leading daily paper in my district. I argue that his pages are too full of trivia. I say that he has an obligation . . . especially because of his first amendment privileges . . . a very demanding obligation to publish more substantive information and solid discussion, more enlightenment and less entertainment, especially concerning government. I tell him his paper's reporting of the Congress is scandalously superficial, that he gives far more attention to the local bowling league scores than to the how and why of voting decisions by the legislators elected from our area.

And the editor partly agrees with me. But he says that if he added more substantive reporting of the Congress, not ten percent of his readers would read it. "People don't care, aren't interested." he says. For the past year, his paper has published regularly a brief summary of voting by the congressmen who represent its circulation area, and he tells me his readership survey shows that hardly one percent read those voting summaries. Presumably many times that percent study the bowling scores!

But I say a pox on those readership surveys and on listener ratings that too much influence the content of our news media. And similarly a pox on those opinion polls to which too many politicians seem subservient. In several ways, the press and politicians are so often similar. There is raw humor in the way too many in both those professions (not all) pander largely to popular tastes rather than hold to their own professed standards.

Even if "only ten percent" of the public would read the more substantive information about Congress, I argue that the ten percent have an influence far greater than their numbers. Those relatively few readers could be, should be, the community leaders, the opinion makers, and I am convinced the media owe it to America to try harder, to provide a larger dose of quality and substance, to appeal more to that ten percent, and thus multiply their number to 20 percent. Is it not the supreme irony, cause for appreciative laughter in a democracy, that so-called popular government, in order to be viable, seems forever dependent on the vigilance and innovative leadership of the few?

But I refuse to accept the cynical premise that most Americans lack the wit or the will to be actively, perceptively interested in their own government. To accept that is, in effect, to surrender our fundamental belief that government shall be by consent of those governed . . . presumably, the *informed* consent of the governed. I submit that this nation's most vulnerable weakness today is a "bread and circuses" syndrome . . . government's over emphasis on merely indulging the public's desire to live in comfort, and the media's extreme over emphasis on indulging the public's appetite for mere entertainment. A prime example is seen in the fact that we Americans continue blithely, recklessly in the "fools paradise" ways we are burning scarce energy, and we in the Congress, and the media too, still largely pamper this popular insanity.

More people crucially need, they deserve, and I believe a much larger proportion can be stimulated, galvanized into wanting hard information, the hard truths. And both the politicians and the press are seriously remiss in not providing that stimulation. It is imperative that the people not be so coddled, imperative that they be exposed constantly to more substantive information, provoked to do more hard, thorough thinking. They can and should acquire the habit of being more interested, alert, responsible . . . even though that habit would seriously threaten some now popular office holders, popular but superficial writers and media shows.

But I do assume that most of you who take your university degrees this morning shall be for years to come actively of the 10 percent part of that vigilant, effective leadership few who do galvanize and shape America.

Therefore, I think it important, I now dare to challenge today's popular skepticism concerning the Congress, to challenge your own skepticism, by offering here ten assertions of fact and of opinion somewhat contrary to what you read, hear and see in headlines and capsulized in the news media.

There is not time here to justify these ten assertions about the Congress with specific examples or other proof. And I do state them in oversimplified form. I recognize that all such truth, when analyzed, is fraught with paradox. Nevertheless, from my own 16 years on Capitol Hill, I am convinced the following statements are valid, and I ask each of you to try to believe, at least until you find sure proof that I am mistaken.

First. Even though earlier I said that the Congress focuses and mirrors too accurately the standards and mores of our society as a whole, I really do believe that the average integrity of men and women elected to the Congress is fully as high, and probably several degrees higher than the average integrity in other professions and in private industry. I am confident that I am not blind, nor naive in making that claim. All my adult life, as newsman and editor working in typical American communities and observing closely people of all classes and professions, I never have known any group whom I respected more than I do most (not all!) of my colleagues on Capitol Hill.

Two. Yes, obviously, their frailties are real, will continue, and deserve to be publicized. And more deserve to be defeated and replaced by persons of greater courage and wisdom, than will be. Nevertheless, I am convinced that the capabilities, breadth of knowledge, understanding, alert concern, and the conscientious effort tof today's members certainly does average higher than among earlier generations elected to the House of Representatives.

And the mix of those elected does change markedly, reflecting America's mobilities. The average age of congressmen is younger. More women are elected, more blacks, and a wider range of ethnic groups now are represented.

Now, as a footnote: I know, many of you will see ironic humor here . . . that despite its better brains and advertised intentions, its improved staffing and better sources of information, more meetings, more roll calls . . . despite all these, this 94th Congress is notoriously indecisive, ineffective.

You will see ironic humor also . . . that despite my claims for its greater integrity, its increased awareness of ethical standards, during this 94th Congress the scandalous revelations about several members seem more sensational than ever before. But I urge you to understand that the behavior of these few is *not* typical.

Those two ironies would merit further discussion here. I wish we had the time and opportunity for a lively, informal two-way exchange of views, to probe the causes for indecision and other frailties in America today, as reflected in the Congress.

Three. There are tremendously significant, fascinating changes in the substantive nature and the load of legislative and policy issues which now burden the Congress, an increasing variety and breadth of subject matter, much more complex, technical, sophisticated, much more difficult to fathom. Thus, there is much greater need for better trained people in Congress, and in its supporting roles.

Four. The ombudsman function of congressmen also has burgeoned rapidly; the insistence, variety and volume of constituent demands compounds!

Five. The rhythm and intensity of congressional life is changed. Only a few years ago, it still was assumed to be a part-time job. The sessions usually ended in July or August and representatives went back to their home districts for the rest of the year, where most had other active vocations and depended on other sources of income. They practiced law, farmed, ran banks, were physicians, teachers, editors, insurance salesmen . . . or what else? But today, being in Congress is more than a full-time, year-round job; most members make only hurried, hectic, weekend visits to their district. Obviously, that makes much more difficult any person-to-person communing with the proverbial man in the street.

Six. Today, each congressman's outside interests and income are required to be publicized and are severely scrutinized as suspect. It is generally deemed as unethical to serve in the House while also practicing law or being a banker. And not only in these new rules against conflict of interest, but concerning the whole gamut of behavior standards demanded of congressmen, there is a strong shift in the public's mood from indifferent tolerance, to awareness, vigilance, insistence.

Seven. Undoubtedly the most crucial need in this changing Congress is for better coordinated, more effective procedures and resources to process coherently the mounting volume and complexity of information we need . . . to get it, sort it, submit it to extremely thorough, systematic analysis, present it cogently, to comprehend it . . . to understand better the very difficult problems we must attack, the historic opportunities we should grasp, the priorities we shall choose, the options available, and their probable consequences.

Atempting to meet these needs, we have expanded and strengthened the professional calibre of our staffs, have organized new research and investigative groups, have devised other ways to borrow and buy expertise. (And, as a footnote, I want to attest personally to my own indebtedness to excellent staff support. Good staff can make a mediocre congressman look very good . . .or, sometimes, vice versa.)

But responsibility and jurisdictional lines in our committees remain scandalously fragmented and overlapping in the Congress; in desperate need of enlightened reorganization. A new revolution there would have been the superb way to celebrate this bicentennial year. But we muffed that opportunity miserably!

Eight. We have indeed adopted several hopeful reforms. The longtime, very rigid seniority system is under strong attack, is giving, bending, but is still operable. Practically all committee sessions . . . notably including the crucial markup and conference committee sessions, which always were closed as recently as four years ago . . . all these now are open to the public. Literally hundreds of voting decisions which very recently would have been hidden, off the record, are now made in the public glare, strictly on the record, both in committees and on

the House floor. In the last Congress there were a total of 632 roll calls of the yeas and nays in the House, compared with only 240 during 1961–62, my first term. That contrast will be even greater by the end of this 94th Congress for an almost three-fold increase. And similarly, there were a total of 5,888 meetings of House committees during the last Congress, and there will be more than 7,000 in the present term, compared with less than half that number only 16 years ago.

Nine. Probably the most desired and urgent need for the individual congressman or congresswoman today is time and opportunity to be quiet, to do the necessary reading and study one never gets done, to reflect, to stand away and try to see it all in clearer perspective, with greater understanding and assurance . . . and, yes, with more humor.

But it is the very essence of every congressman's life that he (or she) has no privacy, is enslaved to hub-bub, the incessant buffeting by demanding people and on-rushing events, problems, opportunities, decisions. His are extremely crowded, fragmented, hectic, hop-skip-and-jumpful days. This is the proverbial fishbowl existence. The attractive emoluments and perquisites of congressional service are frequently publicized; but the disadvantages, the penalties are seldom recognized.

Is it significant that a record number of incumbent congressmen who have "safe" seats, who know they could be reelected, have voluntarily decided to retire this year? (A young Ohio colleague of mine ruefully tells me that he and his wife have thought it through and have decided that the second worst possible thing that could happen to them this fall, would be for him to be reelected to the Congress!)

Ten. The Congress often is described as a central arena in which innumerable, diverse interests . . . economic, regional, social, vocational, political, etc., including the diverse interests of this university . . . all these are in fierce, ceaseless competition, each competing for its share of America. Another way to describe the Congress is as an assembly of 535 individuals . . . 100 Senators, 435 Representatives . . . highly individualistic, willful, ambitious, aggressive, and of many differing traditions, distinctly different training and experience, elected to represent very different constituencies. Thus, the myriad differing voices of this restless, dynamic nation are heard on Capitol Hill.

But the prime function of the Congress is to be much more than an arena of competing interests, more than a cacophony of many voices. Its imperative function should be to achieve coherent, effective national policy. That is why the Congress is best described as process, essentially a process intended to achieve understanding and at least majority agreement out of disagreement.

And that is largely a conceptual process, requiring long periods of time and varied means to obtain basic information and advice, in the search for understanding . . . long sessions of taking testimony, of probing questions, of intensive study, analysis and synthesis, of discussion and argument, argument, argument, of skillfully writing decisions into legislative form; and also of bargaining, amending, accommodating, compromising . . . moving the bills through cumbersome, tortuous parliamentary procedures and levels to that point of final agreement by both houses, and then the President's signature which makes these decisions an Act, the law.

Now, to summarize, I have listed these ten aspects of the Congress (and others, perhaps more significant, could be told) . . . I have listed these to emphasize that this is a process undergoing historic stress and change: I commend it to you as fascinating, exciting, powerful, profoundly important. It is essentially a conceptual process, thus it deserves to be of particular fascination and concern to this university community. It is an increasingly open process, to which each of you has new, more significant access. It is all this, and yes, amusing, too.

You who receive academic awards today are of that most influential ten percent who have a very special responsibility to be actively part of this decision-making process. And there are so many, many ways beckoning to you to become more actively part of it.

If any of you doubt that it does beckon to you, I now invite you to write to me personally, so that I can try to respond to your particular doubts. I would welcome that opportunity.

In fact, that responsibility (to be active in the process) really is inescapable for each of us present this morning. Even the so-called "turned off" citizen who says, "what's the use?" who cynically scorns government and tries to escape by way of boob-tube entertainment, or some other opiate . . . even that citizen's ignorance and abstention is no zero, it is unwittingly an overt influence, a significant part of the process.

But I ask each of you now to play the more active, more responsible, positive role. Returning to Hugh Sidey's wise advice, that people in positions of power need the grace to recognize and admit their own sometime absurdities, I say that almost every healthy individual in this land of the free . . . but particularly each of you in the more influential ten percent . . . each is in fact a powerful person; each should have the wit to be a positive part of this process and to avoid the absurdity of not participating.

I assure you, there is hardly any more effective influence on your congressman than an individual constituent's knowledgeable opinion, your opinion, cogently and forceably stated . . . and, for emphasis, best stated repeatedly.

Please do.

REPRESENTATIVE JACK KEMP TESTIFIES IN SUPPORT OF ENVIRONMENTAL PROTECTION AND PUBLIC WORKS PROGRAMS FOR WESTERN NEW YORK

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. KEMP) is recognized for 10 minutes.

Mr. KEMP. Mr. Speaker, earlier today I presented a statement to the Subcommittee on Water Resources of the House Committee on Public Works and Transportation. That subcommittee is presently considering various environmental protection and public works programs and projects for incorporation in the Water Resources Development Act of 1976.

I presented a case for a number of important projects for western New York, as well as extension of the navigation season on the Great Lakes and the national shoreline and beach erosion control and small projects programs.

A copy of that statement follows:

STATEMENT OF THE HONORABLE JACK KEMP, REPRESENTATIVE TO CONGRESS FROM THE 38TH DISTRICT OF NEW YORK, ON THE WATER RESOURCES DEVELOPMENT ACT OF 1976, BEFORE THE SUBCOMMITTEE ON WATER RESOURCES, HOUSE COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION, WASHINGTON, D.C., SEPTEMBER 2, 1976

Mr. Chairman and Members of the Committee, I thank the Committee for providing me this opportunity to testify today. I am here in support of environmental protection and public works projects in Western New York, but I am also here to ask additional funding authority for a regional program—extending the navigation season on the Great Lakes—and for two national programs—the shoreline and beach erosion control program and the § 205 small projects program.

As a Member of the Committee on Appropriations, which must find the funds for undertaking the programs and projects which this Committee authorizes, I know first hand the difficult task faced by you in striking a balance between what the Federal Government wants to do for the people and what we have the money to do. It is not an easy assignment. I think the chairmen and ranking minority members of the Committee and Subcommittee, as well as all their Members, have done a commendable job in getting us to these hearings last and this week.

Financial assistance from the Government in Washington to aid in the planning and construction of works of improvement, such as those which would be funded through the Water Resources Development Act, is a form of aid as longstanding as the Nation itself. Originally justified as an activity designed to facilitate commerce among the States under the Commerce Clause of article I of the Federal Constitution, such assistance has become an important aspect of the Federal-State-local cooperation which has pervaded our sense of national unity. It has resulted in incalculable benefits to the people, especially in the protection it has afforded them and their property against natural disasters.

These works of improvement are designed to carry out important environmental objectives. They are investments to help us protect our environment against the ravages of floods, to improve navigation for both commercial and recreational purposes, to enhance crucially needed water supplies for our municipalities—a problem of rising dimensions again for the first time since the mid-1960's, to reduce losses to our economy, and to alleviate the human misery which accompanies any failure to come to grips with these problems.

The problem in assuring the adequacy of the Government's commitment to these programs is money. And let me spend a moment discussing this point. As my colleagues know, there are few Members who have voted as heavily for reductions in total authorizations and total appropriations as I have, usually coming to about $20 billion each year. But, as my colleagues are also aware, there are few that have as consistently supported public works programs as I have, provided that their funding did not increase total authorizations or appropriations, but rather came from a shift of authority or funds available to us. It seems to me that we who are Members of the Committees on Public Works and Transportation and Appropriations must do a more effective job of telling our colleagues, the agencies, the media, and our constituents of the crucial importance of using dollars in tight supply to provide benefits to our States and communities which are of a permanent nature.

At a time when the Federal Government must maximize the impact of every dollar it spends, authorizations and appropriations for public works take on a crucial character. How much more intelligent it is and how much more beneficial to our communities and their residents it is to spend money for these permanent works of improvement—which leave lasting, physical benefits—than to spend the same amount of money on make-work, public service jobs.

Calling a job a job does not make it a job. To be a real job, as defined by economists, it must be productive. I do not subscribe to the notion that Government ought to address the problem of high unemployment by automatically putting people on its own payroll. Instead, I believe Government ought to remove the disincentives to jobs creation in the private, productive sector of

our economy—disincentives found in our high tax rates, our regulatory policies, etc. But, as long as Government is going to address the problem of high unemployment by using its dollars to create employment and that is the present policy, then I firmly believe we should use those dollars for activities which leave, as I indicated a few sentences ago, permanent, physical benefits to the Nation.

It makes more sense to me as a matter of policy, economics, logic, and even politics—and to the vast majority of taxpayers as well—to use Federal dollars to complete a public works project, than it does to create "make-work jobs", the former being the intent of a Water Resources Development Act and the latter being an example from the Federal public service, Comprehensive Employment and Training Act jobs program in all too many instances.

I think we should articulate these points more widely.

Within this framework, let me discuss, first, the status of our major projects in Western New York, some of which need additional authority through the Water Resources Development Act.

CAZENOVIA CREEK FLOOD CONTROL PROJECT

The final survey report of the Corps of Engineers for this important project is now before this Committee, and I hope it will be incorporated in the Water Resources Development Act. It is our area's number one priority for authorization.

The Corps report describes in detail the nature and extent of the flood damage along the creek and the remedial undertakings which it is proposing to the Congress. I would like, however, to summarize briefly the Corps' recommendations.

This project is located principally in West Seneca, N.Y., and encompasses 144 square miles of watershed, the basin extending over Erie and small portions of Genesee and Wyoming Counties. The Corps survey report shows a 1970 population in this watershed of 164,000, with the estimate for the year 2000 standing at 252,000.

The purpose of the project is to prevent flooding in the watershed area, principally in West Seneca and portions of the City of Buffalo. The project will consist of cleaning debris from the channel, straightening that channel, and construction of an ice retaining, concrete gravity dam and ice boom structure. This would be located near Mill Road in West Seneca and would be constructed in the earliest stages of the project.

The total estimated cost is $1,683,000, of which Federal participation would equal $1,395,000. The benefit-cost ratio is a healthy 2.8:1, with average annual benefits equaling $237,644.

The Cazenovia Creek project is the first of three expected to arise from Buffalo Metropolitan Area Study approved by this Committee on June 14, 1972, at the request of former Congressman Thaddeus Dulski and myself. The study area covers all of the 38th Congressional District which I represent, all of the 37th District, represented by a Member of this Committee, Congressman Henry Nowak, and portions of the 35th, 36th, and 39th Districts, Congressmen Conable, LaFalce, and Lundine, respectively. The final feasibility reports on the other two components of this study, Cayuga Creek and Tonawanda Creek, are in the final stages of preparation.

Mr. Chairman, this project is badly needed in our area to reduce heavy losses of property and threats to life from severe and frequent flooding. If this Committee provides for its authorization, I will work diligently to secure its funding during the consideration of the next appropriations bills. This project can be completed within the next three to four years, if, and only if, we authorize it this year and fund it next. To fail to do this will, of course, push the entire time table further away from us.

ELLICOTT CREEK FLOOD CONTROL PROJECT

This project should serve as a model for the Nation on how to resolve disagreements among divergent local interests and ameliorate concerns over potential adverse impacts arising from Corps construction. Many once believed this project would never go forward. The Federal Government had taken one position. The State had taken another. Local community groups were badly divided over various plans to control flooding. Environmentalists were convinced that the project, designed to protect the environment, would end up making matters even worse.

Through the personal leadership of the then-District Director of the Corps, Col. Bernard Hughes, a citizens advisory team was organized, on which every point of view was represented. It was the first occasion for many antagonists and protagonists to even see each other, much less commit themselves over the weeks that followed to resolving their differences.

This project will bring badly needed flood control along the creek in the Towns of Tonawanda and Amherst. At the present time, preconstruction planning continues, and Congress has provided adequate funding for that planning.

SCAJAQUADA CREEK FLOOD CONTROL PROJECT

Through the cooperation of the House and Senate Committees on Appropriations, this project was kept on its time table this year.

The Administration, as you are aware, had requested no new starts for fiscal year 1977. This enabled the Administration to more effectively hold the line on the growth in spending, an effort for which they should receive our praise and our general support. But by taking a blanket position against *any* new construction starts for a full year, the Administration failed to consider, at least on a case by case basis, the loss of life and property and the additional high costs to the government in the form of disaster relief and assistance caused by failing to have flood control structures in place. In an effort to reduce the budget in one place, I contended we were running a very high risk of increasing it even more in others. What we were to save on Corps construction, we would probably forfeit on disaster assistance, and not building flood control structures will certainly not improve the weather and make floods go away. And even if there were a dollar-for-dollar tradeoff in appropriations between construction starts on one hand and disaster assistance on the other, it would not take into consideration the hardships inflicted upon the people by failing to provide adequately for their protection against floods.

Congressman Nowak and I appeared jointly before the Subcommittee on Public Works of the House Committee on Appropriations, and we were able to secure the $400,000 needed to keep this project on track. The design has been completed. There are no environmental issues. Assurances have been given by the Corps that the stream channelization will be stable and the stream banks restored to prevent silting in Delaware Park Lake. The $400,000 provided this year will allow the Corps to complete plans and specifications for the project, award a construction contract and initiate construction of the project during fiscal year 1977.

No additional Committee action appears necessary on this project.

CATTARAUGUS CREEK NAVIGATION AND FLOOD CONTROL PROJECT

The final design for this multi-purpose project will be completed momentarily.

The project was slowed because it had not received assurances of non-Federal share funding from local interests—Erie County, Chautaugua County, the Town of Hanover and the Seneca Nation of Indians. Now, however, the State of New York has provided assurances of funding, permitting the Corps to include this project in its 1978 request for a construction start, while the State continues to negotiate with local interests on the respective shares of non-Federal costs to be borne between the State and local units.

CAYUGA CREEK AND TONAWANDA CREEK FLOOD CONTROL PROJECTS

As I indicated a few moments ago, the Cayuga Creek and Tonawanda Creek floor control projects are two of the three arising from the Buffalo Metropolitan Area Study. I wish to return to these two projects briefly.

The Cayuga Creek project is within the § 205 small flood control projects authority and can, therefore, be proceeded upon without Congressional approval. It is a $375,000 project, and the Corps is currently working on the detailed project report, expecting completion of this report in fiscal year 1977. The project envisions construction of a levee along the creek.

The Tonawanda Creek project will most probably consist of two water detention areas above Batavia, New York. The report on that project went out for review just this week.

THE PROPOSED SQUAW ISLAND DIVERSION CHANNEL

Many proposals for regulating the water level of the Great Lakes or various combinations of those Lakes have been offered in recent years. One of those is the proposed Squaw Island diversion channel, a 1300-foot-long and 75-foot-wide channel to be cut across Squaw Island, an island situated immediately off the City of Buffalo in Lake Erie at the beginning of the Niagara River, the water course connecting Lakes Erie and Ontario.

The Squaw Island diversion channel, known in Corps parlance as Plan SEO-17P, has been actively supported in recent months by a majority of the Members of the Conference of Great Lakes Congressmen. I might add that other Members of that Conference, including myself and Congressmen Nowak, Horton, Conable, and LeFalce, have voiced reservations about the plan.

We are skeptical about the potential effectiveness of this project—whether it will accomplish its intended goals—and there are a number of problems with it as well.

First, the Corps has contended this project will reduce the water level of Lake Erie by as much as 10 inches, but the Director of the Great Lakes Laboratory of the State University College at Buffalo, itself a contractor on other hydrological matters on the Lakes, feels it could be much less, perhaps only 3 to 5 inches. The benefits—along the shoreline and on the benefit-cost ratios of the Corps—would be dramatically different, if the water level is reduced by only 30- to 50-percent of projected reduction.

Second, the reduction of the water level of Lake Erie through expanding the water flow out of the Lake through Squaw Island would dump that excess water into the next lake down the chain—Lake Ontario—thus creating too-high water problems on that Lake. The water level on Lake Ontario could then be reduced only if the channel were deepened in the St. Lawrence River through an area where that channel bed is virtually solid granite, a matter which would require the dollar participation of the Canadian Government as well.

Third, the diversion channel would discharge the highly polluted waters of the neighboring Black Rock Canal, as well as deflect the effluent from the Buffalo sewage treatment plant, at such location and velocity that they could enter the west channel of the Niagara River and contaminate the drinking water of over 1 million individuals in the town and city of Tonawanda, North Tonawanda, Niagara Falls, Lockport, and numerous other areas of Erie and Niagara Counties or incur major additional costs to those communities through expenses required to restore the water quality. This change in wa-

ter flow may also contaminate the waters at Beaver Island State Park on the southern tip of Grand Island, the only swimming area on the U.S. side of the Upper Niagara and a major recreational area.

Fourth, by cutting across Squaw Island, the channel would increase the Buffalo Sewer Authority's cost by $300,000 to $500,000 annually to carry and dump residue from the Squaw Island incinerator to other disposal sites.

Fifth, the rowing site for the West Side Rowing Club would be adversely effected by the additional flow of 18,000 c/ft. per second.

It was for these reasons that we felt the Squaw Island project should be put in abeyance until either the questions raised were answered satisfactorily or another alternative to accomplish the same goal was devised.

At a meeting of the Conference of Great Lakes Congressmen on June 30, at which representatives of the International Joint Commission and the Corps of Engineers testified, a solution to the Great Lakes water level problem emerged. Inasmuch as the person offering the suggestion asked that it be off the record, I will not ascribe the proposal to anyone, but it should be stressed that the individual has had a vast amount of experience in this subject area. The recommendation was for immediate action on increased diversion from Lake Michigan at Chicago, plus consideration of the Squaw Island diversion channel in combination with channel improvements in the St. Lawrence River and resolution of all the questions raised about SEO–17P.

The Chairman of the Conference, our colleague from Michigan, Congressman James O'Hara introduced legislation this week calling for a five-year demonstration program to establish the feasibility of increased diversion from Lake Michigan at Chicago. I support this legislation, and I am encouraged by the cosponsorship of it by the Chairman of this Subcommittee and the probable Chairman of the full Committee during the 95th Congress.

With respect to the Squaw Island-St. Lawrence River combined projects, suggestions raised at the June 30 meeting indicate that most objections could be overcome. The placement of locks in the diversion channel would permit the regulation of water flow from Lake Erie into Lake Ontario at rates which at times would produce ten inch reductions in Lake Erie water levels, while lessening that additional flow at times when Lake Ontario could not absorb the flow or wetland areas along Lake Erie were in danger of becoming too high above the water line. Those locks could also be closed at times when the rowing club was operating in the vicinity. The deepening of a portion of the channel through the St. Lawrence River would allow, in combination with the Eisenhower Lock and other structures, the water level of Lake Ontario to be regulated in such a way as to assure against high water and against the formation of ice in a manner which would permit it breaking and flowing into the lock system. The construction of a deflection levee at the exit from the diversion channel would assure against the flow of water into the west channel of the Niagara River. The Federal Government could absorb the additional cost of carrying and dumping residue from the Squaw Island incinerator as part of its contribution to annual maintenance.

I note, however, that the new District Director of the Corps in Buffalo, Col. Daniel D. Ludwig, indicated in an interview carried in the Buffalo Evening News of August 26, 1976, that "the Corps will not press for a proposed diversion channel across Squaw Island." I assume, therefore, that this proposal is now in the state of abeyance which the Western New York delegation sought in June.

I wish to now turn my attention to the regional program in need of additional authorization. I refer to the extension of the navigation season on the Great Lakes.

EXTENSION OF THE NAVIGATION SEASON ON THE GREAT LAKES

Mr. Chairman, I support the Great Lakes-St. Lawrence Seaway Navigation Season Extension Demonstration Program and the funding recommended through H.R. 14677.

Extending the navigation season on the Great Lakes is of major importance to the Port of Buffalo. Traffic moving from the upper lakes, down the chain, and into the St. Lawrence Seaway frequently uses the facilities at the Port of Buffalo; thus, the longer the navigation season on the entire lakes, the greater the use of the Port of Buffalo.

There has been a remarkable increase in tonnage after December 15 over the years the demonstration program has been extended, with increased tonnage through the Soo Locks and St. Mary's River operations up from 400,000 tons to 9.1 million tons.

Any adverse environmental effects are minimal, and some environmental benefits have actually been obtained through controlling damage caused by free-flowing ice.

This demonstration program has worked effectively and efficiently. The savings and benefits of the extended season include direct shipping costs, inventory, warehousing and distribution costs, increased and stabilized incomes and employment, and many other regional benefits. There are estimates of $1.9 billion increase in regional output and $560 million in wages per year, which would create about 38,000 new jobs within the Great Lakes region. These are estimates that have been made by the Bureau of Economic Analysis of the Department of Commerce.

Congress in 1970 recognized the urgency for improving waterborne commerce in the system, when it put the Winter Navigation Board to work to study and demonstrate the feasibility of year-round, system-wide navigation.

In the 1974–75 and 1975–76 winter seasons, traffic has moved full-season through the Soo Locks from Lake Superior into the lower lakes, carrying millions of tons of cargo. This has resulted in a benefit-cost ratio for upper lakes navigation through January each year in excess of 3 to 1. For full-system, year-round service, the benefit to cost ratio is estimated to be 9 to 1.

Extension of the season will do a number of things. It results in fuel savings. It disturbs the environment less than other modes of transportation which would have to be used. It increases use of vessels and port facilities. It makes greater use of capital facilities, and it provides for more stable employment, providing jobs on a 12-month basis for labor.

I hope the Committee acts favorably and incorporates H.R. 14677 in the Water Resources Development Act.

SHORELINE AND BEACH EROSION CONTROL

A recent, major General Accounting Office study concluded that the Federal shoreline erosion control program has been "irregular and incomplete." That study pinpointed six problem areas with the program: first, the inability or reluctance of Federal, State, and local agencies to provide the necessary funds; second, the requirement that public access be provided to beaches developed or improved with Federal funds; third, the inability to agree on the Federal financial participation rate; fourth, the inability to locate suitable sand and other source materials necessary for restoration projects; fifth, the State laws and local requirements which conflict with Federal requirements; and sixth, the changes in environmental conditions which lessen the public's sense of urgency for project implementation.

What emerged from this study was the conclusion that there was only a minimal commitment on the part of the Congress and successive Administrations to the program.

It is time to undertake a thorough commitment.

I know personally of the tragic damage which has been caused to both personal property and to the environment by shoreline erosion from the onside inspections of damaged areas along the Great Lakes and from the conversations and correspondence I have had with property owners along Lake Erie. I have seen instances where property in which entire life savings have been invested simply washed away. A single storm which battered the southern shore of Erie County, N.Y., in 1973 caused an estimated $1 million in property damage, and there have been severe storms since then.

Homes are jeopardized and sometimes totally lost, and these are not always the "second" or "weekend" homes of the well-to-do. They are more often the sole residences of families which have placed the bulk of all their personal earnings into their equity and furnishings.

Commercial and industrial facilities, ranging from manufacturing plants to marinas, are damaged and, in some instances, must be relocated or abandonded.

Public service facilities and structures, such as roads, storm and sanitary sewers, utilities—are damaged or destroyed.

Economically vital sections of real estate are wholly or partially abandoned to the elements, causing distress and turmoil in local economics.

Important recreational and park areas are lost or severely damaged.

Pollution occasioned by silt is worsened.

And, because of inadequate Federal assistance and disaster relief coverage, local government is called upon to bear costs far exceeding its normal taxing capacity. The same thing I said at the beginning of this statement about having to pay in disaster relief that which could have been provided in protection applies here as well.

This is why it is so hard to understand why Federal progress in controlling beach and shoreline erosion has been so slow. Of a total of 64 projects authorized since 1946 on the Federal level and made subject to the GAO study, only 20 have been completed. The average time to complete the 20 projects or project segments has been about 10 years from the date of the local request. These delays in scheduling and completing Federal projects have resulted in increased construction costs, the loss of additional shoreline property, the need for projects to be restudied—which means ever more delay, and the need for the construction of temporary measures—which means even more cost.

Under the leadership of this Committee, Congress began in 1973 a major new effort to deal with beach and shoreline erosion. The Committee included in its Water Resources Act of that year a provision, section 54, to authorize a shoreline erosion control demonstration program. Having passed the House and Senate, it was signed into law, Public Law 93–251, on March 7, 1974, as the Shoreline Erosion Control Demonstration Act of 1974. But the major, new commitment which many of us foresaw did not materialize.

The Administration did not request any supplemental fiscal year 1974 funding nor any fiscal year 1975 funding, although $100,000 was reprogrammed to finance the initial activities of the Shoreline Erosion Advisory Panel, a panel authorized by the 1974 act.

I think the most salient comment about the implementation of this act was that of Maj. Gen. J. W. Morris, the Chief of Engineers for the Corps, when he said last summer in a letter to me:

"Until funds for planning, design, construction, operation, maintenance, monitoring, reporting on the demonstration projects

are available, the goals of the Act remain elusive."

There has been little improvement since then. Funding was not requested by the Administration for fiscal year 1976, but the Congress had the foresight to increase the zero-funding for the program to $320,000. The Administration requested only $200,000 for fiscal year 1977.

I find it difficult to understand why the Congress and the Administrations have not elevated beach and shoreline erosion control to the status of the Corps other major undertakings. Considering the consequences of doing nothing or continuing to do little, it seems to me Congress ought to elevate the importance of this program, moving it more in line with flood control, navigation, and related programs. It's time to move from the demonstration stage to full-scale participation in these types of projects.

The failure to more fully undertake this program will continue to lead to other ways of providing relief which, no matter how well-intended, are not as direct. On May 20 of this year, I introduced a bill, H.R. 13935, a bill to amend the Internal Revenue Code of 1954 to provide that certain losses from shoreline erosion shall be deductible for purposes of individual income taxes. I believe this is a stop-gap measure which is necessary, nonetheless, because other means have not been undertaken to protect people's property. On August 26, our colleague from New York, Congressman John LaFalce introduced a measure, H.R. 15299, which expanded upon that first bill and set forth qualified erosion prevention expenditure tests. I said at the time of the introduction of H.R. 13935 that I did not regard it as the most effective approach; that I regarded an expansion of the program through the Water Resources Development Act as the best route. I still feel that way, even though I will, of course, pursue both avenues.

Perhaps it is time to change the way in which the Corps addresses these types of projects, expanding the definitions under the various statutes to allow beach erosion and streambank erosion to be treated just like any other project—if under a certain dollar amount, handled through the section 205 program; if over that amount, handled by seeking a specific authorization and appropriation.

SECTION 205 SMALL PROJECTS

I think the Committee should give consideration also to the expansion of the dollar authority for the section 205 small projects program. I know we have problems in our area because there are insufficient funds to meet all the national small project needs, yet small projects, by virtue of being small, tend to be more numerous. We have recently obtained a badly needed section 205 commitment to remove certain abutments in the vicinity of Michigan Avenue in Buffalo, abutments which were preventing full use of the waterways. Several weeks thereafter, it was brought to our attention that certain reaches on Scajaquada Creek could be made into a section 205 project, but, unfortunately, having committed the funds to the first, we could not take care of the second. That worked a disadvantage to those in the area of Scajaquada Creek whose only reason for not getting the funding was that they were last in time in asking.

Mr. Chairman, I appreciate the courtesy of the Committee. I hope that we can proceed with these matters through the legislation which you will report to the Floor.

PROBLEMS WITH THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 15 minutes.

Mr. DENT. Mr. Speaker, today marks an important anniversary in the field of pension protection, for it was 2 years ago today that the Employee Retirement Income Security Act of 1974 became law.

The development of ERISA was a lengthy and turbulent affair. It took over 10 years for the Congress to move from a general feeling that there was a need for Federal regulation of private pension systems to the point where a bill containing a comprehensive scheme of Federal regulation could be sent to the President. The genesis for this pension reform was clearly the horror stories with which we all became familiar—the Studebaker experience comes to mind quickly. Our files are literally stuffed with similar stories, written by old and tired workers, who suddenly discovered that their pension promises, for which they had labored so strenuously and upon which they were relying for a decent and comfortable retirement, were in reality worthless. Further investigation revealed a critical need for Federal pension reform on virtually every aspect of private pension and welfare plans. Participation requirements and vesting schedules needed to be reformed, so that workers would be brought into a plan quickly and achieve vested rights within a reasonable period. Funding requirements were needed, so that plans would remain solvent and so that there would be funds in the plan to back up the promises the plan made to its participants. Uniform fiduciary standards were urgently needed, in order to protect the assets of pension and welfare plans against depletion because of imprudent or dishonest actions by those persons with the power to control and invest those plan asets. Effective access to the courts was needed, lest participants and beneficiaries be frustrated in their attempts to enforce their pension rights because of procedural technicalities. And finally, it was clear that an insurance program was needed, was needed to guarantee the benefits promised by plans which terminated with assets insufficient to cover the promises made.

We were finally able to write and move through the legislative process a bill that addressed the issues that were raised. Many hearings, discussions, conferences, and compromises ultimately resulted in ERISA. We thought in 1974 and we still believe it to be true today that ERISA is basically a good piece of legislation. We know when it was passed that problems would arise that were unforeseeable, and that certain legislative impressions, no matter how well thought out in advance, would prove less than completely satisfactory in the real world of pension plan operation. Indeed, it was clear to those of us who worked most closely with pension reform that no single piece of legislation could fully and effectively regulate every aspect of pension and welfare plans. And so ERISA was intended as a first step toward effective Federal regulation of private pension and welfare plans—a significant first step, to be sure, but nonetheless, only a beginning. As the experiences with the law would develop, we expected that problems would undoubtedly arise, and that revisions in the statute itself would become necessary.

And let us not deceive ourselves, problems have arisen with ERISA.

The approach ERISA takes toward transactions between plans and parties in interest to the plan, for instance, has clearly proven unworkable. Many longstanding and completely above-board practices which have always benefited plan participants and beneficiaries are now prohibited, unless and until exemptions permitting the practices are granted by two separate agencies. Few exemption applications have even been processed, much less approved. This approach to prohibited transactions, which others, I might add, insisted upon, clearly is proving detrimental to efficient pension plan operation.

Problems with the reporting and disclosure provisions of ERISA have arisen as well. The Labor Department in particular has been unable to consistently issue direct and appropriate forms to gather the information it needs and is required to collect under the statute. This recurring problem has created huge paperwork burdens which create huge administrative costs for pension plans as they attempt to decipher and complete the forms. Every dollar a plan spends on an unnecessarily complex form means one less dollar to pay out in pension benefits. These reporting and disclosure problems are serious, and must be recognized as such and cured.

A third major problem that has arisen concerns the dual administration of the law. The Labor Department has exclusive jurisdiction over part of ERISA; so does the Internal Revenue Service. And these two agencies share jurisdiction over other parts of the law. While theoretically this kind of cooperative administration should work, in practice it is increasingly clear that it does not work well. We must resolve this problem of dual administration by eliminating it. The creation of a single agency to administer all of ERISA must be considered as one viable alternative.

Other parts of ERISA require careful review at this time. A recent Federal court decision raises the specter that yet another Federal agency, the Securities and Exchange Commission, will become involved in the regulation of employee benefit plans, a result clearly unintended when we enacted ERISA. Certainly Congress must be prepared to act if in fact this case is not reversed on appeal.

Another serious problem involves the relatively large number of plans which are filing notices of intent to terminate as compared to the small number of plans which are requesting qualification. Although the reasons for this contrast is not yet clear, we in Congress must closely monitor future developments. ERISA, above all, was intended to encourage the growth of employee benefit plans. If that is not what is in fact occurring, it is our duty to take corrective action.

But despite the presence of these problems, there is on this second anniversary of ERISA's enactment much that is posi-

tive and heartening about our experience with ERISA.

Vigorous oversight activities of the Subcommittee on Labor Standards have on occasion been successful in pointing out to the agencies certain problems as well as solutions to those problems. In numerous hearings, and less formal meetings and conversations, we have, with some exceptions, found the personnel at the agencies to be conscientious and hard-working and willing to recognize problems and take corrective actions. The members of the Subcommittee on Labor Standards and the Committee on Education and Labor, in their vigorous support of amendments to ERISA contained in H.R. 7597, have demonstrated a willingness to understand the law and improve it.

Most gratifying of all is the simple conclusion that must be drawn by every truly objective observer of ERISA: ERISA, overall, is accomplishing precisely what it set out to accomplish. Workers are being brought into their plans and they are becoming vested in their pensions within reasonable periods of time. Solid funding standards are in place. Effective fiduciary standards are on the books and being enforced daily. Procedural problems in participants' gaining access to the courts to redress grievances against plan officials are eliminated, and a comprehensive insurance program is in place and paying benefits regularly to participants and beneficiaries of plans that have terminated with insufficient assets.

ERISA, in short, is working, and it is working well. With continued vigorous oversight by the Congress, I am confident that the law can be more effectively administered and, if necessary, altered. The goals of ERISA—to encourage the growth and stability of employee pension and welfare plans—are noble and worthy ones. We have in the last 2 years made considerable progress toward achieving these goals. Let us resolve on this second anniversary of ERISA's enactment to continue that progress, so that the goals of ERISA will draw closer to reality in the months and years ahead.

FED DELAY UNFAIR TO CONSUMERS

The SPEAKER. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, consumers are not being represented as Congress had intended in the Federal Reserve System because of the Fed's delay in establishing a Consumer Advisory Council.

The mandate for this Council came with the signing by the President of the Equal Credit Opportunity Act amendments on March 23 but to date, the Fed has done little toward implementing that order.

The purpose of the Council is to advise and consult with the Board on matters related to consumer protection under the various consumer credit laws but despite this, no appointments have been made, nor has the Fed made a statement as to when the Council can be expected to start work.

Congress was very specific in its outline for this Advisory Council in the equal credit amendments. It is to take the place of the Advisory Committee created by the Truth in Lending Act in the 91st Congress and is to be made up of a fair representation of both consumer and credit interests.

The Fed did go as far as to set a deadline for having nominations in April 30. Almost immediately, several hundred persons expressed interest in serving on the Council. But in 4 months, not one has been selected. The best the agency is saying now is that they hope to make some appointments "soon, probably in September."

I am particularly upset because almost daily, the Fed continues to write important regulations for the Truth in Lending Act, the Truth in Leasing Act, the Equal Credit Opportunity Act, and others without the benefit of the opinions of either the original committee or the new Council. The input that Congress had intended is just simply not being provided.

Consumers certainly deserve more than this. They deserve to know when the Fed intends to see that their interests are better represented through the organization of this Council and I call on the agency to make a statement soon as to when the Council will begin its advisory job.

WOMEN AND DRUG ABUSE

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. RODINO) is recognized for 5 minutes.

Mr. RODINO. Mr. Speaker, I rise to call my colleagues' attention to the President's action last month in signing into law Public Law 94-371, the Comprehensive Alcohol Abuse and Alcohol Prevention, Treatment, and Rehabilitation Act Amendments of 1976.

I vigorously supported this legislation when it was considered by the House and I am hopeful that it will effectively address the severe problems of drug abuse and alcoholism in this country.

In particular, I am very gratified that Public Law 94-371 places special emphasis on the unmet needs of female substance abusers—a subject which has deeply concerned me for some time.

In fact, last October I had the distinct pleasure of addressing a conference in Miami which was convened to consider this serious problem.

That conference, entitled "Drugs, Alcohol and Women: A National Forum," brought together professionals from the various disciplines concerned with the causes and societal implications of these unmet needs.

In many respects the conference served as a catalyst for congressional action in this area and it focused public attention on the unique problems confronting female drug abusers. This subject had been ignored for too many years by program planners and policymakers at all levels of government and I am confident that the provisions contained in Public Law 94-371 will result in the establishment of programs and projects to assist this vulnerable population group.

Because the Miami conference, which was chaired by the director of the Program for Women's Concerns at the National Institute on Drug Abuse, Ms. Alberta Henderson, generated a new level of awareness and activity among public and private officials, regional groups and ad hoc organizations were formed to consider this significant issue.

I firmly believe that this conference can be viewed as a significant first step in addressing this issue and I am therefore pleased that portions of the proceedings and some of the data collected have been published in the form of a source book on "Drugs, Alcohol, and Women." This valuable document will serve as a unique reference to all concerned citizens. This publication was edited by Muriel Nellis, and in her forward to the document, she has appropriately stated that:

> This benchmark publication will provide insight and information to the issues and persons engaged in this significant colloquium and will provoke the continued commitment and action necessary for influencing effective change.

It is indeed disturbing to hear of the debilitating effect that drug and alcohol abuse have had on family life in this country. Even more troubling are recent studies which show that drug-related crimes committed by women are increasing at an exponential rate.

Unfortunately, to date these staggering facts have not been reflected in programs for the care of substance-dependent females.

Preliminary findings contained in a recent survey conducted by the National League of Cities, U.S. Conference of Mayors, of cities having over 30,000 in population, indicates that in well over 40 percent of those responding, drug abuse is cited as a high priority issue. That result, coupled with the recently released DAWN report, a warning network established in 1972 by NIDA and DEA, which in this case reported from 29 major cities—covering a period from April 1974 to April 1975—showing that alcohol used with other drugs was related to almost 200,000 cases of illness or death, points up the need for our continued vigilance and review of the sufficiency of the direction of our national effort. It is important to note that the DAWN report concentrated on the 10-29 age group and that females outnumbered males in emergency room cases. These and other information which has surfaced since the Miami conference validate the significance of that event.

I sincerely hope that Congress, by recently establishing a Select Committee on Narcotics Abuse and Control, and by processing the legislation which became Public Law 94-371, will improve the national response to the general problem of drug abuse and the specific problems confronting female drug abusers.

In order to develop an effective Federal program to combat these problem areas, we must also receive the close cooperation and support of the executive branch.

The need for a total commitment in attacking the problem of drug abuse was succinctly stated by Alberta Henderson in her introductory remarks during the Miami conference as follows:

The problems and concerns of the female abuser are the responsibility of every segment of society . . . No decision-maker and planner at any level of responsibility within our administrative, legislative, or judicial systems is exempt from making positive efforts to eliminate this threat to the very survival of a Nation.

REPRESENTATIVE BELLA S. ABZUG INTRODUCES HOUSING CRIME PREVENTION BILL

The SPEAKER. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 15 minutes.

Ms. ABZUG. Mr. Speaker, today I am introducing a measure which would amend the National Housing Act of 1937 to authorize and fund activities in public housing which will deter crime. This legislation authorizes double the amount of expenditures that the U.S. Department of Housing and Urban Development now commits to crime prevention programs. Such activities include security personnel and housing police as well as tenants' advisory groups.

This legislation, by recognizing the central role that security plays in the overall success of any housing endeavor, and by authorizing as a priority crime prevention services, should contribute significantly to our ongoing struggle to overcome faults in the national housing programs.

It is time to maximize the utility of those facilities already constructed; and in the case of public housing facilities this means crime prevention. Nobody wants to live in or bother to maintain a crime-ridden building. Taxpayers are tired of watching their dollars go down the drain when housing projects fail. There are nationwide examples of such failure; perhaps the most obvious case is the Pruitt-Igoe project constructed in St. Louis in 1957, which was recently demolished following its abandonment caused by the high rates of crime and vandalism.

I know that in my own city of New York, 127 housing police—nearly 10 percent of the total force—have been laid off due to the growing inability of the New York City budget to adequately accommodate such services necessary to our citizens' protection. The fact of the matter is that a majority of the housing police force in New York City, even including those in Federal projects, are paid for by the city. This is an unrealistic burden for cities to bear. I submit that it is time for the Federal Government to pay for services vital to the well-being of tenants, in order to insure the viability of existing housing projects.

This proposed amendment basically covers two strategies for eliminating housing crime. The first strategy is the authority for the provision of housing police and physical security measures, as may be needed to patrol the buildings and to prevent criminals from entering the housing units in the first place. A major reason for high crime rates in public housing projects—compared with higher income apartment complexes which are usually safe and secure environments—is that higher income residents can afford to hire doormen and security personnel, and they can afford to purchase extra locks and security devices. The simple fact is that public housing units are not as well-protected and patrolled due to the lack of funds available for housing authorities to commit to crime prevention.

In addition to granting authority for housing police and security personnel, this bill proposes a second strategy, the formation of residents' associations to provide residents with technical and educational asistance in formulating their own plans for safety. Community involvement in crime prevention is a major factor in the overall success of comprehensive crime-prevention programs, according to testimony given during hearings held by the Select Committe on Aging on the subject of elderly crime victimization. Capt. Stanley Friedman of the Wilmington, Del., Bureau of Police Crime Resistance Program noted in these hearings last May that educational programs and citizen-initiated escort service have a remarkable potential in the reduction of crime on the streets. Such approaches could be encouraged in housing projects under the authority granted by this amendment.

It is time for Congress to strengthen the ability of the Department of Housing and Urban Development to improve Federal housing projects. This bill is a necessary step in the direction of assuring every American a safe, decent living environment.

The text of the bill follows:

H.R. 15424

A bill to amend the United States Housing Act of 1937 to enable local public housing agencies to enter into security arrangements designed to prevent crimes and otherwise insure the safety and well-being of public housing tenants

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the Congress finds that—

(1) the safety and well-being of persons residing in public housing projects are being threatened as a result of inadequate security arrangements for the prevention of theft, burglary, physical violence, drug traffic, and other crimes; and

(2) most local public housing authorities are unable, as a result of the lack of funding and specific authority, to protect the lives and property of the tenants in projects under their jurisdiction.

(b) It is the purpose, therefore, of this Act to provide for the authority to enter into security arrangements which will assist in remedying the situation described in subsection (a).

SEC. 2. (a) Section 9(a) of the United States Housing Act of 1937 is amended by adding at the end thereof the following new sentence: "Public housing agencies may utilize the authority under this section to enter into agreements (A) for the purpose of providing services which are designed to secure the safety and well-being of residents of dwelling units under the authority of such agencies, including the services of security staff and special housing police, the installation of properly equipped safety systems, and the establishment and maintenance (with the assistance and association of tenants) of special security committees to eliminate crime and insure that proper priorities are followed in resolving security and crime problems, and (B) for the purpose of planning other services and assistance as may be necessary to prevent crimes and maximize the safety of such residents."

(b) Section 9(c) of such Act is amended—

(1) by inserting ", except for the last sentence of subsection (a)," immediately after "to this section"; and

(2) by adding the following new sentence at the end thereof: "There are authorized to be appropriated, for the purpose of financing agreements described in the last sentence of subsection (a), not to exceed $7,000,000 for the fiscal year ending September 30, 1977, and $7,000,000 for the fiscal year ending September 30, 1978."

NATIONAL CONDOMINIUM AND PLANNED UNIT DEVELOPMENT CONSUMER PROTECTION ACT

The SPEAKER. Under a previous order of the House, the gentleman from New Jersey (Mr. MINISH) is recognized for 10 minutes.

Mr. MINISH. Mr. Speaker, on behalf of the gentleman from Maryland (Mr. MITCHELL), the gentleman from New York (Mr. LUNDINE), the gentleman from Texas (Mr. GONZALEZ), the gentleman from Indiana (Mr. HAYES), the gentleman from Rhode Island (Mr. ST GERMAIN), the gentleman from Connecticut (Mr. MCKINNEY), the gentleman from Ohio (Mr. ASHLEY), the gentleman from Wisconsin (Mr. REUSS), and myself, I am today introducing the National Condominium and Planned Unit Development Consumer Protection Act.

The bill embodies the recommendations of a report on condominium development and sales practices issued by the Subcommittee on General Oversight and Renegotiation of the Committee on Banking, Currency and Housing. This report, based on 4 days of hearings and an intensive staff analysis, details the rapid growth of condominium and related forms of housing, and documents the existence of serious consumer problems.

Almost 4 million Americans currently reside in the condominiums, and it is our belief that condominiums will continue to account for a significant share of the Nation's housing in the years to come. In fact, experts have described condominiums as the best housing alternative available to Americans given the economic and environmental realities of the present time. We are introducing this bill to help insure that condominium purchasers obtain good and decent housing and that condominium development keeps pace with the Nation's housing needs.

One of the major conclusions of the Oversight Subcommittee was that consumer dissatisfaction is based in large

measure on purchaser unfamiliarity with the concept of shared property ownership. To remedy this situation, our bill requires developers to disclose to prospective purchasers in a brief easy to understand format the information necessary to enable consumers to reach a sound purchase decision. As a further protection, the bill grants purchasers the right to cancel a sales contract within 15 days of its execution. This "cooling-off" period is warranted by the lengthy and complicated nature of condominium documents as well as the high-pressure sales techniques of certain condominium developers.

One of the most frequently cited consumer complaints in the area of condominium housing is poor quality construction. Unlike purchasers of single family homes, condominium buyers, especially in high-rise structures, are unable to perform adequate inspection of a building's major structural systems. Our bill, therefore, provides a limited 1-year warranty against major structural defects for both the individual dwelling unit and a project's common areas. For converted structures, the warranty would extend for an additional year.

Condominiums also pose problems for tenants whose rental apartments are converted into condominiums. HUD estimates that 100,000 dwelling units have already undergone such conversion, and testimony before our subcommittee indicated that the conversion process will continue to be of significant proportions during the next decade. Too often tenants in projects undergoing conversion cannot afford to purchase their apartments and are given inadequate notice of the landlord's intention to convert. They are, therefore, unable to locate suitable alternative housing. Our bill proposes that tenants in buildings undergoing conversion be afforded written notice of a landlord's intention to convert at least 120 days prior to their being required to vacate their apartments.

Let me stress, Mr. Speaker, that the consumer protection measures set out in our bill are designed as minimum standards. The States are free and are, in fact, encouraged under this bill to develop more stringent protective measures than those we propose. This is possible because we have left enforcement of the rights and obligations set out in this bill to individual unit owners through suit in Federal court. This enforcement mechanism will permit the States that wish to regulate condominiums to formulate their own programs unhampered by a conflicting and duplicitous Federal enforcement scheme. In addition, placing responsibility for enforcement in the hands of those citizens most directly affected obviates the need for a costly and cumbersome new bureaucracy. We believe that nothing in this bill will result in a substantial increase in costs to condominium purchasers or discourage honest developers from initiating new condominium construction.

ON THURSDAY, SEPTEMBER 9, 1976, CONGRESSMAN DANIEL J. FLOOD WILL ADDRESS THE HOUSE CONCERNING RECENT PANAMA CANAL DEVELOPMENTS

The SPEAKER. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, as all Members of the Congress know, the question of the continued undiluted sovereign control of the U.S.-owned Canal Zone and Panama Canal has become a major national issue.

In the CONGRESSIONAL RECORD of March 16, 1976, page 6550, I presented a summary of the more significant factors involved in this vital matter.

Just as foreseen, since that time, the Isthmian question has been increasingly discussed in all the 50 States, especially by thoughtful citizens who see through the current campaign of sophistry and mendacious propaganda spearheaded by the Department of State and more recently, by the Department of Defense, including the Secretary of the Army, for the cession of U.S. sovereignty over the Canal Zone to Panama.

To show that the people of the United States are not fooled by the sustained propaganda, a recent poll showed that 89 percent are opposed to the projected surrender.

On Thursday, September 9, 1976, I plan to make another address on new aspects of the canal problem. This address will analyze some of the recent propaganda, stress certain of the perils involved in the surrender proposal, outline a canal policy derived from experience and offer a program for implementing such policy.

Accordingly I trust that as many Members as possible will be on the floor and take part in the discussions that will follow.

BILL TO SAFEGUARD PRIVACY OF CUSTOMERS' BANK RECORDS

The SPEAKER. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 10 minutes.

Mr. REUSS. Mr. Speaker, I am today introducing H.R. 15450, a bill to assure that the rights of individuals to privacy of their bank records will be protected. The bill provides procedural safeguards to assure an individual's constitutional rights to privacy, while at the same time enabling the Government to obtain access to bank records needed in pursuit of legitimate governmental objectives. It is my expectation that the House Committee on Banking, Currency and Housing will hold hearings on this bill early next year.

The problem of governmental access to bank records has been with us for a long time, but it has been exacerbated by the Bank Secrecy Act of 1970. That law authorized the Secretary of the Treasury to require financial institutions to keep very comprehensive records of the customers' financial transactions, and to turn these records over to the Treasury upon request. The effect of the act is to create a vast pool of information about an individual's personal and financial life. The legislative history of the act shows that Congress assumed that privacy and confidentiality of bank records would be safeguarded. Nevertheless, the act does not deal specifically with the question of governmental access to these records, and many complaints have arisen about the application of the act.

At present, the financial institution has considerable discretion on the question of turning over customer records to governmental agencies. Nothing requires a bank to comply with a Government request for information, in the absence of a subpena or any other legal process. However, nothing prohibits a bank from complying, and the customer often has no way of knowing his records are being examined, and no opportunity to challenge disclosure of information. Banks will be the first to say that they are often not capable of judging the validity of a governmental request for information, and consequently, would welcome clarification of the procedure under which such information is to be disclosed.

The bill I am introducing today will establish a process to insure that Government agencies can continue to obtain the information they need for proper law enforcement, while also insuring that individual rights will be protected.

The bill would allow a bank to disclose confidential personal data only under the following procedures:

First. Prior written consent of the customer.

Second. Administrative subpena served on the customer and financial institution, followed by the customer's consent or a court order directing disclosure of the records.

Third. Search warrants issued for probable cause pursuant to law, which may be used without prior notice to the customer.

Fourth. Judicial subpena which gives a customer 10 days to object before the financial institution must disclose the required records.

I include the material in the RECORD at this point:

MEMORANDUM

Re Privacy of Bank Customer Records.
To Henry S. Reuss.
From Steve Verdier.

The Bank Secrecy Act (Public Law 91–508) created a great amount of confidential personal data which has been vigorously sought by law enforcement agencies. However, the Act did not provide any safeguards to protect the privacy of these records. The attached bill would allow a bank to disclose such records only under the following procedures:

"First, prior written consent of the customer, second, administrative subpena served on the customer and financial institution, followed by the customer's consent or a court order directing disclosure of the records, third, search warrants issued for probable cause pursuant to law, which may be used

without prior notice to the customer, and fourth, judicial subpena which gives a customer 10 days to object before the financial institution must disclose the required records."—CONGRESSIONAL RECORD, July 19, 1973, Page 24850.

H.R. 15450

A bill to require that the disclosure of records maintained by financial institutions respecting their customers to officers, employees, or agents of the United States or of any State or political subdivision thereof occur only in accordance with the provisions of this Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) title I of the Act entitled "An Act to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in United States currency be reported to the Department of the Treasury, and for other purposes", approved October 26, 1970 (Public Law 91-508), is amended by inserting at the end thereof the following new chapter:

"Chapter 3.—DISCLOSURE OF CERTAIN FINANCIAL INFORMATION

"Sec.
"141. Definitions.
"142. Confidentiality of records—Government.
"143. Confidentiality of records—financial institutions.
"144. Customer authorization.
"145. Administrative subpenas and summonses.
"146. Search warrants.
"147. Judicial subpena.
"148. Access.
"149. Exceptions.
"150. Recordkeeping and reporting.
"151. Jurisdiction.
"152. Civil penalties.
"153. Criminal penalties.
"154. Injunctive relief.
"155. Waiver of rights.
"156. Inconsistent provisions of law.

"§ 141. Definitions

"For the purposes of this chapter—

"(a) The term 'financial institution' means—

"(1) a bank or trust company organized under the laws of any State or of the United States;

"(2) a savings and loan association or building and loan association organized under the laws of any State or of the United States;

"(3) a credit union organized under the laws of any State or of the United States; and

"(4) any other organization chartered under the banking laws of any State and subject to the supervision of the bank supervisory authorities of a State.

"(b) The term 'financial records' means any original or any copy of—

"(1) any debit or credit to a customer's deposit or share account with a financial institution; or

"(2) any record held by a financial institution containing information pertaining to a customer's relationship with the financial institution.

"(c) The term 'person' means an individual, partnership, corporation, association, trust, or any other legal entity organized under the laws of a State or the United States.

"(d) The term 'customer' means any person patronizing a financial institution and utilizing service offered by that financial institution.

"(e) The term 'supervisory agency' means—

"(1) the Federal Deposit Insurance Corporation;

"(2) the Federal Savings and Loan Insurance Corporation;

"(3) the Federal Home Loan Bank Board;

"(4) the National Credit Union Administration;

"(5) the Federal Reserve Board;

"(6) the Comptroller of the Currency;

"(7) any State department or agency which is required by law to perform periodic examination or audit of the financial records of non-Federal financial institutions; or

"(8) any authority of any State or local government which the Secretary of the Treasury determines by regulation exercises supervisory functions substantially similar to those exercised by the agencies referred to in clauses (1) through (7) of this paragraph.

"§ 142. Confidentiality of records—Government

"(a) Except as provided in section 148, no officer, employee, or agent of the United States, or any agency or department thereof, or of State or local governments may obtain copies of, access to, or the information contained in, the financial records of any customer from a financial institution unless the financial records are described with particularity and:

"(1) such customer has authorized such disclosure in accordance with section 144; or

"(2) such financial records are disclosed in response to an administrative subpena or summons which meet the requirements of section 145; or

"(3) such financial records are disclosed in response to a court order which meets the requirements of section 146; or

"(4) such financial records are disclosed in response to a judicial subpena which meets the requirements of section 147.

"(b) In any proceeding relating to such subpenas, summonses, and court orders, the customer shall have the same rights as if the records were in his possession.

"§ 143. Confidentiality of records—financial institutions

"(a) No financial institution, or any officer, employee, or agent of a financial institution, may provide to any officer, employee, or agent of the United States, or any agency or department thereof, or of State or local governments copies of, access to, or the information contained in, the financial records of any customer except in accordance with the requirements of sections 144, 145, 146, and 147.

"(b) This section shall not preclude a financial institution from notifying appropriate officials of Federal, State, or local governments of violations of the criminal law suspected of being committed against the financial institution itself: *Provided, however*, That any access to customer records shall be governed by sections 142 and 143(a) of this chapter.

"§ 144. Customer authorization

"(a) A customer may authorize disclosure under section 142(a)(1) if he or those seeking disclosure furnish to the financial institution a signed and dated statement by which the customer—

"(1) authorizes such disclosure for a period not in excess of one year; and

"(2) identifies the financial records which are authorized to be disclosed; and

"(3) specifies the purposes for which, and the agencies to which, such records may be disclosed.

"(b) No such authorization shall be required as a condition of doing business with such financial institution.

"(c) The financial institution shall keep a record of all examinations of the customer's financial records, including the identity and purpose of the person examining the financial records, the governmental agency or department which he represents and a copy of the authorization. The financial institution shall notify the customer that he has the right at any time to revoke any authorization of disclosure and to obtain a copy of the aforementioned record of examinations.

"§ 145. Adminstrative subpenas and summonses

"(a) An officer, employee, or agent of the United States, or any department or agency thereof, or of State or local governments may obtain financial records under section 142 (a)(2) pursuant to an administrative subpena or summons otherwise authorized by law only if—

"(1) those serving such administrative summons or subpena have first served a copy of the subpena or summons on the customer in person or by certified mail, return receipt requested; and

"(2) the subpena or summons includes the name of the intended recipient and, if applicable, the statutory purpose for which the information is to be obtained; and

"(3) the customer directs the financial institution to comply, or

"(4) the financial institution is served with a court order directing it to comply, issued after notice to and opportunity for the customer to challenge such subpena or summons.

"(c) Nothing in this chapter shall preclude a financial institution from notifying a customer of the receipt of an administrative summons or subpena.

"§ 146. Search warrants

"An officer, employee, or agent of the United States or any agency or department thereof, or of State or local governments, may obtain financial records under section 142 (a)(3) only if he obtains a search warrant pursuant to the Federal Rules of Criminal Procedure or to applicable State law. The search warrants shall be served upon both the customer and the financial institution. Examination of financial records may occur as soon as the warrant is served on the financial institution and the customer.

"§ 147. Judicial subpena

"An officer, employee, or agent of the United States or any department or agency thereof or of State or local governments may obtain financial records under section 142(a)(4) pursuant to a judicial subpena only if—

"(a) the subpena specifies:

"(1) that the subpena is issued for good cause and is material to the inquiry persuant to which the subpena has been issued; and

"(2) that a copy has been served on the customer, in person or by certified mail, return receipt requested; and

"(b) ten days pass without notice to the financial institution that the customer has moved to quash the subpena. Where so notified, the financial institution may comply with the subpena only when it is served with a court order directing it to comply, issued after determination of the customer's motion.

"§ 148. Access

"Copies of, or the information contained in, financial records, obtained pursuant to section 142 shall not be used or retained in any form for any purpose other than the specific statutory purpose for which the information was originally obtained, nor shall such information or records be provided to any other Gvernmental department or agency or other person except where the transfer of such information is specifically authorized by statute.

"§ 149. Exceptions

"(a) Nothing in this chapter prohibits the dissemination of any financial information which is not identified with or identifiable as being derived from the financial records of a particular customer.

"(b) Subject to the limitations in section 148, nothing in this chapter prohibits examination by or disclosure to any supervisory agency of financial records solely in the exer-

cise of its supervisory function or the making of reports or returns required under the Internal Revenue Code of 1954.

"§ 150. Recordkeeping and reporting

"Notwithstanding any other provision of law, the Secretary of the Treasury may not require an institution to maintain any financial records or to transmit any reports relating to customers unless—

"(a) such records are required for use by a supervisory agency in the supervision of that institution; or

"(b) such records are required to be maintained by the Internal Revenue Code of 1954.

"§ 151. Jurisdiction

"An action to enforce any provision of this chapter may be brought in any appropriate United States district court without regard to the amount in controversy or in any other court of competent jurisdiction within three years from the date on which the violation occurs or the date of discovery of such violation, whichever is later.

"§ 152. Civil penalties

"SEC. 14. (a) Any person, financial institution, or any officer, employee, or agent of a financial institution of the, United States or any agency or department thereof, or of State or local governments, who obtains or discloses one or more financial records in violation of this chapter is liable to the customer to whom such records relate in an amount equal to the sum of—

"(1) $100 for each violation,

"(2) any actual damages sustained by the customer as a result of the disclosure,

"(3) such punitive damages as the court may allow, where the violation is found to have been knowing or willful, and

"(4) in the case of any successful action to enforce liability under this section, the cost of the action together with reasonable attorney's fees as determined by the court.

"§ 153. Criminal penalties

"(a) Any person, officer, employee, or agent of a financial institution, of the United States or any agency or department thereof, or of State or local governments who willfully and knowingly participates in a violation of this chapter shall, upon conviction, be imprisoned for not more than one year, or fined not more than $5,000, or both.

"(b) Any person, officer, employee, or agent of a financial institution, the United States or any agency or department thereof, or of State or local governments, who induces or attempts to induce a violation of this chapter shall, upon conviction, be imprisoned for not more than one year, or fined not more than $5,000 or both.

"§ 154. Injunctive relief

"In addition to any other remedy contained in this chapter or otherwise available, injunctive relief shall be available to any person aggrieved by a violation or threatened violation of this chapter. In the event of any successful action, costs together with reasonable attorney's fees as determined by the court may be recovered.

"§ 155. Waiver of rights

"No waiver of any right under this chapter shall be valid, whether oral or written, and whether with or without consideration.

"§ 156. Inconsistent provisions of law

"Should any other law of the United States or any other jurisdiction grant or appear to grant power or authority to any person to violate the provision of this chapter, the provisions hereof shall supersede and protanto override and annul such law, except those statutes hereafter enacted which specifically refer to this chapter.".

(b) The table of chapters of title I of such Act is amended by inserting immediately after item two the following:

"3. Disclosure of certain financial information ---------- 141".

SEC. 2. The first section of this Act and the amendments made by it shall take effect on the one hundred and eightieth day beginning after the date of its enactment.

MEDICAID ABUSE: UP TO $500 MILLION OVERPAID ANNUALLY BECAUSE OF FAILURE TO COLLECT FROM RESPONSIBLE "THIRD PARTIES"

The SPEAKER. Under a previous order of the House, the gentleman from Florida (Mr. PEPPER) is recognized for 15 minutes.

Mr. PEPPER. Mr. Speaker, as chairman of the Subcommittee on Health and Long-Term Care of the House Select Committee on Aging, I would like to congratulate my colleague in the Senate, FRANK MOSS, for his recent daring exposé of fraud and abuse within the medicaid program. The Senator deserves the respect of the House for boldly bringing this fraud and abuse to the public light, including prescription of unnecessary services and drugs, billing for services which were never provided, and kickbacks. However, other types of abuse exist within medicaid, abuses which do not get page 1 newspaper coverage, but abuses which must be stopped nonetheless. For example, up to $500 million is being overpaid by medicaid annually because liable persons and insurance companies are not paying their legal obligations.

I am today introducing legislation which will eliminate this area of serious abuse to the medicaid program, reduce fraud against medicaid recipients, and help avoid incorrect payments by the medicaid program.

The Congress intended that the medical expenses of a person eligible for medicaid would not be paid by medicaid if a "third party"; that is, an insurance company—had a legal obligation to pay for such care. In order to insure that medicaid would not pay for services for which a third party is liable, the Social Security Act requires each State to take all reasonable measures to ascertain the legal liabilities of third parties to pay for covered medical services. The act also requires that each State treat such legal liability as a resource of the individual on whose behalf the care and services are made available.

The term "third party" includes among others, health insurance companies, many of which provide group coverage to employees who are also eligible for medicaid, and automobile no-fault insurance programs which provide medical coverage for injuries.

Although the intent of the law is clear, historically States have not implemented comprehensive third-party programs to identify medicaid costs which should be paid by liable third parties. Thirty-seven HEW State audit agency reports detained by our subcommittee have cited deficiencies in State third-party programs. Twenty-nine examples of these reported deficiencies are included elsewhere in this RECORD for the information of our colleagues.

Very little action has been taken by the Department of Health, Education, and Welfare to enforce the law in this area. In 1970, a General Accounting Office report recommended that HEW provide guidelines requiring the States to identify medicaid recipients who have private health insurance coverage and provide this information to the medicaid claims processing agents. HEW did not agree that guidelines were necessary, and none were issued at that time. In 1975, the GAO again reviewed third-party liability programs. In response to this review, HEW finally issued guidelines in June of this year, as requested by the GAO back in 1970.

HEW estimated, in a news release of July 28, that comprehensive programs of collecting from liable third parties will result in savings to medicaid of between $200 and $500 million each year. Our subcommittee will be monitoring HEW's actions in this area. We are most concerned with waste in the medicaid program. We encourage HEW to take the appropriate actions to make sure States follow the law and require liable third parties to pay for medical expenses of medicaid recipients.

However, there is a problem in the implementation of comprehensive third-party programs. This problem is a loophole in the law which allows the enactment of rules, regulations, and other procedures which result in medicaid being placed in a primary liability position, even though insurance coverage would otherwise be available. For example, Hawaii has a no-fault automobile insurance program that provides coverage for all reasonable expenses of medical care. However, the law has a catch with regard to medicaid recipients. The program contains a provision which states:

All no-fault benefits shall be paid secondarily and net of any benefits a person receives, because of accidental harm, from social security laws, workmen's compensation laws, or public assistance laws.

As a result of this provision, the automobile medical insurance coverage is not treated as a liable third party in Hawaii and medicaid is considered as the primary resource.

Other States have situations which could allow medicaid to be placed in a primary liability role. For example:

The State of Michigan's no-fault program states that benefits provided under the laws of any State or the Federal Government shall be subtracted from the insurance benefits otherwise payable for injury.

The Oklahoma insurance commissioner has approved health and accident insurance policies which contain a provision that limits the insurance company's liability to the amount not covered by medicaid.

These exclusions, in the various programs and insurance policies, are not consistent with the intent of the Congress that medicaid should be the payor of last resort. The insurance programs argue that they are not liable, because their policies contain an exclusion of liability for medicaid recipients. Under present law, these arguments are true. But this should not be allowed to con-

tinue in violation of the intent of the Congress.

The purpose of medicaid is to enable States to provide a medical assistance program for people with low incomes. It makes funds available to States to meet the costs of medical care for individuals whose income and resources are insufficient to pay the cost of necessary medical services.

The Congress intended, as pointed out in a Senate Finance Committee report (No. 90-744, November 14, 1967), that the medical expenses of a person eligible for medicaid would not be paid by medicaid if a third party had a legal obligation to pay for such care. The report said that—

> It is obvious that many people need medical care because of an accident or illness for which someone else has fiscal liability; for example, a health insurer, or a party who is determined by a court to have legal liability.

In order to insure that medicaid would not pay for services for which a third party is liable, the Congress required each State to take "all reasonable measures" to ascertain the legal liabilities of third parties to pay for covered medical services. The Social Security Act requires that each State treat such legal liability as a resource of the individual on whose behalf the care and services are made available.

If any person covered by medicaid is paying the same premium for health and accident insurance coverage as a person not eligible for medicaid, there may be a fraud being acted on the medicaid recipient if the insurance company is not liable because of an exclusion clause. This is not fair and must be stopped. This loophole being used by some insurance programs should be closed.

The legislation I am introducing would prohibit the State medicaid programs from recognizing any such exclusionary clause in an insurance program which limits its liability in cases of medicaid applicants or recipients. In this manner, the person would not have medicaid benefits to the extent of insurance coverage and the exclusion clause would not be effective. The result of this would be that insurance companies would be forced to pay for services in accordance with their policies held by medicaid recipients. There would be direct savings to the medicaid program.

In addition, the age limitation prohibiting the recovery of medicaid costs from the estates of deceased recipients under age 65 is unduly restrictive. Millions of dollars could be collected from these estates when a medicaid recipient dies leaving no spouse or dependent children. Many States have collected over one-half million dollars annually from the estates of persons over age 65, as current law limits collection only to amounts paid by medicaid after age 65. This legislation I am introducing would simply remove the arbitrary age limitation and allow larger recovery of medicaid costs.

The medicaid program simply costs too much. Proper administration of third-party collections can serve to reduce these costs by as much as $500 million per year, according to the Department of Health, Education, and Welfare's own estimate. It is important that we make every effort to seek ways to reduce unnecessary costs.

It is unfortunate that only now is HEW beginning to take step to solve this problem. Four billion dollars may have been lost since medicaid began in 1967 because of HEW inaction.

The legislation I am introducing would result in significant savings each and every year by insuring that liable third parties, including insurance companies and other insurange programs, pay their fair share of medical costs of medicaid recipients.

I encourage all interested persons to send their comments on this important proposed legislation to me at room 715, House Annex No. 1:

H.R. 15449

A bill to amend title XIX of the Social Security Act to provide that Medicaid is a payor of last resort and to permit recovery by States from certain estates of Medicaid expenses incurred by individuals before reaching the age of 65

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

MEDICAID AS PAYOR OF LAST RESORT

SECTION 1. Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(1) by striking out "and" at the end of paragraph (35);

(2) by striking out the period at the end of paragraph (36) and inserting in lieu thereof "; and "; and

(3) by inserting immediately after paragraph (36) the following new paragraph:

"(37) provide that no expenditure may be made under the plan to pay for care and services available under the plan for an individual to the extent to which an entity (other than a member of the individual's family) would be liable for payment for (or provision of) such care and services but for a provision of a contract or a State law which has the effect of limiting or excluding such liability because the individual is eligible or entitled to receive care or services under the plan.".

RECOVERY OF MEDICAID EXPENSES INCURRED BEFORE AGE 65 FROM CERTAIN ESTATES

SEC. 2. Section 1902(a)(18) of the Social Security Act (42 U.S.C. 1396a(a)(18)) is amended by striking out "(except, in the case of an individual who was 65 years of age or older when he received such assistance, from his estate, and then only after the death of his surviving spouse" and inserting in lieu thereof "(except from a deceased individual's estate after the death of his surviving spouse".

WHO MAKES THE LAWS?

The SPEAKER. Under a previous order of the House, the gentleman from Georgia (Mr. LEVITAS) is recognized for 5 minutes.

Mr. LEVITAS. Mr. Speaker, the question still recurs: Who makes the laws in this country? The elected Congress? Or the unelected bureaucracy? The examples of administrative excess, if not abuse, are numerous. On other occasions, we find the legislation which Congress passes to get something done frustrated by the bureaucracy's actions on its own. Time and time again, agency rules completely pervert and distort the intention of Congress in originally passing a law.

A remedy for this problem exists, but it is bottlenecked in the Rules Committee. I am referring to H.R. 12048, the Administrative Rulemaking Reform Act, which provides for congressional veto of administrative rules and regulations.

On nine separate occasions, the Members of the House have overwhelmingly approved amendments embodying the veto concept of the Administrative Rulemaking Reform Act to other pieces of legislation. The sentiments of the House have been clearly expressed, yet the Rules Committee continues to prevent the House from working its will. H.R. 12048 was reported by the Judiciary Committee almost 6 months ago and has been pending ever since in the Rules Committee, which also has original jurisdiction of the bill. While the Rules Committee held 2 days of hearings on H.R. 12048 last spring, no further action has been scheduled as yet.

Mr. Speaker, I would like to bring to the attention of my colleagues a column by Art Buchwald which appeared August 26 in various newspapers and deals with bureaucratic excess in a humorous light. The article would be very funny, if it were not so true—and sad:

NOBODY VOTED FOR PLOTKIN

(By Art Buchwald)

WASHINGTON.—Everybody thinks that the Democratic and Republican conventions and the November election decide who is going to run the country.

I hate to be the one to throw cold water on this idea, but neither the President of the United States nor Congress can really do much to change anything.

The guy who runs this country is Plotkin. He is neither elected by the American people nor does he have to answer to them.

Plotkin, and thousands like him, are civil servants averaging somewhere around $20,000 a year. They are stashed away in large brick and glass buildings all over Washington, Maryland and Virginia, and no matter what Congress or the President decides, they are the people in charge.

Let us say that the President wants a Pothole Reform Bill. He sends it up to Congress where, after two years, it is passed. The President signs it and everyone in the U.S. believes it is the law of the land.

Except Plotkin.

Plotkin gets the bill and examines it. The wording after the lobbyists get through with it, is, of course, vague. What kind of potholes does the law cover? How much money should be spent to fill each pothole? Should the work be contracted to private industry or to the Army Corps of Engineers? Was it Congress' intent to deal with all potholes or just those on federal property? And, finally, what constitutes a pothole in the first place?

Plotkin, who has been a civil servant for 20 years, knows if he takes any action on his own he could be criticized and could blot his career.

So he calls a meeting of all his department heads and asks them to write him memoranda on the best way to administer the Pothole Act. He tells them it is a matter of urgency and he wants to hear from everybody in six months.

Six months later, the people under Plotkin

all submit memoranda. A majority of them suggest that a study be made of potholes by a commission made up of engineering experts from companies, universities and government that will report back to the bureau in a year.

Plotkin likes the idea and approves it. But to play it safe he also hires his own experts to check out the report of the commission. This means larger office space and Plotkin decides to move the bureau to a new building. The move requires tremendous logistics, but also causes fierce competition among all of Plotkin's subordinates as to where their offices will be located, as well as carpeting, furniture and the location of the water cooler.

There is so much controversy over the new quarters that Plotkin hasn't had too much time to worry about the potholes.

Finally the move is made, new people are hired and everyone settles down to the task of administering the Pothole Act. The outside commission has submitted its report, which is circulated throughout the bureau for comments.

The comments are all negative and it is decided to scrap the commission's report. The fear of most of the people in Plotkin's office is that, if they accept the recommendations of the commission, they will have to put them into action. If they turn them down, they'll have to come up with their own, which would mean expanding the bureau, thus guaranteeing everyone a promotion to the next civil service grade.

By this time Congress and the President have forgotten they even passed a Pothole Bill. But one day the President is driving on U.S. Highway 95 and he hits a pothole. His head bumps the ceiling of the limousine and an AP photographer gets a picture of it. This makes the President very mad and he says to his aide, "Whatever happened to the pothole Bill I signed?"

That night Plotkin gets a call from the White House and the aide says, "The President wants a progress report on what you're doing about the potholes in this country."

"We're working on a report right now," Plotkin assures him. "But just because the President signs a bill doesn't mean he can expect results overnight."

VIRGINIA WATER BILLS SUBSIDIZE DISTRICT

The SPEAKER. Under a previous order of the House, the gentleman from Virginia (Mr. HARRIS) is recognized for 5 minutes.

Mr. HARRIS. Mr. Speaker, I am very proud to join today with my distinguished colleagues, Mr. GUDE and Mr. FISHER, in introducing legislation designed to establish equitable water rates for water delivered to Washington, D.C., and Virginia, and to encourage water conservation in the Washington metropolitan area.

This legislation is the result of ongoing investigations by the District of Columbia Committee's Subcommittee on the Environment into Potomac River water supply and water treatment problems. This investigation has revealed that Arlington and Falls Church, Va., are paying 54 percent more than the District of Columbia for the same water pumped in the same way, by the same Corps of Engineers from Dalecarlia reservoir.

The Virginia suburbs are not only being overcharged but this year's estimated $700,000 in excess payments flow directly into the District's coffers and can be used however the city chooses.

I believe that this investigation provides a dramatic endorsement of the wisdom of the Congress in recently enacting legislation to audit the District of Columbia's finances. Who knows what the District's true financial picture is when a water conservation probe reveals that the Virginia suburbs are subsidizing the District's budget through excessive water charges?

On July 1, 1976, Virginia's water rates were increased 30 percent, to $1.75 per 10,000 gallons. The District of Columbia water rates remained unchanged at approximately $1.13. Enactment of this legislation could result in a 30-percent reduction of Arlington and Falls Church water bills and an increase of about 10 percent to the District. The estimated new rate would be approximately $1.25 per 10,000 gallons to Virginia and the District.

The Corps of Engineers sells water to Arlington and Falls Church under a pricing formula established in 1926 when the Virginia suburbs hooked into the Washington Aqueduct system. The formula, applied by the Secretary of the Army, includes a premium to recoup the original aqueduct investment plus current operating and maintenance costs.

The District is not actually billed by the corps for water it uses. Rather, the cost of operating the aqueduct, although owned and operated by the corps, appears as an expense item in the District budget. Amounting to approximately $9 million a year, this expense is paid out of the $20 million the District collects in water fees from Virginia, the Federal Government, and its own residential and commercial customers. In addition to the costs of running the adqueduct, the moneys collected pay for the costs of distribution of the water by the city.

The pricing formula may have been equitable in 1926, but over the past 50 years Virginia has contributed about $14 million toward the operating and maintenance costs of the system, and another $14 million for capital improvements. Arlington and Falls Church have more than paid their fair share. It is time to set rates that are equitable for all users of the aqueduct.

Under current billing procedures, money collected by the corps from Arlington and Falls Church is turned over to the District treasury. This is a carryover from the days before the District gained home rule, but until this year the money stayed in a special water fund that could be used only for special water utility related purposes.

In January the D.C. City Council eliminated the water fund so the money collected from Virginia goes into general operating funds. I think it is wrong that Virginia water payments can be used to underwrite the District budget.

This bill will also help to encourage water conservation among jurisdictions served by the Washington Aqueduct by permitting the corps to establish a seasonal rate structure based on higher fees in peak summer use period and lower rates in the winter.

All other water authorities in the Washington area have already adopted similar pricing systems to discourage wastage during the summer when the Potomac is at its lowest level.

On Thursday, September 9, the Committee on the District of Columbia Subcommittee on the Bicentennial, the Environment and the International Community, of which I am chairman and Mr. GUDE is ranking minority member, will conduct hearings to question the District of Columbia and the U.S. Army Corps of Engineers about their rates and billing procedures.

A CALL FOR REFORM OF CONGRESS PAY RAISE MECHANISM

The SPEAKER. Under a previous order of the House, the gentleman from New York (Mr. PATTISON) is recognized for 5 minutes.

Mr. PATTISON of New York. Mr. Speaker, I am pleased that we voted yesterday to block the Congress from receiving cost-of-living salary increases during the coming fiscal year. But I also wish to remind my colleagues that we would not have to go through this embarrassing exercise if we had acted by now on meaningful reform of our pay raise mechanism.

Yes, I did vote last year in support of the cost-of-living system we now have. I did so because I think it is reasonable to raise congressional salaries from time to time and it was apparent to me that this was the only measure that would be permitted to come to the floor for a vote.

However, I have made it abundantly clear from the start that I do not like this new system. Last year, I returned my pay raise to my constituents in the form of pro-rated contributions to the county governments in New York's 29th Congressional District, and I have done so again this year. More importantly, I have given my full support to proposed reform legislation.

While I do see the necessity for periodic adjustments in our salaries—indeed such changes are essential if we are to prevent the Congress from becoming the exclusive province of millionaires and scoundrels, who would be the only people who could be comfortable with a pay scale that changes only once every 6 years or so—I also think it is a poor arrangement for Members of Congress to have to vote on changing their own salaries in the midst of their term of office.

Consequently, I am again urging action on legislation that would delay any congressional pay raise until the start of the subsequent Congress. With such a policy, congressional pay levels could change; we could conduct rational debate on the subject; everyone would know in advance exactly how much their elected Representatives will earn during the coming term; and the public would be able to make known its views at the ballot box.

You know, Mr. Speaker, the National Archives here in Washington has on display, right next to the Constitution, an original copy of the Bill of Rights as they were first proposed. The copy on display is the one that was sent to my home State of New York.

When the Bill of Rights was proposed to the States there were actually 12

amendments listed, the second of which was a proposal to require that no Member of Congress could receive a pay increase during the same term in which the pay raise was voted.

New York State ratified all 12 amendments, but a number of States rejected the pay raise proposal, contending that this was a matter better dealt with by simple statute.

Well, the people of New York State are still waiting for that statute.

Thus far, Chairman HENDERSON of the Post Office and Civil Service Committee has "stonewalled" this issue. He has refused to even convene a hearing on the proposal and he has refused to permit any of the subcommittees to take up the matter. This despite the fact that at least three different bills have been put forward, with a total of about a hundred cosponsors for them; and this despite the fact that the Senate has already voted once in favor of such legislation. Now I like DAVE HENDERSON well enough, we all like DAVE HENDERSON, but I am dismayed by his dilatory tactics on this important issue.

Therefore, I urge my colleagues to join me in saying that reform of the congressional pay raise mechanism must be a high priority for action early in the next Congress. We are now laboring under an unsavory, downright embarrassing system for which there is a readily available, eminently logical alternative. There can be no good justification for any further delay in setting our House in order.

AIDING THE VISUALLY HANDICAPPED

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the Division for the Blind and Physically Handicapped of the Library of Congress estimates that there may be as many as 7.6 million individuals in this country who suffer from some visual or physical handicap that prevents them from reading print material. For these individuals, who are not able to use conventional library materials, the Division provides invaluable alternatives in braille books and magazines and in the use of casette and flexible disc recordings.

The Division for the Blind and Physically Handicapped is a free National Library service first established by an act of Congress in 1931 to serve blind adults. This program was expanded in 1952 to include children, and again in 1966 by Public Law 89-522 to include individuals with physical impairments that prevent the reading of standard print.

With copyright permission granted by authors and publishers, the Library of Congress selects and produces full-length books and magazines in braille and on recorded discs and casettes. These books and magazines are then distributed to a cooperating network of 54 regional and nearly 100 subregional—local—libraries that circulate them to eligible borrowers. Reading materials are sent to readers and returned to libraries by postage-free mail.

Today I am pleased to be able to announce that in addition to the above services, the Division for the Blind and Physically Handicapped will provide recorded summaries of legislation that is introduced in Congress to aid the disabled. Having been active for some time in developing legislation for the handicapped, and having worked closely with numerous organizations serving the handicapped, I became concerned about how difficult it seemed to be for the disabled members of our society not actively involved in groups or organizations to be able to find out about legislation that was being introduced in their behalf. My belief was that this majority of the Nation's disabled probably know little of the legislative process, both because it is far removed from their daily lives, and because individual disabilities probably preclude active following of legislation in Washington.

Yet I feel very strongly that this information concerning the Nation's political process should be readily available to those disabled persons who want it. I am therefore very pleased that with the facilities available at the Division for the Blind and Physically Handicapped, it has been arranged for this legislative information to become accessible to many handicapped people through the Division's mailing list and through its regional and subregional libraries.

Through the cooperative efforts of the Division and the Congressional Research Service—CRS—computer printouts of summaries of legislation that is introduced to aid the handicapped will be delivered by CRS to the Division on a continuing basis. The Division will record the summaries it receives, and announcements of the availability of these summaries will appear in the Division's publication Talking Book Topics. Talking Book Topics is issued bimonthly and is automatically sent to the 500,000 individuals on the Division's mailing list, as well as to the Division's regional and subregional libraries. Interested persons will be able to request recorded copies on free loan, in the same way that recorded books and magazines are now requested and delivered.

Mr. Speaker, I am excited about this expansion of the Division's services to disabled persons throughout the country because I think it will give them an increased opportunity to know what is happening in Washington in their behalf. It will also enable them to respond and to offer their suggestions for legislation to the proper individuals in Congress. This simply provides an opportunity that our Nation's disabled deserve to have. Participation by handicapped individuals in the political process and support for legislation is important and should be encouraged and I am very glad to have been part of the effort to provide this additional service.

I wish to thank particularly Mr. Frank Cylke, Chief of the Division for the Blind and Physically Handicapped, and Mr. Norman Beckman, Acting Director of CRS, for their cooperation and swift action in implementing this proposal. Together with the members of their staffs, they will be providing a service that will be much appreciated by the Nation's disabled.

I am appending my correspondence with the Library of Congress and the Division for the Blind and Physically Handicapped arranging for this additional service:

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 11, 1976.

Mr. NORMAN BECKMAN,
Acting Director, Congressional Research Service, Library of Congress, Washington, D.C.

DEAR MR. BECKMAN: The Division for the Blind and Physically Handicapped of the Library of Congress estimates that there are 7.6 million individuals in this country who suffer from some visual or physical handicap that prevents them from reading print material. As you know, the Division for the Blind and Physically Handicapped provides numerous free services for these individuals who want them through its regional and subregional libraries, and through its mailing service to 500,000 households across the country.

It is my understanding that the Division provides these disabled persons with recorded and braille copies of books and magazines in two ways. Those names on the Division's mailing list automatically receive the bimonthly publication Talking Book Topics, which outlines the materials available to each household. Braille copies and cassette and flexible disc recordings are made by the Division and are sent to individuals upon request. The second method of dissemination is through the Division's regional and subregional libraries. On the state level, regional libraries distribute reading materials directly to eligible persons, primarily through a free mailing privilege. On the local level, the Division's subregional libraries keep collections of recent releases for use by those who wish to take advantage of the service.

Ms. Susan Poor of my staff has been in contact with the Division's Chief, Mr. Frank Cylke, Ms. Hylda Kamisar, and Ms. Ellen Zabel about extending the Division's services in the talking book area to include summaries of legislation that has been introduced that would affect the handicapped. Mr. Cylke was very optimistic that such summaries could be recorded with the facilities and personnel already utilized for this purpose at the Division. In addition, Mr. Cylke indicated that the service could be announced in the bi-monthly publications of Talking Book Topics, and distributed upon request as books and magazines are now distributed.

I understand, however, that what needs to be worked out is a transfer of the summaries between the Library of Congress and the Division. I have received from the Library a computer print-out of the legislation, but need to know from you about the feasibility and procedures of providing the print-out to the Division.

I am interested in receiving your comments on this proposal. If you have any questions or would like to meet with Ms. Poor, please don't hesitate to contact my office.

Thank you for your time and assistance. All the best.

Sincerely,

EDWARD I. KOCH.

DIVISION FOR THE BLIND AND PHYSICALLY HANDICAPPED, THE LIBRARY OF CONGRESS,
Washington, D.C., August 27, 1976.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: I am writing in reply to your inquiry directed to Norman Beckman, Acting Director, Congressional Research

Service, regarding current legislation affecting the handicapped. My staff has been in contact with the Congressional Research Service and has arranged for this information to be delivered to us on a continuing basis.

The Division for the Blind and Physically Handicapped intends to record summaries of legislation derived from the SCORPIO data base maintained by the Congressional Research Service. Announcements of the availability of these summaries will appear in Talking Book Topics. Interested individuals will then be able to request copies on free loan.

Both the Congressional Research Service and the Division for the Blind and Physically Handicapped are pleased to cooperate in filling the information needs of handicapped persons in this vital area. Your initiative in this matter is appreciated.

We will keep Ms. Susan Poor of your staff informed of our progress.

Sincerely yours,

FRANK KURT CYLKE,
Chief.

HARD QUESTIONS REQUIRE HARD ANSWERS

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, I should like to bring to the attention of our colleagues, a superb editorial which appeared in the Washington Star on Saturday, August 28, 1976. That editorial commented on the U.S. Civil Rights Commission's recent report on school desegregation. The editorial concluded that the Commission's report did not adequately address the real issue. I agree with that conclusion. Both the Star editorial and I had difficulty with several contentions contained in the Commission's report.

The Commission report stated,

There is a mistaken belief that the courts have required desegregation as a means to attain what some refer to as "quality" education.

I have consistently voted for busing as one way of accomplishing racial balance in the classroom. But I believe, and I am convinced that many of my colleagues who have voted the same way also believe, that the only legitimate premise for compulsory racial balance, and busing as a tool to achieve it, is quality education. If there is no relationship between compulsory racial balance in the classroom and quality education, then I am not for it. On the other hand, if that tie is established, then I shall continue to vote for busing as one of the allowable means of accomplishing racial balance in the classrooms of the Nation.

The Commission report also states,

Commission studies have shown . . . that as a result of school desegregation, most school district officials feel there has been an improvement in the quality of education for all school children.

The Star editorial comments by saying,

Without impugning the honesty or good intentions of the Commission, we would be pleasantly surprised if "most school district officials" feel that way, although many would naturally defend their own handiwork.

On another aspect of the effects of compulsory racial balance and busing to accomplish that end, to wit so-called white flight, the Commission states, "The role that desegregation of schools plays in the movement of whites to the suburbs is not clear" and goes on to say, "Evidence does not support the widely held belief that urban school desegregation causes massive white flight and the consequent resegregation of urban schools." Perhaps the Commission is right and observers of the scene across the Nation who have commented on that matter are wrong—but would it not be important to know what the facts are?

The Washington Star editorial concludes with this statement:

Hard questions, in this report, draw soft and inconclusive answers.

I could not agree more.

Because I believe that the American public and the Congress which legislates on this subject are entitled to the facts. On January 29, 1976, I introduced legislation to establish a commission to study the results of and other questions relating to the racial integration of public schools and the use of busing to achieve it. The purpose of that Commission would be to obtain answers to the hard questions. The Commission would have 13 members, 11 to be appointed by the chief judge of each Federal judicial circuit and 2 by the Chief Justice of the U.S. Supreme Court. Let me cite some of the questions the Commission would be required to address:

First. What are the fundamental goals of racial integration of our educational systems, and how effective have been the various methods to achieve them?

Second. What are the standards that should be used in evaluating the quality of education in our schools?

Third. What has been the impact of compulsory racial integration, achieved through busing or other means, on the quality of education and on other social goals?

Fourth. What has been the impact of measures other than busing taken by communities to achieve the goals of racial balance among schools, and have these methods been more or less effective than busing in meeting educational and social goals?

Fifth. What has been the impact of the effort to insure racial balance among schools on school enrollment, on violence and discipline problems, and on the reported movement of middle-class families from central city areas?

Sixth. Has the effort to insure racial balance in school systems had a positive effect in promoting the goal of a racially integrated society or has it intensified racial divisions within the community?

Seventh. What has been the effect of differing allocations of resources—Federal, State, and local—among and within school districts on the quality of education, and to what extent does the taxing method—for example, local property tax versus general appropriations—affect these disparities?

Eighth. Are there any important educational or social values to be gained by maintaining a commitment to the so-called neighborhood school?

Ninth. What disparities, if any, exist in the training, experience, and qualifications of teachers assigned to schools whose pupils are predominantly white, black, Puerto Rican, Mexican American, Indian, or any other race?

Tenth. What are the effects, if any, of the racial balance or imbalance of the teaching staff on the educational program of a racially balanced or imbalanced school? What are the problems of maintaining a racially integrated teaching staff in a racially imbalanced school?

I believe this Congress has failed to respond to this issue. I am distressed that the only time we discuss this matter is in the course of emotional debate on the floor of the House concerning some antibusing amendment which I voted against and which on every occasion in the last several years has passed overwhelmingly. Shouldn't this House and its relevant committees having jurisdiction take the time required to consider this very controversial matter and hold hearings on my legislation, H.R. 11613, and other legislation which deals with the subject? Let me paraphrase the Washington Star by saying, hard questions require hard answers. Regrettably this Congress does not seem interested in obtaining the facts but would rather, whether they are part of the antibusing or probusing forces, deal in emotion and rhetoric. H.R. 11613 has been cosponsored by KOCH, DODD, DOWNEY, DUPONT, GILMAN, GUDE, HOWE, MAZZOLI, NEAL, PATTISON, SCHNEEBELI, SPELLMAN, and WAXMAN.

I urge my colleagues to become sponsors and perhaps if they did, the House Education and Labor Committee and the Judiciary Committee would hold hearings on the bill. A copy of the Star editorial follows:

CHEERLEADING FOR DESEGREGATION

In the U.S. Civil Rights Commission's current report on school desegregation, *Fulfilling the Letter and Spirit of the Law*, stern and detached analysis of the state of the schools takes a backseat to special pleading.

Perhaps the role of cheerleader for any and all measures making for at least temporary desegregation, of however impermanent effect, is the role Congress intended. But the Commission's value as a critic and analyst of civil rights progress is not advanced thereby.

To one major point emphasized in the report—that desegregation plans tend to work better when community leaders unite behind them—few would take exception. "The record shows that where such leadership exists, desegregation is more likely to be achieved with minimal difficulty," says the Commission. "Where it is lacking, desegregation may be accompanied by confusion, anxiety, and perhaps disruption on the part of students or, more likely, parents." This is a truism, a banal one at that.

A more important question, asked by many who are neither segregationists nor obstructionists of the law, is whether those plans are working as intended. But such questions arouse the Commission's robust instinct for special pleading. "There is a mistaken belief," says the report, "that the courts have required desegregation as a means to obtain what some refer to as 'quality' education. No court has made a connection between these two concerns. Courts have required desegregation as a means of ensuring equality of educational opportunity."

Does the Commission suggest, then, that quality doesn't matter? Not unambiguously. It devotes a good deal of space to a not very convincing argument that improvement in educational quality has been an all but universal by-product of desegregation. More, it declares that "Commission studies have shown. . . that as a result of school desegregation, most school district officials feel there has been an improvement in the quality of education for all school children."

An interesting claim—worthy, one would think, of at least one of the dozens of footnotes sprinkled throughout the report. But there is no documentary footnote. Without impugning the honesty or good intentions of the Commission, we would be pleasantly surprised if "most school district officials" feel that way, although many would naturally defend their own handiwork.

The Commission is free, as it is certainly entitled to be, with criticism of everyone from local school officials in Boston and Louisville to President Ford and Congress for questioning the efficacy of court-ordered busing. It sharply scolds the Boston School Committee, which after a five-day hearing the Commission found "an elected body so belligerent and so derelict in its duties that the Commission recommended that the court consider suspending the school committee's authority. . ." Nowhere else does the report's high-minded tone soar higher.

But perhaps the Boston School Committee's belligerency reflected that of its constituents. Maybe it feared the chaotic side-effects of the attempt to wrench South Boston from its attachment to neighborhood schools and historic ethnic identities. Certainly among the apparent side effects was a drain, now estimated at 20,000 students, away from the Boston schools.

On the matter of so-called "white flight," however, the Commission combines high-mindedness with evasion. "The role that desegregation of schools plays in the movement of whites to the suburbs is not clear," it says. ". . . Evidence does not support the widely-held belief that urban school desegregation causes massive white flight and the consequent resegregation of urban schools." The Commission cites in support a "preliminary report" on "The Political and Social Impact of School Desegregation Policy" read to the American Political Science Association last September. Would the studies of Dr. James Coleman also support this denial? If not, which studies are the more reliable? Isn't it—shouldn't it be—the role of the Civil Rights Commission to find out more about this intriguing and overriding question—as, for instance, by questioning some of the thousands of students who have disappeared from the Boston schools in the last two years?

The conviction that racial discrimination needs rooting out of the schools requires no gingering up by the Commission, but gets plenty. The conviction held by many observant and thoughtful parents, students and school officials that some measures recently pursued in search of that goal have undercut the goal itself deserves some careful and forebearing analysis, but gets none. Hard questions, in this report, draw soft and inconclusive answers.

PERSONAL EXPLANATION

(Mr. MIKVA asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MIKVA. Mr. Speaker, I was unable to be present on the floor of the House of Representatives for one vote during the session of Monday, August 30, 1976. Had I been present, I would have voted "aye' on Rollcall 676, the conference report on H.R. 8410, the amendments to the Packers and Stockyards Act of 1921.

NATIONAL REPUBLICAN CONVENTION PLATFORM

(Mr. RHODES asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. RHODES. Mr. Speaker, the Republican Party at its convention selected an outstanding ticket for the November election. It backed up this winning combination with a sound platform, a blueprint for a better America over the years ahead.

In contrast to the left turn incorporated in the platform worked out by the opposition party in New York, our platform recognizes the fact that our Nation has grown great and strong because the free enterprise system has worked better here than anywhere else in the world. Our platform, rather than being a jumble of antibusiness, big government planks, encourages and provides stimulation for expansion and prosperity, for real jobs, not make-work.

It is a realistic platform, both in the areas of foreign policy and in meeting domestic challenges with pragmatic solutions. It emphasizes the need for America to deal with other nations from a position of strength—in our defenses and in our economy.

Our platform looks the facts of our governmental and economic life today squarely in the eye. We promise no painless remedies, no Garden of Eden run by a paternalistic Federal overseer. We reassert our basic belief in the free enterprise system.

In order that my colleagues may compare the Republican approach toward realistic programs with the offerings of the opposition party, I am placing our platform in the RECORD and urge that the Members of this body examine it closely. It outlines workable and practical ways for the next Congress to enact a program for progress.

Text of the platform is as follows:

NATIONAL REPUBLICAN CONVENTION PLATFORM

Adopted by the Republican National Convention, August 18, 1976, at Kansas City, Mo.

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PREAMBLE

To you, an American citizen:

You are about to read the 1976 Republican Platform. We hope you will also find time to read the Democrats' Platform. Compare. You will see basic differences in how the two parties propose to represent you.

"The Platform is the Party's contract with the people." This is what it says on the cover of the official printing of the Democrat Platform. So it should be. The Democrats' Platform repeats the same thing on every page: more government, more spending, more inflation. Compare. This Republican Platform says exactly the opposite—less government, less spending, less inflation. In other words, we want you to retain more of your own money, money that represents the worth of your labors, to use as you see fit for the necessities and conveniences of life.

No matter how many statements to the contrary that Mr. Carter makes, he is firmly attached to a contract with you to increase vastly the powers of government. Is bigger government in Washington really what you want?

Make no mistake: you cannot have bigger programs in Washington and less government by Washington. You must choose.

What is the cost of these added or expanded programs? The Democrats' Platform is deliberately vague. When they tell you, as they do time after time, that they will "expand federal support," you are left to guess the cost. The price tag of five major Democrat Platform promises could add as much as $100 billion to the annual cost of government. But the Democrats' Platform proposes over 60 new or expanded spending programs and the expansion or creation of some 22 Washington agencies, offices or bureaus. In fact, the total of all Democrat proposals can be as high as $200 billion a year. While this must be a rough estimate, it does give you a clue to the magnitude and direction of these commitments. The Democrats' Platform can increase federal spending by 50 percent. If a Democrat Congress passes the Democrat Platform and it is signed by a Democrat President, what happens then? The Democrats could raise your taxes by 50 percent to pay for the new programs. Or the Democrats could not raise taxes and the result would be a runaway inflation. Of course, contract or no contract, the Democrats may not honor their promises. Are you prepared to risk it?

In stark contrast to the Democrats' Platform, we offer you a responsive and moderate alternative based on these principles:

We believe that liberty can be measured by how much freedom you have to make your own decisions—even your own mistakes. Government must step in when your liberties impinge on your neighbor's. Government must protect your constitutional rights. Government must deal with other governments

and protect you from aggressors. Government must assure equal opportunity. And government must be compassionate in caring for those citizens who are unable to care for themselves.

Our federal system of local-state-national government is designed to sort out on what level these actions should be taken. Those concerns of a national character—such as air and water pollution that do not respect state boundaries or the national transportation system or efforts to safeguard your civil liberties—must, of course, be handled on the national level.

As a general rule, however, we believe that government action should be taken first, by the government that resides as close to you as possible. Governments tend to become less responsive to your needs the farther away they are from you. Thus, we prefer local and state government to national government, and decentralized national government wherever possible.

We also believe that you, often acting through voluntary organizations, should have the opportunity to solve many of the social problems of your community. This spirit of freely helping others is uniquely American and should be encouraged in every way by government.

Every dollar spent by government is a dollar earned by you. Government must always ask: Are your dollars being wisely spent? Can we afford it? Is it not better for the country to leave your dollars in your pocket?

Your elected officials, their appointees, and government workers are expected to perform their public acts with honesty, openness, diligence, and special integrity. At the heart of our system must be confidence that these people are always working for you.

We believe that your initiative and energy create jobs, our standard of living and the underlying economic strength of the country. Government must work for the goal of justice and the elimination of unfair practices, but no government has yet designed a more productive economic system or one which benefits as many people.

The beauty of our land is our legacy to our children. It must be protected by us so that they can pass it on intact to their children.

The United States must always stand for peace and liberty in the world and the rights of the individual. We must form sturdy partnerships with our allies for the preservation of freedom. We must be ever willing to negotiate differences, but equally mindful that there are American ideals that cannot be compromised. Given that there are other nations with potentially hostile designs, we recognize that we can reach our goals only while maintaining a superior national defense.

We support these principles because they are right, knowing full well that they will not be easy to achieve. Acting with restraint is most difficult when confronted by an opposition Congress that is determined to promise everything to everybody. And this is what the Democrat Congress has been doing. A document, such as this Platform, which refuses to knuckle under to special interest groups, will be accused of being "uncaring." Yet it is exactly because we do care about your basic freedom to manage your own life with a minimum of government interference, because we do care about encouraging permanent and meaningful jobs, because we do care about your getting paid in sound dollars, because we do care about resisting the use of your tax dollars for wasteful or unproven programs—it is for these reasons that we are proposing only actions that the nation can afford and are opposing excessive tinkering with an economic system that works better than any other in the world.

Our great American Republic was founded on the principle: "one nation under God, with liberty and justice for all." This bicentennial year marks the anniversary of the greatest secular experiment in history: That of seeking to determine that a people are truly capable of self-government. It was our "Declaration" which put the world and posterity on notice "that Men are . . . endowed by their Creator with certain unalienable Rights" and that those rights must not be taken from those to whom God has given them.

Recently, Peggy Pinder, a 23-year-old student from Grinnell, Iowa, who is a delegate to this convention, said that she joined our party "because Republicans understand the place of government in the people's lives better than the Democrats. Republicans try to find ways to take care of needs through the private sector first while it seems automatic for Democrats to take care of them through the governmental system."

The perception of Peggy Pinder governs this Platform. Aren't these the principles that you want your elected representatives to have?

JOBS AND INFLATION

We believe it is of paramount importance that the American people understand that the number one destroyer of jobs is inflation. We wish to stress that the number one cause of inflation is the government's expansion of the nation's supply of money and credit needed to pay for deficit spending. It is above all else deficit spending by the federal government which erodes the purchasing power of the dollar. Most Republicans in Congress seem to understand this fundamental cause-and-effect relationship and their support in sustaining over 40 Presidential vetoes in the past two years has prevented over $13 billion in federal spending. It is clear that most of the Democrats do not understand this vital principle, or, if they do, they simple don't care.

Inflation is the direct responsibility of a spendthrift Democrat-controlled Congress that has been unwilling to discipline itself to live within our means. The temptation to spend and deficit spend for political reasons has simply been too great for most of our elected politicians to resist. Individuals, families, companies and most local and state governments must live within a budget. Why not Congress?

Republicans hope every American realizes that if we are permanently to eliminate high unemployment, it is essential to protect the integrity of our money. That means putting an end to deficit spending. The danger, sooner or later, is runaway inflation.

Wage and price controls are not the solution to inflation. They attempt to treat only the symptom—rising prices—not the cause. Historically, controls have always been a dismal failure, and in the end they create only shortages, black markets and higher prices. For these reasons the Republican Party strongly opposes any reimposition of such controls, on a standby basis or otherwise.

Unfortunately, the Democrat-controlled Congress now persists in attempting to obtain control over our nation's money creation policies by taking away the independence of the Federal Reserve Board. The same people who have so massively expanded government spending should not be allowed politically to dominate our monetary policy. The independence of the Federal Reserve System must be preserved.

Massive, federally-funded public employment programs, such as the Humphrey-Hawkins Bill currently embraced by the new National Platform of the Democrat Party will cost billions and can only be financed either through very large tax increases or through ever increasing levels of deficit spending. Although such government "make-work" programs usually provide a temporary stimulus to the economy, "quick-fix" solutions of this sort—like all narcotics—lead to addition, larger and larger doses, and ultimately the destruction of far more jobs than they create. Sound job creation can only be accomplished in the private sector of the economy. Americans must not be fooled into accepting government as the employer of last resort.

Nor should we sit idly by while 2.5 million American jobs are threatened by imports of textile products. We encourage the renewal of the GATT Multifiber Arrangement and the signing of other necessary bilateral agreements to protect our domestic textile industry.

In order to be able to provide more jobs, businesses must be able to expand; yet in order to build and expand, they must be profitable an able to borrow funds (savings) that someone else has been willing to part with on a temporary basis. In the long run, inflation discourages thrift, encourages debt and destroys the incentive to save which is the mainspring of capital formation. When our government—through deficit spending and debasement of the currency—destroys the incentive to save and to invest, it destroys the very wellspring of American productivity. Obviously, when production falls, the number of jobs declines.

The American people are beginning to understand that no government can ever add real wealth (purchasing power) to an economy by simply turning on the printing presses or by creating credit out of thin air. All government can do is confiscate and redistribute wealth. No nation can spend its way into prosperity; a nation can only spend its way into bankruptcy.

TAXES AND GOVERNMENT SPENDING

The Republican Party recognizes that tax policies and spending policies are in separable. If government spending is not controlled, taxes will inevitably rise either directly or through inflation. By failing to tie spending directly to income, the Democrat-controlled Congress has not kept faith with the American people. Every American knows he cannot continually live beyond his means.

The Republican Party advocates a legislative policy to obtain a balanced federal budget and reduced tax rates. While the best tax reform is tax reduction, we recognize the need for structural tax adjustments to help the working men and women of our nation. To that end, we recommend tax credits for college tuition, postsecondary technical training and child care expenses incurred by working parents.

Over the past two decades of Democrat control of the Congress, our tax laws have become a nightmare of complexity and unfair tax preferences, virtually destroying the credibility of the system. Simplification should be a major goal of tax reform.

We support economic and tax policies to insure the necessary job-producing expansion of our economy. These include hastening capital recovery through new systems of accelerated depreciation, removing the tax burden on equity financing to encourage more capital investment, ending the unfair double taxation of dividends, and supporting proposals to enhance the ability of our working and other citizens to own "a piece of the action" through stock ownership. When balanced by expenditure reductions, the personal exemption should be raised to $1,000.

AGRICULTURE AND RURAL DEVELOPMENT

The bounty of our farms is so plentiful that we may tend to forget what an amazing production achievement this really is. Each American farmer and rancher produces enough food to feed over 56 people—a threefold increase in productivity in 20 years.

Rural America must be maintained as a rewarding place to live. To accomplish this, our rural areas are entitled to services comparable to their urban neighbors, such as water and sewer systems, improved electricity and telephone service, adequate transportation, available and adequate financial credit, and employment opportunities which will allow small farms to supplement their incomes.

Farm exports have continued to expand under the policies of this Republican Administration—from a low of $6 billion in 1968, the last Democratic year, to $22 billion in 1975. These exports are not giveaway programs; most are earning dollars from the marketplaces of the world, establishing a favorable balance of trade and a higher standard of living for all. Through our farm exports we fight the problem of world hunger, especially with the humanitarian Food for Peace Program (Public Law 480) of the Eisenhower Administration and the Republican-controlled Congress of 1954.

Republican farm policy has permitted farmers to use their crop land fully. We are at last moving toward making effective use of our superb resources. Net farm income from 1972 through 1975 averaged $26 billion, more than double the average of the 1960's. Government should not dictate to the productive men and women who work the land. To assure this, we support the continuation of the central principles of the Agricultural Act of 1973, with adjustments of target prices and loan levels to reflect increased production costs.

We oppose government-controlled grain reserves, just as we oppose federal regulations that are unrealistic in farm practices, such as those imposed by the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA).

We urge prompt action by Congress in amending the Grain Inspection Act to strengthen the present inspection system and restore its integrity.

We firmly believe that when the nation asks our farms to go all out to produce as much as possible for world-wide markets, the government should guarantee them unfettered access to those markets. Our farmers should not be singled out by export controls. Also, when a foreign nation subsidizes its farm exports, our farmers deserve protection against such unfair practices. The federal government should assure that foreign imported commodities are equal in quality to our domestic commodities. Nations from whom we buy commodities should not be allowed to circumvent import restriction laws, such as the Meat Import Quota Act of 1964.

We recognize the importance of the multilateral trade negotiation now in progress and urge our representatives to obtain the most beneficial agreements for our farmers and the nation's economy.

In order to assure the consumers of America an uninterrupted source of food, it is necessary to pass labor relations legislation which is responsive to the welfare of workers and to the particular needs of food production. Such legislation should recognize the need to prevent work stoppages during the critical harvest periods.

We must help farmers protect themselves from drought, flood and other natural disasters through a system of all-risk crop insurance through Federal government reinsurance of private insurance companies combined with the existing disaster payment program.

As in 1972, we urge prompt passage of the Republican-sponsored legislation now pending in Congress which will increase the estate tax exemption to $200,000, allow valuation of farm property on a current use basis and provide for extension of the time of payment in the case of farms and small businesses. This overdue estate and gift tax legislation must be approved this year. We favor a liberalized marital deduction and oppose capital gains tax at death.

Innovations in agriculture need to be encouraged by expanding research programs including new pest and predator control measures, and utilization of crops as a new energy resource. If we expect our farmers to produce an abundant food supply, they must have all the energy they need to produce, market and process their crops and livestock.

We continue to support farmer cooperatives, including rural electric and telephone cooperatives, in their efforts to improve services to their members. We support the Capper-Volstead Act.

We believe that non-farm corporations and tax-loss farming should be prevented from unfairly competing against family farms, which we support as the preferred method of farm organization.

Since farmers are practicing conservationists, they should not be burdened with unrealistic environmental regulations. We are concerned about regulations issued by the Army Corps of Engineers that will regulate all "routine" agricultural and forestry activities on "all" our waters and wetland, and support legislation to exempt routine farming operations from these requirements. The adjudication of water rights should be a matter of state determination.

SMALL BUSINESS

Small business, so vital to our economic system, is free enterprise in its purest sense. It holds forth opportunity to the individual, regardless of race or sex, to fulfill the American dream. Small businesses are the base of our economy and its main source of strength. Some 9.6 million small firms generate 55 percent of our private employment—or the livelihood of over 100 million Americans. Yet while small businesses have a unique place in our society, they also have unique problems that government must address. Therefore, we recommend that the Small Business Administration (SBA):

Assure adequate financing to those credit worthy firms that cannot now obtain funds through conventional channels;

Include the proper mix of loan programs to meet the needs of the many different types of firms that constitute the American small business community;

Serve as an aggressive advocate for small business and provide procurement, management and technological assistance.

For survival, small businesses must have relief from the overwhelming burden placed on them by many regulatory bodies. Paperwork proliferation has grown out of control, and small business is not equipped to deal with this aggravation.

The present tax structure does not allow small firms to generate enough capital to grow and create jobs. Estate taxes need liberalization to benefit the family business in the same manner as the family farm. Encouraging investment in small businesses through more equitable tax treatment remains the best and least expensive method of creating productive employment.

The Republican Party, recognizing that small and independent business is the backbone of the American competitive system, pledges itself to strengthen this vital institution.

ANTITRUST

The Republican Party believes in and endorses the concept that the American economy is traditionally dependent upon fair competition in the marketplace. To assure fair competition, antitrust laws must treat all segments of the economy equally.

Vigorous and equitable enforcement of antitrust laws heightens competition and enables consumers to obtain the lowest possible price in the marketplace.

BUREAUCRATIC OVERREGULATION

We believe that the extent of federal regulation and bureaucratic interference in the lives of the American people must be reduced. The programs and activities of the federal government should be required to meet strict tests of their usefulness and effectiveness.

In particular, we consider essential an analysis of the extensive growth of laws and regulations governing production processes and conditions and standards for consumer products, so as to determine whether the services and benefits the American people receive are worth the price they are paying for these services in higher taxes and consumer prices.

We are intensely aware of the need to protect our environment and provide safe working conditions in American industry, while at the same time preventing the loss of jobs and the closing of small businesses through unrealistic or over-rigorous government regulations. We support a balanced approach that considers the requirements of a growing economy and provides jobs for American workers.

The average businessman and employer is being overwhelmed by government-required paperwork. We support legislation to control and reduce the burden of federal paperwork, particularly that generated by the Internal Revenue Service and the Census Bureau.

GOVERNMENT THAT WORKS

We believe that Americans are fed up with and frustrated by national government that makes great promises and fails to deliver. We are! We think that Democrat Congresses—in control for 40 out of the last 44 years—are the grand masters of this practice. We think that a national government grown so big that the left hand doesn't know what the right hand is doing has caused the condition we are in.

What we now have is a government organization that doesn't make any sense. It has not developed by design. It just grew—by whim, bureaucratic fighting, and the caving in of Democrat Congresses to special interest demands. So today we find that nine federal departments and twenty independent agencies are involved in education; seven departments and eight agencies in health; federal recreation areas are administered by six agencies in three departments; and so forth.

What we need is a top-to-bottom overhaul. Two high level presidential commissions under two Presidents—one a Democrat, one a Republican—have investigated and come up with the same answer: There must be functional realignment of government, instead of the current arrangement by subject areas or constituencies.

We want federal domestic departments to reflect the major purposes of government, such as natural resources, human resources, community development and economic affairs. Unfortunately, the Democrat Congress has refused to address this problem. Now we insist that attention must be paid.

Too often in the past, we have been content with organizational or procedural solutions to complex economic and social regulatory problems. We should no longer accept rhetoric as a substitute for concrete results. The President has proposed to Congress the Agenda for Government Reform Act, which would guarantee the systematic re-examination and reform of all federal regulatory activities within the next four years. This legislation requires Congress and the President to agree to undertake an exhaustive reassessment of the combined effects of all government regulations, and it requires them to adhere to a disciplined timetable to assure annual results. The American people deserve no less. Every agency of government must be made efficient, and every government regulation should be subjected to cost-benefit analysis. The Occupational Safety and Health Administration (OSHA) is a typical example of a well-intentioned regulatory effort which has imposed large costs but has not solved our problems.

The beauty of America's original concept of government was its diversity, the belief that different purposes are best served by governments at different levels. In our lifetime, however, Democrat Congresses have allowed this system to become warped and over-nationalized. As powers have flowed to Washington, the ability to attend to our problems has often dried up in our communities and states. This trend must be reversed. Local government is simply more accountable to the people, and local people are perfectly capable of making decisions.

We reaffirm the long standing principle of the Republican Party that the best government is the one closest to the people. It is less costly, more accountable, and more responsive to the people's needs. Our confidence in the people of this nation was demonstrated by initiating the Revenue Sharing Program. To date, $30 billion of federal tax dollars have been returned to the states and localities. This program is administered with fewer than 100 people and a computer. Revenue Sharing is an effort to reverse the trend toward centralization. Revenue Sharing must continue without unwarranted federal strictures and regulations.

As a further step in this direction, the Republicans in Congress promoted the new concept of federal block grants to localities for much greater flexibility. Under block grants, federal funds can be tailored by the states and localities to the wishes of each community. There are now two block grant programs—in community development and employment training. Block grant programs should be extended to replace many existing categorical health, education, child nutrition and social services programs. The Democrat Congress stands guilty of failing to enact these vital reforms. Our ultimate goal is to restore taxing and spending to the local level.

The Republican Party has always believed that the proper role of government is to do only those things which individuals cannot do for themselves. We encourage individual initiative and oppose the trend of ever expanding government programs which is destroying the volunteer spirit in America. We firmly believe that community involvement is essential to the development of effective solutions to the problems confronting our country.

While we oppose a uniform national primary, we encourage the concept of regional presidential primaries, which would group those states which voluntarily agree to have presidential primaries in a geographical area on a common date.

We encourage full participation in our electoral process. We further recognize the sanctity and value of the ballot. In that regard, we oppose "federal post card registration." The possibilities of fraud are inherent in registration by mail. Such possibilities could not only cheapen our ballot, but in fact threaten the entire electoral process.

Control of the United States Congress by the Democrat Party for 40 of the past 44 years has resulted in a system dominated by powerful individuals and riddled with corruption. Recent events have demonstrated an unwillingness and inability by the Democrat Party to cleanse itself. Selective morality has been the order of the day. Positive Republican initiatives have languished in Democrat-controlled Congressional Committees while business as usual has continued in Washington. The American people demand and deserve reform of the United States Congress. We offer these proposals of far-reaching reform:

Repeal of legislation which permits automatic increases in the salaries of Members of Congress, congressional staffs, and official expense allowances. Public accountability demands that Members publicly vote on increases on the expenses of their office. Members' salary increases should not become effective until a new Congress is elected.

Elimination of proxy voting which allows Members to record votes in Committee without being present for the actual deliberations or vote on a measure.

Elimination of Democrat Caucus rules which allow a Party to bind its Members' votes on legislation. Each Member of Congress represents his constituency and must be free to vote in accordance with the dictates of his constituency and individual conscience.

A complete audit by the General Accounting Office of all congressional allowances and appropriate disciplinary measures for those who have violated the public trust.

Full public disclosure of financial interests by Members and divestiture of those interests which present conflicts of interests.

Changes in the House rules which would allow a House majority to require the House Ethics Committee to conduct an investigation into alleged misconduct by any Member of Congress if the Committee refuses to act on its own.

A complete overhaul and streamlining of the system which has permitted the proliferation of subcommittees with overlapping responsibility, vague jurisdictional definitions and a lack of legislative production.

Quarterly publication of names, titles and salaries of all Congressional employees.

Improved lobby disclosure legislation so that the people will know how much money is being spent to influence public officials.

Citizens are demanding the end to the rapid and wasteful increase in the size of Washington government. All steps must be taken to insure that unnecessary federal agencies and programs are eliminated and that Congress carefully scrutinize the total budget of each agency. If it is determined that sunset laws and zero-based budgeting can accomplish these ends, then they will have our support. Washington programs must be made as cost-effective as those in the states and localities. Among the many serious complaints that we wish to register on behalf of the American people is the poor operation of the United States Postal Service.

We note the low respect the public has for Congress—a Democrat-controlled institution—and wonder how the Democrats can possibly honor their pledge to reform government when they have utterly failed to reform Congress.

A SAFE AND JUST SOCIETY

Every American has a right to be protected from criminals. Violence has no place in our land. A society that excuses crime will eventually fall victim to it. The American people have been subjected to an intolerable wave of violent crime.

The victim of a crime should be treated with compassion and justice. The attacker must be kept from harming others. Emphasis must be on protecting the innocent and punishing the guilty. Prevention of crime is its best deterrent and should be stressed.

Fighting crime is—and should be—primarily a local responsibility. We support the continuation of the federal help given through the Law Enforcement Assistance Administration (LEAA) to law enforcement officials in our states, counties and municipalities. Each state should have the power to decide whether it wishes to impose the death penalty for certain crimes. All localities are urged to tighten their bail practices and to review their sentencing and parole procedures.

The federal criminal code should include automatic and mandatory minimum sentences for persons committing offenses under federal jurisdiction that involve the use of a dangerous weapon; that involve exceptionally serious crimes, such as trafficking in hard drugs, kidnapping and aircraft hijacking; and that involve injuries committed by repeat offenders.

The work presently being done to tighten the antiobscenity provisions of the criminal code has our full support. Since the jurisdiction of the federal government in this field is limited to interstate commerce and the mails, we urge state and local governments to assume a major role in limiting the distribution and availability of obscene materials.

We support the right of citizens to keep and bear arms. We oppose federal registration of firearms. Mandatory sentences for crimes committed with a lethal weapon are the only effective solution to this problem.

Sure and swift justice demands additional judges, United States Attorneys and other court workers. The Democrat Congress has created no new federal judgeships since 1970; we deplore this example of playing politics with the justice system.

Drug abuse is not simply a health problem, but also a very real law enforcement concern and a problem of worldwide dimension. Controlling drug abuse calls for the ratification of the existing international treaty on synthetic drugs, increased emphasis on preventing the diversion of amphetamines and barbiturates into illegal markets, and intensive efforts to keep drugs out of this country. Heroin continues to come across our borders. Drug enforcement agents and international cooperation must cut off this supply. We say: Treat the addicts, but, at the same time, remove the pushers from the street and give them mandatory sentences.

Juveniles now account for almost half the arrests for serious crimes—murder, rape, robbery and aggravated assault. The cost of school violence and vandalism is estimated at $600 million annually, about what is spent on textbooks. Primary responsibility for raising our children, instilling proper values and thus preventing juvenile delinquency lies with the family, not the government. Yet when families fail, local law enforcement authorities must respond. Law enforcement block grant funds can be used by states in correcting and preventing juvenile delinquency. The LEAA should promote additional research in this area. The structure of the family must be strengthened. All enterprises have to be encouraged to find more jobs for young people. A youth differential must be included in the minimum wage law. Citizen action should let the television industry know that we want it to curb violence in programming because of its effect on our youth.

The criminal justice system must be more vigilant in preventing rape, eliminating discrimination against the victim and dealing with the offenders.

States should recognize that antiquated and overcrowded prisons are not conducive to rehabilitation. A high priority of prison reform should be to help the young first-time offender. There should be adequate separation of young from adult offenders, more relevant prison industries, better counseling, community-based alternatives and more help in getting a job for the offender who has served his or her time.

Terrorism—both domestic and international—must be stopped. Not only must the strongest steps be taken in the United States, but collective action must come from all nations. Deterring every form of hijacking calls for sanctions against countries that aid terrorists. The world community should take appropriate action to deal with terrorist organizations. We applaud the daring rescue by Israel of innocent civilian hostages who were kidnapped by terrorists. While we regret that loss of life was involved, the courageous manner in which the hostages were freed speaks eloquently to our abhorrence of world bandits.

THE RIGHT TO PRIVACY

Liberty depends in great measure on the privacy that each American retains.

We are alarmed by Washington's growing collection of information. The number of federal data banks is now estimated at between 800 and 900 and more than 50 agencies are involved. We question the need for all these computers to be storing the records of our lives. Safeguards must protect us against this information being misused or disclosed. Major changes, for example, are needed to maintain the confidentiality of tax returns and Social Security records.

Recent Supreme Court decisions have held that an individual has no constitutional right to the privacy of records held in banks or other depository institutions and that they can be readily obtained by law enforcement agencies without a person's consent or knowledge. Law enforcement authorities must be able to pursue criminal violators, yet, at the same time, there should be reasonable controls imposed to protect the privacy of law-abiding citizens. We support legislation, now pending, to assure this protection.

Too many government records, on the other hand, are unnecessarily classified. Congress and the Executive should devise a more reasonable system for classifying and handling government information.

The President's achievements in protecting privacy are unequalled by past administrations and must be built upon in the future. We particularly note changes in federal record-keeping systems, the appointment of the Commission on the CIA, the reorganization of the intelligence community and the restriction of White House access to income tax returns.

THE AMERICAN FAMILY

Families must continue to be the foundation of our nation.

Families—not government programs—are the best way to make sure our children are properly nurtured, our elderly are cared for, our cultural and spiritual heritages are perpetuated, our laws are observed and our values are preserved.

If families fail in these vitally important tasks, there is little the government, no matter how well-intentioned, can do to remedy the results. Schools cannot educate children adequately if families are not supportive of the learning process. Law enforcement authorities are nearly helpless to curb juvenile delinquency without family cooperation in teaching young people respect for property and laws. Neither medicine nor school feeding programs can replace the family's ability to provide the basis for good health. Isolation from meaningful family contact makes it virtually impossible for the elderly to avoid loneliness or dependence. The values of hard work and responsibility start with the family.

As modern life brings changes in our society, it also puts stresses on families trying to adjust to new realities while maintaining cherished values. Economic uncertainty, unemployment, housing difficulties, women's and men's concerns with their changing and often conflicting roles, high divorce rates, threatened neighborhoods and schools, and public scandal all create a hostile atmosphere that erodes family structures and family values. Thus it is imperative that our government's programs, actions, officials and social welfare institutions never be allowed to jeopardize the family. We fear the government may be powerful enough to destroy our families; we know that it is not powerful enough to replace them.

Because of our concern for family values, we affirm our beliefs, stated elsewhere in this Platform, in many elements that will make our country a more hospitable environment for family life—neighborhood schools; educational systems that include and are responsive to parents' concerns; estate tax changes to establish more realistic exemptions which will minimize disruption of already bereaved families; a position on abortion that values human life; a welfare policy to encourage rather than discourage families to stay together and seek economic independence; a tax system that assists rather than penalizes families with elderly members, children in day care or children in college; economic and employment policies that stop the shrinkage of our dollars and stimulate the creation of jobs so that families can plan for their economic security.

EDUCATION

Our children deserve quality education.

We believe that segregated schools are morally wrong and unconstitutional. However, we oppose forced busing to achieve racial balances in our schools. We believe there are educational advantages for children in attending schools in their own neighborhoods and that the Democrat-controlled Congress has failed to enact legislation to protect this concept. The racial composition of many schools results from decisions by people about where they chose to live. If Congress continues to fail to act, we would favor consideration of an amendment to the Constitution forbidding the assignment of children to schools on the basis of race.

Our approach is to work to eradicate the root causes of segregated schools, such as housing discrimination and gerrymandered school districts. We must get on with the education of all our children.

Throughout our history, the education of our children has been a community responsibility. But now federal categorical grant programs pressure local school districts into substituting Washington-dictated priorities for their own. Local school administrators and school boards are being turned into bookkeepers for the federal government. Red tape and restrictive regulations stifle imagination and creativity. We are deeply concerned about the decline in the performance of our schools and the decline in public confidence in them.

We favor consideration of tax credits for parents making elementary and secondary school tuition payments.

Local communities wishing to conduct non-sectarian prayers in their public schools should be able to do so. We favor a constitutional amendment to achieve this end.

We propose consolidating federal categorical grant programs into block grants and turning the money over to the states to use in accordance with their own needs and priorities and with minimum bureaucratic controls. A single program must preserve the funding that is directed at the needs of such special groups as the handicapped and the disadvantaged.

Responsibility for education, particularly on the elementary and secondary levels, belongs to local communities and parents. Intrusion by the federal government must be avoided. Bureaucratic control of schools by Washington has the potential for destruction of our educational system by taking more and more decisions away from parents and local school authorities. Financial dependence on the federal government inevitably leads to greater centralization of authority. We believe, therefore, that a study should be authorized concerning funding of elementary and secondary education, coupled with a study regarding return to the states of equivalent revenue to compensate for any loss in present levels of federal funding.

Unless steps are taken immediately, soaring prices will restrict a college education to the rich and those poor enough to qualify now for government aid. Federal higher education policy should continue to focus on financial aid for needy individuals, but because the financial ability to go to college is fast slipping out of the grasp of middle income families, more realistic eligibility guidelines for student aid are essential.

Government interference in the management of colleges and universities must be stopped. Federal support to assist in meeting the grave financial problems of higher education should be forthcoming, but such funds should never be used as devices for imposing added controls.

Diversity in education has great value. Public schools and non-public schools should share in education funds on a constitutionally acceptable basis. Private colleges and universities should be assisted to maintain healthy competition and to enrich diversity. The cost of expanding public campuses can be kept down if existing private institutions are helped to accommodate our student population.

We favor continued special federal support for vocational education.

HEALTH

Every American should have access to quality health care at an affordable price.

The possibility of an extended illness in a family is a frightening prospect, but, if it does happen, a person should at least be protected from having it wipe out lifetime savings. Catastrophic expenses incurred from major illnesses and accidents affect only a small percentage of Americans each year, but for those people, the financial burden can be devastating. We support extension of catastrophic illness protection to all who cannot obtain it. We should utilize our private health insurance system to assure adequate protection for those who do not have it. Such an approach will eliminate the red tape and high bureaucratic costs inevitable in a comprehensive national program.

The Republican Party opposes compulsory national health insurance.

Americans should know that the Democrat Platform, which offers a government-operated and financed "comprehensive national health insurance system with universal and mandatory coverage," will increase federal government spending by more than $70 billion in its first full year. Such a plan could require a personal income tax increase of approximately 20 percent. We oppose this huge, new health insurance tax. Moreover, we do not believe that the federal government can administer effectively the Democrats' cradle-to-grave proposal.

The most effective, efficient and economical method to improve health care and extend its availability to all is to build on the present health delivery and insurance system, which covers nine out of every ten Americans.

A coordinated effort should be mounted immediately to contain the rapid increase in health care costs by all available means, such as development of healthier life styles through education, improved preventive care,

better distribution of medical manpower, emphasis on out-of-hospital services and elimination of wasteful duplication of medical services.

We oppose excessive intrusions from Washington in the delivery of health care. We believe in preserving the privacy that should exist between a patient and a physician, particularly in regard to the confidentiality of medical records.

Federal health programs should be consolidated into a single grant to each state, where possible, thereby allowing much greater flexibility in setting local priorities. Our rural areas, for example, have different health care delivery needs than our cities. Federal laws and regulations should respect these differences and make it possible to respond differently to differing needs. Fraud in Medicare and Medicaid programs should be exposed and eliminated.

We need a comprehensive and equitable approach to the subject of mental health. Such a program should focus on the prevention, treatment and care of mental illness. It should cover all aspects of the interrelationships between emotional illness and other developmental disabilities that seek to remove us from the dark ages in these areas.

Alcoholism and drug abuse, growing problems in America today, should receive the utmost attention.

While we support valid medical and biological research efforts which can produce life-saving results, we oppose any research on live fetuses. We are also opposed to any legislation which sanctions ending the life of any patient.

CHILD NUTRITION

Every child should have enough to eat. Good nutrition is a prerequisite of a healthy life. We must focus our resources on feeding needy children. The present school lunch programs provide a 20 percent subsidy to underwrite the meals of children from middle- and upper-income families.

The existing 15 child nutrition programs should be consolidated into one program, administered by the states, and concentrated on those children truly in need. Other federal programs should insure that low-income people will be able to purchase a nutritionally adequate food supply.

EQUAL RIGHTS AND ENDING DISCRIMINATION

Roadblocks must be removed that may prevent Americans from realizing their full potential in society. Unfair discrimination is a burden that intolerably weighs morally, economically and politically upon a free nation.

While working to eradicate discriminatory practices, every citizen should be encouraged to take pride in and foster the cultural heritage that has been passed on from previous generations. Almost every American traces ancestry from another country; this cultural diversity gives strength to our national heritage.

There must be vigorous enforcement of laws to assure equal treatment in job recruitment, hiring, promotion, pay, credit, mortgage access and housing. The way to end discrimination, however, is not by resurrecting the much discredited quota system and attempting to cloak it in an aura of new respectability. Rather, we must provide alternative means of assisting the victims of past discrimination to realize their full worth as American citizens.

Wiping out past discrimination requires continued emphasis on providing educational opportunities for minority citizens, increasing direct and guaranteed loans to minority business enterprises, and affording qualified minority persons equal opportunities for government positions at all levels.

Women

Women, who comprise a numerical majority of the population, have been denied a just portion of our nation's rights and opportunities. We reaffirm our pledge to work to eliminate discrimination in all areas for reasons of race, color, national origin, age, creed or sex and to enforce vigorously laws guaranteeing women equal rights.

The Republican Party reaffirms its support for ratification of the Equal Rights Amendment. Our Party was the first national party to endorse the E.R.A. in 1940. We continue to believe its ratification is essential to insure equal rights for all Americans. In our 1972 Platform, the Republican Party recognized the great contributions women have made to society as homemakers and mothers, as contributors to the community through volunteer work, and as members of the labor force in careers. The Platform stated then, and repeats now, that the Republican Party "fully endorses the principle of equal rights, equal opportunities and equal responsibilities for women." The Equal Rights Amendment is the embodiment of this principle and therefore we support its swift ratification.

The question of abortion is one of the most difficult and controversial of our time. It is undoubtedly a moral and personal issue but it also involves complex questions relating to medical science and criminal justice. There are those in our Party who favor complete support for the Supreme Court decision which permits abortion on demand. There are others who share sincere convictions that the Supreme Court's decision must be changed by a constitutional amendment prohibiting all abortions. Others have yet to take a position, or they have assumed a stance somewhere in between polar positions.

We protest the Supreme Court's intrusion into the family structure through its denial of the parents' obligation and right to guide their minor children. The Republican Party favors a continuance of the public dialogue on abortion and supports the efforts of those who seek enactment of a constitutional amendment to restore protection of the right to life for unborn children.

The Social Security System, our federal tax laws, and unemployment and disability programs currently discriminate against women and often work against married couples as well. These inequities must be corrected. We recognize that special support must be given to the increasing number of women who have assumed responsibility as the heads of households while also being wage earners. Programs for job training, counseling and other services should be established to help them attain their dual role in society.

We reiterate the pledges elsewhere in this platform of support for child care assistance, part-time and flexible-time work that enables men and women to combine employment and family responsibilities, estate tax reform, small business assistance for women, rape prevention and elimination of discriminatory housing practices.

Ethnic Americans

Ethnic Americans have enriched this nation with their hard work, self-reliance and respect for the rights and needs of others. Ethnic groups reaching our shores at various times have given our country its unique identity and strength among the nations of the world. We recognize and value the contributions of Ethnic Americans to our free and democratic society.

Hispanic-Americans

When language is a cause of discrimination, there must be an intensive educational effort to enable Spanish-speaking students to become fully proficient in English while maintaining their own language and cultural heritage. Hispanic-Americans must not be treated as second-class citizens in schools, employment or any other aspect of life just because English is not their first language. Hispanic-Americans truly believe that individual integrity must be paramount; what they want most from government and politics is the opportunity to participate fully. The Republican Party has and always will offer this opportunity.

Indians and Alaska Natives

We have a unique commitment to Native Americans; we pledge to continue to honor our trust relationship with them, and we reaffirm our federal Indian policy of self-determination without termination. This means moving smoothly and quickly away from federal domination to effective participation and communication by Indians in the political process and in the planning, content and administration of federal programs. We shall pursue our joint effort with Indian leaders to assist in the orderly development of Indian and native-owned resources and to continue to attack the severe health, education and unemployment problems which exist among Indians and Alaska Natives.

Puerto Rico, the District of Columbia and the Territories

The principle of self-determination also governs our positions on Puerto Rico and the District of Columbia as it has in past platforms. We again support statehood for Puerto Rico, if that is the people's choice in a referendum, with full recognition within the concept of a multicultural society of the citizens' right to retain their Spanish language and traditions; and support giving the District of Columbia voting representation in the United States Senate and House of Representatives and full home rule over those matters that are purely local.

We will continue to negotiate with the Congress of Micronesia on the future political status of the Trust Territories of the Pacific Islands to meet the mutual interests of both parties. We support a plebiscite by the people of American Samoa on whether they wish to elect a territorial governor. We favor whatever action is necessary to permit American citizens resident in Guam, Puerto Rico and the Virgin Islands to vote for President and Vice President in national elections. With regard to Guam and the Virgin Islands, we urge an increased degree of self-sufficiency and support maximum broadening of self-government.

Responsibilities

Finally, the most basic principle of all: Achievement and preservation of human rights in our society is based on the willing acceptance by millions of Americans of their responsibilities as free citizens. Instead of viewing government programs with ever increasing expectations, we must readily assume the obligations of wage-earners, taxpayers and supporters of our government and laws. This is often forgotten, and so it is appropriate to remnd ourselves in this Platform that this is why our society works.

HANDICAPPED CITIZENS

Handicapped persons must be admitted into the mainstream of our society.

Too often the handicapped population of the nation—over 30 million men, women and children—has been denied the rights taken for granted by other citizens. Time after time, the paths are closed to the handicapped in education, employment, transportation, health care, housing, recreation, insurance, polling booths and due process of law. National involvement is necessary to correct discrimination in these areas. Individual incentive alone cannot do it.

We pledge continued attention to the problems caused by barriers in architecture, communication, transportation and attitudes. In addition, we realize that to deny education and employment simply because of an existing disability runs counter to our accepted belief in the free enterprise system and forces the handicapped to be overly dependent on others. Similarly, the denial of equal access to credit and to acquisition of venture capital

on the basis of a handicap or other disability conflicts with Republican philosophy. We advocate the elimination of needless barriers for all handicapped persons.

WORKING AMERICANS

Free collective bargaining remains the best way to insure that American workers receive a fair price for their labors.

The special problems of collective bargaining in state and local government should be addressed at those levels. Washington should not impose its standards on local governments. While we oppose strikes by public employees, we recognize that states have the right to permit them if they choose.

Union membership as a condition of employment has been regulated by state law under Section 14(b) of the Taft-Hartley Act. This basic right should continue to be determined by the states. We oppose strikes by federal employees, the unionization of our military forces and the legalization of common-situs picketing.

Employees of the federal government should not engage in partisan politics. The Civil Service System must remain non-partisan and non-political. The Hatch Act now protects federal employees; we insist that it be uniformly administered.

Among the rights that are the entitlement of every American worker is the right to join a union—large, small or independent; the right to be protected against racial discrimination and misuse of dues; the right to union elections that are fair and democratic; and the right to be assured of ultimately receiving his or her promised pension benefits.

Safe and healthful working conditions are goals of utmost importance. We should expect the Occupational Safety and Health Administration to help employers, particularly in small businesses, comply with the law, and we will support legislation providing on-site consultation.

There should be considerable concern over the presence of several million illegal aliens in the country who fill jobs that otherwise would be available to American workers. We support increased efforts to deal more effectively with this problem and favor legislation prohibiting employers from knowingly hiring illegal aliens. The Democrat leaders in Congress have systematically killed every attempt to debate this legislation in recent years.

Increased part-time and flexible-hour work should be encouraged wherever feasible. In keeping with our belief in family life, we want to expand more opportunities for men and women to combine family responsibilities and employment.

WELFARE REFORM

The work of all Americans contributes to the strength of our nation, and all who are able to contribute should be encouraged to do so.

In every society there will be some who cannot work, often through no fault of their own. The measure of a country's compassion is how it treats the least fortunate.

We appreciate the magnificent variety of private charitable institutions which have developed in the United States.

The Democrat-controlled Congress has produced a jumble of degrading, dehumanizing, wasteful, overlapping and inefficient programs failing to assist the needy poor. A systematic and complete overhaul of the welfare system should be initiated immediately.

The following goals should govern the reform of the welfare system: (1) Provide adequate living standards for the truly needy; (2) End welfare fraud and prevent it in the future with emphasis on removing ineligible recipients from the welfare rolls, tightening food stamp eligibility requirements, and ending aid to illegal aliens and the voluntarily unemployed; (3) Strengthen work requirements, particularly directed at the productive involvement of able-bodied persons in useful community work projects; (4) Provide educational and vocational incentives to allow recipients to become self-supporting; (5) Better coordinate federal efforts with local and state social welfare agencies and strengthen local and state administrative functions. We oppose federalizing the welfare system; local levels of government are most aware of the needs of their communities. Consideration should be given to a range of options in financing the programs to assure that state and local responsibilities are met. We also oppose the guaranteed annual income concept or any programs that reduce the incentive to work.

Those features of the present law, particularly the food stamp program, that draw into assistance programs people who are capable of paying for their own needs should be corrected. The humanitarian purpose of such programs must not be corrupted by eligibility loopholes. Food stamp program reforms proposed by Republicans in Congress would accomplish the twin goals of directing resources to those most in need and streamlining administration.

We must never forget that unemployment compensation is insurance, not a welfare program. It should be redesigned to assure that working is always more beneficial than collecting unemployment benefits. The benefits should help most the hard-core unemployed. Major efforts must be encouraged through the private sector to speed up the process of finding jobs for those temporarily out of work.

OLDER AMERICANS

Older Americans constitute one of our most valuable resources.

Families should be supported in trying to take care of their elderly. Too often government laws and policies contribute to the deterioration of family life. Our tax laws, for example, permit a deduction to the taxpayer who gives a contribution to a charitable institution that might care for an elderly parent, but offer little or no incentive to provide care in the home. If an elderly parent relinquishes certain assets and enters a nursing home, the parent may qualify for full Medicaid coverage, but if parents live with their children, any Supplemental Security income benefit for which they are eligible may be reduced. Incentives must be written into law to encourage families to care for their older members.

Along with loneliness and ill health, older Americans are deeply threatened by inflation. The costs of the basic necessities of life—food, shelter, clothing, health care—have risen so drastically as to reduce the ability of many older persons to subsist with any measure of dignity. In addition to our program for protecting against excessive costs of long-term illness, nothing will be as beneficial to the elderly as the effect of this Platform's proposals on curbing inflation.

The Social Security benefits are of inestimable importance to the well-being and financial peace-of-mind of most older Americans. We will not let the Social Security system fail. We will work to make the Social Security system actuarially sound. The Social Security program must not be turned into a welfare system, based on need rather than contributions. The cost to employers for Social Security contributions must not be raised to the point where they will be unable to afford contributions to employees' private pension programs. We will work for an increase in the earned income ceiling or its elimination so that, as people live longer, there will not be the present penalty on work. We will also seek to correct those provisions of the system that now discriminate against women and married couples.

Such programs as Foster Grandparents and Senior Companions, which provide income exempt from Social Security limitations, should be continued and extended to encourage senior citizens to continue to be active and involved in society. Appropriate domiciliary care programs should be developed to enable senior citizens to receive such care without losing other benefits to which they may be entitled.

We favor the abolition of arbitrary age levels for mandatory retirement.

The Medicare program must be improved to help control inflation in health care costs triggered by present regulations.

Other areas of concern to the elderly that need increased attention are home and outpatient care, adequate transportation, nutrition, day care and homemaker care as an alternative to costly institutional treatment.

A nation should be judged by its ability to help make all the years of life as productive and gainful as possible. This nation still has a job to do.

VETERANS

The nation must never forget its appreciation and obligation to those who have served in the armed forces.

Because they bear the heaviest burdens of war, we owe special honor and compensation to disabled veterans and survivors of the war dead.

We are firmly committed to maintaining and improving our Veterans Administration hospital system.

Younger veterans, especially those who served in the Vietnam conflict, deserve education, job and housing loan benefits equivalent to those of world War II and the Korean conflict. Because of our deep and continuing concern for those still listed as Prisoners of War or Missing in Action in Vietnam, the Foreign Policy section of this Republican Platform calls for top priority actions.

And we must continue to provide for our veterans at their death a final resting place for their remains in a national cemetery and the costs of transportation thereto.

A NATIONAL URBAN STRATEGY

The decay and decline of communities in this country is not just a physical and economic crisis, but is traceable to the decline of a real "sense of community" in our society. Community development cannot be achieved merely by throwing dollars and mortar at our community problems; what must be developed is a new sense of mutual concern and responsibility among all members of a community for its improvement.

We recognize the family, the neighborhood and the private volunteer sector to be the most basic and vital units within our communities and we recognize their central role in revitalizing our communities. We propose a strategy for urban revitalization that both treats our urban areas as soical organisms and recognizes that the family is the basic building block in these organisms.

Effectively helping our cities now requires a coordinated National Urban Policy. The cornerstone of this policy must be to curb inflation. This policy must be based on the principle that the levels of government closest to the cities' problems are best able to respond. Thus federal and state assistance to cities and counties could give the greatest flexibility to those directly on the scene, the local elected officials. Such a policy should replace the welter of confusing and often conflicting federal categorical grant programs—the approach of the Democrat Congress—with block grant programs that allow cities and counties to set their own priorities.

Without an urban policy, the Democrat-controlled Congress has created a hodgepodge of programs which have all but destroyed our once vital cities. At the same time, urban crime rates have skyrocketed and the quality and promise of metropolitan education systems have plummeted. All this has happened during the years that the number of federal urban programs has increased al-

most tenfold: from 45 in 1946 to 435 in 1968; and expenditures have increased 3000 percent; from $1 billion to $30 billion.

The Republican programs of revenue sharing and block grants for community development and manpower have already helped our cities and counties immensely. We favor extension of revenue sharing and the orderly conversion of categorical grants into block grants. When federal assistance programs for general purpose local governments are administered through the states, there should be direct pass-through and effective role for cities and counties in the planning, allocation and use of the funds.

Federal, state and local government resources combined are not enough to solve our urban problems. The private sector must be the major participant. Economic development is the best way to involve business and industry. Government support should emphasize capital formation and technical assistance for small and minority businesses.

We can bring about a new birth of freedom by following the example of those individuals, organizations and community leaders who have successfully solved specific undesirable conditions and problems through private efforts. Government officials should be aware of these successes in developing new approaches to public problems.

Financial institutions should be encouraged to participate in the financial requirements of urban development. Each institution should recognize its responsibility in promoting and maintaining economic growth and stability in the central cities.

Our urban policies should encourage families and businesses to improve their neighborhoods by means of participation in neighborhood self-help groups, improving and rehabilitating their homes and businesses, and investing in and managing local businesses. We support the revision of federal business assistance programs to encourage joint efforts by local merchants' associations.

We need a comprehensive approach to plan, develop and implement a variety of programs which take into account the many diverse needs of each neighborhood. The establishment of a National Neighborhood Policy will signal a commitment to the improvement of the quality of our life in our neighborhoods.

We call for an expansion of the President's Committee on Urban Development and Neighborhood Revitalization to include representatives of elected state and local officials and the private sector.

Taken together, the thrust of the proposals in this section and in such related areas as housing, transportation, safety and taxes should contribute significantly to making our cities again pleasant places to live. The Republican National Urban Strategy has been formed in the realization that when the bell tolls for the cities it tolls for all of America.

HOUSING

In the United States today we are the best housed nation in the history of world civilization. This accomplishment was achieved by a private enterprise system using free market concepts.

All of our citizens should be given the opportunity to live in decent, affordable housing.

We believe that we should continue to pursue the primary goal of expanding housing opportunities for all Americans and we should pursue the companion goal of reducing the degree of direct federal involvement in housing.

To most Americans the American dream is a home of their own. The time has come to face some hard realities, primarily that the greatest impediment to decent and affordable housing is inflation. It logically follows that one effective housing program would be simply to elect a Republican Congress which would balance the federal budget.

To meet the housing needs of this country there must be a continuous, stable and adequate flow of funds for the purpose of real estate mortgages at realistic interest rates.

To continue to encourage home ownership, which now encompasses 64 percent of our families, we support the deductibility of interest on home mortgages and property taxes.

We favor the concept of federal revenue sharing and block grants to reduce the excessive burden of the property tax in financing local government.

We are concerned with the excessive reliance of financing welfare and public school costs primarily by the property tax.

We support inflation-impact studies on governmental regulations, which are inflating housing costs.

Current enconomic problems and environmental concerns must be balanced in each community by a policy of "Sensible Growth."

We oppose discrimination in housing, whether by individuals or by institutional financing policies.

We urge continued incentives to support the development of low and moderate income housing in order to assure the availability of adequate shelter for the less fortunate.

Rehabilitation and preservation of existing housing stock should be given high priority in federal housing policy.

We urge the continuation of the self-help restoration of housing, such as urban homesteading, which is providing housing for low-income families.

TRANSPORTATION

The federal government has a special responsibility to foster those elements of our national transportation system that are essential to foreign and interstate commerce and national defense. In other transportation systems that primarily support local needs, the federal government's responsibility is to encourage the greatest possible decision-making and flexibility on the part of state and local governments to spend funds in ways that make the best sense for each community. Thus all levels of government have an important role in providing a balanced and coordinated transportation network.

In keeping with national transportation goals, the Railroad Revitalization and Regulatory Reform Act of 1976 has begun the task of removing regulatory constraints of the Interstate Commerce Commission on America's ailing railroads. Now we should carefully assess the need to remove many of the regulatory constraints imposed on the nation's airlines and motor carriers. Consumers pay too high a price for the artificial fare and rate structures imposed by federal regulations.

The great Interstate Highway System, initiated by President Eisenhower, has brought new freedom of travel to every American and must be completed and maintained. Our road network should always stress safety through better design as well as bridge maintenance and replacement.

We must also have a safe and efficient aviation system capable of responding to the air transportation needs of the future and of reducing exposure to aircraft noise. This includes airport development, navigational and safety facilities, and the design and adequate staffing of advanced air traffic control systems. In airplane use as in other modes of transportation, the impact on the physical environment must always be a basic consideration in federal decisions and such decisions should also include appraisals of impact on the economy. We deplore unfair treatment of United States airlines under foreign landing regulations.

Research must be continued to find safe, more fuel-efficient automobile engines and airplanes; safer, faster rail service; and more convenient, less expensive urban transportation. Tax policies should be considered which would stimulate the development and installation of new energy sources in transportation, such as railroad electrification.

The disorganization of a Democratic-controlled Congress frustrates the coordination of transportation policy. Currently there are more than 50 congressional subcommittees with independent jurisdiction in the transportation field. This hopelessly disjointed and disorganized approach must be reformed.

In keeping with the local goal getting in transportation, the Republican Party applauds the system under which state and local governments can divert funds from interstate highway mileage not essential to interstate commerce or national defense to other, more pressing community needs, such as urban mass transit.

We support the concept of a surface transportation block grant which would include the various highway and mass transit programs now in existence. This will provide local elected officials maximum flexibility in selecting and implementing the balanced transportation systems best suited to each locality. It will encompass both capital and operating subsidies for urban mass transit. It will eliminate red tape and over-regulation. We regret that the Democrat-controlled Congress has not adopted such reform.

ENERGY

In 1973, Americans were shocked to discover that a plentiful supply of energy could no longer be assumed. Unfortunately, the Democrat majority in Congress still has not responded to this clear and urgent warning. The United States is now consuming more imported oil than it was three years ago and our dependence on foreign sources has continued to increase to the point where we now import more than 40% of our oil.

One fact should now be clear: We must reduce sharply our dependence on other nations for energy and strive to achieve energy independence at the earliest possible date. We cannot allow the economic destiny and international policy of the United States to be dictated by the sovereign powers that control major portions of the world's petroleum supplies.

Our approach toward energy self-sufficiency must involve both expansion of energy supply and improvement of energy efficiency. It must include elements that insure increased conservation at all levels of our society. It must also provide incentive for the exploration and development of domestic gas, oil, coal and uranium, and for expanded research and development in the use of solar, geothermal, co-generation, solid waste, wind, water, and other sources of energy.

We must use our non-renewable resources wisely while we develop alternative supplies for the future. Our standard of living is directly tied to a continued supply of energy resources. Without an adequate supply of energy, our entire economy will crumble.

Unwise government intervention in the marketplace has caused shortage of supply, unrealistic prices and increased dependence on foreign sources. We must immediately eliminate price controls on oil and newly-discovered natural gas in order to increase supply, and to provide the capital that is needed to finance further exploration and development of domestic hydrocarbon reserves.

Fair and realistic market prices will encourage sensible conservation efforts and establish priorities in the use of our resources, which over the long run will provide a secure supply at reasonable prices for all.

The nation's clear and present need is for vast amounts of new capital to finance exploration, discovery, refining, and delivery of currently usable forms of energy, including the use of coal as well as discovery and development of new sources. At this critical time, the Democrats have characteristically resorted to political demagoguery seeking

short-term political gain at the expense of the long-term national interest. They object to the petroleum industry making any profit. The petroleum industry is an important segment of our economy and is entitled to reasonable profits to permit further exploration and development.

At the height of the energy crisis, the Republican Administration proposed a strong, balanced energy package directed at both expansion of supply and conservation of energy. The response from the Democrats in Congress was to inhibit expanded production through artificially set price and allocation controls, thereby preventing market forces from working to make energy expansion economically feasible.

Now, the Democrats propose to dismember the American oil industry. We vigorously oppose such divestiture of oil companies—a move which would surely result in higher energy costs, inefficiency and undercapitalization of the industry.

Democrats have also proposed that the federal government compete with industry in energy development by creating a national oil company. We totally oppose this expensive, inefficient and wasteful intrusion into an area which is best handled by private enterprise.

The Democrats are playing politics with energy. If they are permitted to continue, we will pay a heavy price in lost energy and lost jobs during the decades ahead.

Immediate removal of counter-productive bureaucratic redtape will eliminate hindrances to the exploration and developments of hydrocarbons and other energy resources. We will accelerate development of oil shale reserves, Alaskan petroleum and the leasing of the Outer Continental Shelf, always within the context of preserving the fullest possible protection for the environment. We will reduce complexity and delays involved in siting, licensing and the regulatory procedures affecting power generation facilities and refineries.

Coal, America's most abundant energy resource, is of inestimable value to the American people. It can provide the energy needed to bridge the gap between oil and gas and nuclear and other sources of energy. The uncertainties of governmental regulation regarding the mining, transportation and use of coal must be removed and a policy established which will assure that governmental restraints, other than proper environmental controls, do not prevent the use of coal. Mined lands must be returned to beneficial use.

Uranium offers the best intermediate solution to America's energy crisis. We support accelerated use of nuclear energy through processes that have been proven safe. Government research on the use of nuclear energy will be expanded to include perfecting a long-term solution to the problems of nuclear waste.

Among alternative future energy sources, fusion, with its unique potential for supplying unlimited clean energy and the promise of new methods of natural resource recovery, warrants continued emphasis in our national energy research program, and we support measures to assure adequate capital investment in the development of new energy sources.

ENVIRONMENT AND NATURAL RESOURCES

A clean and healthy natural environment is the rightful heritage of every American. In order to preserve this heritage, we will provide for proper development of resources, safeguards for clean air and water, and protection and enhancement of our recreation and scenic areas.

As our environmental sophistication grows, we must more clearly define the role of the federal government in environmental protection.

We believe that it is a national responsibility to support scientific and technological research and development to identify environmental problems and arrive at solutions.

We are in complete accord with the recent Supreme Court decision on air pollution that allows the level of government closest to the problem and the solution to establish and apply appropriate air quality standards.

We are proud of the progress that the current Republican Administration has made toward bringing pollution of water, land and air under control. We will meet the challenges that remain by stepping up efforts to perfect our understanding of pollutants and the means for reducing their effects. Moreover, as the nation develops new energy sources and technologies, we must insure that they meet safe environmental standards.

We renew our commitments to the development of additional water supplies by desalinization, and to the more efficient use and re-use of waters currently available.

We are determined to preserve land use planning as a unique responsibility of state and local government.

We take particular pride in the expanded use of the National Park system in recent years, and will provide for continued improvement of the national parks and historic sites.

We support establishment of a presidential panel, including representatives of environmental groups, industry, the scientific community and the public to assist in the development of national priorities on environmental and energy issues. This panel will hear and consider alternative policy recommendations set forth by all of the interested groups, and then develop solutions that represent the overall public interest on environmental and energy matters.

One of this nation's greatest assets has been our abundant natural resources which have made possible our strong economic and strategic role in the world. We still have a wealth of resources, but they are not of infinite quantity. We must recognize that our material blessings stem from what we grow in the soil, take from the sea, or extract from the ground. We have a responsibility to future generations to conserve our non-renewable natural resources. Consistent with our needs, conservation should remain our national policy.

The vast land holdings of the federal government—approximately one-third of our nation's area—are the lands from which much of our future production of minerals must come. Public lands must be maintained for multiple use management where such uses are compatible. Public land areas should not be closed to exploration for minerals or for mining without an overriding national interest.

We believe Americans want their resources developed properly, their environment kept clean and their recreational and scenic areas kept intact.We support appropriate measures to achieve these goals.

We also believe that Americans are realistic and recognize that the emphasis on environmental concerns must be brought into balance with the needs for industrial and economic growth so that we can continue to provide jobs for an ever-growing work force.

The United States possesses the most productive softwood forests in the world, as well as extensive hardwood forests. Demands for housing, fuel, paper, chemicals and a multitude of other such needs require that these renewable resources be managed wisely on both public and private forest lands—not only to meet these needs, but also to provide for soil conservation, wildlife habitats and recreation.

Recognizing that timber is a uniquely renewable resource, we will use all scientifically sound means to maximize sustained yield, including clear-cutting and replanting where appropriate. We urge the Congress to strengthen the National Forest Service so that it can realize its potential in becoming an effective participant in the reforestation program.

We will support broader use of resource recovery and recycling processes through removal of economic disincentives caused by unnecessary government regulation.

One of the important issues at stake in the United Nations Law of the Sea Conference is access to the mineral resources in and beneath the sea. Technology, developed by United States industry, is at hand which can unlock resources of petroleum, manganese, nickel, cobalt, copper and other minerals. We will safeguard the national interest in development and use of these resources.

SCIENCE AND TECHNOLOGY

Every aspect of our domestic economy and well-being, our international competitive position, and national security is related to our past and present leadership in basic and applied research and the development of our technology. But there can be no complacency about our continued commitment to maintain this leadership position.

In the past, most of these accomplishments have been achieved through a unique partnership between government and industry. This must continue and be expanded in the future.

Because our society is so dependent upon the advancement of science and the development of technology, it is one of the areas where there must be a central federal policy. We support a national science policy that will foster the public-private partnership to insure that we maintain our leadership role.

The national space program plays a pioneer role in exploring the mysteries of our universe and we support its expansion.

We recognize that only when our technology is fully distributed can it be assimilated and used to increase our productivity and our standard of living. We will continue to encourage young Americans to study science and engineering.

Finally, we support new initiatives to utilize better the recoverable commodities from solid waste materials. We can no longer afford the luxury of a throw-away world. Recycling offers environmental benefits, economic expansion, resource conservation and energy savings. We support a policy which will reward recycling and economic incentives which will encourage its expansion.

ARTS AND HUMANITIES

The arts and humanities offer an opportunity for every American to become a participant in activities that add fullness, expression, challenge and joy to our daily lives. We Republicans consider the preservation of the rich cultural heritages of our various ethnic groups as a priority goal.

During our bicentennial year we have celebrated our anniversary with cultural activities as varied and colorful as our cultural heritage. The Republican Party is proud of its record of support to the arts and humanities during the last eight years. We are commited to steadily increase our support through the National Endowments for the nation's museums, theaters, orchestras, dance, opera and film centers as well as for individual artists and writers.

This upward trend in funding for the National Arts and Humanities Endowments deserves to continue. But Washington's presence should never dominate; it must remain limited to supporting and stimulating the artistic and cultural lives of each community.

We favor continued federal assistance to public broadcasting which provides us with creative educational and cultural alternatives. We recognize that public broadcasting

is supported mainly through private sector contributions and commend this policy as the best insurance against political interference.

In 1976, we have seen vivid evidence that America's history lives throughout the nation. We support the continued commemoration throughout the bicentennial era by all Americans of those significant events between 1776 and 1789 which contributed to the creation of this nation. We support the efforts of both the public and private sectors, working in partnership, for the historic preservation of unique and irreplaceable historic sites and buildings.

We propose safeguarding the rights of performing artists in the copyright laws, providing tax relief to artists who contribute their own talents and art works for public enjoyment, and encouraging the use of one percent of the cost of government buildings for art works.

Much of the support of the arts and humanities comes from private philanthropy. This generosity should be encouraged by government policies that facilitate charitable donations.

FISCAL RESPONSIBILITY

As Republicans, we are proud that in this Platform we have urged tax reductions rather than increased government spending. With firm restraint on federal spending this Platform pledges that its proposals for tax changes—reductions, structural adjustments, differentials, simplifications and job-producing incentives—can all be achieved within the balanced federal budgets we also demand as vital to the interests of all Americans. Without such spending restraint, we cannot responsibly cut back taxes. We reaffirm our determination that any net reduction of revenues must be offset by reduced government spending.

FOREIGN POLICY, NATIONAL DEFENSE AND INTERNATIONAL ECONOMIC POLICY

Prologue

The foreign policy of the United States defines the relationships we seek with the world as a whole, with friends and with adversaries. Our policy must be firmly rooted in principle and must clearly express our goals. Our principles cannot be subject to passing whim; they must be true, strong, consistent and enduring.

We pledge a realistic and principled foreign policy designed to meet the needs of the nation in the years ahead. The policies we pursue will require an informed consensus; the basis of that consensus will be the American people, whose most cherished desire is to live in freedom and peace, secure from war or threat of war.

The United States is a world power with worldwide interests and responsibilities. We pledge the continuation of efforts to revitalize our traditional alliances and to maintain close consultation with our friends. International cooperation and collaboration is required because we can achieve neither our most important objectives nor even our own security in the type of "splendid isolation" which is urged upon us by so many strident voices. The regrettable emergence of neo-isolationism often expressed in Congress and elsewhere is detrimental, we believe, to a sound foreign policy.

The branches of government can and should work together as the necessary prerequisite for a sound foreign policy. We lament the reckless intrusion of one branch into the clear constitutional prerogative of another. Confronted by so many challenges and so many crises, the United States must again speak with one voice, united in spirit and in fact. We reject partisan and ideological quarrels across party lines and urge Democrats to join with us to lay the foundations of a true bipartisan spirit. Let us speak for this country with one voice, so that our policies will not be misunderstood by our allies or our potential adversaries.

Effective policy must rest on premises which are understood and shared, and must be defined in terms of priorities. As the world has changed in a dynamic fashion, so too have our priorities and goals, and so too have the methods and debating and discussing our objectives. When we assumed Executive office eight years ago, we found the national security and foreign policy machinery in shambles. Last-minute reactions to crises were the practice. The National Security Council, so effective under President Eisenhower, had fallen into disuse. As an important first step, the National Security Council machinery was streamlined to cope with the problems of the moment and long-range planning. This restored process allows once again the exhaustive consideration of all the options from which a President must choose. Far from stifling internal debate and dissent as had been the practice in the past, Republican leadership now invites and stimulates evaluation of complex issues in an orderly decision-making process.

Republican leadership has also taken steps to report comprehensively its foreign policy and national security objectives. An annual "State of the World" message, designed to increase communication with the people and with Congress, has become a permanent part of Presidential practice.

A strong and effective program of global public diplomacy is a vital component of United States foreign policy. In an era of instant communications, the world is infinitely and forever smaller, and we must have the capacity to communicate to the world—to inform, to explain and to guard against accidental or willful distortion of United States policies.

Interdependence has become a fact of international life, linking our actions and policies with those of the world at large. The United States should reach out to other nations to enrich that interdependence. Republican leadership has demonstrated that recognition of the ties that bind us to our friends will serve our mutual interests in a creative fashion and will enhance the chances for world peace.

Morality in foreign policy

The goal of Republican foreign policy is the achievement of liberty under law and a just and lasting peace in the world. The principles by which we act to achieve peace and to protect the interests of the United States must merit the restored confidence of our people.

We recognize and commend that great beacon of human courage and morality, Alexander Solzhenitsyn, for his compelling message that we must face the world with no illusions about the nature of tyranny. Ours will be a foreign policy that keeps this ever in mind.

Ours will be a foreign policy which recognizes that in international negotiations we must make no undue concessions; that in pursuing detente we must not grant unilateral favors with only the hope of getting future favors in return.

Agreements that are negotiated, such as the one signed in Helsinki, must not take from those who do not have freedom the hope of one day gaining it.

Finally, we are firmly committed to a foreign policy in which secret agreement, hidden from our people, will have no part.

Honestly, openly, and with firm conviction, we shall go forward as a united people to forge a lasting peace in the world based upon our deep belief in the rights of man, the rule of law and guidance by the hand of God.

National defense

A superior national defense is the fundamental condition for a secure America and for peace and freedom for the world. Military strength is the path to peace. A sound foreign policy must be rooted in a superior defense capability, and both must be perceived as a deterrent to aggression and supportive of our national interests.

The American people expect that their leaders will assure a national defense posture second to none. They know that planning for our national security must be a joint effort by the President and Congress. It cannot be the subject of partisan disputes. It should not be held hostage to domestic political adventurism.

A minimum guarantee to preserve freedom and insure against blackmail and threats, and in the face of growing Soviet military power, requires a period of sustained growth in our defense effort. In constant dollars, the present defense budget will no more than match the defense budget of 1964, the year before a Democrat Administration involved America so deeply in the Vietnam War. In 1975 Soviet defense programs exceeded ours in investment by 85 percent, and exceeded ours in operating costs by 25 percent, and exceeded ours in research and development by 66 percent. The issue is whether our forces will be adequate to future challenges. We say they must be.

We must always achieve maximum value for each defense dollar spent. Along with the elimination of the draft and the creation, under a Republican President, of all-volunteer armed services, we have reduced the personnel requirements for support functions without affecting our basic posture. Today there are fewer Americans in the uniformed services than at any time since the fall of 1950. Substantial economies have been made in weapons procurement and we will continue to act in a prudent manner with our defense appropriations.

Our national defense effort will include the continuation of the major modernization program for our strategic missile and bomber forces, the development of a new intercontinental ballistic missile, a new missile launching submarine force and a modern bomber—the B-1—capable of penetrating the most sophisticated air defenses of the 1980's. These elements will comprise a deterrent of the first order.

We will increase our army to 16 divisions, reinforce our program of producing new tanks and other armored vehicles, and support the development of new, highly accurate precision weapons.

Our Navy, the guarantor of freedom of the seas, must have a major shipbuilding program, with an adequate balance between nuclear and non-nuclear ships. The composition of the fleet must be based on a realistic assessment of the threat we face, and must assure that no adversary will gain naval superiority.

An important modernization program for our tactical air forces is under way. We will require new fighters and interceptor aircraft for the Air Force, Navy and Marines. As a necessary component of our long-range strategy, we will produce and deploy the B-1 bomber in a timely manner, allowing us to retain air superiority.

Consistent with our total force policy, we will maintain strong reserve components.

Our investments in military research and development are of great importance to our future defense capabilities. We must not lose the vital momentum.

With increasing complexity of weapons, lead times for weapons systems are often as long as a decade, requiring careful planning and prudent financial decisions. An outstanding example of this process is the development and deployment of the cruise missile, which incorporates pinpoint precision by means of sophisticated guidance systems and is an exceptionally economical weapon to produce.

Security assistance programs are impor-

tant to our allies and we will continue to strengthen their efforts at self-defense. The improvement of their capabilities can help to ensure that the world balance is not tipped against us and can also serve to lessen chances for direct U.S. involvement in remote conflicts.

As a vital component of our over-all national security posture, the United States must have the best intelligence system in the world. The effectiveness of the intelligence community must be restored, consonant with the reforms instituted by President Ford. We favor the creation of an independent oversight function by Congress and we will withstand partisan efforts to turn any part of our intelligence system into a political football. We will take every precaution to prevent the breakdown of security controls on sensitive intelligence information, endangering the lives of United States officials abroad, or affecting the ability of the President to act expeditiously whenever legitimate foreign policy and defense needs require it.

NATO and Europe

Fundamental to a stable, secure world is the continuation of our traditional alliances. The North Atlantic Treaty Organization (NATO) now approaching the end of its third decade, remains healthy and vigorous.

The threat to our mutual security by a totalitarian power bent on expansion brought 15 nations together. The expression of our collective will to resist resulted in the creation and maintenance of a military deterrent which, while not without occassional strains, has served our vital interests well. Today that threat continues.

We have succeeded in extending our cooperation within NATO and have taken bold new steps in economic cooperation with our partners. Faced with a serious crisis in the energy field following the imposition of the oil boycott, we demonstrated that it was possible to coordinate our joint activities with the other NATO nations.

The economic strength of Western Europe has increased to the point where our NATO partners can now assume a larger share of the common defense; in response to our urging, our allies are demonstrating a greater willingness to do so. This is not the time to recommend a unilateral reduction of American military forces in Europe. We will, however, pursue the balanced reduction of forces in both Western and Eastern Europe, based on agreements which do not jeopardize the security of the Alliance. With our Alliance partners, we affirm that a strong NATO defense, based on a United States military presence, is vital to the defense of Western Europe.

Some of our NATO allies have experienced rapid and dynamic changes. We are encouraged by developments in the Iberian peninsula, where both Portugal and Spain now face more promising futures. Early consideration should be given to Spain's accession to NATO.

At the same time we would view with concern any political developments elsewhere in Europe which are destabilizing to NATO interests. We support the right of all nations to choose their leaders. Democracy and freedom are best served by ensuring that those fundamental rights are preserved and extended for future generations to choose in freedom.

The difficult problem of Cyprus, which separates our friends in Greece and Turkey, should be addressed and resolved by those two countries. The eastern flank of NATO requires restored cooperation there and, eventually, friendly relations between the two countries.

Republican leadership has strengthened this nation's good relations with the European Economic Community (EEC) in an age of increasing competition and potential irritations. We will maintain and strengthen the excellent relations we have achieved with the EEC.

In the final analysis, the NATO Alliance will be as effective as our will and determination, as well as that of our allies, to support it. The function of collective security is to deter wars and, if necessary, to fight and win those wars not successfully deterred. Our vigilance is especially required during periods of prolonged relaxation of tensions with our adversaries because we cannot permit ourselves to accept words and promises as a substitute for deeds. We are determined that the NATO Alliance shall not be lulled into a false sense of security. It can and must respond vigorously when called upon to act.

Asia and the Pacific

The United States has vital interests in the entire Pacific Basin and those interests lie foremost in Asian tranquility and stability.

The experience of ending direct American involvement in a difficult and costly war initiated during Democrat Administrations has taught us a great deal about how we ought to define our interests in this part of the world. The United States is indisputably a Pacific power. We have sought to express our interests in the area through strengthening existing friendly ties and creating new ones.

Japan will remain the main pillar of our Asian policy. We have helped to provide the framework, over the course of thirty years, for the development of the Japanese economy, which has risen to second place among free world nations. This nation, without natural resources, has maximized its greatest resource, the Japanese people, to achieve one of the world's most significant economic advances. We will continue our policy of close consultation and cooperation with this valued friend. We have succeeded in establishing an exceptional relationship with Japan. Our long-range goals of stability and economic cooperation are identical, forming the essential strength of a relationship which both countries seek actively to deepen.

With respect to the Republic of Korea, a nation with which we have had traditionally close ties and whose economy has grown rapidly in recent years, we shall continue our policy of military and economic assistance. United States troops will be maintained in Korea so long as there exists the possibility of renewed aggression from North Korea. Time has not dimmed our memories of the sudden assault against South Korea. We reaffirm the commitment of the United States to the territorial integrity and the sovereignty of the Republic of Korea. Simultaneously we encourage the Governments of South Korea and North Korea to institute domestic policy initiatives leading to the extension of basic human rights.

When Republicans assumed executive office in 1969, we were confronted with a war in Vietnam involving more than 500,000 United States troops, and to which we had committed billions of dollars and our national honor and prestige. It was in the spirit of bipartisan support for Presidential foreign policy initiatives, inaugurated in the postwar era by Senator Arthur Vandenberg, that most Republicans supported the United States commitment to assist South Vietnam resist Communist-sponsored aggression. The human cost to us was great; more than 55,000 Americans died in that conflict, and more than 300,000 were wounded.

A policy of patient, persistent and principled negotiations extricated the United States from that ill-fated war with the expectation that peace would prevail. The refusal of the Democrat-controlled Congress to give support to Presidential requests for military aid to the beleaguered nations of South Vietnam, Cambodia and Laos, coupled with sustained military assaults by the Communists in gross violation of the Paris Peace Accords, brought about the collapse of those nations and the subjugation of their people to totalitarian rule.

We recognize that there is a wide divergence of opinion concerning Vietnam, but we pledge that American troops will never again be committed for the purpose of our own defense, or the defense of those to whom we are committed by treaty or other solemn agreements, without the clear purpose of achieving our stated diplomatic and military objectives.

We must achieve the return of all Americans who may be held in Southeast Asia, and a full accounting for those listed as Missing in Action. We strongly urge continued consultation between the President and the National League of Families of American Prisoners and Missing in Southeast Asia. This country owes at least this much to all of these courageous people who have anguished so long over this matter. To this end, and to underscore our top priority commitment to the families of these POWs and MIAs, we recommend, among other actions, the establishment of a presidential task force headed by a special presidential representative.

We condemn the inhumane and criminal retributions which have taken place in Cambodia, where mass executions and forced resettlements have been imposed on innocent civilians.

The important economic developments taking place in Singapore, Indonesia, Malaysia, the Philippines and other Asian countries, will lead to much improved living standards for the people there. We reaffirm our firendship with these nations. Equally, our relationships with Australia and New Zealand are historic and important to us; they have never been better and provide a firm base on which to build.

United States-Chinese relations

A development of significance for the future of Asia and for the world came to fruition in 1972 as our communications were restored with the People's Republic of China. This event has allowed us to initiate dialogue with the leaders of a quarter of the earth's population, and trade channels with the People's Republic have been opened, leading to benefits for each side.

The People's Republic of China can and will play an increasingly important role in world affairs. We shall seek to engage the People's Republic of China in an expanded network of contacts and trade. Such a process cannot realistically proceed at a forced or incautious pace; the measured but steady growth of our relations best serves our interests. We do not ignore the profound differences in our respective philosophies, governmental institutions, policies and views on individual liberty, and we are hopeful that basic human rights will be extended to the Chinese people. What is truly fundamental is that we have established regular working channels with the People's Republic of China and that this process can form an important contribution to world peace.

Our friendly relations with one great power should not be construed as a challenge to any other nation, large or small. The United States government, while engaged in a normalization of relations with the People's Republic of China, will continue to support the freedom and independence of our friend and ally, the Republic of China, and its 16 million people. The United States will fulfill and keep its commitments, such as the mutual defense treaty, with the Republic of China.

The Americas

The relations of the United States with the Americas are of vital and immediate importance. How we conduct our affairs with our neighbors to the North and South will continue to be a priority.

In the recent past our attention has at

times been diverted to more distant parts of the world. There can be no sensible alternative to close relationships and understanding among the nations of the hemisphere.

It is true for a series of new departures in our relations with Canada. Canada is our most important trading partner, and we are hers. We, as Americans, feel a deep affinity for our Canadian friends, and we have much at stake in the development of closer relationships based on mutual understanding and complete equality.

To our neighbors in Mexico, Central America and South America, we also say that we wish the opportunity to expand our dialogue. The needs of our friends are great, but this must not serve as an obstacle for a concerted effort to work together more closely. The United States has taken steps to adjust tariffs so as to maximize access to our markets. We recognize that our neighbors place no value on complex and cumbersome aid schemes; they see self-help modernization, and expanded trade as the main sources of economic progress. We will work with them to define specific steps that we can take to help them achieve greater economic strength, and to advance our mutual interests.

By continuing its policies of exporting subversion and violence, Cuba remains outside the Inter-American family of nations. We condemn attempts by the Cuban dictatorship to intervene in the affairs of other nations; and, as long as such conduct continues, it shall remain ineligible for admission to the Organization of American States.

We shall continue to share the aspirations of the Cuban people to regain their liberty. We insist that decent and humane conditions be maintained in the treatment of political prisoners in the Cuban jails, and we will seek arrangements to allow international entities, such as the International Red Cross, to investigate and monitor the conditions in those jails.

The present Panama Canal Treaty provides that the United States has jurisdictional rights in the Canal Zone as "if it were the sovereign." The United States intends that the Panama Canal be preserved as an international waterway for the ships of all nations. This secure access is enhanced by a relationship which commands the respect of Americans and Panamanians and benefits the people of both countries. In any talks with Panama, however, the United States negotiators should in no way *cede, dilute, forfeit, negotiate or transfer any rights, power, authority, jurisdiction, territory or property that are necessary for the protection and security of the United States and the entire Western Hemisphere.*

We reaffirm our faith in the ability of the Organization of American States, which remains a valuable means of inter-American consultation.

The Middle East

The preservation of peace and stability in the Middle East is a paramount concern. The efforts of two Republican Administrations, summoning diplomatic and political skills, have been directed toward reduction of tensions and toward avoiding flashpoints which could serve as an excuse for yet another round of conflict between Israel and the Arab countries.

Our commitment to Israel is fundamental and enduring. We have honored and will continue to honor that commitment in every way—politically, economically and by providing the military aid that Israel requires to remain strong enough to deter any potential aggression. Forty pecent of all United State's aid that Israel has received since its creation in 1948 has come in the last two fiscal years, as a result of Republican initiatives. Our policy must remain one of decisive support for the security and integrity of Israel.

An equally important component of our commitment to Israel lies in continuing our efforts to secure a just and durable peace for all nations in that complex region. Our efforts have succeeded, for the first time since the creation of the state of Israel, in moving toward a negotiated peace settlement which would serve the interests and the security of all nations in the Middle East. Peace in the Middle East now requires face-to-face, direct negotiations between the states involved with the recognition of safe, secure and defensible borders for Israel.

At the same time, Republican Administrations have succeeded in reestablishing communication with the Arab countries, and have made extensive progress in our diplomatic and commercial relations with the more moderate Arab nations.

As a consequence of the Middle East conflict of 1973, the petroleum producing states imposed an embargo on the export of oil to most of the advanced industrial countries. We have succeeded in creating numerous cooperative mechanisms to protect ourselves, working in concert with our allies, against any future embargoes. The United States would view any attempt to reimpose an embargo as an essentially hostile act. We will oppose discriminatory practices, including boycotts of any type.

Because we have such fundamental interests in the Middle East, it will be our policy to continue our efforts to maintain the balance of power in the Mediterranean region. Our adversaries must recognize that we will not permit a weakening of our defenses or any attempt to disturb valued Alliance relationships in the Eastern Mediterranean.

We shall continue to support peace initiatives in the civil war in Lebanon; United States envoys engaged in precisely such an initiative were murdered, and we express our sorrow for their untimely deaths and for all other dedicated government employees who have been slain elsewhere while in service to their country. In Lebanon, we stand ready to provide food, medical and other humanitarian assistance.

Africa

The United States has always supported the process of self-determination in Africa. Our friendship for the African countries is expressed in support for continued peaceful economic development, expansion of trade, humanitarian relief efforts and our belief that the entire continent should be free from outside military intervention. Millions of Americans recognize their historical and cultural ties with Africa and express their desire that United States policy toward Africa is a matter of great importance.

We support all forces which promote negotiated settlements and racial peace. We shall continue to deplore all violence and terrorism and to urge all concerned that the rights of tribal, ethnic and racial minorities be guaranteed through workable safeguards. Our policy is to strengthen the forces of moderation recognizing that solutions to African problems will not come quickly. The peoples of Africa can coexist in security, work together in freedom and harmony, and strive together to secure their prosperity. We hope that the Organization of African Unity will be able to achieve mature and stable relationships within Africa and abroad.

The interests of peace and security in Africa are best served by the absence of arms and greater concentration on peaceful development. We reserve the right to maintain the balance by extending our support to nations facing a threat from Soviet-supplied states and from Soviet weapons.

United States-Soviet relations

American foreign policy must be based upon a realistic assessment of the Communist challenge in the world. It is clear that the perimeters of freedom continue to shrink throughout the world in the face of the Communist challenge. Since 1917, totalitarian Communism has managed through brute force, not through the free electoral process, to bring an increasingly substantial portion of the world's land area and peoples under its domination. To illustrate, most recently South Vietnam, Cambodia, and Laos have fallen under the control of Communist dictatorships, and in that part of the world the Communist pressure mounts against Thailand, the Republic of China, and Republic of Korea. In Africa, Communist Cuban forces, brazenly assisted by the Soviet Union, have recently imposed a Communist dictatorship upon the people of Angola. Other countries in Africa and throughout the world generally await similar fates. These are the realities of world power in our time. The United States is thoroughly justified in having based its foreign policy upon these realities.

Thirty years ago relations between United States and the Soviet Union were in a phase of great difficulty, leading to the tensions of the Cold War era. Although there have been changes in this crucial superpower relationship, there remain fundamental and profound differences between us. Republican Presidents, while acknowledging the depth of the gulf which separates our free society from Soviet society, have sought methodically to isolate and develop those areas of our relations which would serve to lessen tension and reduce the chance of unwanted conflict.

In a world beset by countless opportunities for discord and armed conflict, the relationship between the United States and the Soviet Union is critically important; on it rests the hope of the world for peace. We offer a policy that maintains our fundamental strength and demonstrates our steadfast determination to prevent aggressive use of Soviet power.

The role of a responsible, participating Congress in maintaining this diplomatic and military posture is critical to success. The United States must remain a loyal and dependable ally, and must be prepared to carry out commitments and to demonstrate a willingness to act. Resistance to open aggression, such as the Soviet-sponsored Cuban intervention in Angola, must not be allowed to become the subject of a partisan debate, nor can it be allowed to become an unchallenged and established pattern of international behavior, lest our credibility and deterrent strength be greatly diminished.

Soviet military power has grown rapidly in recent years, and while we shall prevent a military imbalance or a sudden shift in the global balance of power, we shall also diligently explore with the Soviet Union new ways to reduce tensions and to arrive at mutually beneficial and self-enforcing agreements in all fields of international activity. Important steps have been taken to limit strategic nuclear arms. The Vladivostok Agreement of November 1974 placed a ceiling on the strategic forces of both the United States and the Soviet Union. Further negotiations in arms control are continuing. We shall not agree for the sake of agreement; on the contrary, we will make sure that any agreements yield fundamental benefits to our national security.

As an example of hard-headed bargaining, our success in concluding agreements limiting the size of peaceful nuclear explosions and nuclear weapons tests will, for the first time, permit the United States to conduct on-site inspections in the Soviet Union itself. This important step can now be measured in practical terms. All such agreements must stand the test of verification. An agreement that does not provide this safeguard is worse than no agreement at all.

We support the consolidation of joint efforts with our allies to verify that our policies regarding the transfer of technology to

the Soviet Union and its allies are in concert and that consultation will be designed to preclude the sale of those technology-intensive products to the Soviet Union by the United States and our allies which will directly or indirectly jeopardize our national security.

Our trade in non-strategic areas creates jobs here at home, substantially improves our balance-of-payments position, and can contribute to an improved political climate in the world. The overseas sale of our agricultural products benefits American farmers and consumers. To guard against any sudden shift in domestic prices as the consequence of unannounced purchases, we have instituted strict reporting procedures and other treaty safeguards. We shall not permit concessional sales of agricultural products to the Soviet Union, nor shall we permit the Soviet Union or others to determine our agricultural export policies by irregular and unpredictable purchases.

The United States and the Soviet Union remain ideological competitors. We do not shrink from such a challenge; rather, we welcome the opportunity to demonstrate that our way of life is inherently preferable to regimentation and government-enforced orthodoxy. We shall expect the Soviet Union to implement the United Nations Declaration on Human Rights and the Helsinki Agreements, which guarantee the conditions for the free interchange of information and the right to emigrate, including emigration of Soviet Jews, Christians, Moslems and others who wish to join relatives abroad. In this spirit we shall expect the immediate end of all forms of harassment, including imprisonment and military services, aimed at preventing such emigration. America must take a firm stand to bring about liberalization of emigration policy in countries which limit or prohibit free emigration. Governments which enjoy the confidence of their people need have no fear of cultural, intellectual or press freedom.

Our support for the people of Central and Eastern Europe to achieve self-determination will continue. Their ability to choose their future is of great importance to peace and stability. We favor increasing contacts between Eastern and Western Europe and support the increasing economic ties of all the countries of Europe. We strongly support the continuation of the Voice of America, Radio Free Europe and Radio Liberty with adequate appropriations. Strict reciprocity must govern our diplomatic relations with the Soviet Union. We express our concern for the safety of our diplomatic representatives in the Soviet Union, and we insist that practices such as microwave transmissions directed at the United States Embassy be terminated immediately.

Thus our relations with the Soviet Union will be guided by solid principles. We will maintain our strategic and conventional forces; we will oppose the deployment of Soviet power for unilateral advantages or political and territorial expansion; we will never tolerate a shift against us in the strategic balance; and we will remain firm in the face of pressure, while at the same time expressing our willingness to work on the basis of strict reciprocity toward new agreements which will help achieve peace and stability.

International cooperation

Strong support for international cooperation in all fields has been a hallmark of United States international policy for many decades. Two Republican Administrations have strengthened agencies of international cooperation not only because of our humanitarian concern for others, but also because it serves United States interests to be a conscientious member of the world community.

The political character of the United Nations has become complex. With 144 sovereign members, the U.N. experiences problems associated with a large, sometimes cumbersome and diverse body. We seek to accommodate to these changes in the spirit of friendly concern, but when the United Nations becomes arrayed against the vital interest of any of its member states on ideological or other narrow grounds, the very principles of the organization are threatened. The United States does not wish to dictate to the U.N., yet we do have every right to expect and insist that scrupulous care be given to the rights of all members. Steamroller techniques for advancing discriminatory actions will be opposed. Actions such as the malicious attempt to depict Zionism as a form of racism are inconsistent with the objectives of the United Nations and are repugnant to the United States. The United States will continue to be a firm supporter and defender of any nation subjected to such outrageous assaults. We will not accept ideological abuses of the United States.

In the many areas of international cooperation which benefit the average American—elimination of terrorism, peacekeeping, non-proliferation of nuclear weapons, termination of the international drug trade, and orderly use of ocean resources—we pledge to build new international structures of cooperation. At the same time, we shall seek to insure that the cost of such new structures, as well as the cost of existing structures, are more equitably shared among participating nations. In the continued tradition of American concern for the quality of human life everywhere, we shall give vigorous support to the non-political work of the specialized agencies of the United Nations which deal with such areas as nutrition and disaster relief for the world's poor and disadvantaged.

The United States should withdraw promptly from the International Labor Organization if that body fails to stop its increasing politicization.

Eight years ago we pledged to eliminate waste and to make more business-like the administration of United States foreign aid programs. We have endeavored to fulfill these pledges. Our foreign economic assistance programs are now being operated efficiently with emphasis on helping others to help themselves, on food production and rural development, on health programs and sound population planning assistance, and on development of human resources.

We have sought to encourage others, including the oil producing countries, to assume a larger share of the burden of assistance. We shall continue our efforts to secure adequate sources of financing for economic projects in emerging countries.

The world's oceans, with their vast resources, must become areas of extended cooperation. We favor a successful conclusion to the Law of the Sea Conference provided it will suitably protect legitimate national interests, freedom of the seas and responsible use of the seas. We are determined to maintain the right of free and unmolested passage for ships of all nations on the high seas and in international waterways.

We favor an extension of the interritorial sea from three to twelve miles, and we favor in principle the creation of a 200-mile economic zone in which coastal states would have exclusive rights to explore and develop natural resources.

We strongly condemn illegal corporate payments made at home and abroad. To eliminate illegal payments to foreign officials by American corporations, we support passage of President Ford's proposed legislation and the OECD Declaration on Investment setting forth reasonable guidelines for business conduct.

The growth of civilian nuclear technology, and the rising demand for nuclear power as an alternative to increasingly costly fossil fuel resources, combine to require our recognition of the potential dangers associated with such developments. All nations must work to assure that agreements and treaties currently governing nuclear technology and nuclear exports are carefully monitored. We shall work to devise new multilateral policies governing the export of sensitive nuclear technologies.

International economic policy

The tumultuous events of the past several years in the world economy were an enormous challenge to our creativity and to our capacity for leadership. We have emerged from this difficult period in a new position in the world, and we have directed and guided a sound recovery.

To assure the permanence of our own prosperity, we must work with others, demonstrating our leadership and the vitality of our economy. Together with the industrial democracies, we must ensure steady, non-inflationary growth, based on expanded international cooperation.

The Republican Administration will cooperate fully in strengthening the international trade and monetary system, which provides the foundation for our prosperity and that of all nations. We shall bargain hard to remove barriers to an open economic system, and we shall oppose new restrictions to trade. We shall continue to represent vigorously our nation's economic interests in the trade negotiations taking place in Geneva, guard against protectionism, and insist that the principles of fair trade be scrupulously observed. When industries and jobs are adversely affected by foreign competition, adjustment assistance under the Trade Act of 1974 is made available. This Act must be under continuous review to ascertain that it reflects changing circumstances.

The Republican Party believes that cooperation in the energy field is indispensable to international stability. Most of the industrial democracies and the less developed countries are increasingly dependent on imported oil, which causes them to be politically, economically and strategically vulnerable. Through the establishment of the International Energy Agency, steps have been taken to expand consumer cooperation. We shall also continue the dialogue with the oil producing countries.

We shall continue to work closely with the less-developed countries to promote their economic growth. Those countries will be encouraged to enter into mutually beneficial trade relationships with us that contribute to world peace. To achieve this, we must strengthen the confidence of the major industrial countries as they take part in discussions with less-developed countries. There is no reason for us to be defensive; our combined assets can be used in a coordinated strategy to make our influence effective. We will not yield to threats or confrontational politics.

While we shall support a global increase of investment in natural resources of all types, we shall also oppose the replacement of the free market mechanism by cartels, price-fixing arrangements or commodity agreements. We shall continue policies designed to assure free market consumers abroad that the United States will remain a dependable supplier of agricultural commodities.

Conclusion

The American people can be proud of our nation's achievements in foreign policy over the past eight years.

We are at peace.

We are strong.

We re-emphasize the importance of our ties with the nations of the Americas.

Our relations with allies in the Atlantic community and with Japan have never been closer.

Significant progress has been made toward a just and durable settlement in the Middle East.

We have sought negotiation rather than confrontation with our adversaries, while maintaining our strategic deterrent.

The world economic recovery, led by the United States, is producing sustainable growth.

In this year of our nation's bicentennial, the American people have confidence in themselves and are optmistic about the future.

We, the Republican Party, proudly submit our record and our Platform to you.

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ENDING MEDICAID ABUSE

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, I introduced legislation today to close a major loophole in the medicaid payment system. This loophole, allowing medicaid to make health insurance payments that should be made instead by "third-party" insurers, costs taxpayers as much as $500 million per year.

For the information of our colleagues, enclosed are 29 HEW audit report summaries of State programs, obtained by the House Subcommittee on Health and Long-Term Care, which I have the privilege of chairing. These audit reports of the State programs clearly demonstrate the need for corrective legislation:

SUMMARY OF 29 HEW AUDIT AGENCY REPORTS REGARDING DEFICIENCIES IN STATE THIRD-PARTY PROGRAMS

CALIFORNIA—FEBRUARY 1976

The State has not had an effective program for recovering, from insurance companies, costs which were paid by medicaid on behalf of beneficiaries who had other health insurance. In March 1974, project analysts for the recovery section estimated there was a backlog of about 370,000 unbilled claims valued at between $50 million and $78 million.

MASSACHUSETTS—FEBRUARY 1976

The State agency procedures did not provide for the identification of medical claims for which third parties might have been liable. In May 1975, a total of 17,113 cases were identified as having health insurance; but the State did not consider such coverage prior to medicaid payment. An estimated $8.8 million could be saved biennially by establishing a system to apply third-party resources in the payment of provider claims.

MASSACHUSETTS—FEBRUARY 1976 (SECOND REPORT)

It cannot be determined whether or not there were sufficient reasons to accept less than full reimbursement and whether or not settlements were in the best interests of the Federal and State governments. Analysis of data could alert officials to the need for possible changes in statutes, regulations, policies, procedures, and practices to achieve even greater recoveries from liable third parties. In 45 percent of the cases examined, the State secured less than full reimbursement for benefits provided, while the recipient retained part of the proceeds of the claim.

NORTH CAROLINA—AUGUST 1975

The purpose of the review was to evaluate the State's implementation of the recommendations in the audit report of June 1971. In the area of third party collections, the State agency needs to further improve its corrective actions. The review showed that the State received only 91% of the monies due. Some $126,000 of monies due the State remain uncollected.

OREGON—JUNE 1975

Collection of resources available in the form of liabilities against third parties had not been effectively pursued. Medical payments were made on behalf of medicaid recipients without the investigative steps needed to collect reimbursements from liable third parties. As a result, funds awarded in injury settlements in favor of recipients were not always obtained to reduce medicaid expenditures.

KENTUCKY—JUNE 1975

This review was made to follow up on action taken on unresolved findings identified

in a previous follow-up audit of 1972. The prior review showed that the State had not taken timely action to strengthen its procedures to identify third party resources. The current follow-up review showed that the State still had not taken action to resolve the third party resources problem.

INDIANA—JUNE 1974

Amounts due from patients, under the third party liability provision and the Social Security Act, were not collected from the patients in all instances. The cost of care, instead was paid with Medicaid funds. This condition is attributed to the improper use of a State Agency procedure established to account for personal resources.

KENTUCKY—JULY 1973

The review disclosed that up to 90 percent of potential medicaid third party liabilities were not properly examined. The State presently collects over $100,000 per month from liable third parties, but could realize an even larger return if new procedures were enforced. These procedures require that vendors identify injury related services and submit accident reports. Most vendors were not complying with this and the effectiveness of the third party collection activity is reduced.

KENTUCKY—OCTOBER 1972

In the original audit, July 1970, five areas were identified which needed to be improved. Concerning the identification of third party resources, the current review found that action taken by the State was not sufficient to adequately resolve the deficiency noted in this area. Originally, it was pointed out that there were no procedures for the identification of claims in which third parties might have been liable.

NORTH CAROLINA—JUNE 1971

State Agency procedures were not adequate to identify third party resources, to prevent duplicate payments under Medicaid and other State administered health programs. Determinations were not made by the State Agency as to whether the providers took advantage of any available third party resources prior to requesting payment from the State Agency. The State Agency does not have a method of identifying potential third party claims.

KANSAS—JUNE 1971

Procedures and controls have not been established to identify third party liability prior to payment of Medicaid benefits. Medicare and a supplementary insurance plan sold by the fiscal agent have been considered in processing Medicaid claims; however, other types of insurance have not been identified or considered in evaluating the propriety of Medicaid billings. Consequently, some Medicaid payments may have been excessive. The development of a control system was given a low priority since the number of recipients with financial resources was considered negligible. However, the auditors believe the potential savings warrant such a system.

SOUTH CAROLINA—NOVEMBER 1970

Adequate measures were not taken by the State or county agencies to ascertain the existence of third party liability for medical claims. As a result, Medicaid funds may have been used to pay claims which were the responsibility of others. Third party liability may exist through Medicaid recipients' health insurance coverage or from various forms of involvement such as accidents.

FLORIDA—OCTOBER 1970

Based upon a review made by the State legislative auditors, it was determined that the State had not implemented adequate procedures to assure that all collections of third party liability were refunded to the State Agency. It was estimated that for the period from January 1, 1970 through June 30, 1970, the liability of third parties could be as much as $342,139 or 9% of the total inpatient medical payments of $3,801,548.

SOUTH DAKOTA—SEPTEMBER 1970

Adequate procedures had not been established by the State Agency to identify third party liability on medical claims or to assure the recovery from third parties of payments made from the Medicaid program. Detailed procedures were not established for implementing the necessary controls in the vendor payment processing system, either at the State level or at the fiscal agents.

CONNECTICUT—SEPTEMBER 1970

The State Agency had not established systematic procedures for determining the allowability of claims by physicians, for inpatient hospital, or surgical care, in those instances where third party liability may be indicated on the monthly Medicaid eligibility listings.

MONTANA—AUGUST 1970

A case was cited where a nursing home was billing Medicaid and not attempting to obtain coverage under Medicare for eligible patients. The nursing home board of directors had instructed the Administrator not to attempt to obtain coverage for patients under Medicare because of difficulty in getting the intermediary to determine eligibility.

UTAH—AUGUST 1970

Procedures for determining and obtaining payments from liable third parties are not in conformity with requirements of the State Medicaid plan. Although the presence of insurance is determined through a declaration form, the information is not routed to the State office. There is no system by which the State office can establish that a third party liability may exist or for obtaining payment from third parties when such liabilities do exist. No formal procedures appear to exist for identifying and collecting third party liabilities when such a liability results from an accident.

NEBRASKA—AUGUST 1970

Third party liability was not recognized in various instances, thereby causing the Medicaid program to absorb costs, at least temporarily, which were properly chargeable to the Medicare program or to private insuance carriers. Problems were identified in procedures used by both providers and county welfare offices.

KENTUCKY—JULY 1970

Claims were being paid from Medicaid funds without any assurance that providers of services had attempted to collect the cost of services from third parties prior to requesting payment from the State agency.

DISTRICT OF COLUMBIA—JULY 1970

Improvements are required in procedures for processing claims involving potential third party liability, preventing duplicate and erroneous payments, and assuring that all claims paid were for eligible recipients. It is estimated that about $146,000 annually is being charged to the Medicaid program without adequate assurances that potential third party sources have been billed or that reasonable efforts are being made by vendors to obtain reimbursement from such sources.

MASSACHUSETTS—JULY 1970

A number of cases were noted where vendors made refunds to the Boston Welfare Service office because the recipients were covered by third party insurance. Since the records of the fiscal division show that this fact had been reported by the social worker, claims are being paid in spite of information on hand that the recipient is covered by insurance and that there may be no liability on the part of Medicaid. The Boston office does not know the extent to which vendors or recipients are retaining insurance proceeds that should be refunded.

NORTH DAKOTA—JUNE 1970

Adequate measures were not taken by the State agency or county welfare boards to ascertain third party liability on medical claims, causing the Medicaid program to absorb costs properly chargeable to private insurance carriers. The counties needed written guidance to assist in implementing the provisions of the State plan relating to third party liability.

NEVADA—MAY 1970

Potential third party liability claims are not identified by the State because providers do not disclose information critical to such a determination. The billing forms provide for this information and initial detection of such potential liability could result in increased recovery from liable third parties. The State has not provided regulations nor other means for ascertaining the existence of liable third parties or for effecting reimbursement from such parties.

PENNSYLVANIA—JANUARY 1970

Invoices processed by the State were not verified for third party liability resources when making payments for medical services on behalf of eligible individuals. It was found that the records at the local agencies identify the existence of potential third party resources but that the State agency failed to establish the necesary procedures to be provided with such information.

MINNESOTA—JULY 1969

It was evident from the conditions found in the examination at 14 counties that there was a need for policies and procedures for the State and county agencies to effectively control the payment of Medicaid funds in cases where liable third parties were responsible. The Medicaid program has the responsibility for payment of medical vendor claims only when the third party liability does not exist.

CALIFORNIA—JUNE 1969

Potential third party liability claims were not always identified because Blue Cross did not have guidelines and criteria for processing such claims. This resulted in monies being lost to the program. Potential third party liability claims are not always identified during claims processing and have remained unidentified with the resultant loss of Federal and State funds.

WASHINGTON—APRIL 1969

More effective procedures were needed to assure that amounts collectible from liable third parties were correctly determined. Tests of the records indicated cases where the State had not collected the correct amount from the responsible third party. There are inadequate procedures for identifying potential third party liability cases when vendors used magnetic tape for billings.

TEXAS—MARCH 1969

The review disclosed that the State relied only upon provider statements as to the existence of third party liability. Numerous instances were found where these statements were incorrect and providers had made subsequent refunds. As a result, the State had little assurance that program funds were not used to pay for medical care which could be provided from other sources.

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Potential third party liability claims were not always identified because processing procedures were not followed or were not adequate. As a result, collection action was not initiated and Medicaid funds were used to pay claims for which third parties were liable. The States does not have procedures to obtain a lien against the recipient for any settlement received as a result of a third party being liable.

ALTERNATIVES NEEDED TO MEET MORTGAGE DEMANDS OF TODAY

(Mr. PEPPER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. PEPPER. Mr. Speaker, one of the most knowledgeable men in the savings and loan industry, and incidentally in banking in the country, is Arthur H. Courshon, chairman of the board of Washington Federal Savings & Loan Association of Miami Beach. Mr. Courshon was president of the National League for Insured Savings, during which time he made a most significant contribution to developing housing for the American people and improving the structure of the savings and loan associations and also in the establishment of savings and loan associations in Latin America—nonexistent until then—so that they could serve the housing needs of the people of that important part of this Hemisphere. Mr. Courshon is now chairman of the executive committee of the National League of Insured Savings.

In the June 1976 issue of the National Savings and Loan League Journal, Mr. Courshon has written a most challenging and stimulating article on the subject "Alternatives Needed To Meet Mortgage Demands of Today." In this article Mr. Courshon proposes seven alternatives to meet the mortgage demands of today. Mr. Courshon emphasizes in this very meaningful article his belief that there ought to be a hard-hitting housing program in this country that is aimed at bringing back to reality a decent home and suitable environment for every American. He puts particular emphasis upon the need to develop a housing program adapted to young families. Mr. Courshon points out how the mortgage instrument used by the savings and loan associations today should be made more flexible. In addition to new mortgage instruments, he suggests there could be large amounts of funds made available by tax-free interest mortgages, low cost term insurance, mortgage backed bonds, experimental indexing of savings and certificate accounts, as well as mortgages during periods of inflation and as a deterrent to inflation. He also forcefully advocates the revitalizing of the Federal Housing Administration.

Mr. Courshon concludes:

> These seven proposals could be added to but what is attempted here is to urge a stand for bringing housing back down to the level of the people in this country—and away from the concept of "housing for the rich," which we have been living with for most of the decade.
>
> In short, the creation of a legislative task force, whose sole purpose should be limited to the examination of existing legislation involving housing and housing finance in this country, should be encouraged. The aim of the task force would be to modernize that legislation for the purpose of creating more housing for more people at lower cost and with less burden on the taxpayer.

This, I believe, is the most innovative proposal made in the housing field and I strongly commend it for the consideration of the Congress and of those who read this RECORD. Mr. Speaker, I include Mr. Courshon's article in the RECORD immediately following these remarks:

ALTERNATIVES NEEDED TO MEET MORTGAGE DEMANDS OF TODAY: STR-R-RETCHING THE MORTGAGE INSTRUMENT

(By Arthur H. Courshon)

It is a not-too-pleasant notion to face up to, but in the United States of America, in our land of plenty, the overwhelming majority of our citizens cannot afford to purchase the home of their choice.

Housing, in recent years, has fallen on bad times. The combination of high unemployment, outrageous levels of inflation, and the skyrocketing costs for land, materials, and money, all have served to bring home this picture and to focus attention on the fact that the construction industry of this nation has as much, if not more, effect on employment and the welfare of the American economy than any other single industry.

Although there certainly are other pressing issues in the national economy, it is my belief that there ought to be a hard hitting housing program in this country that is aimed at bringing back to reality the Congressional mandate of "a decent home and suitable living environment for every American."

We must once again develop the means of providing decent housing to young families getting started. We ought not to accept as gospel the notion that since these families don't have sufficient cash for the required downpayment that they should be forced out of the housing market.

We ought not to accept the idea that housing is not for everybody. Indeed, housing in the United States should be for anyone who wants a home of his own.

BULK OF FUNDS SHOULD BE IN HOUSING

We already have the vehicles with which to accomplish this. What is required is a fine tuning of the legislation and regulation of financial institutions which place the bulk of their funds into housing.

This does not suggest a restructuring of financial institutions, as is proposed by pending legislation. It rather attacks the heart of the problem insofar as housing is concerned: that is, how do you bring more families into the housing market at prices they can afford today.

That is the issue that should be addressed. It is the issue that has been ignored in the past, and housing and the American economy have taken an entirely predictable beating as a result.

What we have in our nation is a structure, through our thrift institutions, of providing long term mortgage money. What we are missing is the ability of these thrift institutions to provide that money in a flexible manner.

At the present time, the insured savings and loan associations are basically limited to long-term, fixed rate, monthly amortizing loans—a vehicle which worked beautifully in the years following the Great Depression until the mid-1960s.

But the long term, fixed rate mortgage no longer accomplishes the job year-in and year-out of providing housing to all Americans who desire a home. Reformers have taken this to indicate that institutions servicing the home mortgage market are inefficient.

This is erroneous. What is inefficient is the mortgage itself. It, and not the institution, should be changed to reflect current economic developments.

SHOULD RE-WRITE MORTGAGE REGULATIONS

There is no question but a major rewriting of the regulation affecting mortgage lending by thrift institutions should be undertaken. The inability of current regulations to meet today's pressing needs is seen every time a young family, whose head earns a reasonable wage, tries unsuccessfully to secure a mortgage.

The Federal Home Loan Bank Board has, in recent years, attempted to broaden the scope of mortgage lending of insured savings and loan associations. But without legislative changes, it lacks the authority to do the job well.

An updating of the Home Owners' Loan Act of 1933 seems necessary. This is the basic law under which the nation's savings and loan associations operate. If it were revised and tailored to suit today's needs, we might well provide the answer to housing all Americans at affordable prices.

The basic problem is an inflexible mortgage instrument. Today's economy, because we have had high inflation rates, high unemployment, and high land, material and money costs, requires the mortgage to be varied to suit the borrower. Some of the types of mortgages that today's economy requires are as follows:

NEW MORTGAGE INSTRUMENTS NEEDED

For the young family, and here is a critical need today, a long term mortgage that would require little or no amortization during its early period, and a lower repayment amount. As the borrower ages and matures, and can afford to pay more, this mortgage instrument would provide for increased payments, and at the end of the term it would be fully paid out.

The advantage is, in qualifying more families—mostly young families—for housing they otherwise wouldn't be able to purchase. There obviously would have to be some screening process of applicants, in the sense they should be "upwardly mobile" in future employment prospects. But the concept is to qualify hundreds of thousands, and perhaps millions, of families and individuals who could buy the home of their choice today if the mortgage instrument were made flexible enough to accommodate their particular needs.

TAX FREE INTEREST MORTGAGES

We need to address ourselves once again to housing the poor. This is an area that has been given only lip service during the current decade. I propose, however, that we relieve the taxpayer of the burden of having tax dollars allocated to low cost and public housing. Rather, we should have in our national arsenal of mortgage instruments a mortgage whose interest is tax free to the lender who makes the loan, provided that these tax free mortgages are limited to housing loans for low cost housing.

Such a tax free mortgage instrument would open the doors once again to inner city housing, but in a manner that would insure the program's success. With this type of tax exempt mortgage, we would be encouraging much more funds into one of the nation's more pressing housing needs.

LOW COST TERM INSURANCE

We should also consider legislation that would allow low cost term insurance to be used in conjunction with low cost housing loans. This proposal would retire the mortgage debt of the borrower without requiring the borrower to amortize the loan during the borrower's lifetime. All he need do is (a) be insurable, and (b) pay the annual premium of the term insurance.

The savings and loan, under this proposal, would advance the funds for the home and retain title to the property. There is no subsidy involved in this and no impacting on the Federal Treasury. Yet, although simplistic in nature, it appears to be able to do the job of housing the poor through term life insurance.

At the borrower's death, the proceeds of the term insurance policy would be used to repay the lender—including interest on the advanced funds—and the borrower's family then owns the property free and clear.

This proposal, I would add, is a risk free loan on the part of the lender, since the insurance proceeds would come to the lender and, until then, he retains title to the property. As such, this type of investment would be an attractive one for thrift institutions up to a certain percentage of their assets.

MORTGAGE BACKED BONDS

Another innovation could be tax free mortgage backed bonds. The proceeds from the sale of such bonds would be earmarked for low cost housing.

Because of the experience of New York City, people are seeking tax free investments with features built in. These could be offered where a public purpose is served, and there is no greater public purpose than to shelter the poor and elderly of our country without adding to the tax burden.

EXPERIMENTAL INDEXING

Legislation should be enacted authorizing an experimental program to index savings and certificate accounts as well as mortgages, during periods of inflation and as a deterrent to inflation.

As a nation to date we have turned our backs on the thought of indexing. We look upon it as a kind of giving in to inflation. As I see it, however, rather than being a giving in to inflation, it is a recognition that we are battling inflation. We ought to do something to allow families to retain the value of their life savings, and permit lenders to retain the value of their investments.

This type of program has worked well in some South American countries. The author of this article wrote the law in Chile that set up that country's savings and loan system. The law contained—and continues to contain—an indexing feature. What is done in Chile is the indexing of the principal on savings and on mortgages, based on a cost of living index.

In other words, if take home pay rises, say, 5 percent in a given year, the principal on savings accounts rises a like amount, as does the principal on mortgage balances.

I believe we ought to take the bold step of supporting an experimental program of this type in the United States—while we continue to strive to bring inflation under control.

One of the most significant innovations in the thrift industry has been the advent of annuity programs—offshoots of so-called Keogh and IRA accounts—which offer tax sheltered savings programs to anyone. The annuity account represents a probable wave of the future for savings in our nation, and consideration should be given to legislation allowing increased use of this increasingly valuable savings incentive.

REVITALIZE THE FHA

We should press forward with a real effort to revitalize the Federal Housing Administration, to simplify its laws and regulations and rid that system of the many evils which experience has shown us are inherent in FHA.

These seven proposals could be added to but what is attempted here is to urge a stand for bringing housing back down to the level of the people in this country—and away from the concept of "housing for the rich," which we have been living with for most of this decade.

In short, the creation of a legislative task force, whose sole purpose should be limited to the examination of existing legislation involving housing and housing finance in this country, should be encouraged. The aim of the task force would be to modernize that legislation for the purpose of creating more housing for more people at lower cost and with less burden on the taxpayer.

INJUSTICE OF UPPER LEVEL CIVIL SERVICE PAY FREEZE

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, I have repeatedly stated that Members of Congress as elected officials are in a special position to set an example of sacrifice and prudence in difficult economic times. This is why I have consistently voted against pay hikes for Members.

However, I am deeply distressed that pay hikes for upper level civil servants in the General Schedule are contingent upon pay hikes for Members of Congress. As such, these deserving civil servants many of whom have taken cuts in pay to work for the civil service have been denied a pay raise—except for a small cost-of-living increase last year—for the past 7 years.

This is why I have sponsored a measure to untie General Schedule pay hikes from those of Members of Congress. The Government is losing extraordinary talent as these public servants are now deciding to go back to private industry where salary levels for their particular expertise are much higher than the pay ceiling will allow.

The following remarks which I made before the Subcommittee on Retirement and Employee Benefits on July 15, 1975, detail the injustices of this situation which heighten each day:

STATEMENT OF THE HONORABLE GILBERT GUDE BEFORE THE SUBCOMMITTEE ON RETIREMENT AND EMPLOYEE BENEFITS

Mr. Chairman, I applaud the efforts of this Subcommittee in its recognition of a severe and demoralizing pay situation within our distinguished civil service.

As you well know, the salaries of top level civil servants have never been allowed to rise above the executive schedule which in turn may not exceed the salaries of Members of Congress. As a result, 16 different steps in the general schedule from GS 15–18 are all bumping against a $36,000 salary ceiling. I have introduced legislation to redress this situation by computing in the annuity formula the amount of pay a supergrade would have received were this ceiling not in effect. In addition, I have introduced a measure to untie the supergrade from the executive schedule.

Since 1969, the Country has experienced runaway inflation and the Congress has refused to vote itself a pay raise.

In those 6 years the cost-of-living has risen 48%. Salaries in private enterprise have risen 44% and pay rates for the lower level general schedule employees increased by more than 50%.

All the while the salary of the supergrade has remained the same. It is estimated that the purchasing power of these top level civil servants decreases in many cases by one-third. The purchasing power of the GS–18 had fallen to about $27,000 in December of 1974 and will have decreased to about $24,000 by January 1977. By 1977—after 8 years without a salary increase—the supergrade levels will encompass some 50,000 career civil servants.

At the same time, as Comptroller General Staats pointed out in a GAO study of this matter, Congress has recognized the impact of inflation by generously raising allowances for office expenses. The Senate decided that its top staffers had labored too long under a $36,000 ceiling and raised its ceiling level to $38,760 with salary levels of $40,000 for legal counsel, the Sergeant at Arms and the Secretary of the Senate.

No one would question the age old work ethic: equal work for equal pay. Yet, as I have stated, employees in 16 different general schedule salary steps from GS 15 to GS 18 are all currently receiving the same salary. The next pay adjustment in October will reach 22 different salary steps from GS 14 to GS 18.

The fact is that this government is already losing its battle with private industry to compete for highly talented administrators, scientists and doctors. No wonder, a 1974 Civil Service study showed that a GS 16 equivalent in private enterprise earned an average of $45,145, a GS 17 earned an average of $56,011 and a GS 18 an average of some $71,076. It is estimated that those figures would be 8–10% higher today.

The Civil Service Commission's executive director, assistant director and general counsel have already resigned citing the $36,000 salary limitation. Last December the Director of the Congressional Research Service resigned because of the salary compression.

The GS 18 position of Chief Actuary in the Social Security Administration has been vacant for well over 10 months—no one will accept the position at the $36,000 level. In one month alone 4 private industry actuaries refused the job citing reduction in salary levels.

The Clinical Director and Surgery Chief of the National Cancer Institute has resigned to accept a higher paying job at a university. The Chief Commerce Department Economist of the Bureau of Economic Analysis resigned for a higher paying job in the private sector.

In addition, I have received numerous letters from doctors at the Veterans Administration hospital. To date, at least 3 doctors have left the hospital's Department of Medicine and Surgery. Six doctors have refused promotions or re-assignments. Over 100 doctors have declined V.A. job offers in the period from March 1974 to March 1975.

At the Atomic Energy Commission, two managers in the Division of Reactor Research and Development and one in the Division of Management Information of Telecommunications Systems resigned to accept higher paying positions.

The Director of the Office of Nutrition and Consumer Sciences within HEW is vacant. The acting director resigned in March due to the salary limitation.

To add insult to injury, the civil servant eligible for retirement faces a decreasing annuity level the longer he stays in service. As you may know, each year of additional service increases retirement by 2 percent of the "high-3" which is far less than current cost-of-living increases. Last fall, I received letters from my constituents inquiring as to the status of legislation to repeal the pay limitation—their stated intent was to retire should the outlook for passage of such legislation be dim. Indeed, I received word that such retirements had taken place.

The result of the annuity loss is that supergrades are retiring at almost 3 times the level of all other employees. The greatest frequency occurs in the youngest of retirement eligibles in the 55 to 59 year old bracket. In January 1975 for instance, the Justice Department reported 29 retirements. Seventeen of those retiring cited the salary compression as a factor in their decision to retire. There are some GS 18's currently receiving more than $36,000 in annuities. Two former Congressman received annuities higher than the current Congressional salary level.

Whether we compare the $36,000 figure to the lower national median income or to higher salaries in private industry, one thing is certain: our government is severely threatened by the loss of highly trained individuals responsible for managing programs critical to the Nation's welfare and security.

Should action on the supergrade salary compression not be taken this government will have in effect asked deserving civil servants to work for 8 years without a single salary increase.

This is why I asked this Subcommittee—at the very least—to report out legislation to compute in the annuity formula the

amount of pay a supergrade would have received were this ceiling not in effect.

LEGISLATION TO ENCOURAGE WATER CONSERVATION IN THE DISTRICT OF COLUMBIA, ARLINGTON, AND FALLS CHURCH

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. GUDE. Mr. Speaker, today I am introducing legislation designed to encourage the conservation of water taken from the Potomac River; my colleagues from northern Virginia, Mr. HARRIS and Mr. FISHER join me in cosponsorship. It is a much-needed measure for the Washington metropolitan area. Water is no longer a free and boundless resource for this community as for many other communities of the United States. Indeed, the summer demand for water in this city has gone as high as 448 million gallons a day; the summer supply of water from the Potomac has dropped to as low as 388 million gallons a day. Had these days coincided, Washington would have used up the Potomac and still been short 60 million gallons.

Both the Maryland suburbs and Fairfax County have seen the need to encourage summer conservation of water through the use of seasonal rates that charge more during the period of peak demand and low supply. However, the District of Columbia, Arlington, and Falls Church have not adopted such rates. Together these jurisdictions comprise one-third of Washington area water users, but they are "weak sisters" insofar as water conservation is concerned.

My bill will require the Washington Aqueduct, the Federal agency that supplies water to those three jurisdictions, to sell its water for more in the summer and less in the winter. Although there is no requirement for the local governments to pass these rates along to their residents, it is hoped that they would adopt the seasonal rate structure voluntarily.

Water conservation might reduce or eliminate the need for additional Potomac River impoundments to insure minimum flows and meet peak demands. Since water utility investments are guided by peak demands which are not being appropriately restrained, incentive pricing of water can well have a long-range effect of holding down future rate increases to finance the construction of unnecessary dams.

Water conservation must be a community effort if it is to succeed. With seasonal rates already in effect in the WSSC and Fairfax County Water Authority service areas, it is entirely appropriate for this legislation to prod the few remaining jurisdictions into adopting a similar conservation approach. With the desperate need for conservation in this city, it is unfair that the water the Maryland suburbs now conserve might be wasted by the users downstream.

Water conservation saves a precious natural resource and provides many other benefits: It reduces the hydraulic load upon sewage treatment plants, which in turn reduces the need for plant expansion; if less water is used, it increases storm water treatment capacity, as well as the reducing raw sewage overflows directly into the Potomac during summer storms; there can be savings in energy that would have been needed to heat and pump the saved water; and, of course, more pressure will remain in the water mains. Water conservation saves money, time, and helps protect the environment. It is an idea whose time has come; I hope that the Congress acts favorably upon this bill which I include at this point:

H.R. 15434

A bill to provide for the establishment of an equitable rate structure for water delivered to the District of Columbia and to encourage water conservation in the District of Columbia, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) (1) not later than the end of the 180-day period beginning on the date of enactment of this Act, the Mayor of the District of Columbia shall, on behalf of the District of Columbia, enter into an agreement with the appropriate Federal official regarding the rates to be paid by the District of Columbia for the delivery of water from the Potomac River through the Washington Aqueduct, District of Columbia. Such agreement shall provide separate rate schedules for the period beginning May 1 of each year and ending October 31 of such year and for the period beginning November 1 of each year and ending April 30 of the succeeding year. The rate schedule for each such period shall reflect the availability of water from the Potomac River and the operational and capital costs of delivery of water during such period.

(2) The agreement entered into by the Mayor of the District of Columbia pursuant to paragraph (1) shall provide for the periodic adjustment of the rate schedules established by such agreement in order that such schedules accurately reflect changes in the availability of and the demand for water and the costs associated with meeting such demand.

(b) Notwithstanding any other Act or any agreement entered into under any other Act, the rate schedules established pursuant to this section shall apply with respect to any delivery of water from the Potomac River through the Washington Aqueduct to the District of Columbia or any other unit of government.

(c) The agreement entered into by the Mayor of the District of Columbia pursuant to paragraph (1) of subsection (a) and any other agreement entered into in carrying out this Act may contain such terms and items as may be appropriate to encourage equitable water conservation.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. HELSTOSKI (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. CORMAN (at the request of Mr. O'NEILL), for today, on account of official business.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HANSEN) to revise and extend their remarks and include extraneous material:)

Mr. MCCLORY, for 5 minutes, today.
Mr. WHALEN, for 5 minutes, today.
Mr. WHALEN, for 5 minutes, on September 8, 1976.
Mr. KEMP, for 10 minutes, today.

(The following Members (at the request of Mr. FITHIAN) to revise and extend their remarks and include extraneous material:)

Mr. DENT, for 15 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. RODINO, for 5 minutes, today.
Ms. ABZUG, for 15 minutes, today.
Mr. MINISH, for 10 minutes, today.
Mr. FLOOD, for 5 minutes, today.
Mr. REUSS, for 10 minutes, today.
Mr. SHIPLEY, for 5 minutes, today.
Mr. PEPPER, for 15 minutes, today.
Mr. LEVITAS, for 5 minutes, today.
Mr. HARRIS, for 5 minutes, today.
Mr. PATTISON of New York, for 5 minutes, today.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. RHODES, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $4,137.

Mr. CHARLES H. WILSON of California, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $1,073, pursuant to the special order granted to Mr. CHARLES H. WILSON of California today.

(The following Members (at the request of Mr. HANSEN) and to include extraneous matter:)

Mr. YOUNG of Florida in five instances.
Mr. SCHULZE.
Mr. GILMAN in three instances.
Mr. STEIGER of Wisconsin.
Mr. PRESSLER.
Mr. SHUSTER.
Mr. HYDE.
Mr. PAUL in two instances.
Mr. KASTEN.
Mr. DERWINSKI in two instances.
Mr. ASHBROOK in three instances.
Mr. MCCLORY.
Mr. KEMP in two instances.
Mr. RAILSBACK in two instances.
Mr. BUTLER.
Mr. BROWN of Ohio in two instances.
Mr. FINDLEY.
Mr. MOSHER in three instances.
Mr. GOLDWATER.
Mrs. HOLT.
Mr. JOHNSON of Pennsylvania.

(The following Members (at the request of Mr. FITHIAN) and to include extraneous material:)

Mr. ANDERSON of California in three instances.
Mr. GONZALEZ in three instances.
Mr. MCCORMACK in two instances.
Mr. JOHNSON of California.
Mr. DODD in two instances.

Mr. LAFALCE in two instances.
Mr. CARNEY.
Mr. PEPPER.
Mr. VANIK.
Mr. MIKVA.
Mr. MOORHEAD of Pennsylvania.
Mr. KREBS.
Mr. HANLEY in two instances.
Mr. MILFORD in two instances.
Mr. RUSSO.
Mr. OTTINGER in two instances.
Mr. RANGEL.
Mr. HANNAFORD.
Mr. JAMES V. STANTON.
Mr. FRASER.
Mr. MCDONALD.
Mr. EILBERG.
Mr. LLOYD of California.
Mr. RICHMOND.
Mr. STOKES in two instances.
Mr. BEVILL.
Mr. WOLFF.

BILLS PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills of the House of the following title:

On September 1, 1976:

H.R. 3052. An act to amend section 512 (b)(5) of the Internal Revenue Code of 1954 with respect to the tax treatment of the gain on the lapse of options to buy or sell securities;

H.R. 8410. An act to amend the Packers and Stockyards Act of 1921, as amended and for other purposes;

H.R. 8800. An act to authorize in the Energy Research and Development Administration a Federal program of research, development, and demonstration designed to promote electric vehicle technologies and to demonstrate the commercial feasibility of electric vehicles;

H.R. 11481. An act to authorize appropriations for the fiscal year 1977 for certain maritime programs of the Department of Commerce, and for other purposes;

H.R. 11670. An act to authorize appropriations for the Coast Guard for the Procurement of vessels and aircraft and construction of shore and offshore establishments, to authorize for the Coast Guard a year-end strength for active duty personnel, to authorize for the Coast Guard average military student loads, and for other purposes; and

H.R. 13372. An act to amend the Wild and Scenic Rivers Act (82 Stat. 90*; 16 U.S.C. 1271), and for other purposes.

On September 2, 1976:

H.R. 3884. An act to terminate certain authorities with respect to national emergencies still in effect, and to provide for orderly implementation and termination of future national emergencies.

ADJOURNMENT

Mr. FITHIAN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER. Pursuant to the provisions of Senate Concurrent Resolution 136 of the 94th Congress, the Chair declares the House adjourned until 12 o'clock noon on Wednesday, September 8, 1976.

Thereupon (at 5 o'clock and 2 minutes p.m.), pursuant to Senate Concurrent Resolution 136, the House adjourned until Wednesday, September 8, 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:

3913. A letter from the President of the United States, transmitting an Executive order generally prohibiting the employment of aliens in the competitive service (H. Doc. No. 94-600); to the Committee on Post Office and Civil Service and ordered to be printed.

3914. A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), transmitting notice of the location, nature, and estimated cost of two construction projects to be undertaken by the Naval Reserve, pursuant to 10 U.S.C. 2233a (1); to the Committee on Armed Services.

3915. A letter from the Senior Adviser and Coordinator for International Narcotics Matters, Department of State, transmitting the actual and planned changes in allocation of fiscal year 1976 and interim quarter funds authorized and appropriated for the international narcotic control program, pursuant to section 653; to the Committee on International Relations.

3916. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Air Force to offer to sell certain defense articles to Saudi Arabia (transmittal No. 7T-15), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3917. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Army to offer to sell certain defense articles to Israel (transmittal No. 7T-16), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3918. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Navy to offer to sell certain defense articles to Morocco (transmittal No. 7T-17), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3919. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Air Force to offer to sell certain defense articles to Singapore (transmittal No. 7T-18), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3920. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Navy to offer to sell certain defense articles to Korea (transmittal No. 7T-19), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3921. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Navy to offer to sell certain defense articles to Saudi Arabia (transmittal No. 7T-20), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3922. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Air Force to offer to sell certain defense articles to Saudi Arabia (transmittal No. 7T-21), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3923. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of intention of the Department of the Army to offer to sell certain defense articles to Saudi Arabia (transmittal No. 7T-22), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3924. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of intention of the Department of the Army to offer to sell certain defense articles to Saudi Arabia (transmittal No. 7T-23), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3925. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of intention of the Department of the Navy to sell certain defense articles to Pakistan (transmittal No. 7T-24), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3926. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Navy to sell certain defense articles and services to Iran (transmittal No. 7T-25), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3927. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Navy to offer to sell certain defense articles to Israel (transmittal No. 7T-26), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3928. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Navy to sell certain defense articles and services (transmittal No. 7T-27), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3929. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Army to offer to sell certain defense articles to Iran (transmittal No. 7T-28), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3930. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Navy to offer to sell certain defense articles to Iran (transmittal No. 7T-29), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3931. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Army to offer to sell certain defense articles to Pakistan (transmittal No. 7T-30), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3932. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Army to offer to sell certain defense articles to Iran (transmittal No. 7T-31), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3933. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice to the intention of the Department of the Navy to sell certain defense articles and services to Iran (transmittal No. 7T-32), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3934. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Depart-

ment of the Navy to sell certain defense articles to Australia (transmittal No. 7T-33), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3935. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Navy to offer to sell certain defense articles and services to Iran (transmittal No. 7T-34), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3936. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Army to offer to sell certain defense articles to Saudi Arabia (transmittal No. 7T-35), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3937. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Air Force to offer to sell certain defense articles and services to Iran (transmittal No. 7T-36(a) and (b)), pursuant to section 36(b) of the Arms Export Control Act; to the Committtee on International Relations.

3938. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Air Force to offer to sell certain defense articles to Saudi Arabia (transmittal No. 7T-37), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3939. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Army to sell certain defense articles to Saudi Arabia (transmittal No. 7T-38), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3940. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Army to offer to sell certain defense articles to Saudi Arabia (transmittal No. 7T-39), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3941. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Army to offer to sell certain defense articles to Saudi Arabia (transmittal No. 7T-40), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3942. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Navy to offer to sell certain defense articles to Israel (transmittal No. 7T-41), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3943. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Army to offer to sell certain defense articles to Norway (transmittal No. 7T-42), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3944. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Army to offer to sell certain defense articles to Korea (transmittal No. 7T-43), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3945. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Air Force to offer to sell certain defense articles and services to the Philippines (transmittal No. 7T-44), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3946. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Air Force to sell certain defense services to the Federal Republic of Germany (transmittal No. 7T-45), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3947. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Navy to offer to sell certain defense articles to Iran (transmittal No. 7T-46), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3948. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Navy to sell certain defense articles to Israel (transmittal No. 7T-47), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3949. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Air Force to sell certain defense articles to Pakistan (transmittal No. 7T-48), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3950. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Army to sell certain defense articles to Pakistan (transmittal No. 7T-49), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3951. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Army to offer to sell certain defense articles to Pakistan (transmittal No. 7T-50), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3952. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Navy to offer to sell certain defense articles to Korea (transmitted No. 7T-51), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3953. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders suspending deportation under the authority of section 244(a)(1) of the Immigration and Nationality Act, together with a list of the persons involved, pursuant to section 244(c) of the act [8 U.S.C. 1254(c)]; to the Committee on the Judiciary.

3954. A letter from the Acting Assistant Secretary of the Army (Civil Works), transmitting a draft of proposed legislation to authorize the operation of lake regulation control works under the jurisdiction of the Department of the Army in the St. Marys River at Sault Ste. Marie, Mich., in the interest of minimizing damages to shore property on the Great Lakes during periods of high lake levels and for other purposes; to the Committee on Public Works and Transportation.

3955. A letter from the Acting Assistant Secretary of Defense (Installations and Logistics), transmitting a report on Department of Defense procurement from small and other business firms for July 1975 to May 1976, pursuant to section 10(d) of the Small Business Act, as amended; to the Committee on Small Business.

3956. A letter from the Administrator of Veterans' Affairs, transmitting reports for fiscal year 1976 on the exchange of medical information and sharing of medical resources programs, pursuant to 38 U.S.C. 5057; to the Committee on Veterans' Affairs.

RECEIVED FROM THE COMPTROLLER GENERAL

3957. A letter from the Acting Comptroller General of the United States, transmitting the third annual report of the joint financial management improvement program; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under caluse 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FRASER: Committee on International Relations. H. Res. 1506. Resolution relating to the sentencing of 18 South Koreans; with amendments (Rept. No. 94-1462). Referred to the House Calendar.

Mr. SOLARZ: Committee on International Relations. H. Res. 1509. Resolution urging the President not to extend diplomatic or other recognition to the Transkei territory, (Rept. No. 94-1463). Referred to the House Calendar.

Mr. MORGAN: Committee on International Relations. H. Con. Res. 726. Concurrent resolution to urge the Soviet Union to release Georgi Vins and permit religious believers within its borders to worship God according to their own conscience (Rept. No. 94-1464). Referred to the House Calendar.

Mr. STAGGERS: Committee on Interstate and Foreign Commerce. H.R. 14041. A bill to amend the Railroad Retirement Act of 1974 with respect to the computation of annuity amounts in certain cases, and for other purposes; with amendments (Rept. No. 94-1465, pt. I). Ordered to be printed.

Mr. PEPPER: Committee on Rules. House Resolution 1519. A resolution providing for the consideration of H.R. 14940. A bill to authorize the obligation and expenditure of funds to implement for fiscal year 1977 the provisions of the Treaty of Friendship and Cooperation between the United States and Spain, signed at Madrid on January 24, 1976, and for other purposes (Rept. No. 94-1466). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. House Resolution 1520. A resolution providing for the consideration of S. 2371. An act to provide for the regulation of mining activity within, and to repeal the application of mining laws to, areas of the national park system, and for other purposes (Rept. No. 94-1467). Referred to the House Calendar.

Mr. TAYLOR of North Carolina: Committee of conference. Conference report on S. 327 (Rept. No. 94-1468). Ordered to be printed.

Mr. MORGAN: Committee on International Relations. H.R. 15377. A bill to amend the Export Administration Act of 1969; with an amendment (Rept. No. 94-1469). Referred to the Committee of the Whole on the State of the Union.

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. H.R. 13374. A bill to establish the Minnesota River Valley National Wildlife Refuge, and for other purposes; with amendments (Rept. No. 94-1470). Referred to the Committee of the Whole House on the State of the Union.

Mrs. SULLIVAN: Committee on Merchant Marine and Fisheries. S. 1414. An act to make the Trust Territory of the Pacific Islands eligible to participate in certain Federal fisheries programs, and for other purposes; with amendments (Rept. No. 94-1472). Referred to the Committee of the Whole House on the State of the Union.

Mr. HUNGATE: Committee on the Judi-

ciary. H.R. 15319. A bill to approve in whole or in part, with amendments, certain rules relating to cases and proceedings under sections 2254 and 2255 of title 28 of the United States Code; with amendments (Rept. No. 94–1471). Referred to the Committee of the Whole House on the State of the Union.

Mr. DIGGS: Committee on the District of Columbia. H.R. 15276. A bill to amend the District of Columbia Police and Firemen's Salary Act of 1958 to provide for inclusion of officers and members of the U.S. Park Police force under the Federal pay comparability system and to require submittal of a report on the feasibility and desirability of codifyng the laws relatng to the U.S. Park Police; with amendments (Rept. No. 94–1473). Referred to the Committee of the Whole House on the State of the Union.

Mr. FLOWERS: Committee on the Judiciary. H.R. 15. A bill to regulate lobbying and related activities; with an amendment (Rept. No. 94–1474, pt. I). Ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Ms. ABZUG:

H.R. 15404. A bill to amend the Water Resources Development Act of 1974, relating to the New York Harbor collection and removal of drift project; to the Committee on Public Works and Transportation.

By Ms. ABZUG (for herself, Ms. COLLINS of Illinois, and Ms. HOLTZMAN):

H.R. 15405. A bill to establish a department of Women's Affairs in the executive branch of the Federal Government; to the Committee on Government Operations.

By Mr. ANDREWS of North Dakota:

H.R. 15406. A bill to modify the project for flood protection on the Souris River at Minot, N.Dak., to require the Secretary of the Army, acting through the Chief of Engineers, to reimburse the designated non-Federal interest for certain additional expenses incurred by it as part of the project; to the Committee on Public Works and Transportation.

By Mr. ASHLEY:

H.R. 15407. A bill to establish a corporation to administer a self-sustaining program of residential mortgage loan insurance in certain urban areas; to the Committee on Banking, Currency and Housing.

By Mr. EMERY:

H.R. 15408. A bill to amend the Commercial Fisheries Research and Development Act of 1964 in order to amend the formula for calculating yearly apportionments to the States of funds available under such act; to the Committee on Merchant Marine and Fisheries.

By Mr. GRADISON:

H.R. 15409. A bill to provide improved and expedited procedures for foreclosure of multifamily mortgages owned or held by the United States pursuant to the National Housing Act and other Federal laws; to the Committee on Banking, Currency and Housing.

By Mr. McCLORY:

H.R. 15410. A bill to amend the Occupational Safety and Health Act of 1970 to provide that employers who do not supervise the activities of other employers at a workplace shall not be subject to certain requirements of such act with respect to hazards resulting from such activities; to the Committee on Education and Labor.

By Mr. MINISH (for himself, Mr. REUSS, Mr. ASHLEY, Mr. MITCHELL of Maryland, Mr. HAYES of Indiana, Mr. GONZALEZ, Mr. ST GERMAIN, Mr. LUNDINE, and Mr. McKINNEY):

H.R. 15411. A bill to provide national standards of protection for purchasers of dwelling units in condominium or planned unit developments and for tenants of rental housing being converted to dwelling units in condominium developments; to the Committee on Banking, Currency and Housing.

By Mr. MYERS of Pennsylvania (for himself, Mr. EMERY, Mr. WHITEHURST, Mr. LENT, Mr. DERWINSKI, Mr. DAN DANIEL, Mr. SCHULZE, Mr. EILBERG, Mrs. LLOYD of Tennessee, Mr. PREYER, Mr. KEMP, Mr. ROE, Mr. FLOOD, Mr. TRAXLER, and Mr. McHUGH):

H.R. 15412. A bill to allow fire departments to transmit nonemergency communications relating to official fire department business over fire department radio frequencies; to the Committee on Interstate and Foreign Commerce.

By Mr. MYERS of Pennsylvania (for himself, Mr. LUJAN, Mr. GILMAN, and Mr. BAUCUS):

H.R. 15413. A bill to provide an opportunity to individuals to contribute $1, in connection with the payment of their Federal income tax, to the U.S. Olympic Fund, and for other purposes; to the Committee on Ways and Means.

By Mr. NOLAN:

H.R. 15414. A bill to enact the National School-Age Mother and Child Health Act of 1976; to the Committee on Interstate and Foreign Commerce.

By Mr. PEPPER (for himself, Mr. BADILLO, Mr. BEDELL, Mr. EDWARDS of California, Mr. KOCH, and Mr. RICHMOND):

H.R. 15415. A bill to amend the Elementary and Secondary Education Act of 1965 to provide grants to establish regional demonstration programs to encourage secondary school students from a disadvantaged background to pursue careers in the health professions; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. BADILLO, Mr. BEDELL, Mr. EDWARDS of California, Mr. KOCH, and Mr. RICHMOND):

H.R. 15416. A bill to amend the Higher Education Act of 1965 to provide grants to certain eligible institutions of higher education for regional medical academic summer enrichment programs to prepare undergraduate students from disadvantaged backgrounds for careers in the several medical professions; to the Committee on Education and Labor.

By Mr. PEPPER (for himself, Mr. BADILLO, Mr. BEDELL, Mr. EDWARDS of California, Mr. KOCH, and Mr. RICHMOND):

H.R. 15417. A bill to provide capitation grants to medical, osteopathic, and dental schools for increasing the enrollment of students from disadvantaged backgrounds; to the Committee on Education and Labor.

By Mr. PRICE (for himself and Mr. BOB WILSON) (by request):

H.R. 15418. A bill to amend section 651 of title 10, United States Code, to provide that female persons who become members of the Armed Forces shall have a 6-year statutory military obligation and for other purposes; to the Committee on Armed Services.

By Mr. PRICE (for himself and Mr. ANDERSON of Illinois):

H.R. 15419. A bill to provide for more efficient and effective control over the proliferation of nuclear explosives by amendments to the Atomic Energy Act of 1954, as amended; to the Joint Committee on Atomic Energy.

By Mr. SCHULZE:

H.R. 15420. A bill to provide for the striking of medals commemorating the 200th anniversary of the encampment of the American Army during the bitter winter of Valley Forge; to the Committee on Banking, Currency and Housing.

By Mr. SHARP:

H.R. 15421. A bill to amend the worker adjustment assistance provisions of the Trade Act of 1974 in order to repeal the requirement that workers may not be covered under certification of eligibility to apply for such assistance unless they are totally or partially separated from adversely affected employment within 1 year before the date of petitioning for such certification; to the Committee on Ways and Means.

By Mr. TAYLOR of North Carolina (for himself, Mr. BAUCUS, Mr. BINGHAM, Mr. BYRON, Mr. CARR, Mr. DON H. CLAUSEN, Mr. COTTER, Mr. DE LUGO, Mr. DODD, Mr. DUNCAN of Tennessee, Mr. GIAIMO, Mr. JOHNSON of California, Mr. KASTENMEIER, Mr. LAGOMARSINO, Ms. LLOYD of Tennessee, Mr. McKINNEY, Mr. MEEDS, Mr. MOFFETT, Mr. RONCALIO, Mr. SARASIN, Mr. SEBELIUS, Mr. SEIBERLING, Ms. SMITH of Nebraska, Mr. STEELMAN, and Mr. STEPHENS):

H.R. 15422. A bill to amend the Wild and Scenic Rivers Act, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. TAYLOR of North Carolina (for himself and Mr. WON PAT):

H.R. 15423. A bill to amend the Wild and Scenic Rivers Act, and for other purposes; to the Committee on Interior and Insular Affairs.

By Ms. ABZUG:

H.R. 15424. A bill to amend the United States Housing Act of 1937 to enable local public housing agencies to enter into security arrangements designed to prevent crimes and otherwise insure the safety and well-being of public housing tenants; to the Committee on Banking, Currency and Housing.

By Mr. DON H. CLAUSEN:

H.R. 15425. A bill to amend the act entitled "An Act to establish a code of law for the District of Columbia", approved March 3, 1901, relating to offenses against individuals 60 years of age or older; to the Committee on the District of Columbia.

H.R. 15426. 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.

H.R. 15427. A bill to amend the Internal Revenue Code of 1954 to increase the amount of the personal exemptions from $750 to $1,000, to provide for automatic cost-of-living adjustments in the individual tax rates, and to provide a credit for a certain portion of the expenses of higher education; to the Committee on Ways and Means.

By Mr. DOWNEY of New York:

H.R. 15428. A bill to require the Federal Communications Commission to increase the channels available for use in the citizens radio service; to the Committee on Interstate and Foreign Commerce.

By Mr. DRINAN (for himself, Mr. KASTENMEIER, Mr. DANIELSON, Mr. BADILLO, Mr. PATTISON of New York, Mr. RAILSBACK, and Mr. WIGGINS):

H.R. 15429. A bill to extend the Civil Rights Attorney's Fees Awards Act of 1976; to the Committee on the Judiciary.

By Mr. DRINAN (for himself, Mr. DOWNEY of New York, Mr. OTTINGER, Mr. BEDELL, Mr. EDWARDS of California, Mr. HARRIS, Mr. HUGHES, Mr. LONG of Maryland, Mr. McKINNEY, Mr. RINALDO, Mr. RODINO, Mr. ROE, Mr. ROSENTHAL, Mr. SARBANES, Mr. SIMON, Mrs. SPELLMAN, and Mr. WOLFF):

H.R. 15430. A bill to provide for certain research and demonstration respecting the disposal of sludge, the reclamation of waters damaged by sludge and sewage, the regulation of hazardous sludge, assistance to State and local governments for the removal of sludge and other solid waste from waters and shoreline areas, and to provide that

grants for waste treatment works shall be made only if such works provide for environmentally sound sludge management; to the Committee on Public Works and Transportation.

By Mr. ECKHARDT:

H.R. 15431. A bill to modify the project for navigation at Houston ship channel (Greens Bayou), Tex., to increase the depth of the channel in Greens Bayou; to the Committee on Public Works and Transportation.

By Mr. GILMAN:

H.R. 15432. A bill to amend title XVI of the Social Security Act to provide an increase in the benefits payable to aged, blind, and disabled individuals under the supplemental security income program; to the Committee on Ways and Means.

By Mr. GOLDWATER:

H.R. 15433. A bill to amend the Airport and Airway Development Act of 1970 to make privately owned public use airports eligible for funding under the act; to the Committee on Public Works and Transportation.

By Mr. GUDE (for himself, Mr. HARRIS, and Mr. FISHER):

H.R. 15434. A bill to provide for the establishment of an equitable rate structure for water delivered to the District of Columbia and to encourage water conservation in the District of Columbia, and for other purposes; jointly, to the Committees on the District of Columbia and Public Works and Transportation.

By Mr. HAGEDORN (for himself, Mr. PATTISON of New York, Mr. TAYLOR of Missouri, Mr. DON H. CLAUSEN, Mr. BREAUX, Mr. SNYDER, Mr. WALSH, Mr. GINN, Mr. MINETA, Mr. FRENZEL, Mr. MYERS of Indiana, and Mr. HOLLAND):

H.R. 15435. A bill to amend the act of March 3, 1899, relating to Federal regulations of rivers and harbors; to the Committee on Public Works and Transportation.

By Mr. HUGHES:

H.R. 15436. A bill to require authorizations of new budget authority for Government programs at least every 5 years, to establish a procedure for zero-based review of Government programs every 5 years, and for other purposes; to the Committee on Rules.

By Mr. HUNGATE:

H.R. 15437. 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. JONES of Alabama (by request):

H.R. 15438. A bill to increase the exemption from Commission approval for certain motor carrier transfers, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. JONES of Alabama (by request):

H.R. 15439. A bill to authorize the Interstate Commerce Commission to require adequate compensation for owner-operator fuel costs in a transportation emergency, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. JONES of Alabama (by request):

H.R. 15440. A bill to amend section 409 of the Interstate Commerce Act to authorize contracts by freight forwarders for certain purposes on an experimental basis, and for other purposes; jointly, to the Committees on Public Works and Transportation and Interstate and Foreign Commerce.

By Mr. JONES of Alabama (by request):

H.R. 15441. A bill to authorize the Interstate Commerce Commission, after investigation and hearing, to require the establishment of through routes and joint rates between motor common carriers of property, and between such carriers and common carriers by rail, express, and water, and for other purposes; jointly, to the Committees on Public Works and Transportation, Interstate and Foreign Commerce, and Merchant Marine and Fisheries.

By Mr. JONES of Alabama (by request):

H.R. 15442. A bill to amend the Interstate Commerce Act, to reform the procedures of the Interstate Commerce Commission regarding common carriers by motor and by water, and freight forwarders, and for other purposes; jointly, to the Committees on Public Works and Transportation, and Interstate and Foreign Commerce.

By Mr. JONES of Alabama (by request):

H.R. 15443. A bill to amend the Interstate Commerce Act, to grant additional authority to the Interstate Commerce Commission regarding conglomerate holding companies involving carriers subject to the jurisdiction of the Commission and noncarriers, and for other purposes; jointly, to the Committees on Public Works and Transportation, and Interstate and Foreign Commerce.

By Mr. JONES of Alabama (by request):

H.R. 15444. A bill to authorize the Interstate Commerce Commission to approve, on an expedited basis, pooling arrangements between common carriers other than railroads that are not of major transportation importance and are not likely unduly to restrain competition, and for other purposes; jointly, to the Committee on Public Works and Transportation, and Interstate and Foreign Commerce.

By Mr. LEGGETT:

H.R. 15445. A bill to save the gray whale; to the Committee on Merchant Marine and Fisheries.

By Mr. MELCHER (for himself, Mr. UDALL, Mr. AUCOIN, Mr. BAFALIS, Mr. BAUCUS, Mr. BELL, Mr. BERGLAND, Mr. BOLAND, Mr. BREAUX, Mr. BURLISON of Missouri, Mr. PHILLIP BURTON, Mr. DON H. CLAUSEN, Mr. DANIELSON, Mr. EDWARDS of California, Mr. HANNAFORD, Mr. JOHNSON of California, Mr. KREBS, Mr. LEGGETT, Mr. LEHMAN, Mr. LUJAN, Mr. MEEDS, Mr. PATTERSON of California, Mr. RONCALIO, Mr. SYMINGTON, and Mr. WEAVER):

H.R. 15446. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. MELCHER (for himself, Mr. UDALL, Ms. ABZUG, Mr. LLOYD of California, Mr. MOSS, Mr. NIX, Mr. OTTINGER, Mr. STARK, and Mr. TAYLOR of Missouri):

H.R. 15447. A bill to designate certain lands as wilderness; to the Committee on Interior and Insular Affairs.

By Mr. MOORHEAD of Pennsylvania:

H.R. 15448. A bill to establish a commission to investigate the factors contributing to the decline of urban neighborhoods and the factors necessary to neighborhood survival and revitalization, and for other purposes; to the Committee on Banking, Currency and Housing.

By Mr. PEPPER:

H.R. 15449. A bill to amend title XIX of the Social Security Act to provide that medicaid is a payor of last resort and to permit recovery by States from certain estates of medicaid expenses incurred by individuals before reaching the age of 65; to the Committee on Interstate and Foreign Commerce.

By Mr. REUSS:

H.R. 15450. A bill to require that the disclosure of records maintained by financial institutions respecting their customers to officers, employees, or agents of the United States or of any State or political subdivision thereof occur only in accordance with the provisions of this act; to the Committee on Banking, Currency and Housing.

By Mr. SMITH of Iowa (for himself, Mr. BERGLAND, Mr. QUIE, Mr. LONG of Louisiana, Mr. BADILLO, Mr. GAYDOS, Mr. HAGEDORN, Mr. SYMINGTON, Mr. SHIPLEY, Mr. MELCHER, Mr. BOWEN, Mr. FINDLEY, Mr. CHARLES WILSON of Texas, Mr. FLOWERS, Mr. FLOOD, Mr. BREAUX, Mr. ABDNOR, Mr. MONTGOMERY, Mr. PRICE, Mr. HALL of Illinois, Mr. HUNGATE, and Mr. MCCLORY):

H.R. 15451. A bill to authorize the construction of a lock and dam project on the Mississippi River near Alton, Ill., to revoke authority for 12-foot channel studies on the upper Mississippi River and its tributaries, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. STOKES (for himself, Mr. RODINO, Mr. METCALFE, Mr. CONYERS, Mr. NIX, Mr. DELLUMS, Mr. BEARD of Rhode Island, Mr. UDALL, Mr. TRAXLER, Mr. ROSTENKOWSKI, Mr. CARNEY, Mr. MITCHELL of Maryland, Ms. BURKE of California, Mr. CLAY, Mr. BADILLO, Mr. FLOOD, Mr. RICHMOND, Mr. BRODHEAD, Mr. RANGEL, Mr. FRASER, Mr. STARK, Mr. ROYBAL, Mr. FORD of Tennessee, Ms. ABZUG, and Mr. HARRINGTON):

H.R. 15452. A bill to require that any person holding a federally related home mortgage shall provide certain services and follow certain procedures before instituting foreclosure proceedings with respect to such mortgage; to the Committee on Banking, Currency and Housing.

By Mr. STOKES (for himself, Mr. DODD, Mr. FARY, Mr. SEIBERLING, Mr. BENITEZ, Ms. HECKLER of Massachusetts, and Ms. CHISHOLM):

H.R. 15453. A bill to require that any person holding a federally related home mortgage shall provide certain services and follow certain procedures before instituting foreclosure proceedings with respect to such mortgage; to the Committee on Banking, Currency and Housing.

By Mr. ADDABBO (for himself, Mr. BLOUIN, Ms. BURKE of California, Mr. SYMINGTON, and Mr. YOUNG of Florida):

H.J. Res. 1083. A resolution authorizing the President to proclaim September 8 of each year as National Cancer Prevention Day; to the Committee on Post Office and Civil Service.

By Mr. J. WILLIAM STANTON:

H.J. Res. 1084. A resolution proposing an amendment to the Constitution of the United States with respect to the right to life; to the Committee on the Judiciary.

By Mr. GREEN:

H. Con. Res. 733. A resolution expressing the sense of the Congress with respect to the importation of canned mushrooms into the United States; to the Commission on Ways and Means.

By Mr. FINDLEY (for himself, Mr. BAUCUS, Mr. BEARD of Tennessee, Mr. BEVILL, Mr. BOLAND, Mr. CLEVELAND, Mr. CORNELL, Mr. DAN DANIEL, Mr. DOMINICK V. DANIELS, Mr. DERWINSKI, Mr. DUNCAN of Oregon, Mr. EILBERG, Mr. ENGLISH, Mr. ESHLEMAN, Mr. FASCELL, Mr. FLOOD, Mr. FOUNTAIN, Mr. FRASER, Mr. GRADISON, Mrs. HECKLER of Massachusetts, Mr. HOWE, and Mr. HYDE):

H. Con. Res. 734. A resolution directing interment of an unknown soldier from the Vietnam war in Arlington National Cemetery; to the Committee on Veterans' Affairs.

By Mr. FINDLEY (for himself, Mr. KETCHUM, Mr. KINDNESS, Mr. KOCH, Mrs. LLOYD of Tennessee, Mr. MAZZOLI, Mrs. MEYNER, Mr. MILLER of Ohio, Mr. MURPHY of Illinois, Mr. NICHOLS, Mrs. PETTIS, Mr. ROBINSON, Mr. RODINO, Mr. ROE, Mr. ROSENTHAL, Mr. SIMON, Mr. SKUBITZ, Mr. THONE, Mr. TREEN, Mr. WAGGONNER, Mr. WHITEHURST, and Mr. YOUNG of Florida):

H. Con. Res. 735. A resolution directing interment of an unknown soldier from the Vietnam war in Arlington National Cemetery; to the Committee on Veterans' Affairs.

By Mr. CARR (for himself, Mr. EDGAR, Ms. KEYS, Mr. HALL of Illinois, Mr. NEAL, Mr. DOWNEY of New York, Mr. BLOUIN, Mr. HECHLER of West Virginia, Mr. LUNDINE, Mr. HARKIN, Mr. PATTISON of New York, Mrs. SCHROEDER, Mr. HARRIS, Mr. FITHIAN, Mr. HUGHES, Mr. SHARP, Mr. TRAXLER, Mr. WEAVER, Mr. AUCOIN, Mr. BAUCUS, Mr. BRODHEAD, Mr. BONKER, Mr. BEDELL, and Mr. NOLAN):

H. Res. 1521. A resolution to amend the Rules of the House of Representatives to require committee approval of certain travel proposals, and for other purposes; to the Committee on Rules.

By Mr. PATTEN (for himself, Mr. ANNUNZIO, Mr. CLEVELAND, Mr. CONLAN, Mr. CONTE, Mr. COUGHLIN, Mr. CRANE, Mr. FISH, Mr. FORSYTHE, Mr. GUDE, Mr. HORTON, Mr. HYDE, Mr. JOHNSON of Pennsylvania, Mrs. MEYNER, Mr. MURPHY of New York, Mr. RINALDO, Mr. WINN, and Mr. WYDLER):

H. Res. 1522. A resolution expressing the sense of Congress with regard to the rights of minorities in Romania; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 10498

By Mr. LEVITAS:

Page 199, strike out line 3 and all that follows down through line 6 and redesignate the following paragraphs accordingly.

Page 203, line 18, strike out "designating authorities" and insert in lieu thereof "State".

Page 204, line 9, insert "who may make an initial designation" after "Administrator".

Page 205, line 15, insert "who may make an initial designation" after "Administrator".

Page 205, line 19, strike out "State law" and insert in lieu thereof "the Governor of the State, after consultation with the appropriate Committees of the legislature if it is in session or with the leadership of the legislature if it is not in session (unless State law provides that such designation or redesignation must be specifically approved by State legislation)".

Page 207, line 20, insert "or the State (in accordance with the regulations of the Administrator)" after "Administrator".

H.R. 12112

By Mr. HECHLER of West Virginia:

On page 59 (which is part of the Science and Technology Committee amendment and which relates to the "Sunshine in Government" provisions of that amendment), after the word "Administration" on line 8 and on line 17 of page 60, insert "and the Secretary of the Treasury" and after the word "Administrator" on lines 20 and 23 and on lines 9 and 16 on page 60, insert "or said Secretary, as appropriate,".

On page 100 (which is part of the Banking, Currency and Housing Committee amendment and which relates to the "Sunshine in Government" provisions of that amendment), after the word "Administration" on line 10 and on line 20 of page 101 insert "and the Secretary of the Treasury", and after the word "Administrator" on line 22 of page 100 and on lines 1, 12, and 19 on page 101 insert "or said Secretary, as appropriate,".

By Mr. MAGUIRE:

On page 99 (which is part of the Banking, Currency and Housing Committee amendment), after "(r)" on line 11 insert "(1)" and between lines 14 and 14 insert the following:

"(2) The Administrator shall require, as a condition of issuing one or more guarantees with respect to a project which guarantees in the aggregate exceed $20,000,000, that the applicant for such guarantee agree (or obtain any agreements necessary to assure) that any proprietary or patented process (other than a process to which paragraph (1) applies)—

"(A) which is used in the project,

"(B) which is necessary for general commercial application of the technology utilized in the project, and

"(C) which is known to the Administrator or the applicant at the time such obligation is entered into,

shall be available for general commercial application in similar projects in the United States at such fee and on such other terms and conditions as the Administrator determines are reasonable. Such fee, or the manner for determining it, and such terms and conditions shall be specified in the guarantee agreement or in a separate agreement (executed before the guarantee is issued) with the persons controlling the rights to use such process."

On page 58 (which is part of the Science and Technology Committee amendment), after "(r)" on line 10 insert "(1)" and between lines 13 and 14 insert the following:

"(2) The Administrator shall require, as a condition of issuing one or more guarantees with respect to a project which guarantees in the aggregate exceed $20,000,000, that the applicant for such guarantee agree (or obtain any agreements necessary to assure) that any proprietary or patented process (other than a process to which paragraph (1) applies)—

"(A) which is used in the project,

"(B) which is necessary for general commercial application of the technology utilized in the project, and

"(C) which is known to the Administrator or the applicant at the time such obligation is entered into,

shall be available for general commercial application in similar projects in the United States at such fee and on such other terms and conditions as the Administrator determines are reasonable. Such fee, or the manner for determining it, and such terms and conditions shall be specified in the guarantee agreement or in a separate agreement (executed before the guarantee is issued) with the persons controlling the rights to use such process."

FACTUAL DESCRIPTIONS OF BILLS AND RESOLUTIONS INTRODUCED

Prepared by the Congressional Research Service pursuant to clause 5(d) of House rule X. Previous listing appeared in the CONGRESSIONAL RECORD of September 1, 1976, page 28905:

HOUSE BILLS

H.R. 15001. August 2, 1976. House Administration. Amends the Mutual Security Act of 1954 to provide that foreign currencies owned by the United States shall be available for use by the Select Committee on Aging and the Select Committee on Narcotics Abuse and Control of the House of Representatives in connection with foreign travel by the members and employees of such select committees.

H.R. 15002. August 2, 1976. Education and Labor. Amends the Older Americans Act of 1965 to direct the Commissioners on Aging to establish a program to make supplemental food available to older persons determined to be nutritional risks because of inadequate nutrition and inadequate income. Directs the Commissioner to establish a program to make medical services and medical supplies available to older persons determined to be in special need of such services and supplies because of their medical condition and inadequate income.

H.R. 15003. August 2, 1976. Post Office and Civil Service. Amends the Defense Department Overseas Teachers Pay and Personnel Practices Act to require that any determination of teachers' allowances in Department of Defense overseas dependents' schools be made without regard to whether the teacher was recruited outside or inside the United States.

H.R. 15004. August 2, 1976. Interstate and Foreign Commerce. Amends the Public Health Service Act to authorize the Secretary of Health, Education, and Welfare to make grants to public and nonprofit private entities which are engaged in the development of new schools of veterinary medicine to assist in such development.

H.R. 15005. August 2, 1976. Merchant Marine and Fisheries; Public Works and Transportation; International Relations; Science and Technology. Prohibits discharges of fuel by vessels into United States territorial waters. Directs the Secretary of Commerce to initiate comprehensive research on the adverse effects of fuel discharges on coastal, territorial, and oceanic waters.

H.R. 15006. August 2, 1976. Interstate and Foreign Commerce. Amends the National Traffic and Motor Vehicle Safety Act of 1966 to require the installation of passive occupant restraints in the front seats of all passenger cars.

H.R. 15007. August 2, 1976. Interior and Insular Affairs. Authorizes the administrators of certain Federal housing programs to increase the amount of loans made on single- or multi-family dwelling units by up to 20 percent where such increase reflects the cost of solar energy equipment.

Amends the National Housing Act to authorize home improvement loans for the cost of acquisition and installation of solar energy systems.

Amends the Housing and Community Development Act to authorize the use of community development block grants for payments to assist in the acquisition and installation of solar energy equipment.

H.R. 15008. August 2, 1976. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 15009. August 2, 1976. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 15010. August 2, 1975. Judiciary. Requires liquidation and refund of duties paid by a certain corporation pursuant to the importation of specified cattle, notwithstanding available protest procedures against decisions of appropriate customs officers under the Tariff Act of 1930.

H.R. 15011. August 2, 1976. Judiciary. Requires liquidation and refund of duties paid by a certain corporation pursuant to the importation of specified cattle, notwithstanding available protest procedures against decisions of appropriate customs officers under the Tariff Act of 1930.

H.R. 15012. August 2, 1976. Judiciary. Authorizes the issuance of a visa to a certain individual notwithstanding membership in a class of excludable aliens under the Immigration and Nationality Act.

H.R. 15013. August 3, 1976. Public Works and Transportation. Amends the Federal Aviation Act of 1958 to require identifying markings on aircraft so as to be readily identifiable by persons on the ground whenever such aircraft is operated at low altitudes.

H.R. 15014. August 3, 1976. Agriculture. Amends the Consolidated Farm and Rural Development Act to authorize the Secretary of Agriculture to make and insure loans under such act for the solar heating or cooling of residential structures on family farms.

H.R. 15015. August 3, 1976. Banking, Currency and Housing. Stipulates that the cost of furnishing water to public organizations for waterfowl conservation purposes in the Grasslands areas of the San Joaquin Valley in California shall be nonreimbursable where specified conditions are satisfied.

H.R. 15016. August 3, 1976. Veterans' Affairs. Authorizes the Administrator of Veterans' Affairs to make loans and loan guarantees to veterans for the purchase of solar heating and cooling systems to be used in any dwelling or farm residence to be owned and occupied by the veteran as his home.

H.R. 15017. August 3, 1976. Education and Labor. Authorizes appropriations for the continuation through fiscal year 1977 of specified grants under the Indian Elementary and Secondary School Assistance Act, the Elementary and Secondary Education Act, and the Adult Education Act.

H.R. 15018. August 3, 1976. Ways and Means. Authorizes any amount received from appropriated funds as a scholarship by a member of a uniformed service who is receiving training under the Armed Forces Health Professions Scholarship Program from an educational institution to be treated as a scholarship, excludable from gross income under the Internal Revenue Code for calendar years 1976, 1977, and 1978.

H.R. 15019. August 3, 1976. Ways and Means. Amends the Tariff Schedules of the United States to limit the importation of mushrooms.

HOUSE JOINT RESOLUTIONS

H.J. Res. 1051. August 23, 1976. Judiciary. Proposes a constitutional amendment to assure that the total outlays of the Government during any fiscal year do not exceed the total receipts of the Government during such fiscal year and that the Federal indebtedness is eliminated.

H.J. Res. 1052. August 23, 1976. Post Office and Civil Service. Designates January 13, 1977 as "Religious Freedom Day."

H.J. Res. 1053. August 24, 1976. Judiciary. Proposes a constitutional amendment to assure that the total outlays of the Government during any fiscal year do not exceed the total receipts of the Government during such fiscal year and that the Federal indebtedness is eliminated.

H.J. Res. 1054. August 24, 1976. Post Office and Civil Service. Designates March 13 to 19, 1977, as "National Community Health Week."

H.J. Res. 1055. August 24, 1976. Post Office and Civil Service. Designates March 13 to 19, 1977, as "National Community Health Week."

H.J. Res. 1056. August 24, 1976. Post Office and Civil Service. Designates the third week of September of 1977 as "National Rehabilitation Week."

H.J. Res. 1057. August 24, 1976. Post Office and Civil Service. Authorizes the President to issue a proclamation designating the week beginning October 3, 1976, and ending October 9, 1976, as "National Volunteer Firemen Week."

H.J. Res. 1058. August 25, 1976. Post Office and Civil Service. Designates September 8 of each year as "National Cancer Prevention Day."

H.J. Res. 1059. August 25, 1976. Judiciary. Proposes a constitutional amendment which provides that the term of office of the President and Vice President shall be six years, and no person shall be elected to the office of President more than once.

H.J. Res. 1060. August 25, 1976. Post Office and Civil Service. Designates February of each year as "American History Month."

EXTENSIONS OF REMARKS

INCREASED BENEFITS FOR SSI RECIPIENTS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. GILMAN. Mr. Speaker, today I am introducing legislation to provide increased benefits for the needy aged, the blind, and the disabled under the supplemental security income program.

Under my proposal, SSI benefits for an individual recipient would be increased from $1,752—the current cost-of-living adjustment is $2,013—to $2,500; for couples, the SSI benefits would be increased from $2,628—the current cost-of-living adjustment is $3,021—to $3,750. The estimated cost of these increases for the calendar year 1977 would amount to approximately $3 billion.

Mr. Speaker, these increased benefits would be targeted to more than 4.3 million needy aged, blind, and disabled citizens who currently receive SSI benefits—2.3 million needy aged, 75,000 blind, and 1.9 million disabled—citizens who are on the threshold of poverty and whose eligibility for SSI benefits are limited to savings of less than $1,500—excluding home, car, and personal effects.

It is my understanding that the national poverty level for an individual is pegged at $2,352, and for couples, it is $2,958. Obviously, these figures mask the fact that the poverty-level threshold varies from State to State and from region to region, but one fact is unmistakenly clear: Increasing the SSI benefits for these needy citizens barely meets their needs for economic survival. After all, how far can the July 1976 SSI monthly benefit—which for an individual is $167.80 and for couples is $251.80—be stretched? Clearly, this monthly benefit is being stretched to the breaking point. But increasing these benefits may mean the difference between starvation and survival for this Nation's needy citizens. It means money to purchase food, to pay the rent or the winter fuel, and to meet the everyday economic needs of survival.

This week the House overwhelmingly passed by a vote of 374 to 3, H.R. 8911, the Supplemental Security Income Amendments of 1976, making certain equitable changes in the SSI program. Mr. Speaker, in the interest of continuing to meet the needs of SSI recipients, I am inserting the full text of my bill at this point in the RECORD, and I welcome the support of my colleagues on this measure:

H.R. 15432

A bill to amend title XVI of the Social Security Act to provide an increase in the benefits payable to aged, blind, and disabled individuals under the supplemental security income program

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) sections 1611(a)(1)(A) and 1611(b)(1) of the Social Security Act are each amended by striking out "$1,752" and inserting in lieu thereof "$2,500".

(b) Sections 1611(a)(2)(A) and 1611(b)(2) of such Act are each amended by striking out "$2,628" and inserting in lieu thereof "$3,750".

SEC. 2. The amendments made by the first section of this Act shall apply (notwithstanding any increase under section 1617 of the Social Security Act taking effect prior to January 1, 1977, but subject to any increase under such section taking effect on or after that date) with respect to payments for months after December 1976.

AN AVIATION PIONEER—GONE WEST

HON. DALE MILFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. MILFORD. Mr. Speaker, this Nation has lost a leading citizen and a true pioneer, Maj. Bill Long.

Anyone with a pilot's license number consisting of six digits or less, is probably very familiar with Maj. Bill Long. Many knew him personally.

In the next monthly meeting in "Quiet Birdmen" hangars, all over the world, Major Bill's name will be specifically mentioned in the traditional toast to "all QB's who have gone West." For the nonflyer, the "Quiet Birdmen," more popularly known as the QB's, is a professional pilot's fraternity with local chapters—hangars—located throughout the world. Major Bill's membership in the fraternity dates back to its origin.

I was privileged to know Major Long personally, as did practically every pilot in the north Texas area. We loved him and we will miss him.

Mr. Speaker, I feel that this man's record is an outstanding example of good citizenship, worthy of the attention of the U.S. Congress and the citizens of this Nation.

I asked an outstanding aviation journalist, Mr. Al Harting, to take pen in hand and outline a sketch of the character and life of Maj. Bill Long. The following is the characterization compiled by Mr. Harting:

AN AVIATION PIONEER—GONE WEST

(By Al Harting)

This Nation lost one of the legendary architects of American airpower when Major

William Francis (Bill) Long passed away in his hometown of Dallas on Thursday night, August 19, 1976, at the age of 81.

A World War I pilot-observer in combat overseas, Major Long became one of America's first civilian flying school operators at Dallas' Love Field. He was among eight such men to be summoned to Washington, D.C., by his friend, the late General H. H. (Hap) Arnold, for a meeting in 1939 in Room 1020 of the War Munitions Building that marked the birth of this country's mighty World War II Air Force.

He quoted General Arnold as saying "Gentleman, make no mistake—we are next on Germany's list. As of the moment, I have 1,006 airplanes that will fly, and 1,042 officers who can fly them after a fashion.

"I want you to go home, mortgage your houses, sell your wives' furs, borrow all the cash you can lay your hands on, and build the world's best flying schools. At the end of the month, I'm giving you each 100 cadets and on July 1 I'm giving you all the government planes and training equipment I can find."

Through fierce patriotism and deep-seated faith in General Arnold, Bill Long joined the others in following the General's request.

He began training U.S. cadets in old wire-spoked PT-3's at Dallas Love Field which had begun in 1917 as a pilot training base for World War I. Some months later, he received the first young Britishers to come to this country to win their wings for combat duty with the Royal Air Force. They trained first at Love Field and then Major Long created a facility exclusively for them at Terrell, Texas, east of Dallas.

Through all the war years, Major Long operated U.S. Air Force contract training schools at Dallas, Terrell, Fort Worth, and Brady, Texas. By the time history's greatest air armada had helped crush Nazi Germany and Japan, his schools had turned out nearly 25,000 pilots and technicians.

For these services, Bill Long received the President's Certificate of Merit and was made a member of the Civil Division of the Order of the British Empire by King George VI. Hap Arnold had put his trust in the right man at a time of unparalleled national crisis.

William Francis Long was born in 1895, the son of a farmer near New Florence, Montgomery County, Missouri. As a lad, he develop a free spirit of adventuring and a love of the land and animals that characterized this unique man throughout his long and eventful life.

Until the time of his death, Bill Long loved his vast Rough Creek Ranch near Walnut Springs, Somervell County, Texas, where he raised some of the Lone Star State's finest Hereford cattle and restored the land and the native game to conditions of a century past. He and his beloved wife, Wayne Pettit, herself a member of one of Texas' pioneer families, regularly spent days and weeks at the ranch enjoying the rolling meadows, the lakes and spring-fed streams.

Bill Long for many years in his prime was a noted horseman and polo player. Mounted on a thoroughbred horse, he was an aggressive and skillful master of the game who gave no quarter—and asked none.

He was an expert marksman who competed in—and often won—shooting contests in both North and Latin America.

When World War I ended, Major Long remained in Europe with the Army of Occupation, returning in 1920 to qualify for commercial pilot's license No. 476. He sold surplus Curtiss Jennies and Standards both in San Antonio and in Dallas and throughout Latin America. He also was a barnstormer, bringing the miracle of flight for the first time to thousands of rural Americans, and he flew payrolls in and out of Mexico.

In 1926, he acquired several World War I hangars at Dallas Love Field where he operated Dallas Aero Service and Dallas Aviation School until selling the property in 1961. He was among the first distributors of such early-day commercial airplanes as the Laird Swallow, Stinson, American Eagle, Eagle Rock, Buhl, and others.

In partnership with his close friend Billy Parker, the famed chief pilot of Phillips Petroleum, Bill Long for many years sold more advanced, multi-engine business airplanes.

He was a founder and chief executive of two commercial airlines—Long & Harmon which sold its routes to Braniff in the late 1930's, and Pioneer which merged with Continental in 1954.

Bill Long was a friend of the legendary names of aviation who often taxied up to visit and seek his advice at Love Field—names like Lindbergh, Amelia Earhart, Jimmy Doolittle, Admiral Richard Byrd, Frank Hawks, Roscoe Turner, Doug Corrigan, Wiley Post, Al Williams, and others.

In addition to military pilots for World War II, Major Long's Dallas Aviation School turned out a legion of airline captains and professional pilots commanding business and executive airplanes in every corner of the land.

After selling his service and training facilities, Bill Long remained on his beloved Love Field in a suite of offices where he frequently met with his old friends and worked as a wise and genial aviation consultant to all comers. At the time of his death he was an active director of the Gates Learjet Corp., Wichita, Kansas, and of the Hillcrest State Bank in Dallas. He was a member of the elite Conquistadores del Cielo, comprised of the country's top aviation industry executives, and cherished meetings with the group twice each year—one of them annually a week-long session at a Rocky Mountain ranch. He also was a member of the Dallas Gun Club where he still shot remarkable rounds of skeet, the Calyx Club and the Cipango Club. He was a QB (Quiet Birdmen).

Bill Long was an extremely well-read and "practical" scholar with interests ranging through history and nearly every known pursuit of man. He was a religious man, with a profound love of God. He was a yarn-spinner without equal, embellishing his narratives with hearty good humor. He liked fashionable clothes, gourmet food and Rolls Royce and Cadillac automobiles, but was at home with men and women in every walk of life. He was a humble person who had the common touch.

Major Long and his lovely, vivacious wife, Wayne, made their home at 3525 Turtle Creek in Dallas.

LONG BEACH AREA ATHLETES PARTICIPATE IN OLYMPICS

HON. MARK W. HANNAFORD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. HANNAFORD. Mr. Speaker, I take this opportunity to laud the accomplishments of 30 young men and women from the Long Beach area in southern California who will be honored by the Long Beach Century Club on September 14, 1976. Deborah A. Ayars, Jack Babashoff, Les Berman—coach, Sherry L. Calvert, Gene Davis, Pat Donnelly, Rayfield Dupree, Lelei A. Fonoimoana, Bruce M. Furniss, Steve C. Furniss, Lisa C. Hansen, Lawrence T. Hart, Annette L. Hilliard, Joni Huntley, Francie Larrieu, Joan L. Lind, Mark E. Lutz, Karen McCloskey, Thomas McKibbon, Anthony J. Montrella—coach, Irene Moreno, Joan K. Schmidt, Claudia Schneider, Albert Schoenfield—assistant manager, Tim A. Shaw, Dwight E. Stones, Rodney Strachan, John Van Blom, Martha Watson, and Leslie Wolfberger were members of the 1976 U.S. Olympic team which recently finished competition in Montreal, Canada.

I am sure that all of us in the Congress feel a deep pride in the achievements of the Olympic team at Montreal. But few of us can understand the sacrifice these athletes have made and the painfully hard work they have invested in reaching the Olympics. The Olympic athlete and coach are the personifications of self-discipline, commitment, and competitive excellence, and each of these individuals represents the finest of these ideals.

It is the obligation of the Congress not only to assess the liabilities of our country but to call attention to its assets. Men and women such as these clearly fall into the latter category. It is my privilege, therefore, to enter the names of these individuals into the RECORD of the Congress of the United States and to commend them for their outstanding achievement.

WALKER COLLEGE CIRCLE K CLUB

HON. TOM BEVILL

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. BEVILL. Mr. Speaker, on August 17, the Walker College Circle K Club was named the most outstanding chapter in the entire Circle K International organization.

I want to use this RECORD as a means of congratulating the outstanding Walker College Circle K Club on this monumental accomplishment.

For those who might not be familiar with the organization, Circle K is the college affiliate of Kiwanis International.

Since 1956, I have been privileged to serve on the board of trustees of this greatly admired 2-year institution. During these 2 decades, I have continually been impressed with the way the college has progressed.

Under the leadership of its president, Dr. David Rowland, Walker has developed a reputation as an institution totally dedicated to serving the academic and extracurricular needs of its students.

The fact that more than 85 percent of its graduates go on and obtain degrees at 4-year institutions reflects the image Walker College has fostered for itself.

So the fact the school's Circle K chapter has been afforded such a lofty honor comes as no shock to me, since it seems to fit in comfortably with the school's overall goals.

But the thought of what went into making the Circle K award a reality is staggering.

The award is one which most chapters would only dream about.

When the judges at the Circle K International Convention named Walker

College the most outstanding chapter in the organization's largest classification, the gold division, literally thousands of hours of work took on new degrees of satisfaction.

After being named the No. 2 chapter in Circle K International in 1975, the Walker club put in more than 7,500 man-hours of community service during the past year in an effort to take home the top prize.

Much of the credit for the club's success must go to Hank West, a political science instructor at Walker College who serves as club sponsor. Under his guidance, the club has risen from the ranks of the ordinary to the pinnacle it finds itself on today.

Since the Walker College club was revitalized 5 years ago, it has become increasingly dominant in district and national competition with other chapters.

The latest honor bestowed on the club is a fitting tribute to an organization and an institution dedicated to high standards of excellence.

CHERISH THE HONOR CODE

HON. MARJORIE S. HOLT

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mrs. HOLT. Mr. Speaker, the Personnel Subcommittee of the House Armed Services Committee is presently hearing witnesses regarding the violation of the honor code at the U.S. Military Academy.

The academies must do considerably more than produce officers with physical and technical skills. They must produce officers committed to duty and honor, to moral excellence. Their strength of character is an important part of the strength of our Nation in a very hostile and dangerous world. Those who cannot achieve the standard of moral excellence do not belong at the academies.

The current cheating scandal is a source of grievous concern to me. Cadets are facing expulsion because of cheating in an examination. The Secretary of the Army has modified the penalty to allow applications for readmission after 1 year.

This penalty seems to be an honest effort by the Secretary to cope with this difficult problem, especially when we consider that the academies must be dedicated to a moral standard much higher than that prevailing in civilian life.

As we deliberate on the problems of West Point, I am shocked by the attitude of some Members. They seem to want to abolish the honor code because it has been violated.

I commend those who have brought this matter to the attention of this subcommittee and the chairman for holding very revealing hearings. They have shown strongly that if the honor code at West Point has flaws that need correcting, then responsible officers and the corps of cadets must do the correcting. If enforcement and disciplinary procedures need improvement, responsible officers and the corps of cadets must do the improving.

But Congress must stay out of it. I greatly fear the tendency of politicians to reduce standards to enable everybody to succeed, regardless of merit. In the military ranks of our country, merit must never be replaced by mediocrity.

I have confidence in the responsible officers and the corps of cadets. Their proud and historic institution, which has served our country with great honor, has been sorely shamed by the current scandal. They will remedy the problem. And they will do it in a way that preserves the standards of moral excellence which is the tradition of our service academies.

AMENDMENT TO 1964 MEAT IMPORT ACT

HON. JOHN KREBS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. KREBS. Mr. Speaker, I rise today to express my deep concern over the ever-increasing amount of processed meats entering the United States through the foreign trade zone in Mayaguez, Puerto Rico. This meat, originating in large part in Australia and New Zealand, by virtue of the processing to which it is subject, directly violates the intent of the Meat Import Act of 1964 and the voluntary agreements correspondingly negotiated with exporting countries under authority of section 204 of the Agricultural Act of 1956.

In an effort to stem this unrestrained flow of processed meat imports, which is a significant factor in the economically perilous situation facing domestic livestock producers, my colleague, the Honorable BERKLEY BEDELL, and I are today introducing a bill to limit the amount of processed meat imported into the United States. This measure closes a loophole in the Meat Import Act of 1964—Public Law 88-482—which fails to limit the amount of processed meat entering the United States. Public Law 88-482 simply places an upper lid on the amount of fresh, chilled, or frozen beef or veal which we import into the continental United States. Under that law, import quotas are mandated when estimates of imported meats equal or exceed 110 percent of an adjusted base quantity. That base quantity was established at a time when processing was not commonly employed—1959 to 1964. Thus, those who drafted the legislation probably did not find it necessary to include processed meat within the base quantity.

Our bill sets a base amount for processed beef and veal, determined by average amounts imported over a recent 10-year period—1966 to 1975. When 110 percent of that adjusted base quantity is exceeded, quotas would be imposed—just as mandated by the 1964 law for fresh, chilled, and frozen beef or veal.

The U.S. Department of State has negotiated voluntary restraints for this year at 1.223 billion pounds. This is just 10 million pounds below the level at which quotas would be imposed. However, 29 million pounds of meat ground, shredded, flaked, chunked, or otherwise processed had entered the continental United States this year as of August 20. In other words, more than enough meat has passed through the Puerto Rican processing plant to cause total U.S. imports to exceed the trigger level for this year.

In mid-August, USDA announced a proposal that certain meats being processed in foreign trade zones would count against the Nation's meat import limitations. We commend Secretary Butz for this action, but nonetheless, it is not as comprehensive a solution as the one which our bill proposes. The spectre of unlimited processed meats which are shredded, flaked, and so forth in the country of origin continues to loom in the background, in spite of the USDA proposal.

In addition, the Foreign Trade Zones Board has repeatedly announced that hearings will be held to decide whether imports of the meats processed in Mayaguez are detrimental to the public interest. However, no positive action has occurred to date. Again, we are pleased that Secretary Richardson has directed the Department of Commerce to investigate this matter. However, even if hearings are held, a positive finding is made, and meat processing in Mayaguez is curtailed, the problem could well recur in the future in Mayaguez or in another foreign trade zone.

Next year, the voluntary restraint agreements, if they are instituted, may well take into account processed meat and require that it be included as a part of the level established in the voluntary agreements. However, once again, this is a solution which is only temporary in nature—1 year—the duration of the agreement—and lacking in comprehensiveness. Processed meat originating abroad would not be covered.

We feel strongly that limitations on the importation of such meat are vital to assist in the recovery of our American livestock industry which has suffered from extremely low returns and rapidly rising costs over the past 2 to 3 years.

In the interest of easing some of the oppressive market pressures facing our domestic cattle industry, it is imperative to enact a measure such as this one. There is little we in the Congress can do about rising costs of production, but we can alleviate unfair market competition by amending the 1964 Meat Import Act to extend its coverage to take into account processed meats.

COST-OF-LIVING PAY INCREASE FOR MEMBERS OF CONGRESS

HON. WILLIAM J. GREEN

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. GREEN. Mr. Speaker, I do not believe that Members of Congress should receive automatic cost-of-living pay increases. If the Members of this body feel that their salaries are insufficient, then the House should take up the matter in

a public fashion and accept the responsibility.

Mr. Speaker, had I been present yesterday, I would have voted for the Shipley amendment to H.R. 14238, which eliminated the automatic cost-of-living pay increase for Members of Congress during this coming fiscal year.

HOUSING COMPLEX DOOMED

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. PAUL. Mr. Speaker, I am happy to have the opportunity to praise the Washington Post. On August 26, it ran an excellent article about the problem with public housing in this country.

This article details the demolition of a low-income housing project in Prince Georges County called Baber Village. Apparently it has come as a great surprise to the Department of Housing and Urban Development that people who pay little or nothing for housing do not take very good care of it. This is what led to the downfall of Baber Village. The people who lived there simply decimated the place.

Actually, anyone with any foresight or understanding of human nature could have predicted that someone who gets something for nothing is not likely to take the same care of it as someone who must work to pay for it. This is the weakness of all public housing programs. Consequently, so that my colleagues may avoid similar mistakes in the future, I urge them to read this article:

HOUSING COMPLEX DOOMED—ONCE LAUDED BABER VILLAGE BEING DEMOLISHED

(By Elizabeth Becker)

Bulldozers yesterday began demolishing Prince Georges County's decaying Baber Village, eight years after the housing complex was hailed at its opening by federal officials as a model of how government and business can build housing for the poor.

Touted as one of the first of a new wave of such federally guaranteed but privately financed projects, this $2.9 million low-income housing project was being torn down because it didn't work.

In the opinion of County Executive Winfield M. Kelly, Jr., and many other county officials present at the demolition yesterday, the project had deteriorated to such a point that the best solution was to destroy most of it and spend $2 million constructing a new apartment complex and rehabilitating one salvageable building.

The $2 million for construction and rehabilitation will be paid by the Department of Housing and Urban Development under its conventional public housing grant program.

That comes on top of the $2.9 million mortgage that the federal government, as guarantor of the private loan, had to absorb when the church group that took over management of the project defaulted on repayment of the mortgage last year. HUD also gave $1 million to the county so it could purchase the project from the federal government.

Ironically, HUD's financing for the new Baber project is being made under a public housing grant program that was to have been replaced by the kind of government-guaranteed privately financed program that built the original complex in 1968.

In a project already rife with ironies, the arrival of the bulldozers at Baber Village's vandalized and neglected 220-unit complex coincides with a fiercely escalating debate over just how much low-income housing the county should support.

That debate has been symbolized by another low-income project called Pumpkin Hill in Laurel, built, like Baber, under HUD's section 221–D–3 funding program, which allowed a private builder to construct a housing project under a federal government-insured mortgage. Both projects had a federal commitment to give substantial monies for rent supplement programs to the projects' managers.

Back in the mid-60s, Prince George's quickly became the center for low-income housing project construction in the Washington area. Today those projects, many charge, are centers for crime and, as Kelly himself says, "magnets for the poor."

To change the county's image, Kelly has proposed a "new quality" campaign to create a "solid middle-class" county. He has decried what he calls the county's unfair share of low-income housing projects and said he wants no more to be built there. One way to break up the concentration, he said, is to individually subsidized low-income families, rather than subsidize entire projects, such as Baber Village.

At the time of its construction, Baber Village was hailed by HUD Secretary Robert Weaver as the ideal coupling of private ingenuity with public financing.

Shortly after construction of the complex, Baber's developers, which included Charles S. Bresler, a friend of then-Vice President Spiro T. Agnew, deeded the project over to the African Methodist Episcopal Church. The developers then left the project with their own profits assured.

The church served as a sponsoring group and was responsible for managing the complex and meeting mortgage payments, according to Earl Morgan, county housing director.

"The church group had no experience in this field. They had trouble managing it and the developers got off scot-free," said Kelly.

Within three years, 22 of the units that received 100 per cent rent supplements had deteriorated so badly that they were condemned by the county. Despite citations from housing authorities, the garden-style apartments went from bad to desperate and by 1973 Baber Village was synonymous with the vandalism, debris, boarded-up windows and decayed buildings that characterize the dead-end street of poverty.

At that point HUD agreed to spend $2.7 million to rehabilitate the project. But before HUD's offer could be implemented, the church defaulted on its mortgage last year and the eyesore became the burden of the government. In a check passing agreement, the county bought the complex for $1 million in funds granted it by HUD for that purpose.

"Every time you talk about subsidies they (the officials) say they don't want another Baber Village. But they're the only ones who can prevent it," said State Senator Tommie Broadwater (D-Prince George's) at yesterday's demolition. "It's not the poor people who are completely responsible. It's the way the programs are managed."

Like other officials present yesterday Broadwater, who represents this primarily black community, said the demolition was a long time coming. But he emphasized that, although the project would continue to be subsidized, it would not carry the old stigma. It would be designed for 100 fewer units and have ample recreation space.

"Individual subsidies aren't the only answer," said Broadwater. "In fact, we haven't even used up the certificates (for federal subsidies) that we have. Realtors won't rent their nice apartments if they know someone is on subsidies. We need legislation that will force all complexes to accept them and not just those in the inner beltway."

The housing complex, though, symbolizes more than the problems of subsidized housing. Almost one-quarter of the apartment stock in the county could deteriorate as Baber Village has within five years, according to an independent study released this summer. Most of those complexes are the hastily and shabbily constructed projects of the '60s that have made "garden-style apartment" almost a mockery in some eyes in the county.

Despite that, and Kelly's opposition to similar projects, the newly constructed Baber Village will remain an across-the-board subsidized project. Tenants will be selected on a basis of need and will pay no more than 25 per cent of their income for the two and three-bedroom apartments.

HAMILTON SUPPORTS EDUCATION LEGISLATION

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. HAMILTON. Mr. Speaker, the 84th Congress has taken several important steps, with my support, to improve the quality of American education. About one-third of our population is directly involved in the educational process, and our society depends on education in many vital ways.

This Congress acted on a great deal of education legislation. Among the bills already enacted in the past 2 years are these:

First, a law extends the Rehabilitation Act through fiscal 1978 to assist States to meet the needs of handicapped individuals.

Second, another law provides financial assistance to the States to insure the right to an education for all handicapped children.

Third, a new law authorizes funds for a demonstration project on dissemination of health, education, and public or social service information via the broadcast media.

Fourth, nationwide reading improvement projects have been authorized.

The Congress also enacted two bills over the President's veto: A bill extending and strengthening the National School Lunch and Child Nutrition Act, and legislation appropriating funds for Federal education-support programs for fiscal 1976.

Other measures await final congressional action this year. I am hopeful that action can be completed on them before adjournment. They include legislation to:

Extend the Library Services and Construction Act for 5 years, through fiscal 1981;

Reimburse State and local educational agencies for the costs of educating Indochinese refugee children;

Extend and expand the guaranteed student loan program and to curb the rate of defaults under this program;

Authorize funding through fiscal 1977 for Federal higher education efforts in the areas of student assistance, construction, and community college and occupational education aid; and

Extend the Vocational Education Act for several years, with increased funding.

I look forward to working with members of the educational community to pass this and other legislation that improves the quality of education in this country.

10TH DISTRICT FOOD PRICES STABLE

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. MIKVA. Mr. Speaker, food prices in the 10th District of Illinois seem to be leveling off, according to the latest survey of major grocery stores in the district conducted by my staff. This trend varies from the national average food prices, which appear to be decreasing slightly.

From June to July, the increase in food prices in the 10th District was the smallest increase in nearly a year. The price of a 27-item market basket of food items and household supplies rose an average of only 0.1 percent, from $20.31 on June 19 to $20.33 on July 17.

Of the 32 items surveyed, only 12 items increased in cost, which is the largest number of unchanged prices since October. The most constant price has been that of a 20-ounce loaf of bread, which has held at an average of 57 cents since April. The greatest drop in the price of a single item is that of a pound of fresh green beans, a seasonal item, from an average price of 59 cents on June 19 to 42 cents on July 17, or a drop of 28.8 percent.

The average prices of the six supermarket chains we surveyed showed the smallest price difference for the 27-item market basket since September 1975.

The item that displayed the greatest average price increase from the June to the July survey was sirloin steak, which has been a constantly fluctuating item. Steak rose 10.3 percent in price, from $1.55 a pound in June to $1.71 in July.

My staff has been charting food prices in 10th District grocery stores since June 1974. The 26 stores surveyed each month are members of the following chains: A & P, Dominick's, Jewel, Kohl's, National, and Treasure Island. The stores are located in Des Plaines, Evanston, Glenview, Lincolnwood, Morton Grove, Niles, Northbrook, Park Ridge, Skokie, Wilmette, and Winnetka.

Of all the supermarkets surveyed, the Jewel stores had the lowest average price as a chain for both the 27-item market basket and the meat case items on July 17: $20.10 for the market basket, a drop of 1.9 percent from the June total of $20.49 and $10.66 for the meat items, a drop of 5.9 percent from the June total of $11.33.

The July survey was conducted by the following members of my high school intern program: Mary Anderson of Des Plaines; Esther Levin of Evanston; Rich Berman of Northbrook; David Barclow, Dina Ciccia, and Bob Wagner of Park Ridge; Greg Marmel of Skokie; Chuck Cohen, Mindy Cranous, Ann McCoskri and Larry Shulruff of Wilmette; and Lynn Fitz-Hugh of Winnetka.

Peter Burchard, Joel Lieberman and Carol Markin of my Des Plaines staff coordinated the survey.

The information follows:

FOOD SURVEY RESULTS, CHANGE PER STORE FROM JUNE 19, TO JULY 17, 1976

Town and store	Market basket		Meat case	
	Price	Percent change	Price	Percent change
Evanston:				
Dominick's	$20.30	+1.4	$10.67	+2.2
Jewel	20.08	—.3	10.25	—9.1
Park Ridge:				
Dominick's	20.39	+2.9	11.92	+12.3
Jewel	20.15	—.4	10.43	—5.0
Wilmette:				
Jewel	20.05	—1.4	10.88	—1.8
National (Skokie)	20.48	+.1	11.70	+7.6
National (Central)	20.62	—2.8	11.66	+.8
Treasure Island	20.55	+1.0	11.44	+1.4
Lincolnwood:				
Kohl's	20.42	+4.8	11.09	+6.7
National	20.75	+1.7	12.52	+15.2
Winnetka:				
A & P	20.45	+1.5	10.99	—3.6
Jewel	20.07	—4.8	10.97	—4.9
Northbrook:				
Jewel	20.17	—2.6	11.08	—4.6
National	20.37	—.5	11.56	+6.2
Des Plaines:				
Dominick's	20.32	+1.4	11.41	—15.1
Jewel	19.99	—1.2	10.58	—1.7
National	20.01	—1.3	11.40	+6.1
Niles:				
Jewel	20.05	—3.8	10.49	—11.2
National	20.79	+1.3	11.85	+8.8
Morton Grove:				
Dominick's	20.19	+2.9	11.11	+7.2
Jewel	20.15	—1.9	10.58	—8.0
Glenview:				
Dominick's	20.38	+3.5	11.92	+13.0
National	20.79	—.4	11.60	+.2
Skokie:				
Dominick's	20.44	+3.1	11.21	+7.2
Jewel	20.23	—.4	10.67	—6.7
National	20.53	+.5	11.77	+8.3
District average	20.33	+.1	11.22	+2.1
By chain:				
Dominick's	20.34	+2.6	11.87	+9.5
National	20.54	—.1	11.76	+6.6
Jewel	20.10	—1.9	10.66	—5.9
A. & P	20.45	+1.5	10.99	—3.6
Kohl's	20.42	+4.8	11.09	+6.7
Treasure Island	20.55	+1.0	11.44	+1.4

FOOD SURVEY RESULTS—CHANGE PER STORE FROM JUNE 19 TO JULY 17, 1976

Item	Price	Percent change
Meats:		
Sirloin steak (with bone)	$1.71	+10.3
Boneless rolled rump roast	1.45	—2.0
Pork chops, loin/rib	1.94	+1.6
Oscar Mayer beef hot dogs	1.27	—1.5
Chicken, whole fryers	.57	—9.5
Round steak (with bone)	1.42	+2.9
Ground beef (75 percent lean)	.98	0
Armour bacon	1.87	+5.6
Produce:		
Bananas	.27	0
String beans	.42	—28.8
Iceberg lettuce (per head)	.59	+3.5
Dairy:		
Eggs (dozen, grade A large)	.83	+6.4
½ gallon 2 percent low-fat milk	.79	0
Kraft American cheese (16 slices)	1.09	.9
Small curd cottage cheese (16 oz)	.79	+1.3
Bakery products:		
Wonder bread (20 oz)	.57	0
Nabisco salted saltines	.65	+1.6
Kellogg's special K (11 oz)	.73	0
Frozen foods:		
Frozen mixed vegetables	.53	+3.9
Swanson's hungry man turkey dinner	1.30	+1.6
Minute Maid frozen orange juice (12 oz)	.66	0

FOOD SURVEY RESULTS

[Change per store from June 19 to July 17, 1976]

Item	Price	Percent change
Canned fruit: Del Monte peach halves (29 oz)	$0.62	+1.6
Staples: Crisco shortening	.59	—1.7
Miscellaneous prepared foods:		
20-oz. Heinz ketchup	.63	+1.6
Peter Pan peanut butter	.69	0
Strawberry Jello	.21	0
Campbell's chicken noodle soup	.21	0
Kal-Kan chunky beef (dogs and cats)	.31	3.1
Nonfoods:		
Scott paper towels (double roll)	.69	0
Tide detergent (49 oz)	1.36	0
Reynolds aluminum foil (75 ft)	.95	0

PERSONAL EXPLANATION

HON. WILLIAM S. MOORHEAD

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. MOORHEAD of Pennsylvania. Mr. Speaker, because I was absent from the Chamber, I missed some rollcall votes on August 9.

Had I been present and voting, I would have voted in the following manner.

No, on rollcall no. 621;
No, on rollcall no. 622;
Yea, on rollcall no. 624, and
Yea, on rollcall no. 625.

THE STEPHEN E. JOHNSTON BEACH AND PAVILION

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. OTTINGER. Mr. Speaker, on August 15, 1976, the village of Mamaroneck, N.Y., dedicated the Harbor Island beach and pavilion to Mr. Stephen E. Johnston in honor of "a man whose devotion to

youth and aquatics shall always be remembered with affection and esteem."

Born and raised in Mamaroneck, Mr. Johnston's contributions to his community span over 50 years. He played baseball and basketball with several clubs in the area. He organized Mamaroneck All-Stars football team in 1923. In 1924–25–26–27–28 his team won without a loss. He coached basketball teams; umpired high school and semipro baseball; refereed basketball games. He also coached competitive swimming for 45 years and taught thousands of children swimming. He was a director and instructor for the American Red Cross, Mamaroneck Branch, Water Safety and First Aid. In addition to these activities, Mr. Johnston served as village fire chief for 52 years, and as a member of countless civic organizations.

Stephen Johnston continues to reside in Mamaroneck, and has remained active in the life of the community. Today, his favorite hobby is playing in the Larchmonth and Mamaroneck Senior Citizen Orchestra.

We are all familiar with men and women who go through life working tirelessly for the benefit of others. At times their good works are publicly recognized; at other times, life slips by so quickly that their good deeds never receive acclaim. Nevertheless, these selfless people are the heart of a healthy and flourishing society. I am thankful that such good people exist, and am pleased to join the community of Mamaroneck in publicly thanking Mr. Stephen E. Johnston—a man who has dedicated his life to make this world and his community a better place in which to live.

LARRY PIANTO

HON. MARTIN A. RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. RUSSO. Mr. Speaker, for many years I was fortunate enough to have as a friend, an exceptionally good and decent human being. Now that he is gone, I realize with dreadful certainty the gap his passing will leave in my life. And I am equally aware, having seen the results of his work and commitment in my district, the impact his death will have on the entire community. He touched many lives and those lives were greatly enriched by his presence.

When Larry Pianto passed away on August 7, he was, as ever, involved in his community. In his hometown of Riverdale, he was serving as park commissioner, as he had since 1971. He also was clerk of Calumet Township, a post to which he was first elected in 1973. Larry was employed by the Chicago Metropolitan Sanitary District and was a member of the Blue Island Sertoma, a good will organization. He was an active volunteer in the Riverdale Little League and his strong belief in our governmental process meant countless hours of work and personal contact in furthering that belief.

In his all-too-short lifespan, Larry gave of himself freely and unselfishly. He worked to restore confidence in our Government. He cared. He was loyal. He had a patriot's commitment to our Nation and exemplified good citizenship in his activities.

How we will miss him. I know my colleagues join with me in extending deepest sympathy to his children and to Ann, his beloved wife of 37 years.

REVERSAL OF VOTE ON PAY RAISE AMENDMENT

HON. CHARLES A. MOSHER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. MOSHER. Mr. Speaker, 2 days ago I placed a statement in the CONGRESSIONAL RECORD, referring to a proposed amednment to the legislative appropriations bill, to bar Members of Congress from receiving a cost-of-living salary increase during the coming fiscal year.

In that statement I said, "I expect to vote in support of this amendment." Yesterday, when the bill was debated, I voted against the amendment.

Consequently, I am making this brief statement to explain what caused me to change my decision as to how I would vote.

Basically, my attitude and position remained constant, but the proposed amendment was changed, and I found the proposal in its revised form to be unacceptable.

As it was originally proposed, the Shipley amendment would simply have barred Members of Congress, but no one else, from receiving the automatic cost-of-living pay increase that is due next month. As I said Tuesday, I approved of this idea, although I also added:

> I regret that we must attempt to correct our previous legislative mistake by means of an amendment to an appropriations bill. Also, I regret that the House has totally failed to respond to repeated suggestions that we improve our system of salary determination.

Well, Mr. Speaker, instead of improving the system yesterday, we may have worsened it.

Before we had a chance to vote on it, the Shipley amendment was changed so that it freezes the salaries not only of Members of Congress, but also those of Federal judges and of the so-called supergrade civil servants. Now, why should these people be penalized because of our political machinations?

It is my long-held belief that congressional salaries should not change between elections. We should not change our own salaries whenever the spirit moves us. Rather, because of our unique position as the only Federal officials able to raise or lower their own salaries, we should allow the public a proper voice by deferring salary changes to the subsequent Congress. That is, we should provide that you cannot receive an agreed upon salary increase until after you are reelected and serving in the next Congress.

Instead of moving toward that logical course, though, we have instead gone the proverbial two steps forward and three steps back.

What we have done is to return almost exactly to the situation where we have no salary adjustments whatsoever, where Federal executives and judges are subject to an intolerable wage freeze and there is no rationality or order to the procedures followed.

Mr. Speaker, by my "no" vote yesterday, I sought to indicate my unwillingness to participate in this charade.

I was willing to acquiesce and vote against the congressional pay raise, because I continue to believe the present system is inexcusable, but I cannot justify penalizing civil servants and justices for our own perverse purposes. Merely because we in Congress have been stung by the criticisms of public and private gadflies who object to the miserable system we adopted last year, this is not reason enough to justify our swinging about wildly and inflicting injury on innocent bystanders.

Instead of playing political games with the appropriations bill, Mr. Speaker, we should be buckling down to the serious business of enacting meaningful reform legislation. Until we do this, we will continually have to go through this silly routine.

TRIBUTE TO AL HAUFFE—A LIFETIME OF SERVICE TO RURAL ELECTRIC PROGRAMS

HON. LARRY PRESSLER

OF SOUTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. PRESSLER, Mr. Speaker, the rural electrification movement lost a genuine friend and leader when Al Hauffe, Leola, S. Dak., passed away recently.

Al served as president of the South Dakota Rural Electric Association for 21 years; he was South Dakota's representative on the NRECA board for 27 years, serving as president for 2 years, vice president for 2 years and secretary for 5 years.

There has been no more dedicated and enthusiastic supporter of the rural electric program than Al. Although my formal association with Al has been short, it has been a high point of my service in Congress to have gotten to know Al Hauffe.

A fine tribute to Al by Tom Fennel appeared in the South Dakota Rural Electric Association's weekly notes. Tom speaks for all of us in his tribute to a fine gentleman—Al Hauffe.

The Tribute follows:

> We'll miss him. Boy, how we'll miss him! Al Hauffe: family man, farmer, cooperative leader and as solid a citizen as I've had the privilege of knowing died Wednesday.
>
> I first met Al when I was being interviewed for the job of High Liner editor by then SDREA Manager Dall Gibbs back in 1963. Al was president of SDREA at that time and also was serving as president of our national association, NRECA. If I live to be 101 I'll never forget the sight of this tall, rawboned South Dakotan presiding at the first national meeting of NRECA that I ever attended. It was down in Dallas, Texas, and I can assure

you that it was an impressive sight to watch Al at that podium before 10,000 people, appearing as relaxed and comfortable with that audience as he would be back in Ipswich presiding at a meeting of the FEM Board.

But that was Al. He was comfortable with people of whatever level of society or in whatever numbers and I guess that's why he made such a great cooperative leader—he just naturally liked and understood people.

I only knew him for 13 years. Many of you were privileged to know him much longer. But, of whatever the length of friendship, we're all better off for having known Al and for having had the pleasure of working with him in the rural electric program.

THE COST OF REGULATION

HON. DALE MILFORD

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. MILFORD. Mr. Speaker, Federal regulation of businesses continues to cost our economy millions of dollars in lost funds. These funds are lost in meeting restrictive, and often unnecessary, guidelines, and are lost to foreign nations, where our own firms may do business without the cost and delay of redtape.

An editorial in the Arlington Daily News, the Grand Prairie Daily News, and the Irving Daily News—all members of the News Texan Group—deals with the problem.

I share it with my colleagues:

[From the Irving Daily News, Aug. 29, 1976]

THE COST OF REGULATION

Is federal regulation of business beneficial?

Since many of the purported results of regulation—cleaner air, safer products—are simply difficult to price, a categorical cost-benefit analysis of regulation is difficult.

Fortunately, an account of costs imposed by federal agencies is readily available; and Mr. Milton Copolus, under the aegis of The Heritage Foundation, has published a paper ("The Costs of Regulatory Agencies") which refutes the alleged insignificance of regulatory costs. Regulation inhibits domestic investment and productivity; it imposes enormous costs on individual corporations and the economy.

Investment diverted overseas, primarily to Japan or Germany to avoid unnecessarily restrictive red tape at home, hinders domestic productivity and, thus, stimulates inflation. American fixed investment, which between 1960 and 1973 accounted for only 17.5% of the Gross National Product, has lagged behind that of 11 other major industrial countries. Of course, the flight of American capital stimulates higher levels of investment abroad, where capital is looked upon as necessary to a nation's future employment.

This attitude contrasts with Congress's, which emphasizes the confiscation of, rather than the production of, wealth. Consequently, productivity, increasing annually by 4% from 1948 to 1954, dropped to 3.1% in the next ten years, and declined further to 2.1% in the decade following. Unfortunately, it has failed to improve: the current rate is 1.5%, a figure half that of other Western industrial economies—even Great Britain's. In part because of lower productivity, inflation which was 4% in 1966, rose to 5% in 1969, and surpassed 12% in 1974.

Corporate balance sheets more directly indicate the increasing expense and complexity of federal regulation. General Motors must obey the proscriptions of 29 federal laws, which cost it nearly $1.3 billion. Quaker Oats is accountable to 27 federal agencies, and Goodyear to 36. While last year it spent $27 million on compliance, Goodyear projects this year's outlays for regulation near $38 million. Eli Lilly, the drug manufacturer, expends $15 million to complete 27,000 reports for the federal government.

In 1970 Dow Chemical Company paid out $164,000 to meet federal standards; in 1975, the figure was $1.5 million.

Yet the nation, not the individual company, pays the regulation bill in terms of higher prices and potential unemployment. The Office of Management and Budget estimates that regulation will absorb $130 billion this year alone, approximately 8.1% of the Gross National Product; another $60 billion is now taken from the taxpayers to finance the 60,000 employes who administer the 24 agencies Congress established between 1962 and 1973. Moreover, if current policies remain law, the New York Stock Exchange, Chase Econometrics, and General Electric attest that future investment will fall short of that necessary to provide for high employment by $500 to $600 billion. However, if less than half of regulatory costs were diverted to fixed investment, more than 700,000 private jobs would be created, an employment figure near 70% of that for proposed public—that is, taxpayer financed—jobs.

Thus, regulation diverts capital abroad and to unproductvie domestic uses. Domestic investment and production are impaired; prices are inflated. Certainly, federal regulations are an expense from which Congress's and the taxpayer's attention has been diverted for too long.

HELSINKI FINAL ACT

HON. JAMES M. HANLEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. HANLEY. 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, and at this time I would like to bring to the Members' attention the situation of the Yankilovich family—Isaac and his wife, Ninel, and their children, Marina and Grecia, who have been detained in Moscow despite their request in August of 1972 to emigrate to Israel. It is contended that since Ninel worked in the Russian aviation industry as an economic engineer she had access to secret information and because of this her request to emigrate was denied. Ninel left that position in 1971 and has not worked since. Not only has emigration been denied the family, but their telephone has been disconnected to preclude contact with her mother who now lives in Israel. Her husband has never had access to secret Russian information. Although a graduate road construction engineer, her son has been denied a job in his field and has had to accept work as an ordinary laborer.

This oppression is obviously retaliation by the Russian authorities as a result of the Yankilovich's request to emigrate.

My colleagues and I want to make known to the Soviet Union and to the rest of the world that we strongly oppose oppression of this nature. As Representatives in a nation which is dedicated to the principle of freedom to pursue life, liberty, and happiness, we hope that our opposition will be noted and will lend impetus to a change of philosophy on the part of the Soviets toward those wishing to begin life anew in another land.

STATEMENT OF MR. RAILSBACK ON THE OMNIBUS ANTITRUST BILL

HON. TOM RAILSBACK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. RAILSBACK. Mr. Speaker, in reading certain newspaper accounts of the Senate debate on H.R. 8532 and even in reading remarks made by Members of the other body in the CONGRESSIONAL RECORD, I believe that there is a great misunderstanding as to the nature of the proposal which is now being considered. There seems to be a general misimpression that some agreement has been reached between Members of this body and Members of the other body concerning the final shape of the antitrust bill. That is not correct.

There has been no compromise agreed to between the House and the Senate.

There has been no compromise agreed to between the House conferees and the managers of the bill in the Senate.

In fact, there has been no meeting between the House conferees and the managers of the bill in the Senate.

Contrary to the publicized misunderstanding, the House conferees met by themselves and collegially decided how far they could go in compromising the House and Senate positions. This compromise was put in written form and transmitted at the staff level to the other body. Thereupon without the concurrence of any member of the House conference committee, significant changes were made to the House proposal before it was introduced in the other body as the proposed Senate amendment.

Let there be no mistake. Although the Senate proposal does in large measure reflect the position proposed by the House conferees if one judges solely by the form and the words used in the proposal, the changes unilaterally made by the proponents in the other body go to the heart and soul of the legislation.

Frankly speaking, I believe that the House versions on the premerger notification title and the civil investigative demand title were superior to the versions adopted in the other body, and were generally recognized as such. The Senate versions, perhaps inadvertently, were seriously flawed. In view of these flaws, there really was no choice but to accept the House versions.

But the parens patriae title is another matter. The Senate proposal now under consideration does not at all embody the provision adopted in the House and the proposal suggested by the House conferees.

The proposal under consideration in the Senate guts the House position in two significant respects. First, the House rather convincingly rejected attempts to water down the absolute ban on contingency fees. The purpose of the House ban was to insure that a State would not bring a lawsuit unless it was committing its own resources to the case and to promote further the development of in-house expertise in the various States. The Senate proposal guts the House ban by permitting contingency fee arrangements wherever the court approves of the fee as a reasonable one unless the fee contract between the private attorney and the State is phrased in terms of a "percentage" of the recovery. These apparent restrictions on the use of contingency fee arangements are minimal in view of the fact that as a general matter the court will oversee the award of attorneys fees in such cases and because there is no difficulty in drafting contingency fee contracts on some basis other than a percentage of the recovery. The effect of this Senate change which we have not agreed to is to convert a consumer's bill into a lawyer's bill. And that is directly in opposition to the House position.

A second significant change incorporated in the Senate proposal over the objection of the Houses conferees is the provision in the House bill which permitted treble damages to be reduced to single damages where the defendant could show that his violation was in good faith. The House position is that the damages awarded should be commensurate with the wrong and that it is unjust to inflict treble damages on any defendant that has relied on prior judicial or administrative precedent, reasonably believing that his actions—later found to be illegal—were exempt or immune from the antitrust laws. The House specifically adopted this reasonable approach when the bill was before it last March. The Senate proposal rejects this approach.

As far as I know, no member of the House conference committee has suggested to any Member of the other body that these two significant changes—which go to the heart and soul of this legislation—are agreeable to the House conferees or to the House itself. In my opinion, if the Senate continues on its present course, the entire antitrust package is in serious trouble. I have serious doubts that the Senate proposal can clear the House floor and the President's desk in its present form. In my opinion the refusal of the Senate managers to accept the proposal of the House conferees place the life of the antitrust bill in jeopardy.

MORE BUREAUCRACY?

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. ASHBROOK. Mr. Speaker, the American people are opposed to the ever increasing size of the Federal Government which is growing larger and less responsive. What is not needed is more agencies being created. Let us take a look at the position of the Democrat platform on this issue.

CONSUMER PROTECTION AGENCY

Proposals for a Consumer Protection Agency on the Federal level have raised much controversy. Small businesses particularly are concerned with the addition of yet another agency which will bury them under paperwork and only add to costs.

The Democrat platform comes out foursquare for another agency and another level of bureaucracy. In part, the platform supports "the creation and maintenance of an independent consumer agency with the staff and power to intervene in regulatory matters."

JUDGE CARTER—A GREAT SON OF CALIFORNIA

HON. HAROLD T. JOHNSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. JOHNSON of California. Mr. Speaker, this summer California and the Nation lost a man whose dedication to his profession, whose unimpeachable integrity, and whose compassion for his fellow man sets an example all of us would do well to follow.

The Honorable Oliver J. Carter, presiding judge of the U.S. District Court of Northern California, achieved a notoriety of sorts in the few months before his death because it was he who had presided over the trial of Patty Hearst. During that trial, he was described as "a blunt, old fashioned, Trumanesque man * * * who would brook no nonsense, but who could laugh at himself." This is an apt description, but having known Ollie Carter for many, many years, I find it inadequate because it fails to reach to the heart of the individual who, I believe, was one of the State's and the Nation's outstanding jurists.

I have known Ollie Carter since the mid-1940's when he was a California State Senator. I was attracted first by his vitality, his concern for his fellow man and most of all by his devotion and dedication to serve the people. No challenge was too great for him. When a job was to be done, he tackled it and solved it. He never backed away from a task, no matter how difficult.

Judge Carter was elected to the California State Senate to succeed his father, the Honorable Jessie W. Carter, who had been appointed to the California State Supreme Court. At that time, he was the youngest man ever to serve in the California State Senate, but youth was not an obstacle. He quickly won the respect and admiration of his colleagues, many of whom were of his father's and grandfather's generation.

A devoted Democrat, Ollie Carter spearheaded the Northern California campaign for Harry Truman in 1948. As we all recall this was the campaign that was supposed to be doomed for failure. Here again, is another mark of the measure of the man that was Ollie Carter. I was privileged to work with him in this campaign and never once did he show any sign that the final result would be anything but victory. We all know what happened in 1948. It was, of course, the scrappy, determined, hard work of fighters such as Harry Truman and Ollie Carter which made it possible.

Mr. Speaker, much has been said about Ollie Carter since his death, but one of the finest commentaries on this great man was by Earl G. Waters, an old friend of mine and of Ollie Carter's. Earl had known Ollie and watched him with affection for many, many years. His column on the late Judge Carter, "A Great Son of California," was written from the heart and I include it to be inserted in the RECORD at this point so that others in this House may know and appreciate the type of man that was Judge Oliver J. Carter:

LATE JUDGE CARTER A GREAT SON OF CALIFORNIA

(By Earl G. Waters)

The passing of Federal Judge Oliver J. Carter removes from the scene one of California's truly great sons. It is, in a sense, unfortunate that his greatest fame was the result of a notorious trial involving a tragic happening in another great California family. For Carter will now be remembered by most as the judge who presided over the trial of Patty Hearst. A lifetime of achievement will be over-shadowed by that one case.

It was, of course, fitting that Carter should be the judge for such a trial. For he brought to that difficult role 25 years of experience as a trial judge. But he brought far more than that.

He brought unimpeachable integrity with an innate back country humor and wisdom, along with an overwhelming balance of fairness and self-deprecation.

His own opinion of himself was almost as if Tennyson had known Carter when he wrote:

"In me there dwells no greatness,
"Save it be some far off touch of greatness
"To know I am not great."

Although born in San Francisco, the city in which he was to die, he was raised in the backwoods of Shasta County in the town of Redding where his father, Jesse W. Carter, practiced law. He attended Stanford University and graduated from Hastings College of Law to return to Redding and join his father's firm.

Shortly thereafter his father was elected to the Senate, only to be named soon after to the State Supreme Court by Gov. Culbert L. Olson where he served until his death.

The appointment opened the door to a political career for Oliver Carter who, at 29, became the youngest state senator to serve up until that time. He was also one of the few legislators ever elected to directly succeed a father, family dynasties not being well received in this state's politics.

His election was to be a test of his mettle. Thrown into a forum where the average age was near 60, he was viewed as somewhat of an upstart, best seen and not heard.

Another obstacle was that of being a Democrat in a house long dominated by Republicans. As such his views weren't likely to be welcomed regardless of his age.

But Carter, constrained though he was by age and party affiliation, was to develop fast, winning both the respect and friendship of his elders. For he had an affability that was hard to reject and when he did rise to speak his fairness, logic and sound expositions of the law earned him the attention of his peers.

In the torrid battles which ensued in the late 1940s over the gasoline tax proposals to finance the freeway programs proposed by

Sen. Randolph Collier, it was Carter who was chosen by the Senate as the mediator between opposing forces. While Collier gets the credit for launching California's modern highway system, it was Carter's equanimity which made it possible, a fact duly recognized at the time by Gov. Earl Warren.

Because legislators were paid only $100 a month in those days, financial pressures forced Carter to retire from the Senate after two terms. He had planned to devote his full attention to his law practice but he was prevailed upon to take the chairmanship of the State Democratic Central Committee.

It was the year of 1948 and President Harry Truman was seeking election in his own right. Republican Thomas Dewey had already been elected by the polls, the media and almost everyone else except the people. Carter had much to do with Truman carrying California and defeating Dewey.

As a result, Truman, who had intense loyalty for those who helped him, named Carter to the federal court. His nomination was held up for more than a year while Nevada's Sen. Pat McCarran, as chairman of the Judiciary Committee, sought to compel the appointment of his candidate to a judgeship in his home state.

Judge Carter served on the federal bench for 26 years and handled many important cases. But, like his contributions as a state senator, those decisions will be blotted from public memory by his last case.

Fortunately, then, his conduct in that exemplified a lifetime of honor and ability.

THE HONORABLE E. D. E. ROLLINS, SR.

HON. ROBERT E. BAUMAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. BAUMAN. Mr. Speaker, many Marylanders were saddened recently by the passing of the Honorable Edward D. E. Rollins, Sr., of Elkton, Md. Judge Rollins was a distinguished member of the judiciary in the State of Maryland, as well as having served with distinction as the attorney general for the State of Maryland from 1952 to 54. I was proud to know this great man and to call him my friend. He died at the age of 76 on July 5 and leaves behind him an illustrious career of achievement in our State.

Both Mrs. Bauman and I extend to the family of Judge Rollins our sympathies with the knowledge they are comforted by the many achievements of this great man.

Mr. Speaker, at this point I include in the RECORD a copy of an article from the Cecil Whig of July 7, 1976, which takes note of the career of Judge Rollins:

JUDGE E. D. E. ROLLINS, SR., FORMER STATE ATTORNEY GENERAL, DIES

Judge Edward D. E. Rollins Sr., of Elkton, who was attorney-general for the State of Maryland from 1952 to 1954, died Monday, July 5, at the age of 76 in Union Hospital in Elkton.

A former Circuit Court judge here, he had been ill several months. His home was at 131 East Main Street, Elkton.

Appointed attorney general for Maryland by Governor Theodore R. McKeldin, Judge Rollins assumed his duties on Nov. 14, 1952.

He was prominent in the activities of the National Conference of Attorneys General and served on the Tidelands Committee until June 20, 1955.

He was appointed to the bench as Associate Judge of the Second Judicial Circuit Court, which includes Cecil County, by Governor McKeldin in June, 1957. In an election held Nov. 4, 1958 he was elected for a 15-year term as Circuit Court judge.

Judge Rollins was a member of the American Bar Association, the Maryland Bar Association, the Cecil County Bar Association and the Second Judicial Circuit Bar Association.

He was a member of the Board of Directors of Union Hospital and was finance chairman in 1941 and 1943 in charge of raising funds for the erection of the new hospital.

In 1944 he was an alternate delegate to the Republican National Convention and a delegate to the Republican National Convention in 1952.

During World War II, he served as chief air raid warden in charge of Civil Defense in Cecil County.

Judge Rollins was a member of the American Legion and 40 et 8 Society and had served as commander of Cecil Post 15 in Elkton and one term as Judge Advocate of the Legion's Department of Maryland.

He was a member of the Benevolent and Protective Order of Elks, the Kiwanis Club of Elkton and the Knights of Columbus of Elkton.

Judge Rollins received the "Citizen of the Year" award from the Elkton Chamber of Commerce on Feb. 13, 1968.

In 1974 he was general co-chairman of the Cecil County Tricentennial celebration that marked the 300th anniversary of the county's formation.

Born in Baltimore, Judge Rollins was reared there, where he attended public schools. After being graduated from Baltimore City College, he enlisted in the United States Navy.

Later he returned to Baltimore, where he entered the Law School of the University of Maryland from which he was graduated in June, 1922.

In 1921 he became secretary of the Medical Service of the Supreme Bench of Baltimore, with which he was connected until 1927, when he moved to Elkton and entered the private practice of law.

He married the former Miss Elizabeth Regina Andrew in 1925.

In 1931 he was elected state's attorney of Cecil County and served for three successive terms until January, 1943.

Funeral services were scheduled for 11 a.m. today (Wednesday) in Immaculate Conception Roman Catholic Church. Burial was to be in Bethel Cemetery at Chesapeake City.

Survivors include the widow, Elizabeth; a son, Edward D. E. Rollins Jr. of Elkton; two daughters, Mrs. Nancy Rollins Crowgey of Charlotte, N.C., and Mrs. Elizabeth Lloyd Pagano of Vienna, Va., 13 grandchildren and one great-grandchild.

Memorial contributions may be made to Immaculate Conception Church Building Fund.

SPRINKLERS FOR NURSING HOMES

HON. MARTIN A. RUSSO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. RUSSO. Mr. Speaker, I wish to take this opportunity to announce my cosponsorship of H.R. 14406, and to discuss my support for this important legislation.

This legislation requires the installation of automatic sprinkler systems in all nursing homes receiving medicare or medicaid funds. Additionally, it provides direct loans to the affected homes for the purpose of installing these systems.

Between 1951 and 1974 there were, according to statistics compiled by the National Fire Protection Association, 68 nursing home fires in which three or more people died. These fires, known as multiple-death fires, took 629 lives. Moreover, each year some 300 to 500 of our elderly citizens perish in single-death fires.

Elderly Americans living in nursing homes are easily victimized by smoke and flames. The average age of a nursing home resident is 82. These individuals are often plagued by a variety of physical and mental disabilities. Some patients may be heavily sedated or confined by artificial restraints when a fire strikes.

As these fires spread, Mr. Speaker, some patients may struggle with those attempting to rescue them. Others run toward the flames. At times unable to adapt to the realities of advancing age, or unwilling to succumb slowly and painfully to a terminal illness, the elderly may find fire the most accessible method of suicide.

The elderly, then, Mr. Speaker, are tragically easy to kill and, far too often, all too hard to save. That makes it imperative that we in Congress insure that their living quarters are as safe as we can possibly make them. Study after study has shown that there has never been a multiple-death fire in a nursing home equipped with a complete automatic sprinkler system. Approximately one-half of our Nation's 16,500 nursing homes are not required to have automatic sprinklers. H.R. 14406 would help close that gap.

In January and February of this year two nursing home fires in the Chicago area took some 30 lives. I invited the House Select Committee on Aging, which is chaired by the distinguished gentleman from Missouri (Mr. RANDALL) to hold hearings on the problems of the elderly in the Third Congressional District. At those hearings, held in early August, Francis J. Murphy, chief of the Chicago fire department's fire prevention bureau, a man with a wealth of wisdom and experience in these matters, talked about the tragic fire at the Wincrest Nursing Home, in which 23 people perished.

I hope my colleagues will read with care the words of Chief Murphy as he called for the installation of sprinklers in every nursing home.

Mr. MURPHY. Gentleman, you know, your mother, my mother, your father, can we put a price on their body? There is no money in this world that can put a price on their body.

So I say let us go the full route. And the best thing that I know of is a sprinkler system which is 98 percent perfect. So why fool around and why not go for the best.

Mr. Speaker, I hope we will heed the words of Chief Murphy and pass H.R. 14406 as soon as is humanly possible.

THE SPACE PROGRAM'S SURPRISING SPIN-OFFS

HON. BARRY M. GOLDWATER, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. GOLDWATER. Mr. Speaker, a recent article in the National Observer entitled "The Space Program's Surprising Spin-Offs," outlines the almost incredible down-to-earth benefits our space program has produced.

Since this aspect of the space program is so easily forgotten and ignored, I present the article for my colleagues' edification:

[From the National Observer, July 3, 1976]

THE SPACE PROGRAM'S SURPRISING SPIN-OFFS: SPORTS TOGS, PACEMAKERS, SEWAGE TREATMENT

(By Jaime Friedman)

A Cleveland fireman with specialized medical training rushes to help a 62-year-old woman, a heart-attack victim. Artificial respiration produces no pulse. He pumps an intravenous mixture of dextrose and water into her veins to prevent their collapsing, then tries repeated blows to her chest. Still no response.

In the tense moments that follow, he does something to save her that wasn't possible a year ago. With a two-way radio hookup, he transmits her electrocardiogram to a monitor, in a hospital miles away. Under a doctor's moment-to-moment direction, the fireman uses electroshock to jolt the woman's heart back to beating and keep her alive until she can get intensive medical care.

This device for relaying and monitoring a heart-attack victim's condition is part of a "Telecare" emergency package derived from the Skylab telemetry system that transmits an astronaut's vital signs from space to earth. Now used by rescue squads in Cleveland, Houston, and other cities, Telecare is a dramatic illustration of the many ways advanced space technology is being applied on earth.

DOWN-TO-EARTH APPLICATIONS

The space-exploration program required the development of new inventions in practically every field of science and engineering, among them, metallurgy, chemistry, and electronics. Break-throughs had to be made in miniaturizing products, cutting their weight, and achieving new standards of reliability. There has always been speculation that the technology of the $60 billion space program might have a wide-ranging practical impact on life on earth.

Communications and weather satellites are the most familiar applications of space technology. But there are numerous products in everyday use that appear to have nothing at all to do with the space program yet would not have been developed without it.

Take the suit developed to ensure that astronauts returning from the moon would not contaminate the earth with unknown and possibly dangerous micro-organisms. This special outfit was worn between the time the astronauts splashed down and when they were placed in quarantine on a recovery ship. Today a similar suit has been developed for those children born without normal immunities; the suit envelops the child, has its own purification system, and provides a germ-free environment that lets the easily infected child spend as long as four hours outside hospital confinement.

Take another example. The precise explosive devices created to separate the Gemini space craft from the Titan launch vehicle have now been adapted for the controlled demolition of buildings and bridges. Instead of blasting in all directions, the specially shaped charges cut an entire structure as cleanly as a torch or saw. Placed at the base of the main supports of a building, the charges slice through the girders and the building collapses.

In July the Viking Mars landers will waft gently to that planet's surface, suspended from a large parachute by only three straps. The material used for these straps is five times stronger than steel. A tire company is adapting this material for cords for radial tires that are expected to boost tread life to 10,000 miles.

Xenon-arc lights, developed to test space equipment, have been re-engineered into an intense, battery-powered portable searchlight. It weighs seven pounds, lasts 200 hours, and is 50 times brighter than an auto's high-beam headlights.

PROGRAM PAYS ITS WAY

To get off the ground, the Saturn rocket guzzles thousands of gallons of fuel every minute. Its pumping system is being adapted to douse shipboard fires with huge amounts of sea water.

The transfer of technology from space to other uses has become a major issue for the National Aeronautics and Space Administration in its budgetary battles with Congress and the Administration. For years the moon race produced generous support for the space program. But now that the race is over and earthbound economic and social problems hold the limelight, the once open hand is turning into a tighter and tighter fist. NASA annual budgets have dropped from about $4 billion in 1969, the year of the moon walk, to $3.5 billion in 1976.

Louis Mogavero, director of the NASA Technology Utilization Office, says funds have been cut back because "people aren't aware of the contribution the space program has made to almost every aspect of daily life."

DISSEMINATING INFORMATION

NASA has an ambitious program to disseminate its technological information. "Tech Briefs," a free booklet issued quarterly, announces potentially transferable technological developments. The agency has set up six Industrial Applications Centers around the country, mainly on university campuses, to provide scientific and engineering assistance to industries.

This network can tap a giant data bank that contains more than eight million technical documents and grows by 50,000 documents each month. Several thousand companies use this data bank each year. NASA also has four biomedical teams and three technical-assistance teams to help municipal, state, and Federal agencies adapt space technology to problems in fields such as health, public safety, construction, and transportation.

In co-operation with fire departments in Houston, Los Angeles, and New York City, NASA researchers have developed a lighter, more compact air tank and breathing system for firemen, based on concepts and materials designed for moon walking.

PRACTICAL CONSUMER GOODS

A space contractor who developed a quartz crystal for the precision-timing equipment used in Apollo missions has adapted the device to make more accurate mechanisms for timepieces.

Sportswear manufacturers have taken a form of aluminized mylar, created first for space-suit insulations, to make jackets, ski parkas, sleeping bags, and other gear.

Space technology has been widely applied in medicine. The pacemaker, which delivers small, regular electric shocks to pace an irregular heartbeat, grew out of the miniaturized, solid-state circuitry developed in the space program. Using NASA-developed techniques, industry researchers have now designed a device that recharges the pacemaker's battery from outside the body. Before the life of a pacemaker was about two years. When power ran out, surgery was necessary to implant a new battery. Now, once a week, patients simply put on a charger vest that passes an electromagnetic field through their chests, recharging the battery in an hour.

MEDICAL ADVANCES

A transducer is a small device for monitoring changes in mechanical or sound pressure aboard a space craft. It can pick up the vibration in the wall of a space vehicle and change it into an electrical impulse that can then be printed out by a computer on earth. NASA transducer technology is now being used in early detection of arteriosclerosis, or hardening of the arteries.

The normal test involves inserting a hollow needle into the artery to measure the arterial pulse, a process that is both time-consuming and painful. Now an "arterial pulse wave transducer," placed next to the patient's skin, can determine the flexibility of arteries externally in only a few minutes.

The device uses a transistor that converts the pressure of blood against the walls of the blood vessels into electrical signals; they then can be recorded on an electrocardiograph.

The ability of the space program to compete for Federal funds increasingly will depend on the technological spin-off it can generate. Says Mogavero: "You can see the impact of space technology across the whole economy; in computer science, in farm plows, building materials, packaged foods; in safety devices, sewage treatment, pollution detection, energy conservation, and exploration. Whether these spin-offs are enough to change the doubts about investment in space programs is hard to say."

VOTING RECORD

HON. CLARENCE J. BROWN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. BROWN of Ohio. Mr. Speaker, in a continuing attempt to provide my voting record for the first session of the 94th Congress for the benefit of anyone who would like to examine that record, I would like to have printed here my votes on matters ranging from military construction appropriations to emergency housing assistance. The material follows:

H.R. 10029. MILITARY CONSTRUCTION APPROPRIATIONS FOR FISCAL YEAR 1976

Amendment to delete $64.9 million from the bill for the construction of an armed services medical school in Bethesda, Maryland rejected 161–255, No.

Final passage of a bill to appropriate $3,518,723,000 for Defense Department construction projects in FY 1976 and $359,100,000 for the budget transition period, passed 353–51, Yea; 10–8–75.

Conference report on the bill to appropriate $3,585,014,000 for military construction projects in the U.S. and overseas in FY 1976 and $359.1 million for the budget transition period, passed 349–59; Yea; 11–18–75.

H.R. 5210 MILITARY CONSTRUCTION AUTHORIZATION

Amendment to cut $562,000 from the bill for construction of facilities at Pine Bluff, Arkansas to produce binary nerve gas munitions, adopted 219–185, no; Amendment to cut $64.9 million for continued construction

of the Uniform Health Services University of the Health Sciences at Bethesda, Maryland, rejected 191–221, No.

Final passage of the bill to authorize $4,067,523,000 for military construction projects in FY 1976 and the three month transition period, passed 369–47, Yea; 7–28–75.

H.R. 9721 INTER-AMERICAN DEVELOPMENT BANK

Adoption of the rule (H. Res. 817) providing for House Floor consideration of the bill to authorize $2.25 billion as the U.S. share of the replenishment of the Inter-American Bank and to authorize participation of up to $25 billion in the African development fund, adopted 353–24, Yea; motion to recommit and thus kill the bill to authorize $2.25 billion as the U.S. share of the replenishment of the Inter-American Development Bank and to authorize participation up to $25 million in the African Development Fund, rejected 140–276, Nay.

Final passage of H.R. 9721, passed 249–166, Yea; 12–9–75.

H.R. 3035 TAX AND LOAN ACCOUNTS

Motion to suspend the rules and pass the bill to require the payment of interest on certain funds of the United States held on deposit in commercial banks and to provide for reimbursement to commercial banks for services performed by the Federal government, agreed to 391–0, Yea; 12–15–75.

H. CON. RES. 133 SENSE OF THE CONGRESS

The Federal Reserve should conduct monetary policy in the first half of 1975 so as to lower interest rates, adopted 367–55, Nay; 3–4–75.

Conference report adoption of report of Conduct of Monetary Policy, adopted 335–46, Yea; 3–24–75.

H.R. 4415 INTERGOVERNMENTAL PERSONNEL ACT AMENDMENTS

Amendment to delete a committee provision requiring the Federal government to continue paying 75 percent of the cost of programs to strengthen state and local government personnel systems through October 1, 1978, (Under existing law, the Federal share of the program costs would drop to 50 percent on July 1, 1975), adopted 226–168, Aye; Amendment to the pending Rousselot amendment to delete a section of the bill to authorize grants to employment organizations under certain circumstances, rejected 189–213, Aye.

(The Rousselot amendment which would have barred the use of grant funds for programs relating to labor-management relations subsequently was rejected by voice vote, and the bill was passed by voice vote.)

H.R. 8773 INTERIOR DEPARTMENT APPROPRIATIONS FISCAL YEAR 1976

Amendment to increase appropriations for acquisition of wetlands as a habitat for migratory birds to $10 million from $1 million, adopted 220–203, No; 7–23–75.

Final passage of the bill to appropriate $4,101,962,000 for FY 1976 and $1,143,572,900 for the July 1–September 30, 1976 transition period for the Interior Department and related agencies, passed 417–8, Yea; 7–23–75.

Conference report on the bill to appropriate $4,234,621,000 for FY 1976 and $1,155,538,900 for the July 1–September 30, 1976 transition period for activities of the Interior Department and related agencies, adopted 407–5, Yea; 12–11–75.

H.R. 9005 FOREIGN ECONOMIC AID AUTHORIZATION

Amendment to forbid aid to countries that consistently denied internationally recognized human rights to its citizens, adopted 238–164, No.

Final passage of the bill to authorize $2.9 billion dollars for foreign economic and development assistance for FY 1976 and FY 1977, passed 244–155, Nay; 9–10–75.

Conference report on the bill to authorize $3.1 billion for foreign economic and development assistance for FY 1976 and FY 1977, adopted 265–150, Nay; 12–9–75.

H.R. 5884 COUNCIL ON INTERNATIONAL ECONOMIC POLICY AUTHORIZATION

Final passage of the bill to authorize $1,657,000 in FY 1977 for the Council on International Economic Policy, passed 345–58, Yea; 7–9–75.

H.R. 9968 TAX TREATMENT ON IRRIGATION FACILITIES

Motion to suspend the rules and pass the bill to amend Section 103 of the Internal Revenue Code to grant tax-exempt status for development bonds used to construct dams if they are used substantially for irrigation purposes at a reasonable cost to the public, passed 286–111, Yea; 10–6–75.

H.R. 5900 COMMON-SITE PICKETING

Amendment to require that the issues of the labor dispute at a construction site do not involve employees of an employer who is not engaged primarily in the construction business industry, rejected 176–223, Nay; Amendment to prohibit common-site picketing where state laws require direct and separate contracts on state or municipal projects, agreed to 229–175, Aye; Amendment to prohibit common-site picketing on all direct and separate contracts, rejected 176–222, Aye; Amendment to prohibit an extension of product boycotts to an entire construction site, agreed to 204–188. Aye: Amendment to exempt residential structures less than three stories and without an elevator from the provisions of the bill, rejected 200–202, Aye.

Final passage of the bill to protect the economic rights of labor in the building and construction industry by providing for equal treatment of craft and industrial workers through the use of secondary boycotts, passed 230–178, Nay; 7–25–75.

Conference report on the bill to make it legal for a construction union with a grievance against one contractor to picket all the other contractors on the same construction site and to establish a Construction Industry Collective Bargaining Committee, adopted 229–189, Nay; 12–11–75.

H.R. 8069 LABOR-HEW APPROPRIATIONS FY 1976

Amendment to prohibit any funds in the bill from being used by the Occupational Safety and Health to issue penalties for first violations of Federal safety and health rules by firms employing 25 or fewer persons, rejected 186–231, aye; Amendment to appropriate $30,949,000 for maternal and child health programs, adopted 279–138, no.

Final passage of the bill to make appropriations of $44.9-billion for FY 1976 and the subsequent three month transition period, for the Department of Labor, the health and welfare divisions of the Health, Education and Welfare Department and related agencies, passed 368–39, Nay; 6–25–76.

Motion to recommit to conference (and thus kill) the bill to make FY 1976 appropriations for the Departments of Labor, HEW and related agencies, rejected 156–265; Yea.

Conference report to make FY 1976 appropriations of $36,073,748,318 and transition period appropriations of $8,933,216,000 for the Department of Labor, HEW and related agencies, adopted 321–91, Nay; 12–4–75.

Motion to concur with a Senate Amendment barring the Department of HEW from using any funds in the bill to require school districts to bus children beyond their neighborhood schools with a modification to allow HEW to order busing to the school closest or next closest to the student's home, rejected 133–259, yea; 12–4–75.

Question on whether the House should concur in the Senate amendment to prohibit the Department of HEW from using either directly or indirectly any funds in the bill to require school districts to bus students beyond the school closest to their homes for the purpose of school integration, concurred 260–146, No; 12–4–75.

Motion to postpone until January 27, 1976, an override attempt to President Ford's Veto of the bill appropriating $45-billion for the Departments of Labor and HEW and related agencies for FY 1976 and the July-September 1976 transition period, agreed to 319–71, Nay; 12–19–75.

H.R. 9500 CONSTRUCTION INDUSTRY COLLECTIVE BARGAINING

Final passage of the bill to establish within the Department of Labor a committee composed of labor and contractor representatives to assist in negotiating new contracts to stabilize the collective bargaining process within the construction industry, passed 302–95, Nay; 10–7–75.

S. 267 COLORADO NATIONAL FORESTS

Final passage, a motion to suspend the rules and pass the bill to add 235,230 acres in the state of Colorado to the National Wilderness Preservation System, passed 369–1, Yea; 12–1–75.

H.R. 1589 AMEND THE FOOD STAMP ACT OF 1964

Final passage, a bill to prevent an increase in food stamp cost becoming effective 3–1–75, passed 374–38, No; 2–4–75.

H.R. 4592 FOREIGN AID APPROPRIATIONS

Final passage, a bill to provide $3,498,420,000 for FY 1975, adopted 212–201, Nay; 3–13–75.

Conference report passed 193–185, Nay; 3–24–75.

H.R. 7706 DAY CARE CENTERS

Conference report of a bill to suspend the duty on imported natural graphite until 1978 and to suspend staffing requirements for federally funded day care centers until January 31, 1976, adopted 383–10, Yea; 10–9–75.

H.R. 9019 HEALTH MAINTENANCE ORGANIZATION AMENDMENTS

Motion that the House resolve itself into the Committee of the Whole for Floor consideration of the bill, adopted 347–0, Not voting.

Final passage of the bill to modify or repeal provisions of a 1973 act (PL 93–222) providing federal assistance to health maintenance organizations, which provide a range of services to patients who pay a set monthly fee in advance rather than separate fees for each service after it is actually provided, passed 309–45, Not voting; 11–7–75.

H.R. 5546 HEALTH MANPOWER PROGRAMS

Interstate and Foreign Commerce Committee Amendment to require students in health professional schools either to repay the amount of the basic federal assistance paid on their behalf to their schools or to practice in a medically underserved area for as many years as their schools received this assistance in their behalf, adopted 209–153, No; Amendment to delete provisions of the bill that would have limited the number of post-graduate residency training positions in the U.S., beginning in 1978, and require private professional organizations to allocate residency positions by specialty, adopted 207–146, Aye.

Final passage, a bill to authorize $1.76 billion for FY 1976–78 for federal health manpower assistance programs, passed 296–58, Nay; 7–11–75.

H.R. 4925 HEALTH SERVICE PROGRAMS

Motion to recommit to the House Commerce Committee the bill to authorize $1.4 billion in FY 1976–77 for health services programs, including formula grants to states, family planning, community mental health centers, migrant health centers and community health centers for the medically underserved. The bill would also extend the pro-

grams through FY 1975 at the FY 1974 authorization level of $663 million, rejected 9–352, Nay.

S. 66 HEALTH SERVICES PROGRAM

Vote to override Presidential Veto of the bill to authorize $2 billion in FY 1976–78 for federal health service program and the National Health Service Corps, passed 384–43 Nay; 7–29–75.

H.R. 4114 NATIONAL HEALTH SERVICE CORPS

Final passage of a bill to extend and revise the National Health Service Corps program, passed 399–4, Yea; 5–7–75.

H.R. 7988 HEART, LUNG AND BLOOD DISEASES

Final passage of the bill to authorize $1.2 billion over two years, FY 1976–77, for federal programs to combat heart, lung and blood diseases and to provide research training for graduate and post-doctoral students in scientific fields, passed 375–5, Yea; 10–20–75.

H.R. 30 HELLS CANYON

Final passage of the bill to establish the Hells Canyon National Recreation Area in Oregon, Idaho and Washington and thus preventing the proposed construction of two hydroelectric power dams on the Snake River, passed 342–53, Yea; 11–18–75.

H.R. 3787 HIGHWAYS AND THE ENVIRONMENT

Final passage of the motion to suspend the rules and pass the bill to make clear that, if adopted by Federal officials, state-prepared environmental impact statements were acceptable for Federal highway projects in New York, Vermont and Connecticut, passed 275–99, Yea; 4–21–75.

H.R. 8235 FEDERAL AID HIGHWAY PROGRAM

Amendment to reduce annual authorizations for Interstate Highway System construction for FY 1977–78 by $750 million and delete language giving the transportation secretary discretionary authority for distribution of $750 million annually in FY 1977 and FY 1978, rejected 103–309, Aye; Amendments to provide that (1) the cost of interstate highway projects rejected in favor of mass transit or other highway projects be based on 1972 cost estimates; (2) the interstate mileage withdrawn from a system in one state be available for redesignation in another state only; and (3) the proceeds from sale of right-of-way purchased with Highway Trust Fund money be returned to the Federal government, rejected 122–294, Aye; Amendment to roll back the maximum weight of trucks allowed on interstate highways to 73,280 pounds from 80,000, rejected 139–275, Aye; Amendment to allow cities of over 200,000 population that supplied over 50 percent of funds for an area program to plan a highway project and to submit a plan directly to the Transportation Department for funding if the state had not forwarded the plan to the department within a year of the plan's approval, rejected 121–290, No.

Final passage of the bill to authorize $10.94 billion for federal aid highway programs in FY 1977 and FY 1978 and $4 billion annually for construction of segments of the Interstate Highway System through FY 1988, passed 410–7, Yea; 12–18–75.

H.R. 5398 EMERGENCY MORTGAGE RELIEF PROGRAM

Final passage of an authorization of $500 million to establish a temporary Federal loan program to aid unemployed persons faced with the loss of homes due to mortgage defaults, passed 321–21, Yea; 4–14–75.

H. RES 138 SELECT COMMITTEE ON INTELLIGENCE

Amendment to provide Committee with an equal number of Democrats and Republicans, rejected 141–265, Aye.

Adoption of resolution to establish Select Committee on Intelligence to determine whether Federal law agencies (enforcement and intelligence) had engaged in "illegal or improper" activities, passed 286–120, Yea; 2–19–75.

H. RES 591 HOUSE SELECT INTELLIGENCE COMMITTEE

Amendment to abolish the House Select Intelligence Committee established by H. Res. 138 on February 19, rejected 122–293, Aye; Amendment in the nature of a substitute, to abolish Select Intelligence Committee created February 19, and direct the House to create a permanent House-Senate committee on intelligence, rejected 178–230, Aye; Motion that a Committee of the Whole rise, thus halting further debate on the resolution, motion agreed to 242–162, No; Amendment to restrict the House investigation of the U.S. intelligence activities to the Central Intelligence Agency and to lower the membership of the Select Committee from 10 to 7 members, rejected 125–285 Aye; Amendment to allow members of the Select Committee created by H. Res. 138 on February 19 to become members of the new committee authorized by H. Res. 591 if they choose, rejected 119–274, No; 7–17–75.

H. RES. 335 SELECT COMMITTEE ON MIA'S

Adoption of the resolution to establish a select committee to investigate United States servicemen missing in action in Indochina, adopted 394–3, Yea; 9–11–75.

SEN. CON. RES. 23 PRINTING AUTHORIZATION

Motion to recommit the House Administration Committee the resolution to authorize the printing of an additional 20,000 copies of "The Congressional Program of Economic Recovery and Energy Sufficiency," with instructions to substitute Democrat for Congressional, rejected 133–264, Yea.

Final passage of Printing Authorization Resolution, passed 262–138, No; 5–7–75.

H. RES. 46 CODE OF OFFICIAL CONDUCT

Adds clause to H. Rule 43 stating that any member who pleaded guilty to a crime or was convicted and sentenced to two or more years imprisonment, should refrain from voting on the Floor or in Committee, adopted 360–37 Yea; 4–16–75.

H.R. 4485 EMERGENCY HOUSING ASSISTANCE

Motion to order previous question ending further debate and possibility of amendments on rule, H. Res. 337, agreed to 242–142, No; Amendment to Committee amendment to Section 7 to include other areas, rejected 101–274, No; Amendment to provide not more than 50 percent of aggregate mortgage amounts may be allocated for use with respect to existing previously occupied buildings not substantially rehabilitated and for new, unsold dwelling units prior to bill's enactment; no more than 10 percent of aggregate mortgage amounts approved to be allocated with respect to dwelling units valued in excess of $38,000, rejected 46–207, Aye; Amendment requiring that a homeowner commit 25 percent of his income toward payment of principal, interest, taxes and insurance in order to qualify for a mortgage subsidy, rejected 137–229, Aye; Amendment in the nature of a substitute to provide additional housing assistance by expanding 1974 Emergency Home Purchase Assistance Act, rejected 126–242, Aye.

Final passage Emergency Housing Assistance, passed 259–106, Nay; 3–21–75.

HIGHWAY BRIDGE SAFETY NEEDED

HON. BUD SHUSTER

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. SHUSTER. Mr. Speaker, a frequently overlooked but enormously important problem in every State in our Nation is highway bridge safety. Like rail-highway grade crossings, it commands little publicity until a tragedy occurs, such as the collapse of the Silver Bridge in West Virginia that claimed 46 lives. Then, the sensationalism of the disaster strikes an anguished chord in the sensibilities of most Americans, which unfortunately fades swiftly and without fanfare. Yet, 150 bridges collapse each and every year, and fully 90,000 bridges are in critical need of replacement.

I am proud that my good friend and colleague from Pennsylvania, H. JOHN HEINZ III, has faced up to this problem and done something about it. Congressman HEINZ, who represents a district in Pennsylvania with 19 unsafe bridges, is not unfamiliar with the problem and has devoted a great deal of time and effort to develop a legislative proposal that makes sense. His bill, the Bridge Safety Act of 1976, would address the nationwide disgrace by focusing on areas of severe need now, while guaranteeing a long-term Federal commitment for repairing or replacing all identified unsafe bridges.

As ranking minority member of the House Surface Transportation Subcommittee, with jurisdiction over bridge programs, I enthusiastically support the Heinz bill as a thoughtful, pragmatic, yet forceful, solution to unsafe bridges, and I commend him for taking the initiative in this critically important area.

In a recent address before the 1976 Republican National Convention Committee on Resolutions, Congressman HEINZ eloquently described the nature and scope of the problem and his proposed solution. Unsafe "killer bridges" have no political affiliation and demands bipartisan attention. Therefore, Mr. Speaker, I include the statement by Congressman HEINZ to be inserted in the RECORD at this point, and I urge my colleagues to carefully heed the message contained therein:

ORAL TESTIMONY OF HON. H. JOHN HEINZ III, AUGUST 9, 1976

I appreciate this opportunity to discuss the very serious issue of unsafe bridges in the United States.

The subject is not exactly alien to most, if not all, of you and certainly not to myself.

Not quite ten years ago the Silver Bridge between Point Pleasant in West Virginia and Kanaqua in Ohio tore loose from its supports and thundered into the Ohio River during the height of the evening rush hour.

The 1,753-foot suspension bridge carried 46 adults and children to their deaths.

Last year, near Winston-Salem, North Carolina, a bridge over the Yadkin River collapsed killing four persons and injuring sixteen others.

And bridges continue to collapse all over our country at the rate of about 150 a year.

Notwithstanding widespread news coverage of these disasters and notwithstanding renewed focus and national attention, State and Federal efforts directed at bridge safety remain totally inadequate.

Spurred by the tragedy at Silver Bridge, Congress established the Special Bridge Reconstruction and Replacement Program as part of the Federal Highway Act of 1970.

Among other things, that Act required the inspection and rating of all bridges in the

nation. The inspection is now almost complete.

The results are not comforting.

Let's take a look at the results, compiled by the United States Department of Transportation;

There are more than 563,000 bridges in the United States;

Of that number 89,800 have been classified as "critically deficient."

That is a euphemism for saying that one out of every six bridges across our great country is a Killer Bridge.

Add to those unhappy results, the following:

407,000 of the 563,0000 bridges in the United States, or 72 per cent, were built prior to 1935.

Most of the older bridges were designed for the lighter, slower traffic of more than a generation earlier and certainly and obviously not for the highspeed, heavier traffic of today.

Let me call to your attention the significant fact that the average age of bridges in the United States is more than 40 years.

And that on August 1 of this year a bridge over the Danube River in Vienna collapsed because of metal fatigue, killing and injuring a number of people.

That bridge over the Danube was exactly 40 years old.

In our traditional dealings with highway problems, we have addressed ourselves to the questions of roads and streets.

Bridges, somehow, were taken for granted—as if there were no major difference between a piece of pavement and the structure needed to cross a river.

For this reason those Killer Bridges still span the countryside, menacing our travelling public with the uncertainty of when it is that they will no longer withstand the ravages of time and inadequate construction.

The problems of the unsafe bridge is nationwide.

It touches every state in our nation.

We must adopt a nationwide solution to the problem.

And we cannot afford to waste any time.

Because tomorrow it might be you or me or our children who are crossing one of our Killer Bridges.

The biggest impediment to bridge safety is money.

During its entire history, the Special Bridge Reconstruction and Replacement Program has not had sufficient funding to carry out its directive. Currently only $180 million is authorized each year for the next two years. But we need, without hesitation, between $10 and $31 billion to replace bridges that currently are classified by the Department of Transportation as being candidates for replacement.

Moreover, these estimates exclude consideration of continued deterioration of presently deficient bridges, normal deterioration of safe bridges, and inflation.

To date, there have been only 670 bridges replaced under the federal program, a rate of about one bridge, per state, per year.

At this rate it will take a minimum of 80 years to bring our Nation's bridges to a standard of safety which citizens of this country have every right to expect.

For those who remember the Silver Bridge disaster, 80 years is too long a time to gamble that more rotting bridges won't collapse.

As an example of the magnitude of the problem in individual states, a 1975 report to Congress by the Comptroller General of the United States listed 960 bridges in my state of Pennsylvania as being unsafe. Allegheny County, my district, has 19 bridges that are candidates for replacement. Yet, Pennsylvania ranks 13th among the states having unsafe bridges. Those that exceed Pennsylvania are as follows: Oklahoma, 2,783; Louisiana, 2,618; Illinois, 2,071; Nebraska, 1,676; Kansas, 1,563; Arkansas, 1,320; West Virginia, 1,180; South Dakota, 1,123; Florida, 1,040; and Georgia, 988.

Recently, I introduced the Bridge Safety Act of 1976.

This act resulted from months of study and consultation with highway and transportation officials throughout the country. The Safety Act recognizes that the problem of unsafe bridges in the United States is so great that it will never be solved by piecemeal legislation.

This Act builds on the present Federal Aid Highway Act by providing $720 million per year for the Special Bridge Reconstruction and Replacement Program, an amount that is realistic and commensurate with the magnitude of the nationwide problem that my Act will solve. It also extends the highway trust fund through 1990 to provide sufficient time to get the job done. Most importantly, this Act provides for the immediate repair of the Killer Bridges, thus reducing the threat to human life. And by repairing these Killer Bridges now, the effect of inflation and the cost of total replacement later will be greatly reduced.

Although the Bridge Safety Act of 1976 will be of great benefit to all states, it also recognizes that for various reasons, including their essentiality for public use, topography, population, length spans, load carrying capacity, certain States and counties depend on bridges much more than others.

This bill directs the Department of Transportation to identify these areas and to give first priority to those with the most critical need.

Moreover, a certain percentage of the total appropriation each year will be set aside so that individual counties may apply for emergency funds, irrespective of their State's appropriation.

The Bridge Safety Act of 1976 is aimed, not at the abandonment of bridges:

But the rehabilitation of bridges.

What we are talking about is what all of us are concerned with;

Making our public resources safe and useful again.

What we are talking about is revitalizing our nation.

UAW LEADER JOINS ENVIRONMENTALISTS' DISASTER LOBBY

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. ASHBROOK. Mr. Speaker, the New York Times on May 4 carried a headline which reported the alliance of labor's most radical leader and the radical environmentalists. A few days ago I noted in the RECORD that this same Leonard Woodcock was joining a group of leftists and dupes to advance the cause of giving our Communist enemies in Russia trade advantages and taxpayer support.

One wonders when the rank and file will wake up. Their leaders support forced busing, aid to the Communists, gun control and inflationary spending despite the strong feelings of the average union member for exactly the opposite policies.

How can Leonard Woodcock join those radical zealots who block nuclear generating plants and harm their jobs? The answer is simple: He is a liberal first, last, and always and the rank and file can be damned.

Rank and file workers may well wonder what possible advantages will come from the alliance of their leaders with the disaster lobby of environmental misfits who place jobs and industry on a very low priority. Never mind the gradual loss of American jobs and the increase in imported products because of the environmentalists and Ralph Nader, radical liberals stick together as witnessed by this article:

[From the New York Times, May 4, 1976]

WOODCOCK CALLS FOR AN ALLIANCE OF LABOR AND ENVIRONMENTALISTS

(By Gladwin Hill)

BLACK LAKE, MICH.—One of the nation's top union leaders called last night for a "new alliance" between labor and environmentalists in the political arena to thwart industries' "environmental blackmail" and hasten full employment.

Only such collaboration, said Leonard Woodcock, president of the United Automobile Workers, will help resolve, on the one hand, workers' fear of environmentally induced unemployment and, on the other, some corporations' resistance to pollution abatement.

Mr. Woodcock spoke at the opening of a five-day national conference of 300 union officials, ecology activists and community leaders aimed at exploring common interests and easing friction between environmental and economic progress.

The conference, entitled "Working for Environmental and Economic Justice and Jobs," is sponsored by the U.A.W. and more than 100 other labor, environmental and civic organizations. It is being held at the auto union's Reuther Educational Center here.

CAUGHT IN THE MIDDLE

Initial conference discussion groups brought forth pronounced differences in outlook among the participants, with union officials expressing some of the same apprehensions cited by Mr. Woodcock.

"We often find ourselves caught in the middle between the movement to clean up the environment and our mission of protecting workers' jobs," said Tom Donahue, executive assistant to George Meany, president of the American Federation of Labor and Congress of Industrial Organizations.

"We don't see eye to eye with the environmental community in its opposition to nuclear power. On the other hand, we thoroughly supported legislation to regulate strip mining.

"We haven't agreed with them on banning nonreturnable containers, but we're with them in seeking national land use legislation."

Dr. Barry Commoner, Washington University ecologist, suggested that as a basis toward reconciling the divergent interests law in a needed reorientation of the nation's economy away from "inefficient" use of both energy and capital in ways prejudicial to labor.

He suggested: "We face a big debate on how we're going to devote resources for the common good rather than for private profit. There's a whole question of inventing a new form of socialism."

COMMON CAUSE

Organized labor and the environmental community, Mr. Woodcock said, had common cause in fighting "the corporate tactic of trying to make workers and communities choose between jobs and ending pollution" by threatening to close down or move.

"It's frequently a false conflict," he continued, "but to a worker confronted with the loss of wages, health care benefits and pension rights, it can seem very real."

MARION G. FOWLER'S NOTES ON THE HISTORY OF CANFIELD, OHIO, TRANSCRIBED BY KAY SITTIG

HON. CHARLES J. CARNEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. CARNEY. Mr. Speaker, in keeping with our Bicentennial celebration, Mrs. Kay Sittig has transcribed the notes of Marion G. Fowler on the History of Canfield, Ohio. Marion Fowler (1890–1973) probably knew more about Canfield than any person. She had an extraordinary memory for people, places, and events, and she took copious notes. Because of her background with the Mahoning Dispatch, a weekly newspaper owned and published by the Fowler family for 91 years, she gathered a great deal of information about the early Western Reserve and Canfield. From the tape recordings, speeches, and notebooks of Marion G. Fowler, as well as from personal conversations with her, Mrs. Kay Sittig produced this history of Canfield.

During the early 1700's, both France and England laid claim to the lands west of the Allegheny Mountains. After the Revolutionary War, 7 of the original 13 States claimed this land. One of the 7, Connecticut, retained a portion of its original claim known as the "Western Reserve." The Connecticut Land Co. purchased this land from the State and sold it to various groups of people. One of these groups bought part of the Reserve now known as Canfield Township. The author traces the journey of one of the members of this group of landowners, Mr. Nathaniel Church.

On May 24, 1798, after nearly a month of rigorous travel on horseback and on foot, eight men led by Nathaniel Church arrived in what is now Canfield. These men spent the spring and summer clearing, surveying, and developing the land. In the spring of the following year, settlers began to move into this area and named it Canfield, in honor of the largest landowner, Judson Canfield.

In 1845, the Ohio State Legislature established a separate county with the county seat at Canfield. At one time, Canfield was larger than Youngstown. Mrs. Sittig points out, however,

> As Youngstown increased in size partially due to river transportation which made industry possible, the city began to agitate to have the county seat taken from Canfield to Youngstown. Finally the legislature granted the change and the records were moved in August, 1876. Many tales have been told of how the records were stolen at night but this is pure fiction. Charles C. Fowler, who was born in Canfield June 17, 1859 and spent his entire life in the community, was a teenage boy at the time of the moving of the records. He said there wasn't a hand raised and that one afternoon the records were loaded on forty wagons and taken to Youngstown, without disturbance of any kind. That day, however, was a sad one for the village.

One of the most important events each year in the State of Ohio is the Canfield Fair. The first fair was held in 1847 in a park. Today, the fair covers an area of 212 acres with many fine buildings for the exhibition of clothing, furniture, livestock, appliances, and automobiles. The largest attendance was 449,010 in 1971, the centennial celebration when the fair lasted 6 days. The Canfield Fair still maintains its reputation as one of the finest fairs in the Nation.

In addition to the history of Canfield, Mrs. Sittig includes a pictorial survey of the architecture of Canfield—from the early Georgian style of the colonial period, to the Italianate mode of the post-Civil War period and the Queen Ann style of the Victorian era. One of these houses, known as the Loghurst House, was part of the underground railroad before the Civil War, which served as a station for helping slaves get from the South into Canada.

Mr. Speaker, I would like to take this opportunity to heartily commend Mrs. Kay Sittig for her civic pride in writing this concise and interesting history of Canfield, Ohio, based on the notes of Marion G. Fowler.

THE HOSTILITY TOWARD SOLZHENITSYN

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. McDONALD. Mr. Speaker, the nationally syndicated columnists Rowland Evans and Robert Novak have recently written a column giving additional background on the hostility of the "foreign policy establishment" toward Alexander Solzhenitsyn. The column, appearing in the Washington Post on September 2, 1976, related the circumstances under which Mr. Winston Lord, director of the State Policy Planning Staff, came to call Mr. Solzhenitsyn a "Fascist." That in itself is a strange term for Mr. Lord to use—it is the same term the Communists nearly always apply to their enemies. Anyone who has read Mr. Solzhenitsyn carefully, realizes he still retains a great deal of respect for socialism, while abhorring its brutal excesses, but he is not a Fascist. The real crux of the matter is that Solzhenitsyn was and is speaking about the real world we live in and to accept his views is to see détente for what it really is—surrender on the installment plan. I commend the column to the attention of my colleagues:

THE HOSTILITY TOWARD SOLZHENITSYN

(By Rowland Evans and Robert Novak)

Two days after the Republican national platform extolled Alexander Solzhenitsyn as a "great beacon of human courage and morality," one of Henry Kissinger's top aides used the word "Fascist" in describing the anti-Communist Russian novelist.

The comments were made Aug. 19 by the highly respected Winston Lord, State Department policy planning director, in an off-the-record session with the department's student interns. Some of the interns present quote Lord as saying Solzhenitsyn "is just about a Fascist." Lord says he did not call the writer a Fascist but does not deny using the word.

Behind this unfortunate hyperbole is an undeniable truth: Hostility toward Solzhenitsyn within the policymaking machinery headed by Secretary of State Kissinger has not subsided since June 1975, when it convinced President Ford he should snub the Nobel laureate. At the State Department, Solzhenitsyn is still viewed as a threat to world peace rather than a symbol of freedom.

Judging from his reluctance to accept the Solzhenitsyn plank at Kansas City, Mr. Ford shares this view as he does Dr. Kissinger's other positions. Nor is he likely to be challenged on this point by Jimmy Carter, whose foreign policy advisers agree with Foggy Bottom in branding Solzhenitsyn as a slightly balmy 19th century Russian mystic.

Thus, the bipartisan foreign policy establishment has been successful in downgrading Solzhenitsyn since his triumphant arrival here a year ago. He has been a key target of the detentists, both in the Kremlin and on the State Department's seventh floor.

The view from the seventh floor was revealed in Lord's Aug. 19 session with the student interns when he was asked about Solzhenitsyn. He replied that it had been a mistake not to invite the Russian expatriate to the White House—an admission that is now State Department doctrine.

Lord went on to praise Solzhenitsyn's brilliance and courage but added that his views, if carried out, could threaten world peace. Then, as reported immediately thereafter by one intern and later confirmed by others, Lord said in matter-of-fact tones: "Let's face it, he's just about a Fascist." He concluded by saying Solzhenitsyn fulfilled a desire by many Westerners to feel moral.

When asked to confirm or deny this, Lord told us: "I did not call him a Fascist. He's not a Fascist." As to whether he used the word "Fascist," Lord said he would have to consult the transcript. However, no transcript was kept.

The spirit of what Lord said was faithful to private views held inside the Ford administration. That explains the fierce opposition to any mention of Solzhenitsyn in the Republican platform. When Mr. Ford backed down rather than risk a disastrous floor fight with the Reagan forces, Kissinger was furious. He even threatened to resign the next day if the amendment were accepted (prompting an admonition from one sharp-tongued Ford operative that he ought to quit today, not tomorrow, to generate more delegates for the President).

The Ford-Kissinger attitude is duplicated on the Democratic side. A pro-Solzhenitsyn plank was quietly rejected by the Democratic platform-drafting group and never reappeared in open sessions. Key advisers, contending that Solzhenitsyn has taken on a right-Republican coloration, advise Carter not to raise the matter in speeches or in forthcoming debates with the President.

Since Solzhenitsyn is neither a right-wing Republican nor a Fascist and might be considered rather moderate considering his life's experience, the real objection is not to his ideology but to the threat he poses to detente. That threat was expressed bluntly in the State Department's memorandum to the White House on June 26, 1975:

"The Soviets would probably take White House participation in the affair (a banquet honoring Solzhenitsyn) as either a deliberate negative signal or a sign of administration weakness in the face of domestic anti-Soviet pressures. . . . Not only would a meeting with the President offend the Soviets but it would raise some controversy about Solzhenitsyn's views of the United States and its allies. . . . We recommend that the President not receive Solzhenitsyn."

While that recommendation is now conceded to be a political error, the philosophy behind the memorandum flourishes in the Ford administration. When Winston Lord

told student interns that the Russian expatriate's political views threaten world peace, he was unveiling the hard consensus of the U.S. foreign policy establishment, which now seems the conventional wisdom in Washington.

CULTURAL EDUCATION COLLABORATIVE

HON. JOHN BRADEMAS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. BRADEMAS. Mr. Speaker, the Boston Globe recently carried a most interesting story concerning the work of the Cultural Education Collaborative of Boston, Mass.

The Cultural Education Collaborative—CEC—is an organization working in cooperation with over 100 cultural institutions and school districts throughout the State of Massachusetts to bring cultural programs to the public schools.

Since the program was originated 3 years ago in Boston, the demand for such services has greatly increased and has spread to other communities in Massachusetts.

Mr. Speaker, I commend the CEC, and its able director, Ms. Anne Hawley, for this innovative use of cultural resources and insert at this point in the RECORD the text of the Globe article:

PUPILS LEARN COLONIAL CRAFTS FROM BOSTON MUSEUM EXPERTS

(By James Worsham and Phyllis Coons)

Michael Reynolds learned about tinsmithing, Ed Hamlett and Mona Lofton found out about colonial dress first-hand and Theresa Barry and Maria Garcia made their own wooden ladle.

All are students at the Champlain Middle School, nestled among the frame houses of working class families in Boston's Dorchester section.

And all are in an American Crafts program, carried out with the aid of Boston's Museum of Fine Arts (MFA), a Fenway landmark that is one of the nation's most prestigious cultural institutions.

The unlikely relationship between the Champlain and the MFA came about as part of the historic Phase 2 desegregation order for Boston's schools in which US District Judge W. Arthur Garrity Jr. enlisted the help of area colleges, universities, cultural institutions and businesses.

The Champlain is one of a score of Boston public schools now benefitting from the Phase 2 "pairings" as well as the outreach approach now being taken by museums and performing arts groups, spurred on by state desegregation aid and a chance to be a part of the historic Boston school desegregation saga.

Museums have for years welcomed students for day-long tours but, says state Education Comr. Gregory Anrig, "here they're taking the institution to the people and finding out how to make it appeal to a great diversity of kids."

It's also part of a national trend, says Gaby Dundin, education director at the Museum of Comparative Zoology at Harvard. "Museums are going to the general public now, and not just seeing themselves as curators and keepers of things," she says.

For the children at the Champlain School, being "paired" with the MFA turned out to be more than just visiting and getting out of schools for a day. This past year, artists came from the MFA and from Sturbridge Village to teach early American crafts. The students—90 of them—learned to work like early Americans and solve some of their problems at woodwork and tinsmith benches in the school basement.

And the experience carried over when they went back to their classroom to study industrial technology, family life, survival problems and government by comparing Colonial patterns to today's.

Bob Harrington, project director at the Champlain, said the program involves all 96 sixth graders at the Champlain and that instruction in their core subjects—English, social studies, science and math—was coordinated with what was being taught in the crafts program.

In addition, he said, all students made at least three trips each to the MFA and went on field trips to Plimoth Plantation and the Saugus Iron Works.

The Champlain is one of 20 Boston schools paired with 14 cultural institutions this year.

The Harvard Museum of Comparative Zoology provided special programs on animals and human cultures for students at the Shaw School in Dorchester and the Fuller School in Jamaica Plain. Students there came to the museum and worked on their program at their schools as well.

The approximately 100 Shaw and Fuller students studied the role of animals in four different human societies: China's T'ang dynasty, late medieval Germany, the classic Mayan culture and a West African tribe.

Part of the project involved the students' putting together their own museum while employing—and reinforcing, say program coordinators—basic skills in social science, science, reading and writing, especially in preparing displays.

Stage One, a performing arts group, worked with 40 students at the Hernandez School in Dorchester, introducing them to the theater world while helping the students write, rehearse and perform their own play, which involved language skills.

Other institutions involved this year included: New England Aquarium, Boston Zoological Society, Dorchester House Arts Program, Concert Dance Company, Museum of Transportation, Theater Workshop of Boston, Pocket Mine Theater, Jazz Coalition, Proposition Theater, Cooperative Artists Institute, Children's Museum and Neighborhood Arts Center.

Joining the programs next year will be eight more institutions bringing the total to 23. They are are Learning Guild, Next Move Workshop, Shakespeare & Co., Children's Art Center, New England Conservatory of Music, Boston Ballet, the Museum of Science and the Theater Company of Boston.

This year, some 6000 Boston school students were involved in the programs, and the Cultural Education Collaborative, which administers the programs, expects 8000 to 9000 Boston children involved in programs next year.

The collaborative, which began as the education project of the Metropolitan Cultural Alliance, screens proposals before sending them to the State Dept. of Education as candidates for state desegregation did under the 1974 amendments to the 1965 racial imbalance law.

Anne Hawley, director of the collaborative, says that for the next year, each of Boston's nine school districts has been allocated a certain amount of money for cultural institution pairings.

Programs are being proposed and approved in that context.

This format fits in with the state Dept. of Education's aim of spreading state and Federal funds more evenly among Boston's 162 public schools, she added.

Hawley said that several programs at the Hernandez School are tailored for bilingual students, and that many programs had included special education students, which under Massachusetts law, are integrated with regular students.

Looking beyond the current pairings in Boston, Hawley said: "I would like to see programs become an integral part of the school curriculum and that we could develop a funding for it."

To that end, the collaborative, even before its break with the alliance, had sought passage of a bill in the Legislature to authorize programs that would encourage school systems to make use of the education programs offered by cultural institutions. The bill has passed the Senate and is now in House committee.

The measure only authorizes programs. A separate appropriation bill would have to be filed later. A study found that 100 of the state's cultural institutions could provide field trips or performances for two million students and in-depth programs for 47,000.

Hawley said that many institution officials see the pairings with Boston's schools as a way to expand their educational programs. As a result, she said, a number of institutions have brought on education directors, many of them former teachers.

Marion VanArsdell, a member of the Citywide Education Coalition who has monitored some of the school pairings with cultural institutions and screened some proposals, said that while "some of the programs are excellent" others suffered from little coordination between a school and an institution before the project was approved.

That situation, she says, is improving for next year. But she said the situation is still a long way from being a "marketplace" so that parents, teachers and students from a school can choose any museum or performing arts program they want for their children.

Even though some parents feel the programs are "fluff" when their children really need basic skills, she said, "these kinds of programs can offer a lot to the Boston schools in that children can learn a lot of reading and math if they really get interested in their (museum) project."

Anrig sees the cultural institution pairings in Phase 2 as an expansion of their roles. "They've been open in the past, but never in a way in which they can get their teeth into working with a school," he said.

"The cultural institutions have had to change" says Anrig, "and I think that's healthy."

A COMMENT ON THE GAO'S SYNTHETIC FUEL REPORT

HON. GEORGE E. BROWN, JR.

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. BROWN of California. Mr. Speaker, earlier this week the Committee on Science and Technology and the Committee on Interstate and Foreign Commerce held open hearings to review the conclusions of the General Accounting Office concerning synthetic fuel development in the United States. Many Members were concerned with the conclusions of this report, which were quite negative toward synthetic fuel demonstration projects, at least partly because the GAO report differed so dramatically from other reports on the same subject.

My own observations on the GAO report dealt with the energy demand and price assumptions used by the GAO. While it is necessary to make some assumptions, the continued demand for

liquid fuels and gas is unlikely to end, and the need for domestic production of synthetic fuels is likely to grow.

Obviously there are alternatives to oil and gas that are more desirable than synthetic fuel, such as energy conservation and solar energy. Unfortunately, the energy demand is not going down as rapidly as I would like to see.

The Los Angeles Times reviewed this same GAO report, and had similar reaction.

I would like to insert this editorial in the RECORD at this time:

SYNTHETIC FUEL: A SYNTHETIC VIEW

The General Accounting Office is a highly respected agency that, in its role as a fiscal watchdog, has done a lot to advance the cause of more efficiency and less waste in government spending. Unfortunately, the GAO has taken a very shortsighted view in its study of synthetic-fuel development.

In a report released last week, the agency concluded that oil and gas produced synthetically from shale or coal are "not price-competitive" with foreign petroleum, and that the federal government should therefore refrain from subsidizing expensive projects for synthetic-fuel development.

It would be better national policy, the GAO suggested, to emphasize energy-conservation measures and development of solar and geothermal energy—meanwhile depending, to the extent necessary, on rising oil imports.

Oil produced from coal or oil shale could cost as much as $18 a barrel, the report pointed out, compared with the present price of $12 a barrel for imported petroleum. Gas produced from coal would cost roughly twice as much as the ceiling price recently set by the federal power commission for new natural-gas supplies.

There is no question that, partly as a result of environmental considerations, synthetic-fuel technology is still uncertain. Knowledgeable people understand that synthetic fuels are almost sure to cost more than the present price of oil. But it is a long leap from there to the conclusion that growing reliance on imported oil is a sensible alternative.

There is no reason to assume, as the GAO did in making its cost-effectiveness comparisons, that foreign oil will continue to sell for $12 per barrel. The Organization of Petroleum Exporting Countries is widely expected to agree on a new price increase later this year, to the degree that U.S. reliance on the foreign oil producers' cartel increases, further price boosts are bound to occur.

U.S. dependence on foreign oil supplies already is far higher than at the time of the Arab oil embargo. And with imports from Canada and Venezuela down sharply, the reliance on Arab oil has doubled in the past year alone.

Even in the absence of another embargo, there can be no guarantee that Saudi Arabia, the chief Arab oil producer, will continually increase its output to satisfy U.S. needs if a policy of holding the oil in the ground might suit its own needs better.

A vigorously pursued energy-conservation program will help; so will oil from Alaska's North Slope and from expanded offshore production. But this country has vast reserves of oil shale and coal that must be exploited as part of a sensible long-range national energy policy.

Very real obstacles exist—economic, technological and environmental. The name of the game, however, must be to recognize these problems and overcome them as soon as possible.

Synthetic-fuel production would be expensive, but excessive reliance on undependable, cartel-controlled foreign oil would be even more expensive.

CONGRESSMAN JOHNSON OF PENNSYLVANIA URGES THOROUGH STUDY OF FTC HOLDER-IN-DUE-COURSE RULING

HON. ALBERT W. JOHNSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. JOHNSON of Pennsylvania. Mr. Speaker, I appreciate this opportunity to offer additional remarks with respect to a trade regulation rule which has been promulgated by the Federal Trade Commission pursuant to the Magnuson-Moss warranty—Federal Trade Commission Improvement Act—Public Law 93-637—and a proposed amendment to that trade regulation rule. The rule requires that a prescribed notice be included in consumer credit contracts in order to foreclose the possibility of a creditor becoming a holder-in-due-course or an assignee or lender not subject to consumers' claims and defenses.

Mr. Speaker, I believe the Commission has failed to adhere to congressional intent both as to the manner in which the preservation of consumers' claims and defenses rule was promulgated and to the rule's unlimited application. I addressed this aspect of my concern on August 10, 1976, and the appropriate remarks appeared in the CONGRESSIONAL RECORD.

In those remarks I stated that the rule as presently drafted would have a pervasive effect upon all participants in this Nation's consumer credit community and that adverse ramifications may abound for marginal and low-income consumers due to the fact that the financial institutions of this Nation may be exposed to inequitable and innumerable legal actions.

As you are aware, the rule pertaining to sellers became effective May 14, 1976, and the proposed amendment applicable to creditors is presently before the Commission. The Commission has clarified the seller rule to some degree, however, additional clarifications and necessary refinements remain.

Mr. Speaker, my concern as voiced earlier last month appears to have been appropriate. Recently, hearings have been conducted by the Subcommittee on Consumer Protection and Finance of the Committee on Interstate and Foreign Commerce. The testimony offered at these hearings clearly discloses the confusion surrounding this rule and the apprehension existent within the consumer credit community. A factual editorial with respect to these hearings appeared in yesterday's issue of the American Banker. The editorial concludes with this statement:

But the surveys presented so far to the House Subcommittee demonstrate most clearly that statistics can be found to speak on any side of an issue, and what is needed here is a thorough, objective study of the effects of the FTC rule.

I wholeheartedly concur with this concluding statement. I believe Congress should rigorously examine in detail not only the Commission's action, but the rule's possible effect upon our Nation's economy. I have joined Mr. BROYHILL of North Carolina and Mr. MCCOLLISTER of Nebraska in cosponsoring H.R. 15082. Briefly, H.R. 15082 will suspend, pending review, the effect of the Commission rule. The General Accounting Office is directed to examine the Commission's basis for issuing the rule, the effect of the rule on consumer credit markets and present avenues of consumer redress for grievances arising from consumer sales. GAO will then submit its written report to Congress and the Commission as to its findings and recommendations on the desirability of promulgating the rule. Having considered the report and followed appropriate rulemaking procedures, the Commission may repeal the rule or give it effect either in its present form or as amended.

Mr. Speaker, H.R. 15082 provides the "prudent gradualism" needed at this time:

IMPACT OF DUE-COURSE CHANGE: BANKS VS. FTC

A Federal Trade Commission rule abolishing the holder-in-due-course doctrine went into effect last May 14 amid predictions of a serious impact on consumer lending and the economy.

A period of less than four months is too short to gauge the effect with any certainty, but several attempts have been made and results of surveys released. The findings differ.

"To date, elimination of holder-in-due-course provisions has had little impact on the consumer credit policies, practices and activities," said the FTC itself.

That agency, which has spent more than five years formulating its rule, engaged the firm of Yankelovich, Skelly & White to interview 127 lending institutions in four states. The FTC submitted some of the preliminary results to Congress last week.

Two banking organizations presented their findings Tuesday to the subcommittee on consumer protection and finance of the House Interstate and Foreign Commerce Committee, and viewed the results with foreboding.

Whereas the Yankelovich/FTC survey reached only about 20 banks, the American Bankers Association surveyed 104 banks and said a significant number have begun to cut back on several types of indirect loans.

Walter W. Vaughan, vice president of Lincoln First Bank of Rochester, N.Y., testifying for the ABA, said the banks cutting back on indirect home improvement loans increased from 13% in April to 24% in July, and those cutting back on indirect auto loans increased from 7% to 13% in the same period.

"The cutback in direct loans was not discernible," Mr. Vaughan went on, "presumably because many banks have been advised by counsel that direct loans are not yet subject to the FTC rule."

The Independent Bankers Association of America surveyed its members on Aug. 7 and obtained responses from 1,784. Chales O. Maddox Jr., IBAA president, said they show the FTC rule cannot be justified, "given the disruptions it is causing for consumers and small businessmen obtaining financing."

Mr. Maddox said 61% of the IBAA banks cut back auto loans as a result of the rule and 51% cut back mobile-home loans. Of the banks which have not curtailed lending, most have taken steps to reduce their liability by the use of recourse agreements or tightening lending policies.

In reporting on the Yankelovich survey, the FTC said virtually no lenders had changed their interest rates on direct loans. Mr. Maddox said 326 of the IBAA respondents had increased their rates as a result of

the FTC rule. But he said at least 600 of the banks do not buy or sell consumer paper, so they would not have felt the full impact.

The FTC and ABA also differ in their findings on dealer relationships.

Said the FTC: "Except in six out of 123 cases, cutoffs of dealers have been selective, affecting at most 13% of the total number of dealers dealt with by any given lender. Lenders described the dealers they have cut off as 'shady' and 'fly-by-nights.'"

Said the ABA: "A number of banks reported significant reductions in the number of dealers from which they purchase indirect consumer loans."

To substantiate this, Mr. Vaughan said 31% of the ABA respondents reduced the number of dealers from whom they purchase consumer loans by an average of 6.6, and only 14% increased them, by an average of 6.2 dealers.

Furthermore, he said that six weeks after the FTC rule went into effect, responding banks had reduced the number of auto dealers from whom they purchase loans by an average 3.5%. Since the full impact is months away, Mr. Vaughan said, this six-week decline of 3.5% is significant.

But the surveys presented so far to the House subcommittee demonstrate most clearly that statistics can be found to speak on any side of an issue, and what is needed here is a thorough, objective study of the effects of the FTC rule.

FOOD STAMP REFORM BILL NEGLECTS NEEDY

HON. FREDERICK W. RICHMOND

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. RICHMOND. Mr. Speaker, my colleague GEORGE BROWN, JR., and I have joined together in opposing the food stamp reform bill recently reported by the Agriculture Committee. We believe it is a step backward in our commitment to end hunger and malnutrition.

For the benefit of our colleagues who may not be familiar with the final committee bill, I am inserting our dissenting views in the RECORD. I hope they will be read with an understanding of the need to restore cutbacks and legislate meaningful reform on the House floor:

DISSENTING VIEWS TO H.R. 13613

We would have preferred, after three month's effort at reforming the Food Stamp Program, to join our colleagues and endorse the Committee bill, H.R. 13613. Unfortunately, the Committee has taken the path of least resistance. It has voted 21–19 to report a bill which pleases no one and angers as few as possible, while allowing members to say, "we've done something about the Food Stamp mess." We refuse to endorse an effort that stops short of true food stamp reform and which is a step backward in our commitment to end hunger and malnutrition in this nation.

Certainly the program, and the needy millions who depend on its assistance, deserve more than the Committee has offered. The program does need reform but the Committee has not faced up to that task. In our view, reform is *not* simply reducing benefits; it is *not* solely saving money. True reform is guaranteeing that those who need assistance to obtain a nutritionally adequate diet receive it.

MISINFORMATION ABOUT THE PROGRAM

The Committee started its work under the weight of a distorted public view of the Food Stamp Program, a view shared by many Members of Congress. This public perception was not based on fact, but instead formed by overblown rhetoric, political partisanship, and a number of simple manipulations of the truth. It was fueled by deceptive advertisements in the national media ("You can make up to $16,000 a year and qualify for Food Stamps"), by the Ford Administration's use of public forums to feed prejudices ("a well known haven for chiselers and rip-off artists") and by creating false perceptions ("The Program has gone 'out of control'"). Certainly we would be furious if the ranks of food stamp recipients were filled with people earning $16,000; we could not tolerate scores of cheats robbing the public till; and we would indeed be worried if any program we created had gone beserk. But the facts simply do not support those charges.

PROGRAM FACTS

A. Participants

At the commencement of the Committee's efforts, the Committee staff undertook a major study of food stamp recipients to determine their economic make-up and living circumstances. The study confirmed what many of us had learned from previous USDA data: food stamp participants are among the poorest of the poor, and there were very few households with high incomes participating in the Program. The Committee study—and later USDA investigations—shows that the average food stamp household has an average income of less than $300 per month, that only four percent of all households have gross incomes exceeding $7,500, and that nearly all households who are above this level are large working families who qualify for food stamps because they are permitted to deduct taxes and work-related expenses from their gross incomes.

B. Fraud and error rates

According to the data USDA has, the fraud rate in the program appears to be very low. The problem's complexity and demeaning application procedures—has been confused with recipient fraud. Such confusion only distorts the character of the people who use food stamps and improperly creates public hostility to the program. In addition, USDA's accounting procedures, which lump such things as failure to properly fill out forms or missing signatures, together with incorrect benefit computations, create distortions of the true error rates.

C. Program expansion

Most importantly, we have learned that the program expanded because of some very logical and sensible reasons. The growth of the Program for the years prior to 1974 was caused by expansion from a pilot program to the food stamp program—a switchover mandated by an act of Congress passed in 1973. The other aspect of this Program expansion was that many counties entered a food program for the first time, a stage of expansion which was completed in 1974 because of a requirement in the 1973 legislation.

The major factor in the post-1974 expansion—the growth that triggered such hysterical reactions from Treasury Secretary Simon, among others were the economic policies initiated by the Secretary himself and the Ford Administration. Unemployment jumped 60 percent between August 1974 and spring 1975, and food stamp participation increased only 30 percent. For all too many Americans out of work, food stamps made the difference between undernutrition and a more decent diet. Significantly, as unemployment has lessened to some degree, food stamp participation has decreased radically, as have program costs. In the last three months alone, over one million people have left the program; projected fiscal 1977 costs have been lowered $1.8 billion from the Administration's figure of $7.3 billion one year ago. The Congressional Budget Office currently projects a cost of $5.5 billion.

THE PROBLEMS IN THE PROGRAM

True reform of the Food Stamp Program involves rewriting the law so that the benefit delivery system is structured to encourage participation, not discourage it. True reform would have attacked the problems that plague the program: 1) participation by only half of the people who are eligible; 2) an administrative morass that makes applying for food stamps a cumbersome and time-consuming task; 3) overly-complex bookkeeping and application procedures that create error by both the states and recipients; 4) food stamp purchase prices that too many indigent citizens cannot afford; 5) a food plan that perpetuates the inadequate diets we are trying to improve; and 6) a program that forces people to suffer a stigma they do not deserve.

The Committee worked hard, and the Chairman deserves credit for his attempt to balance the great diversity of views and legislative proposals before him. The bill he offered the Committee at the outset was an approach we thought merited our consideration; and, with minor variations, one which moved in the direction of real Food Stamp Program reform. However, in the process of its work, the Committee was sidetracked to a final bill that does not meet the needs of the people the program should serve.

THE COMMITTEE BILL

Unfortunately, too many of our colleagues on the Agriculture Committee and their constituents—have bought the false arguments and myths and reported a bill designed to be acceptable to critics, rather than true reform.

These distorted views are reflected in a bill that cuts $184 million in benefits for current participants; eliminates almost half a million households from the program; reduces benefits for another 1.5 million households; and otherwise limits the program's flexibility to meet the needs of the unemployed, underemployed, and low-income working households to adequately nourish themselves and their familiies.

A. The standard deduction is too low

The major problem with the bill is its standard deduction—the amounts by which households lower their gross income in order to measure disposable income.

A standard deduction is, of course, a step forward in program administration. It should help reduce error and simplify application. But the deduction levels in the Committee bill are so low—much lower than either the Senate bill or the Administration's regulations that they have a dramatic adverse effect on program participants.

Smaller households are especially hurt by the bill's provisions, especially one-and-two-person households, two-thirds of which are headed by non-elderly persons. These one-and-two-person households are harmed because their standard deductions—$45 and $55 per month respectively—are too low to meet high living costs in urban areas, high medical expenses for the elderly, high fuel costs in colder areas and other living expenses.

Households headed by women are the hardest hit by the bill. Of all the one-two-and-three-person households in the program—the households which receive a disproportionate share of reductions under the bill—about 69% are female-headed. And nearly 80% of the women who head these households are not elderly, thus ineligible

for the extra $25 deduction accorded to the aged. Under the Committee bill, 50% of all two-person households would either be cut off the program or lose needed assistance; and 46% of the three-person household would be terminated from the program or lose benefits.

In addition, the bill takes square aim at urban food stamp recipients. Based on preliminary data from the Committee staff, participants living in counties with a population of at least 100,000 people would lose several hundred million dollars a year in benefits. Counties with populations in excess of one million people—the major urban areas—are the hardest hit due to higher living costs in the big cities.

These cutbacks result from the fixed standard deduction scheme in the Committee bill. The bill's standard deductions are the same for all counties in the country, regardless of population. This formula is at odds with findings in the Committee staff's study of non-public assistance households which showed that deductions increased as the county population increased. For example, the average deduction claimed in counties with populations below 25,000 people was $52.61 in April, 1975; the corresponding figure for households in counties with populations exceeding one million was $113.89, a $61.28 difference. For the deductions allowed for shelter and utilities alone, there was almost a $50 differential between the low population area and the higher. The result of this non-regionalized deduction formula, then, is to redistribute benefits to smaller population centers to the detriment of more urban areas.

The fixed deduction is largely responsible for the harsh treatment accorded certain regions of the country under the Committee bill. Again based on Committee staff findings the northeast region would lose 14% of its benefits and the northwest would lose significant assistance as well. Participants in these areas, under the current rules, are allowed to subtract a portion of their higher shelter and fuel costs, a practice which would be ended under the non-regionalized standard deductions in the Committee bill.

B. The poverty line is an inadequate measure of program eligibility

The Committee bill sets the program's eligibility level at the "poverty line", $5,500 for a family of four. We do not think the poverty line is an adequate measure of the need for food assistance. It is unreasonably low—especially for urban areas—and as such is not a proper device to which food stamp eligibility should be linked. We prefer the current program's method of using coupon allotments to determine net income eligibility levels. The poverty line figure in virtually all the proposed legislation is nothing more than a response to cries that the rich are using food stamps—a patently false issue disproven by the Committee's own study.

C. Prohibiting categorical eligibility increases administrative costs and reduces participation

There are two provisions in the bill which will significantly increase program costs to the states. The first is prohibiting the current practice of "categorical eligibility," through which all public assistance recipients and Supplemental Security Income (SSI) recipients are deemed automatically eligible for food stamp assistance if they live alone or with other such recipients. Since virtually all, if not all, these people would be eligible in any case by virtue of their low income, the advantage of "categorical eligibility" is twofold. It is an important administrative convenience and ensures that these eligible people are enrolled in a program in which currently only 50% of those eligible are participating.

With categorical eligibility, there is no need for welfare households to submit a separate food stamp application; their benefits are automatically determined on the basis of their grant levels, minus deductions, and their authorization to purchase cards are automatically processed. The result is a significant savings on administrative costs. If the practice were eliminated, it would increase administrative costs for the states and administrative obstacles for participants, without serving any positive program purpose nor more effectively targeting benefits.

D. State cost sharing is a step backward in the effort to federalize welfare costs

The second provision which increases state costs is the requirement that, effective October 1977, states must pay for two percent of the "bonus value" of stamps received by their participants (The "bonus" is the difference between what the household pays and what it receives in food stamps). This move to force the state to shoulder a percentage of the benefits comes at a time when state funds are severely strained. This provision is estimated to cost the states $104 million. This requirement is also counter-productive to the purposes of the Food Stamp Program. In virtually all states, the money to fulfill the cost sharing requirement will come from welfare budgets. as a result end up increasing food stamp welfare assistance states may provide and as a resut end up increasing food stamp benefits and food stamp costs.

E. Striking workers should not be discriminated against by the government

The "strikers issue" has been a fiercely debated issue in many Congresses, and has always been resolved in favor of treating strikers in the same manner as all other households: if they are in need and meet the income and assets test, they receive assistance; if not, they are ineligible. We believe the government should be neutral in labor disputes. If the Congress were to discriminate against strikers by not providing food stamps, we would be ending that neutrality. Moreover, we feel a very real compassion for the families of strikers who had no say in a strike vote, especially those workers and their families who were in the minority opposed to the strike. Workers do not like to strike and the collective bargaining process should be allowed to operate unencumbered by government heavy-handedness. Moreover, most strikers do not use food stamps, or at any rate, strikers compose an insignificant percentage of food stamp participants. The staff of the Committee found that only 0.2% of food stamp households, only 5200 people were headed by a striker on April, 1975.

F. Poor people should not be deprived food stamps because they are students

The bill also eliminates all students, regardless of economic circumstances, unless they have dependents. We do not favor non-needy students receiving food stamp aid. But we object strongly to the blanket assumption that students do not need food assistance. In opposing the bill's ban on most students, we are not advocating on behalf of the person from a well-to-do family who has chosen to be "poor"; we are concerned, however, about the members of a poor family who are struggling to improve themselves educationally and whose limited resources are tied up in the cost of obtaining an education. Since the Committee's and USDA's studies have shown that only about 1.3% or 200,000 food stamp users are students or their dependents, we believe we should maintain the current rules regarding students—which allow students to receive food stamps if they are financially eligible and if they are not claimed as tax dependents by another household.

G. Increased purchase requirement reduces benefits

The Committee bill increases the purchase requirement for all non-elderly households to 27.5% of net income. Currently, the average purchase price for all households is 25.6%; for one-and-two-person households it is closer to 20%. To raise the purchase requirement higher than it already is (while the average American is only paying 17% of his income for food) only reduces further the amount of nutrients available with food stamps. Recipients will be forced to spend more money from their own pockets to buy the same amount of food they are currently purchasing under the Food Stamp Program.

H. Reduced outreach means eligible households will not participate

Currently, states are required to conduct outreach activities that "insure the participation of eligible households." This language formed the basis of a 1974 federal court decision requiring expanded state outreach programs.

Under the Committee bill, this language is dropped, and states will no longer have to take the affirmative action required by the 1974 court decision. In fact, in areas where a community action agency is conducting outreach, state outreach programs would be limited to "informational efforts" only.

Such disregard for the more than 15 million eligible persons who are not participating in the program will continue to impair the effectiveness of food stamp assistance. Those who truly want to reform the program should consider whether reform goals are served by ignoring malnutrition and not reaching out to the malnourished and undernourished or by attempting to provide nutritional assistance to all those in need, particularly those not now participating.

TRUE REFORMS IN THE COMMITTEE BILL

The bill contains some features which deserve to be called true food stamp reform. There are obvious shortcomings with using an inflexible standard deduction system, although the Chairman's approach to gearing such deductions to household size is an improvement over the Senate bill. We also applaud the efforts to maintain the work incentives—allowing the deduction of work-related expenses and income taxes—which are part of the current program.

In this regard, Representative Heckler's amendment in the Committee to deduct the cost of child care from the computation of food stamp income is an especially worthwhile provision. It simply makes no sense to count as "income" funds needed to pay for expenses that allow a person to work.

Mr. Jefford's successful effort to "cash-out" the elderly, blind and disabled moves in the proper direction of reform. It recognized one of the most serious obstacles to food stamp participation for the poor—the purchase price—while also understanding the stigma felt by many food stamp recipients, especially the elderly.

Unfortunately, the Jeffords amendment has a limited effect in that it eliminates the purchase requirement only for the aged, blind and disabled, and not for the entire food stamp caseload. The total elimination of the purchase requirement which limits the participation of the poor and near poor in the food stamp program is the step that should have been taken. To give people their food stamp "bonus" at no cost would not increase benefits; it would simply allow those targetted in need of assistance to get it. This programmatic change is needed because many eligible recipients, especially the poorest of the poor, cannot scrape together enough cash to afford the purchase price. Rather than tie up needed cash in food stamps, many poor people feel the need to use the cash for

extra expenses which always come up. As a result, they cannot afford their stamps and run out of food in the third week of the month. Elimination of the purchase requirement is an idea whose time has come.

CORRECTIVE LEGISLATIVE ACTION

Overall, H.R. 13613 as reported eliminates 7.2% of all food stamp households (1¼ million people) from the program, reduces benefits to another one-third of the households, and increases benefits to one-third of the households. Conservative critics of the program will attempt further cutbacks on the House Floor.

At a minimum supporters of food stamp reform should focus their efforts on four key areas during floor consideration:

Strong opposition to any further cutbacks in the Committee bill and to any amendments that would terminate or reduce benefits for additional recipients.

Support for an amendment to raise the standard deductions in the Committee bill, especially for small households. As the bill now stands, over half of all one and two person households would have their benefits reduced or terminated because the standard deductions are so low.

Support for an amendment to eliminate from the Committee bill a requirement that states pay two percent of food stamp bonus costs. In many states, the money would come out of already strained welfare budgets and could lead to lower welfare payments.

Support for an amendment to eliminate the ban on households containing a striker and to allow these households to continue to face the same eligibility requirements as everyone else.

If these positions are not maintained, the bill should be defeated and an attempt made to legislate meaningful reform next year.

AN INNOVATIVE APPROACH TO THE ISSUE OF WHETHER WE NEED A PERMANENT "WATERGATE" PROSECUTOR

HON. JAMES V. STANTON

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. JAMES V. STANTON. Mr. Speaker, one of the important issues confronting our Nation is whether we ought to establish by statute a permanent special prosecutor with jurisdiction over crimes committed by Federal officials. On September 1 my administrative assistant, Sanford Watzman, appeared before a Subcommittee of the House Judiciary Committee and shared with that distinguished panel some of his ideas on this subject. Because the ideas are new and innovative, I commend them to the attention of the House as a whole and, therefore, I insert Mr. Watzman's testimony in the RECORD:

STATEMENT OF SANFORD WATZMAN

Mr. Chairman, I deeply appreciate your affording me an opportunity to appear here today. Before the Watergate incident occurred, I had become interested in the matter that is now before this Subcommittee—whether we can establish in the federal government some institutional mechanism to assure the American people appropriate action will be taken against executive, legislative and judicial officials who violate the public trust.

I became interested when I was an investigative reporter and Washington correspondent for the Cleveland Plain Dealer, and I wrote a book which concluded with some suggestions for dealing with this problem. Respectfully, I submit that these proposals might be helpful today to your Subcommittee, which is considering whether there ought to be a "Watergate" prosecutor in the Justice Department and, if so, how that office ought to be structured and how much authority the incumbent should have. I happen to believe, Mr. Chairman, it is possible to take a different route to the goal all of us are seeking—that we can adopt a strategy giving us most of the benefits of an independent prosecutor while avoiding many of the pitfalls that are inherent in the proposals already before you.

It is proper to ask first, I suppose, whether it is advisable for the Congress to take any action at all. Given the nature of human beings and of government, won't there always be a Watergate somewhere on the horizon, and—as a practical matter—can we really avert the more frequent mini-Watergates that historically have been part of our day-to-day political environment? And, besides, do we not have a system that has already proved itself to be self-cleansing? Have we not deposed both a President and a Vice President, and a few years earlier, a Justice of the Supreme Court—and, more recently, certain leaders of this Congress?

These of course are leading questions, and I think it behooves us to be careful. For the indicated answers, however valid, simply are not going to be acceptable to the American people. Americans never have adhered to the proposition that official wrongdoing is inevitable—that they are indeed fortunate when it is held to some putative irreducible minimum. If in every generation the media keep erupting with stories about government scandals, obviously this is because Americans continue to care; they think something ought to be done about the wrongdoing. In fact, they have been conditioned to believe it is possible to enact laws forcing public officials into an ethical straitjacket.

The conditioning stems from the admiration we hold for our Founding Fathers. We have been taught that they were not fools. As historian Richard Hofstadter put it: "To them, a human being was an atom of self-interest. They did not believe in man, but they did believe in the power of a good political constitution to control him." The men who prompted the most worry, of course, were those who were about to be granted powers over the rest of us. So a good non-trusting Constitution was adopted, with checks and balances and a separation of powers. But if, even then, we have become preoccupied over these last 200 years with adding still more controls, this is because our education has programmed us to go on with the task—not to be satisfied with slow progress, however steady it might be. Rather, we continue to take our cue—and our goal—from that passage in the Federalist Papers which states: "The aim of every political constitution is, or ought to be, first to obtain for rulers men who possess the most wisdom to discern, and most virtue to pursue, the common good of society; and in the next place, to take the most effectual precautions for keeping them virtuous whilst they continue to hold their public trust." All of this was summed up by Mr. Dooley, Finley Peter Dunne's political commentator, when he said: "Trust everyone—but cut the cards."

I submit, Mr. Chairman, that as I see it there is an overriding reason why this task still remains to be completed after 200 years. It is this: Contrary to the spirit of our Constitution, we have settled into a rut where in every decade we deal only reactively with incidents of malfeasance. If and when we are finally moved to lift a finger we keep putting it in the dike. We have never seized the problem with both hands, as it were, in an attempt to master it preemptively and comprehensively. In this area, and in my opinion for self-serving reasons, the government officials who say they are interested in reform march only to the border where they find a separation of powers—and then they declare there can be no crossing.

The result is that a system of ethical surveillance has evolved which, by and large, finds each branch of the government looking after itself—drafting general rules of conduct for its personnel and then deciding when to enforce or not to enforce them. This has brought us not only disparity between the branches but internal disorder as well in all three. In the judiciary, conflict-of-interest rules are promulgated by a Judicial Conference with dubious enforcement powers; some judges of the lower courts reject its authority, and the Conference itself acknowledges it has no jurisdiction over the nine justices of the Supreme Court. In the Congress, there is one code for the Senate and another for the House, with no ongoing program in either chamber to verify the completeness or accuracy of Members' disclosure statements. In the executive branch, the situation has not changed much since a detailed study in 1960 concluded: "Regardless of the administration in office, the Presidency has not provided central leadership for the executive branch as a whole. . . . Administration of conflict-of-interest restraints can be observed only on a fragmented basis—department by department, agency by agency."

No wonder the citizen loses patience. No wonder there is a growing distrust of government. For however we might differentiate ourselves here in Washington, we of the three branches are seen by the people as part of a single governmental establishment, resting on a single tax base. For their money, it is about time that the people were provided with a cop on the beat in Washington—some anti-corruption machinery in the government that is free-wheeling, having no place in the driver's seat for the politicians who are being policed.

But where would we put this enforcement unit? Certainly not in the Congress or the courts, which are not in the enforcement business; not equipped to take on this responsibility; and not, in any event structured to speak with one authoritative voice because each judge, each Senator and each Congressman is—and ought to be—a sovereign individual. Nor is it advisable, as I see it, to vest the enforcement power in an independent board or commission—or in a special office such as that of the Comptroller General—because these are bureaucratic entities with no great visibility, no popular constituency and therefore lacking public confidence and support.

Obviously, then, this is an operation that should be established in the executive branch of government, and to do so would of course preserve and follow the lines of authority set forth in the Constitution. But now we come to the question: Where in the executive branch? The only appropriate agency, at first glance, appears to be the Justice Department. Here we have two choices. We could entrust the task to a separate government crimes division reporting directly to the Attorey General, or we could rely on an autonomous figure—a special Watergate-type prosecutor.

The first alternative has, for openers, the advantage of tampering the least with an existing system which periodically puts officials out of office—and sometimes in jail, to boot—without disrupting our form of government. Another advantage is that it keeps responsibility where it belongs, putting pressure on the Attorney General, and ultimately the President, to perform their Constitutional duties. The salutary effect of all this on Justice Department morale perhaps should not be underestimated. Yet the weakness of the status quo, beyond which this approach hardly takes us, is evident. To say it did not

spare us Watergate is to understate the case against it; neither has it spared us the lesser but recurring scandals that have plagued us throughout our history. In our political world it is a fact of life that the work of the Justice Department, from time to time, is subverted when someone under investigation is able to reach an influential official—perhaps, but not necessarily, the President himself. In any event this strategy does not help us out of the predicament we started with: How can the President really convince the people that self-monitoring will guarantee his own good behavior?

Or that of his appointees in the executive branch? Or of his friends in the courts or in the Congress—personages who can make or break a President's programs?

The second alternative of surrendering all responsibility to a special Watergate-type prosecutor seems to overcome these difficulties. After all, during Watergate it worked. What better justification do we need for keeping an independent prosecutor in the line-up? Would it not be ill-advised at this time, in view of the exceedingly skeptical mood of the electorate, to bench the prosecutor, and to try to justify this with a declaration that probity in officialdom is back to "normal"?

I submit, Mr. Chairman that we certainly ought to bench the special prosecutor, but that there are valid and more credible reasons for doing so. Among these reasons, three stand out.

First, instead of making it clear to the American people where the buck stops (President Truman took pride in advertising that it stopped on his desk), establishing an office of independent prosecutor would cause the buck to be passed back and forth—or to stop short of the White House. I doubt that we would want to allow our chief enforcement officer the political luxury, when it suits him, of ducking the responsibility we have vested in him. Confusion would arise as to who is really responsible—the see-no-evil, hear-no-evil President or the special prosecutor who, while appointed by the President, operates autonomously on a turf where the boundaries cannot be precisely defined.

Second, the prosecutor at times might have to pay too dearly for his putative independence if he pushes it too far. He could be denied the full cooperation of the expert, well-staffed enforcement agencies that form part of the President's administration. This foot-dragging by other officials would not always be provable by the prosecutor or even visible to him, let alone to the people. But he might suspect it, and then be tempted to make a quiet accommodation rather than bear the public sting of losing his case. As to any open clash with the President or chieftains in the Congress, the prosecutor would have to start with the handicap of having no popular constituency. The voters might not side with him because they do not really know him. They could be persuaded by the politicians to whom they entrusted their vote that he was acting in his own interest rather than in the public interest.

A determined prosecutor would then have to reach for his ultimate weapon—the threat to resign. But martyrdom might not become him or his cause as it did Archibald Cox. It was strictly the uncommon notoriety of Watergate that finally produced a victory for Cox. Yet, Mr. Chairman, we ought not be worrying just about the Watergates; our primary concern should be day-to-day honesty in government. Battles have to be fought regularly inside the bureaucracy, where entrenched officials have the advantage. In these ever-recurring, convoluted little wars the special prosecutor would constantly be forced to play David against the governmental Goliath. Such odds, Mr. Chairman, will ultimately wear a David down.

Third, we ought to be wary of any prosecutor so resourceful and strong that he overcomes such odds. His success would be no guarantee of his virtue. This official, to the extent that he is truly independent, would be operating outside the constraints that normally bind other appointees. Though no one had elected him, he could become a power in his own right. And a menacing one at that. If he is a zealot, he could discover trivial misbehavior and launch "crusades" that disrupt the legitimate business of government agencies. If he is a charlatan, he could embark on McCarthyite persecution of wholly dedicated public servants. If he is politically ambitious he could become a free-wheeling rival to the President in his own house. And if he is venal, he could use confidential information to blackmail public officials. We had no such problems with Cox or Leon Jaworski or Henry Ruth. But the point is that they themselves, not knowing who their successor might be, have warned us to be alert. These men, who ought to know, would feel more comfortable if a special prosecutor were weighted down with some of the same checks and balances that keep other officials in line. Yet to put a leash on an independent prosecutor would seem to destroy his raison d'etre.

So we come to an apparent dilemma, Mr. Chairman. If we agree that a new institutional arrangement is needed to restore and sustain public trust in our Federal officials; if we must reject all governmental entities except the executive branch as the locus for this powerful new instrumentality; if we contemplate putting it in the Justice Department but then conclude that simply fitting such a unit into the existing structure there would prove ineffectual; if we ponder the establishment there of a special and autonomous prosecuting office, only to hold back because doing so would blur lines of responsibility, or because this strategy would seem to promise more than it could deliver, or because we fear that we might create a Frankenstein monster—then what possibility remains?

In my opinion, Mr. Chairman, what remains is the best possible arrangement we could devise. It is innovative, but it requires no drastic overhaul of our government. It is in accord with the Constitution, and therefore it need not bring into play the slow, cumbersome process of amending it. It is likely to work, because it is based on the same premises about human nature and intragovernmental relationships that have accorded longevity to our Constitution.

My proposal, Mr. Chairman—and, with your leave, I will need a while longer to explain it—is to establish a federal board of ethics at the White House level, and to put the President in charge of the board as its chairman. He could of course function through a surrogate, but the latter would act in the name of the President. The interaction between the President and the board, and the separate and shared responsibilities of each of them, would be such as to afford us maximum assurance that they could accomplish their mission—without any abuses of power—while operating at the highest level of visibility. The voters, looking on, would be witness to the fact that they finally do have a couple of tough cops on the beat and, furthermore, that the two cops are watching each other.

Why should the President be in charge? Our first answer must be that, in any enforcement operation under our Constitution, he already is—and ought to be. Normally, this responsiblity is delegated to an agency such as the Justice Department, but we have already reviewed what is likely to come of this. The issue of governmental integrity is so important to the American people that it would please them, for a change, to have the responsibility for it elevated to the White House level. Morever, with the board exercising oversight with respect to the President's peers in the legislative and judicial branches, nothing less than a Presidential presence on it would seem to be appropriate.

Is there, after all, anyone else in our federal government big enough to take on this job? As Woodrow Wilson said of the Chief Executive: "His is the only national voice in affairs. . . . His position takes the imagination of the country. He is the representative of no constituency, but of the whole people. When he speaks in his true character, he speaks for no special interest."

Moreover, is there anyone else who is accountable to all the voters? Or anyone in government who is better known—or more closely watched? If the President were to be given this assignment by law, it would become politically impossible for him to make light of it. His performance in this one area could well become the measure of his Presidency.

It is through the mechanism of the board that the President could act on his own initiative; be prodded into acting; or restrained from acting, when his motivation might be self-aggrandizement. Watergate has alerted us to two perils stemming from a President's direct involvement in law enforcement. First, without really wanting to act, he might pretend to do so, by creating a distraction (the John Dean "investigation"). Second, he might use his powers to thwart justice by covering up for himself or others (John Mitchell, H. R. Haldeman, John Ehrlichman), or by misusing a governmental agency he controls (the CIA, the IRS). But under the proposal I present here, Mr. Chairman, the President would be a Siamese twin of a board whose members could tug him in the opposite direction. His being conjoined with the board means that the members would be looking over his shoulder, tending to inhibit any malfeasance by him. For comfort's sake, the President would quickly learn that, first, he must march, and second, that this would be painful unless he were in step with the board.

The board would be an independent body divorced from the rest of the executive bureaucracy. Its members—two Democrats and two Republicans—would be appointed by the President with the advice and consent of the Senate. As a guarantee of their independence, the board members would need lifetime appointments, in the manner of the federal judiciary. A member appointed to a fixed term could be confronted with the need to make a particularly sensitive decision on the brink of the expiration of his term; he might then vote—or be suspected of voting—in a way to best assure reappointment by the President. In exchange for indefinite terms that could be ended only by impeachment, the board members would be disqualified from ever holding another office should they step down. This would prevent the board from being used as a launching pad by members with political ambitions. And it would assure the public of the integrity of board decisions.

Since most board members would survive a President who appointed them and since, in any event, he could not oust them, we could be confident that the White House connection would not compromise their independence. With no stake in any program administered by the executive branch, and sharing none of the institutional or personal loyalties that develop in the bureaucratic principalities, the board members would have no reason to gloss over an incident merely to protect an official, his agency or its mission. Having no concern, either, about who is elected or re-elected to the Congress, the board need not feel inhibited about taking on a member of the House or Senate. And having no role in the selection of judges, the

board would have no reason to indulge those who betrayed that office.

We could take steps to preclude either the President, acting alone, or his two party members, acting with him, from manipulating the board for partisan ends. First, we could require that at least four members constitute a quorum. Second, we could stipulate that the President could vote only to join in a unanimous decision of the board or to break a tie. Should it ever become necessary for him to cast a tie-breaking vote, maximum public attention would be focsued on him and he would have to answer convincingly for his action. But it is evident that in most cases he would wield little control because he would not be participating in board actions as a voting member. Yet the board would have the clout that comes from functioning in his name, and the President would be under an obligation, too, to exercise leadership.

A McCarthyite board need not be feared. Extremist action could not be mounted by one aberrant member; he would need the concurrence of his colleagues. Besides, we could expect the President to exercise a restraining influence, if it came to that. Also, the courts would be watching from a distance and Congress could disestablish any such board, writing it off as an unsuccessful experiment in ethical enforcement.

To needle the President, as required, the board would have the power of subpoena and authority to conduct public hearings. But we ought not to overlook the fact that a well-motivated President might actually welcome the help of the board. An observer of presidents has noted that bureaucrats chronically fail to report anything to their superiors that might reflect badly on their agencies or the programs they administer. He concluded: "A President doesn't get much straight talk from his subordinates."

However, the board—by maintaining its distance from all three branches—would be strategically situated to receive information on a confidential basis. Civil servants would not have to worry that their tip about an agency would reach the boss himself; they could feel confident that their information would be investigated, rather than brushed aside. In fact, there could develop a symbiotic relationship between the President and the board. The board would need the President to enforce its decisions; the President would need the board to feed him information. The board would have the advantage of being on the White House stage, while the President could retreat behind the board when his friends or allies are under assault.

No such board could operate without a large staff—its own built-in bureaucracy. But because I believe that the people need another agency like they need more corruption, I propose that in establishing the board we disestablish the Federal Elections Commission, which even today is not known to the average American, and where the leadership lacks a popular following. The board would necessarily operate anyway on the Commission's turf. In addition, we could reduce the size of some other governmental entities—such as the Civil Service Commission—to the extent that we cause them to cede to the board some of their authority. As the central clearinghouse for ethical concerns in the government, the board could work with Congress in helping to anticipate and solve problems. For instance, it could recommend a single standard as to what constitutes a conflict of interest, applicable to all three branches. I submit, Mr. Chairman, that the taxpayers would not begrudge payment for this type of service.

Thank you Mr. Chairman, I would be happy to answer any questions you might have—orally now, or later in writing. It has been a pleasure to appear before this distinguished panel.

BERNARD G. SEGAL AWARDED AMERICAN BAR ASSOCIATION'S ABA MEDAL

HON. CHRISTOPHER J. DODD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. DODD. Mr. Speaker, I was recently pleased to learn that a lifelong family friend, Philadelphia attorney Bernard G. Segal, has been awarded the American Bar Association's ABA Medal. Mr. Segal was presented the American Bar Association's highest award on August 11, 1976, during the association's annual convention in Atlanta.

I congratulate Mr. Segal on receipt of the ABA award, and would like to insert in the RECORD the following article from the Legal Intelligence regarding Mr. Segal's distinguished record of public and professional service:

BERNARD G. SEGAL VOTED AMERICAN BAR ASSOCIATION MEDAL

Philadelphia attorney Bernard G. Segal has been selected unanimously by the American Bar Association's Board of Governors to receive the ABA Medal, highest award given by the 208,000-member organization.

ABA President Lawrence E. Walsh will present the medal to Segal on August 11th in Atlanta during the association's annual meeting.

The medal is awarded for "innovative contribution to American jurisprudence, that is, the search of the American people for true and universal justice."

In making the announcement, Walsh said that Segal is known not only nationally, but also internationally, as a "champion of human rights."

Last October, Segal was given the World Peace Through Law Center's World Lawyer Award for "inspiring the legal profession . . . to assume a leadership role in the critical process of curing the afflictions of our time."

Segal has a distinguished record of public and professional service. He was president of the ABA in 1969–70 and has served in the association's policy-making House of Delegates, and as chairman of several special and standing committees.

Segal was appointed by Presidents John F. Kennedy and Lyndon B. Johnson as co-chairman of the Lawyers' Committee for Civil Rights Under Law.

Other government posts in which he has served have been as chairman of a congressional Commission on Judicial and Congressional Salaries by appointment of President Eisenhower; a charter member of the Standing Committee on Rules of Practice and Procedure Judicial Conference of the United States, by appointment of Chief Justice Earl Warren; and a member of the United States Attorney General's National Commmittee to Study the Antitrust Laws.

Segal also served on the Executive Committee, United States Attorney General's National Conference on Court Congestion and Delay in Litigation; National Citizens' Committee for Community Relations; Advisory Committee to the United States Mission at United Nations; Department of State Advisory Panel on International Law; and chairman, Executive Committee of the National Advisory Committee on National Legal Services Program of Office of Economic Opportunity.

He is a director, member of the Executive Committee, and life member of the American Bar Foundation, first vice president of the American Law Institute, former president of the American College of Trial Lawyers, former chairman of the board, American Judicature Society, and a Fellow of the Institute of Judicial Administration.

Segal received B.A. and LL.D. degrees from the University of Pennsylvania, of which he is a Life Trustee and a member of the Executive Board. He has received honorary degrees from several universities including his alma mater. He was admitted to the Pennsylvania Bar in 1932.

Segal was the youngest Deputy Attorney General in the history of Pennsylvania from 1932–35 and was Chancellor of the Philadelphia Bar Association in 1952 and 1953. Segal has also been a member of the Federal Judicial Center Committee on the Workload of the United States Supreme Court, by appointment of Chief Justice Warren E. Burger; the Administrative Conference of the United States, and the United States Commission on Executive, Legislative and Judicial Salaries, of the Ninety-third Congress. Last week he was appointed a member of the commission in the current Congress.

Earlier this year, he was elected by the World Association of Lawyers as president for the Americas.

LIBERAL CENTRAL PLANNING: HERE WE GO AGAIN

HON. JOHN M. ASHBROOK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. ASHBROOK. Mr. Speaker, the U.S. Departments of Commerce and Labor have recently released their figures for the second quarter of 1976. The figures show some interesting changes. First, economic improvement has somewhat slowed over the last quarter. At the same time the rate of inflation has increased.

While the inflation rate is not at the same levels of a few years ago, any increases in the rate must be viewed with concern. A constantly increasing cost of living hurts the homemaker, the worker, the retired person, the businessman. What is not needed is a rebirth of the old liberal notion that a little bit of inflation is all right and even good for the country. As has been seen in this country and in many others, what some consider a little inflation can quickly turn into a double digit increase. The cost of living skyrockets.

Although the liberal economic theory of spending more and more has come up against hard reality, there are still too many in Washington, D.C., who refuse to recognize the fact. Some liberals are willing to castigate big government and in speeches they may oppose continuing increases in Federal spending but their proposals and votes usually tell a different story. They propose and vote for big spending programs.

One of these proposals is the Humphrey-Hawkins bill. Its proper title is the Full Employment and Balanced Growth Act. Its title is impressive; its contents are less impressive.

The basic thrust of the bill is to get the Federal Government further involved in the economic life of this country. The

Federal Government would become involved in comprehensive economic planning. It would place responsibility for the economic life of our Nation in the hands of central planners in Washington, D.C. For example each year the President would be required to prepare and submit to Congress a national economic plan.

In my opinion the bill seems to be modelled on the failures of the socialism in Great Britain. The American free enterprise system would not be improved but exchanged for a centrally directed economic system that has had a consistent record of failure and weakness. This country does not need more bureaucracy and red tape. But that is where the Humphrey-Hawkins would lead. It is past time to bring the Federal Government under control. It is not the time to greatly expand its costs and involvement in American life as this bill would do.

BICENTENNIAL FLAGS WAVE OVER CLAYTON

HON. PAUL FINDLEY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. FINDLEY. Mr. Speaker, the flags are flying in Clayton, Ill.—Bicentennial flags that is. I have the honor to represent this small midwestern community as a part of the 20th District and I am very proud to report to this House about Clayton's outstanding Bicentennial project.

Not content with any of the usual Flag Day proceedings this past June, the community of Clayton decided to decorate their Main Street with 25 hand-sewn flags, each representing a different segment of American history. The flags were designed to display such themes as the Viking, New England, the Union, Bunker Hill, and also included replicas of the continental and colonial flags.

Over 100 local citizens were involved in the project. Church organizations worked to create the flags and the local Boy Scout troop painted the fire hydrants and planted flowers in the park in honor of the Bicentennial flag ceremony. At the celebration to unveil the flags there was a program of music and speakers along with the firing of a cannon by the Muzzleloaders of the 37th Regiment of Quincy. All enjoyed the calliope music that ended the day.

The flags will continue to grace Maine Street through the summer. I am inspired by this endeavor as I know the residents of that outstanding community are when they walk down that beautiful street. In this Bicentennial Year, their actions symbolize more than ever the individual freedom and commitment which serve as the cornerstone of our great Nation. The flags remind each of us of the sacrifices which have been required to both achieve and sustain our Nation's precious heritage. Long may they wave.

TROTSKYISM AND TERRORISM: PART VI—TERRORISTS ACTIVITIES IN EUROPE

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. McDONALD. Mr. Speaker—

GREAT BRITAIN AND IRELAND

The British section of the Fourth International has always been under the domination of the International movement. In 1963, the British section was reorganized by the Fourth International and cadres were sent from Canada to supervise the operations. Alan Harris was one of these and had his salary paid by the Fourth International.[1]

The British section now called the International Marxist Group later complained that Harris was being subsidized by the Socialist Workers Party to carry out factional activities against the IMG leadership.[2] The leadership of the IMG support the pro-terrorist International Majority Tendency of the Fourth International. Harris works with the SWP in the Leninist-Trotskyist faction.

Ernest Mandel is now in complete control of the IMG. He even wrote the political resolution for the 1976 IMG convention. That resolution was adopted at the December 22–23, 1975 meeting of the United Secretariat of the Fourth International and then presented to the English section.[3]

The IMG supports the terrorist activities of a small grouplet in Ireland. This organization called Saor Eire considers itself part of the IRA, but has engaged in assassinations of other IRA members. A history of the relationship between the IMG and Irish terrorists was given by SWP member, Gerry Foley, in a lengthy discussion article entitled "The Test of Ireland." Foley wrote:

The first sign of the IMG's interest in the Official republican movement came when the May 1970 issue of the *Red Mole* reprinted an interview with the Official leader Malachy McGurran from *Intercontinental Press*. Contacts seem to have developed subsequent to that, leading to Comrade Purdie's visit to Belfast in July 1970 and to the Official Ard Fheis in December 1970. But at the same time, the IMG came in contact with, or began to take more seriously, a group of adventurers expelled from the republican movement in the 1960s. These adventurers were associated with Gery Lawless, an "independent" Trotskyist who had broken with the republican movement in 1955, accusing it of reluctance to begin the guerrilla campaign for which it began preparing with the arms raids in the early 1950s. Many of them were ex-members of the Irish Workers Group, a heterogeneous grouping led by Comrade Lawless which disintegrated in early 1968. The IMG's interest in this group seemed to increase at the end of 1970 when Comrade Lawless joined the IMG and became the coleader of its Irish work.

AN IRISH ERP

In its January 1–15, 1971, issue, the *Red Mole* published an interview with a representative of this grouping, Saor Eire, which offered a different version of the movement toward politics in the Official IRA. This interview was announced on a cover with a picture of a guerrilla pointing a gun at the reader. In answer to a question about the split in the republican movement, this anonymous spokesman said:

"Well, we have seen the inevitability of such a split occurring for the last eight years. We did not particularly favour it since, unfortunately, it happened over wrong issues. In the official section, we have an amalgam of peaceful roadmen, reformers, and left-wingers; and within the Provisionals, we have more militant elements, but right-wing politics. In practice, we have found ourselves more closely aligned to the Provisionals, it is among those elements that we draw a lot of our support.

"Of course, it is important to draw a distinction between the leadership and the rank-and-file in both these organisations. Both leaderships seem equally opposed to us and equally capable of spreading slanders about us, whereas with both rank-and-files we have very much in common. We are grateful for the help that Cathal Goulding, the chief of staff of the official IRA, sent in relation to Frank Keane's case. But we condemn unequivocally their actions in issuing disclaimers and thereby helping police to finger our organization in the Arran Quay robbery."

The representative described the origins of his organization in this way:

"I'll have to go back to the '60s and trace the development of the Republican movement. After the failure of the mid-'50s military campaign in the Six Counties, a certain amount of disillusionment set in within the IRA and Sinn Fein. People saw the futility of a purely military campaign not backed up by some form of political action. In the early '60s some people connected with the London-based 'Irish Democrat' joined the movement. Their Stalinist politics were not accepted overnight, but on account of the lack of clear-cut politics within the Republican movement, the position was that any brand of politics was accepted. With the influx of these people, political classes were started, which were good in themselves, as they gave many members of the Republican movement their first knowledge of left-wing politics; but hand in hand with the growing political awareness, there began a running-down of the armed section, the IRA. This unfortunately led to a lot of people equating left-wing politics with reformism. Many of our members at this stage started to voice their objections to this running down of the IRA. These people were either dismissed on trumped-up charges or left of their own accord. Other members saw through the politics of Stalinism and left on a political basis.

"At this time too, many English-based revolutionary groups started to spring up. People saw in these groups alternatives to the Irish Communist Party and to the current Stalinist orientation of the Republican movement, and thought that maybe, through such organisations, a new fusion could be made between left-wing politics and the traditional military of Republicanism. Some people who had been involved in the Trotskyist English-based Irish Workers' Group formed an important section of Saor Eire and began to form links with these dissident elements of the Republican movement. This resulted in a loose organisation being formed in Dublin about three to four years ago, which carried out some arms raids and some bank raids in an attempt to try to get a militant politically conscious, armed group off the ground.

"After these initial actions there was not such a mass movement toward this grouping as was expected, since its actions were seen as more in the tradition of the international revolutionary movement, as opposed to the Irish movement. The next period was spent in discussion with various political groupings, and with various mem-

Footnotes at end of article.

bers of the Republican movement, in an attempt to win them over to this new concept of political action."

The method by which this tiny adventurist group hoped to stimulate a "mass movement" toward itself was explained as follows:

"Saor Eire is a left-wing armed group which is attempting to act as a fuse or detonator to the Irish revolutionary struggle. It is attempting to step up the tempo of development of political life. It is part of the Republican tradition but also draws from the international revolutionary movement, both politically and in a military sense. As opposed to past forms the Republican struggle took, Saor Eire is centered around the cities and could be called an urban guerrilla group, inasmuch as it sees the main struggle taking place in the cities, and within the working class directly."

As for Saor Eire's activities, although they did not exactly depend on mass support, they were designed to win mass sympathy:

"Unfortunately due to publicity given to us by the bourgeois press, people seem to think that we are only involved in robbing banks and living high lives, etc. etc. This could not be further from the truth. We *have* robbed many banks and taken responsibility for them. But we have also been involved in armed raids, in industrial disputes, in direct confrontations with the state and its agents, also in local disputes and tenants' disputes. The money expropriated from the banks is used to purchase arms and equipment for the forthcoming struggle in Ireland. A lot of our finances have gone to aid the Catholic population of the North who have been under attack from British imperialism. This took the form of money, ammunition, and equipment. The money is also used for the maintenance of our revolutionaries in the field, who, at the moment, number quite a few. It is also used for political education, the arrangement of classes, camps, and all of the other running expenses that any armed group is liable to. We're also involved in military training of members of other left-wing groups in Ireland, people from the North, and the broad Republican movement, who have not been able to get this training within their own organisations." (Emphasis in original.)

Despite a certain autonomy from the masses, Saor Eire was not, it was explained, a foquista group: "We don't believe that the foco itself can become the party or has any monopoly on the revolution. But small guerrilla groupings, to a certain extent independent of the working class, *can* help to raise the level of the working class and so help to create the party." (Emphasis in original.)

In fact, Saor Eire was a very special kind of guerrilla group, one sympathetic to the Fourth International and especially to the International's support for "armed struggle," an Irish facsimile of the Argentine Ejército Revolucionario del Pueblo! An exemplification of the correctness of the line of the Ninth World Congress. . . .

"As regards the Fourth International: we recognise the revolutionary role it has played since its inception; how it came to the aid of the Algerian revolution with arms and weapons while other so-called revolutionary organisations failed to fulfill their duty. We also admire how they came to the aid of the Cuban and Vietnamese revolutions and defended them against imperialism, in America and throughout the world. We are particularly sympathetic to the political assistance it is giving the Irish struggle at the moment. While the Stalinists have consistently dilly-dallied and vacillated on the question of Ireland and on the role of armed struggle in Ireland, the Fourth International is probably the only organization which has consistently given it support. A lot of our members have been, at some time or other, members of Trotskyist groupings."[4]

When Peter Graham, an active member of IMG and Saor Eire, was murdered by a rival IRA group strong statements advocating violence were made by IMG activists. Concerning this Foley wrote:

THE TROTSKYIST MARTYRS; OR THE INTERNATIONAL "SECRET ARMY"

But it is not necessary to wait for the truth about Comrade Graham's death to draw some conclusions about the way the IMG and its European cothinkers responded to this tragic incident.

"After recalling Peter Graham's life as a revolutionist, Comrade Tariq Ali issued a warning: 'At present we do not know what criminal brute shot Peter Graham to death; but we will find out; and when we do we have ways of dealing with this type of individual.'

"An investigation is now in progress, but as Saor Eire declared (cf. *Rouge*, no 126), any investigation must be directed at the offices of the Special Branch (political police) in Dublin." (*Rouge*, November 6, 1971.)

Comrade Ali's solemn warning could not fail to make the headlines. This was particularly true since the Dublin papers were giving sensational coverage to the Graham killing, treating it as a mysterious gang war among the republican and far-left fringe.

Comrade Ali's threats were made even more newsworthy by an article in the independent left-liberal news weekly *This Week* by Sean Boyne.

"The Dublin Trotskyist leader Peter Graham (26) may have been murdered in the middle of a gun-running operation. Informed sources in both Dublin and London link him with a plan to smuggle guns through the 26 Counties for the IRA war against British troops in the North.

"Graham would have been in a key position for any such operation. He was the Irish representative of the Fourth Internanational, an influential, pro-IRA Trotskyist organisation with a world-wide network of branches and previous gun-running experience. He had very close contacts with Saor Eire almost since its inception. He was reported to have had access to large sums of money and he was held in very high esteem by important members of the Provisional IRA.

"There is no evidence that the Fourth International has been involved in gun-running to Ireland. But through the organisation he would have been able to make valuable contacts abroad. The Fourth International in recent years has supplied arms for the rebellions in Cuba, Algeria and Hungary, and it has now decided on a policy of 'maximum support' for the IRA.

"But even if Graham had been running arms, and there is no conclusive proof for this, who should want to kill him? His close associates in Dublin have ruled out the possibility that he was sentenced to death as an informer by Saor Eire or any Republican organisation.

" 'Peter Graham was no informer and he was most security conscious,' said Tariq Ali, sentiments which were echoed by all who knew the dead man. The Young Socialists have however recalled some allegations made some weeks ago by Saor Eire that "murder squads" had been formed among right-wing gardai [police] and Special Branch men. And a London-based friend of Graham's has mentioned the possibility of a move by British Intelligence to thwart a Trotskyist intervention in the Northern Ireland situation.

"But there is also a theory that the shooting may have been ordered by some rival bank-robbing group to Saor Eire which for some reason wanted to teach the 'Trots' a lesson. It may be significant that Saor Eire men have stated in recent weeks that they were not responsible for every bank raid carried out in the 26 Counties.

"One thing is certain. Whoever was responsible for the murder is in a rather delicate position. As one London Trotskyist said ominously: 'There is an awful lot of anger about the shooting of Peter Graham.' "

Boyne's version of Comrade Ali's remark was: "We have our own ways of dealing with such people."

There is unfortunately no doubt that the IMG appreciated this kind of publicity, with all its exciting suggestions that the Fourth International was engaged in international gun-running and had its "own ways of dealing" with assassins. Comrade Ali in fact protested because *Intercontinental Press* did not reprint this flattering article in full.

In fact, one organ of a section supporting the IEC Majority Tendency seemed really to strain itself to present the situation of the Irish Trotskyists in the most heroic light.

"In difficult conditions after the cowardly assassination of Peter Graham and the mysterious death in January 1972 of Mairin Keegan, another leader of the RMG, our comrades of the Irish section are assuming an enormous task. They have to offer real support to the two branches of the republican movement (the Official and Provisional IRA), to develop Marxist analyses of the Irish question, and above all to coordinate the struggles in the North as well as the South because they alone of all the revolutionary organizations have a base both in Ulster and the Republic." (*Rouge*, June 3, 1972.)

Tragic as Comrade Keegan's death was, it was not unexplainable. She died of a long illness. She was, however, a member of Saor Eire, as a member of the RMG pointed out at a memorial meeting held for her in London.

"She was not simply an armchair Marxist, she allied theory to action. In May 1968 in Paris she took part in the struggle of the workers and students which has opened the new era of working class revolution. And in 1969, back in Ireland, as a member of the Dublin Citizens Committee and more importantly Saor Eire, she gave aid to the national revolution that has been developing in Northern Ireland. . . .

"I might conclude by wishing a long life to the FI (Fourth International) but this would be contrary to that body's aims. It wants world revolution and the world includes Ireland as soon as possible. So I prophesy a short and successful life to the FI and to Saor Eire. Let our enemies which are those of the working class beware. We are only beginning." (*The Red Mole*, January 24, 1972.)

The dangers that this kind of romantic rodomontade by the supporters of the IEC Majority Tendency represent for the entire International are only too obvious. From the standpoint of revolutionary morality, moreover, it was extremely dubious. It did not honor Graham's sacrifice but exploited it, threatening to build a farcical tissue of romantic pretensions around this death that could only discredit the Irish Trotskyists.

At the same time, this type of boastfulness and lurid imagining had a powerful momentum. For many months after the death of Comrade Graham, adventurist fantasies tended to dominate the discussions in the RMG. This was particularly noticeable in the conference of February 1972. The representative of the IMG, Comrade Lawless, to his credit, stopped this trend at one point in the discussion as it reached a dangerous point. (As for the representative of the International leadership, he was apparently not disturbed by it and in fact was anxious to reassure me when I showed signs, no doubt, of getting rather agitated.) However, it is clear from the line of *The Red Mole* and the IMG speaker at Comrade Graham's funeral

Footnotes at end of article.

that the British organization and the International leadership encouraged precisely this sort of thing. It is fortunate that Comrade Lawless decided to retreat from the logic of their adventurist line. One wonders what the IMG would have done if this kind of talk had resulted in an actual adventure and victimizations. Would they have sent a commando team to "avenge" the Irish comrades? It is much more likely that a few more martyrs would have been exploited to add to the luster of the "revolutionary pole of attraction." [5]

Alan Harris also complained that the IMG was, "giving full support to a small group that was expelled from the Republican movement, Saor Eire, an anti-Leninist terrorist grouping based in the Irish Republic." [6]

The British press, however, has accused Saor Eire of doing some of the bombings in London and other English cities.

The SWP has given considerable publicity to a group in Ireland called the Irish Republican Socialist Party. There is reason to believe that this group is closely linked to Saor Eire. In an interview with an IRSP leader, Seamas Costello, the SWP's Gerry Foley asked about the warfare between his group and the official IRA.

Q. The "Officials" say that a shadowy military organization linked to the IRSP has carried out attacks on their members. They draw two different conclusions from this. Some say that you don't control it. Others say that you are trying to use it as your assassination squad without taking responsibility for what it does. What is the relationship between the IRSP and the military groupings that have expressed support for it in the conflict with the "Officials"?

A. Well, the relationship with the PLA [People's Liberation Army] and the other armed groups that have acted in this way is as follows: The PLA and other groups that haven't chosen to say publicly what their names are offered to assist us in defending our members against the "Officials." This followed the death of one of our members in Belfast. The Belfast Regional Executive accepted that offer. The basis of this acceptance was that as long as the "Officials" attacked IRSP members, these groups would defend IRSP members against such actions and retaliate for such actions.

It's true to say that we don't control the individual actions carried out in pursuit of this policy, any more than the Army Council of the "Official" IRA controls the individual actions of members of its organization. But we are quite satisfied that as soon as agreement is reached between the IRSP and the "Official" IRA and as soon as we have some concrete indication that the "Officials" are going to call off its campaign, there will be no difficulty whatsoever about ensuring that there are no attacks on members or supporters of the "Official" IRA.[7]

IMG leader, Tariq Ali, has publicly supported terrorism and boasted that if Governor Wallace had visited his university he would have killed him.[8]

FOOTNOTES

[1] Report of the Fact-Finding Commission of the United Secretariat on the internal situation within the International Marxist Group, British section of the Fourth International, March 12, 1972, p. 18 and 22.

[2] Ibid., p. 11 and 13.

[3] Mary-Alice Waters Memo, January 15, 1976, Report by Stateman and minutes of United Secretariat.

[4] International Internal Discussion Bulletin, Volume X, No. 17, October, 1973, p. 15–17.

[5] Ibid, p. 37–38.

[6] International Internal Discussion Bulletin, Volume X, No. 23, November, 1973, p. 10.

[7] Intercontinental Press, July 21, 1975.

[8] Internal Information Bulletin, No. 3, April, 1971, p. 28.

DR. RON PAUL: FEDERAL FINANCING OF ABORTIONS

HON. HENRY J. HYDE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. HYDE. Mr. Speaker, the following is a speech delivered before this body by my colleague, Dr. RON PAUL, during the debate over Federal financing of abortions. When Congressman PAUL's remarks originally appeared in the RECORD, there was an error in printing which caused a portion of his statement to be left out. Dr. PAUL has been a physician for 15 years and was in the practice of obstetrics and gynecology prior to coming to Congress.

I now commend Dr. PAUL's corrected statement to the attention of my colleagues, many of whom may not have been present on the floor to have the benefit of his views on the day they were expressed. Since this matter is still under debate in a House/Senate conference, we likely will be voting on it once again before Government funding of abortions is resolved once and for all. His well-reasoned arguments merit the thoughtful consideration of my colleagues:

STATEMENT BY DR. RON PAUL

Mr. Speaker, abortion and its ramifications is probably the most complex, controversial, social, legal, religious, medical issue of all times. There is no simple answer to satisfy all persons involved. Those who believe there is an easy solution are kidding themselves. Sincere deliberation with the hope and intention of reducing the subjective emotional response to objective reasoning is of the utmost importance if the social antagonism that has arisen over this issue is to be alleviated. Those who would belittle its importance fail to see the significance of the impact that Presidential aspirant Ellen McCormick has made this past 6 months. What other single social issue since slavery has prompted such political activism.

Today we must decide whether or not to continue to support Mr. HYDE's proposal to prohibit Federal tax dollars from being used to promote or perform abortion. I am in agreement with Congressman HYDE and oppose the use of tax dollars to perform abortions.

Up until April of 1976 I had been practicing obstetrics and gynecology. I have been involved in medicine for 19 years. After medical school the specialty training that I received took 5 years. In other words, I have treated thousands of obstetrical cases and delivered an estimated 4,000 babies. During this period of time I never saw one case which required therapeutic abortion in order to preserve the life of the mother. The issue of "the 'threat' to the mother" is not realistic since it is so rare. This is emotionally concocted and does not do justice to those who use this as the reason for legislation.

When it does exist the Hyde amendment would not prevent treatment to the mother. Today we do not need to abort women for heart disease and diabetes; that is for the medical illnesses. The conditions that require treatment for the mother in order to save her life are today limited to cancer. This amendment would not prevent this treatment and the loss of fetal life would be incidental to the radiation treatment or the hysterectomy, if required. One other item—there are many examples of some chronic illnesses improving with pregnancy when at one time the medical community believed pregnancy increased the severity of the disease.

Many use as the justification to abort, the potential birth of a malformed child. This to me is the worst reason conceivable. This literally justifies the elimination of newborn defective life and those who are apparently useless. Most would classify this as murder and even many of the pro-abortionists would agree. However, there are many who reason that the decisionmaking should extend up to 1 year of life. The question you must be forced to ask then is, What about defective and useless ideas that disrupt society. History shows that others have justified this also and destroyed life for causes such as religious and political beliefs.

I did not always draw rather stringent lines on abortion until I was forced as a young physician to face up to the problem. I was called to assist one day as many young residents are in an operation performed by a staff member. It turned out to be a hysterotomy, a type of caesarian section with the removal of a 2-pound infant that cried and breathed. The infant was put in the trash and left to die. At that time it was even in defiance of all current laws. We as physicians can now save many infants that are born weighing 2 pounds. The Supreme Court now permits abortion up to 6 months of gestation and later under special circumstances. Frequently this will involve infants weighing as much as 3 pounds. Following this experience I reconsidered my position of "necessary abortion" and came up with an entirely different perspective. One physician who ran an abortion clinic for years and supervised thousands of abortions has recently joined me in reassessing his position and now opposes abortion due to the callousness with which it is administered. Young people came to my office asking for an abortion as if it were requesting an aspirin for a headache. This lack of concern for human life is an ominous sign of a decaying culture. We as a Congress must not contribute to this decay.

Civil libertarians must oppose tax dollars for abortion if they choose to be consistent. The use of tax dollars for abortion flaunts the first amendment protection of religious liberty. The advice I give to the pro-abortionists is "Do not use the dollar of citizens with devout religious beliefs against abortion to carry out this procedure." This is like waving a red flag in front of a bull and providing an incentive for the antiabortionist to organize and rally with great strength. Just remember how the antiwar groups rallied and changed a bad situation in the 1960's when kids were forced to serve and die and taxpayers forced to pay for an undeclared illegal war pursued by an ill-advised administration.

The 14th amendment protects depriving any person of life. Government exists to protect life, not to destroy it. Those of you who still believe that life is not involved need to visit more operating rooms and possibly you would be converted like I was.

Legally there is good historic precedent to establish the rights of the unborn and to recognize their legal existence. Right of inheritance is recognized for the conceived but unborn infants when the death of the father occurs prior to the birth. The right of suit by the unborn is recognized in accidents that kill or injure an unborn. The right of suit by

the unborn is recognized in injury that harm the unborn in such cases as drug injury. The injured unborn can sue MD's after birth for malpractice if we as physicians injure the infant with bad medical judgment. From day one in medical school we are taught two lives are involved and the responsibility is ominous, in that we need to give deep concern for the new life to be and protect it in the best way possible so that it can enter its new environment free of injury since its more vulnerable predelivered state is so precarious and needs specific help, assistance, protection, and consideration.

The sickest argument for abortion is that the poor black population needs to be reduced. Keep them off the welfare rolls some conservatives argue. Even liberals have argued with me that since I oppose the welfare state this would fit into my desire. I am for reducing the welfare state but certainly not this way. The welfare state will be reduced when the welfare ethic of materialistic redistribution by force is challenged and changed.

Frequently abortion is performed at the desire of an aggressive social worker who fears food may become scarce and for various other personal prejudices. Teenage abortion now is done with specific exclusion of parental consent, if the Government so chooses; another attack on religious convictions regarding the sanctity of the family. Opposite to this is the abortion for the mother of the pregnant girl "to save face." In the private practice I had, this was the strongest motivating factor for abortion. The pregnant girl usually had a great psychological need and desire to be pregnant and deliver a baby. A symbol to her of something that represented love and affection. Abortion carelessly given, financed by the Government, hardly will settle this deep psychological problem.

My entire political philosophy is built on the firm conviction of the absolute right to one's life and property but precludes all violent activity. Some challenge my position on abortion as saying that I violate the mother's right to her life by preventing abortion. Since the key lies in whether or not one or two lives exist my decision is based on my medical knowledge that life does exist prior to birth and after conception. If the mother can reject that same life in her body because it just happens to be there she could reject that same life in her house. Besides a strong argument exists that the mother's rights are violated by a newborn, screaming hungry, naked infant much more so than by the inconvenience of an innocent silent warm contented unborn. The newborn demands a much greater amount of care, concern, time, and effort, and therefore is a so-called violation of the mother's rights and yet we recognize caring for a child as a responsibility both legal and moral once birth occurs.

A SPECIAL THANKS TO FATHER BEDE

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. OTTINGER. Mr. Speaker, the community of Mount Vernon, N.Y., recently honored a most extraordinary person, Father Bede Ferrara. I would like to join in their admiration of this man, and thank Father Bede for the time and energy he spent to improve the life of his parish and his community.

He is an extraordinary man, not content to restrict his activities to the important work of religious guidance to his parishioners, but an active force for good in the entire community. His dramatic organization of a "God Squad" to combat vice and delinquency in Mount Vernon, his involvement in virtually every worthy community activity, be it help to the poor, housing, recreation, youth programs, has been a force for good in Mount Vernon that will be sorely missed.

We all wish him well in Boston, and shall always remember the special care he gave to his friends and neighbors in Westchester County.

In paying tribute to Father Bede, the Chamber of Commerce of Mount Vernon presented him with a well-deserved citation which I would like to share with you today:

MESSAGE AND PRESENTATION TO REV. FATHER BEDE FERRARA, OFM, PASTOR OF OUR LADY OF MOUNT CARMEL CHURCH

(Made by Salvatore Quaranta, Executive Vice President of the Mount Vernon Chamber of Commerce)

I am pleased to have this opportunity to express best wishes and appreciation to Father Bede.

During the past several years, I have had the opportunity of becoming involved in community programs in association with Father Bede.

In addition to his chosen avocation in serving God, he devoted endless hours to serving the total community. His interests have extended to the concern for the religious, social health and recreational needs of our community.

In the two areas close to my field of work, namely the Chamber of Commerce and the United Way, Father Bede has been of immeasurable help and for this I am most grateful.

And to this most concerned gentlemen, I have the priviledge of presenting to him a Citation which reads as follows:

"Citation for Community Service Awarded to Rev. Father Bede Ferrara, OFM, Pastor of Our Lady of Mount Carmel Church in Recognition of Outstanding Achievement in Serving the Human Needs of Our Community"

In closing, I extend most sincere best wishes to Father Bede and thank him for he has helped to make the Community of Mount Vernon, New York, a better place in which to live, worship, work and do business.

Good Bye my friend, may you be blessed by everlasting good health so that you may enjoy serving the needs of all the people in your new assignment in the Boston area.

TURKEY, DRUGS, AND THE UNITED STATES

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. RANGEL. Mr. Speaker, the recent creation of the Select Committee on Narcotics Abuse and Control is representative, I feel, of a long overdue recognition by the Members of this House, of the seriousness of the narcotics problem in this Nation. Its existence will provide the Congress with an arm with which it can oversee the entire world drug scene and thereby, hopefully, significantly reduce illegal narcotics trafficking into the United States.

The geographical areas of greatest concern to narcotics control officials have traditionally been Mexico, Southeast Asia, and the Middle East. In particular, Turkey was, for many years, the primary provider of opium to the dealers who eventually brought heroin to the streets of our cities and towns.

In 1971, the Turkish Government ordered a cessation of poppy growing which resulted in a significant reduction in the heroin entering this country. Subsequently, an executive agreement was signed by the leaders of the two nations aimed at solidifying the opium ban. Then, abruptly last year, in apparent contravention of this agreement, the Turkish Government ended the ban on opium growing, thereby opening up once again the threat of a vast potential supply of this dangerous plant.

Fortunately, despite resumption of opium growing, the predicted increased flow of illicit narcotics from Turkey has not materialized. In this respect, Turkish officials clearly deserve praise. They have regulated the actions of the opium farmers in accordance with guidelines established by their Government in consultation with the United Nations Division of Narcotic Drugs and the International Narcotic Control Board, and, most importantly, their oversight in conjunction with the implementation of a new harvesting process, has apparently resulted in a massive reduction in the quantity of Turkish poppy origin heroin reaching the United States.

I should make it clear that despite the impressive statistics concerning the diversionary efforts by the Turkish Government, I remain deeply disturbed by the resumed growing of opium. Although I certainly recognize both Turkey's right to make decisions which are in her own national interest, and the fact that the executive agreement was signed by leaders who are no longer in power, I feel strongly that the agreement should have remained in force or at the very least been renegotiated. I now only fervently hope that the strong enforcement actions by the Turkish Government will continue to yield satisfactory results.

I am pleased to insert the following excerpts from comments made by United Nations officials who toured Turkey in July of this year. This release from the Turkish Embassy is important both because of its verification of the results which had been claimed previously and for the spirit of cooperation between Turkey and the United Nations of which it is a symbol.

The quotations follow:

U.N. OFFICIALS PRAISE TURKISH CONTROLS OF OPIUM POPPY CULTIVATION

Prof. Paul Reuter of France, President of the International Narcotics Control Board:

"We believe that Turkey has set an unprecedented example in this field. She has fully implemented her decisions and also the proposals made to her for a solution to this issue (the illegal use of the Turkish opium poppy crop).

"The success registered in the purchase of all unlanced poppy capsules by the Government not only has shown the effectiveness of this method, but also proved that the Turkish nation is a 'developed country' in

this field, for this method is not expected to succeed so well in every country. In this respect, Turkey has a special position among other countries."

Ambassador Jacobus Gilbertus Debeus of Holland, Executive Director of the U.N. Fund for Drug Abuse Control:

"Last year a certain percentage of the Fund budget was set aside for technical assistance to Turkey in the control of poppy production. With these funds, the jeeps used by the control teams were equipped with two-way radios and the teams were provided with additional vehicles. This year an airplane will be furnished for aerial control. The Turkish Government did not apply for the $5 million fund that had been earmarked to offset the loss the Turkish farmers might have suffered as a result of selling their poppy capsules without lancing them. In fact, the Turkish Government did not even mention it. Because it precluded any loss to the farmers by implementing a satisfactory price policy. We are pleased by this attitude of Turkey. The success of this vital project is not fully known by other governments and the general public in other countries. The Turkish Government is being very modest about this subject and is not publicizing it adequately. This project has succeeded with the cooperation of the Turkish farmer and the determination of his Government. We must work to make the whole world aware of this."

Dr. George M. Ling of Canada, Director of the U.N. Division of Narcotic Drugs:

"This is the most successful program carried out by my department to this date. The trust of the Turkish people in this program, their honesty and realistic attitude, the smooth coordination among the relevant Turkish agencies and the effective control of prescriptions by the Ministry of Health have all been highly instrumental in this.

"When the alkaloid factory starts its production, the Turkish people will be able to buy medicines cheaper, and Turkey's export possibilities will be increased. We view this factory with great appreciation."

In another press conference held in Ankara on July 14, 1976, a question was raised regarding the allegations in the Greek and Greek Cypriot press to the effect that opium poppy was being cultivated in the Turkish sector of Cyprus and was being smuggled to other countries. Prof. Reuter and Dr. Long answered these allegations:

"There is not the slightest evidence or indication that opium is grown in the Turkish sector of Cyprus. It is not possible to conclude that just because contraband opium was discovered on a ship sailing under Turkish Cypriot flag, the narcotic originated in the Turkish sector. It is always possible that it could have been gotten on board from other sources. Since we have witnessed many times that countries with disputes with each other try to discredit one another with such false propaganda, we investigate these allegations very carefully and thoroughly. An allegation made by a certain country to the effect that narcotics were being smuggled out of mainland China, took us four years to investigate. At the end we determined that the accusation was baseless. Similarly, no evidence was found to prove that opium poppy was being cultivated in the Turkish sector of Cyprus."

At the same press conference the U.N. officials were asked whether programs were being carried out in other countries similar to that in Turkey and what was their degree of success. Their comment was:

"Different programs are being implemented in different countries. But it is true that none of them is as successful as the one in Turkey. The reasons for this are evident. The poppy cultivation area in Turkey are close to one another. Also, communications facilities are sufficient and well organized. Furthermore, there exist effective police and gendarmarie controls. These forces are well organized and efficient. Turkey is a developed country in this regard. In other countries poppy cultivation is done on hillsides and other areas that are difficult to reach, and this hinders controls.

"The personnel of the Soil Products Office have greatly contributed to the success of controlled poppy cultivation in Turkey. Also, the understanding and good faith displayed by the Turkish farmers cannot be denied. The farmers express their satisfaction with this system."

JULIUS A. POLANSKY, WEATHER OBSERVER, RECEIVES AWARD

HON. J. J. PICKLE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. PICKLE. Mr. Speaker, in the last few years, various social observers and critics have expressed dismay about the lack of the volunteer spirit in America. It seems to me that many have stated that no one will do anything unless he is paid for it.

Perhaps this is a legitimate concern, but I continue to see example after example that the citizens of this country are willing to perform selfless deeds.

Such an individual is Julius A. Polansky, who lives in the 10th Congressional District at Dime Box, Tex. For more than 30 years Mr. Polansky has been a volunteer rainfall observer for the National Weather Service.

Recently, Mr. Polansky was recognized for his outstanding accomplishment in this meaningful area, by being selected for the John C. Holm Award, an annual National Weather Service award sponsored by the U.S. Department of Commerce.

I include a news release from the Department of Commerce with more information about this prestigious award:

WASHINGTON.—Julius A. Polansky, a volunteer rainfall observer for the National Weather Service at Dime Box, Texas, has been selected to receive the John Campanius Holm Award. The names of 35 winners selected nationwide to receive this annual award were announced today by the U.S. Department of Commerce's National Oceanic and Atmospheric Administration (NOAA), parent agency of the National Weather Service.

John Campanius Holm Awards, created in 1959 by the National Weather Service, are made annually to honor volunteer observers for outstanding accomplishments in the field of meteorological observations. The award is named for a Lutheran minister who is the first person known to have taken systematic weather observations in the American colonies. The Reverend John Campanius made records of the climate, without the use of instruments, in 1644 and 1645, near the present site of Wilmington, Delaware. These observations were published in Sweden by his grandson, Thomas Campanius Holm, in 1702.

Mr. Polansky has been an accurate, consistent observer for 35 years. He has generously shared these daily observations with this community in south central Texas. His rainfall amounts are also published by the Giddings, Texas, newspaper.

The National Weather Service has nearly 12,000 volunteer observers who make and record daily weather observations in all parts of the United States. The valuable information they gather is processed and published by the Environmental Data Service, another major component of NOAA, and becomes a valuable part of the Nation's weather history.

ENERGY NEEDS

HON. JIM LLOYD

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. LLOYD of California. Mr. Speaker, in 1952, the President's Materials Policy Commission published a report, "Resources For Freeodm," which warned of the energy crisis this Nation would face in the 1970's if we did not commit ourselves to seek alternative sources of fuel and adopt meaningful conservation measures. Because oil was cheap and plentiful, few paid attention to that report. Today, however, we can no longer afford to ignore the long-term energy crisis that still confronts us.

During my first term in Congress, I have received many letters from constituents of the 35th Congressional District about energy issues. Some offered suggestions which have been translated into law. I would like to outline specific action the 94th Congress has taken to meet our present and future energy needs.

Energy policy: The Energy Policy and Conservation Act established a comprehensive national energy policy that brought down gasoline prices in the first half of 1976, and provides for oil price decontrol over 40 months. The act also authorizes a strategic petroleum reserve and provides for energy conservation, energy efficient cars and appliances, and aid to small coal mine operators. The bill became law.

ERDA authorization: The House and Senate are soon expected to agree upon fiscal 1977 authorization for the Energy Research and Development Administration—ERDA. Included in this bill will be increased funding for solar energy research and development. Earlier this year, ERDA had requested $116 million for all solar programs for fiscal 1977. Congress, however, recognizing the great potential of solar energy, is expected to provide over one-quarter billion, in effect, doubling the ERDA request. ERDA is also strongly supporting nuclear, synthetic, and traditional fuel research and development.

FEA authorization: The fiscal 1977 Federal Energy Administration authorization includes a 3-year program to help low-income persons weatherize their homes; a series of demonstration programs to encourage other homeowners to weatherize their homes to save fuel; information for homeowners on the costs and savings of energy conservation investments; and a loan guarantee program to encourage large energy users to make energy-saving improvements in buildings that could not be reasonably financed with Federal backing.

Automobile research bills: Congress voted to establish a 5-year, $160 million

project for research and demonstration of electric and "hybrid" cars using new fuels or using fuels in a new way. The bill now goes to President Ford for his signature. The House also approved a House-Senate conference version of a bill to authorize $100 million through fiscal 1978 for research into cars that pollute less.

Natural gas: Legislation to encourage natural gas production by reregulating the price for major producers and deregulating it for independents has passed both House and Senate in different forms.

Coastal Zone Management Act amendments: This bill accelerates the orderly development of vast offshore reserves. Perhaps the most important feature of this bill is that, for the first time, recognition is given to State and local governments in our Federal energy program. They will become partners with the Federal Government in the development of our offshore oil and gas fields.

Elk Hills: Congress enacted a law which will convert the 33-billion barrel Alaska naval petroleum reserve into a national reserve and authorize production from Elk Hills, Buena Vista, and Teapot Dome Reserves. Strict production limitations will match reserves for a national defense emergency.

Mr. Speaker, as a member of the Science and Technology Committee, I have had the opportunity to review the work being done by the Energy Research and Development Administration—ERDA—in identifying alternative energy sources and the role the Federal Government can play in commercially developing these sources. The ERDA has published a report, "Creating Energy Choice for the Future," which I recommend to my colleagues. How tragic it would be for this Nation if we ignored this report, in the same manner as was done in 1952.

"Creating Energy Choices for the Future," a proposed national plan for energy research, development, and demonstration, describes programs now underway and supported by the Federal Government. It does not include energy research and development in industry or elsewhere unless Federal funds are involved. It describes technologies being investigated and activities underway and planned in Federal energy research and development programs. It presents ERDA's views on the courses of action that the Federal Government should take in assisting the private sector in finding solutions to the national energy problem.

The primary responsibility for bringing new technologies into use for energy conservation and expanding domestic energy production rests with the private sector. The Federal Government's responsibility is to assist the private sector in the development and market penetration of new energy technologies by establishing an appropriate policy for private action, sharing risks with the private sector in some cases, and conducting a supporting research, development program.

Overall, the Federal energy research and development program provides assistance to industry in developing and using new or improved energy technologies when such innovations are in the public interest but cannot be accomplished by industry acting alone. Accordingly, it is the Federal Government's intent to minimize the public financial commitment and to press for the highest levels of industry cooperation and involvement. This approach was chosen in order to accelerate the development of new technologies, to make maximum use of industry's expertise and speed the process of bringing technology into use.

The private sector has the primary responsibility for developing and bringing into use the technology needed to fulfill our energy needs. Accordingly, ERDA believes that industry should play a significant part in the development of future plans and programs. The ERDA is encouraging the participation of the private sector to help insure the economic viability of research and development efforts supported by the Government.

This document does not commit the Federal Government to support specific large demonstrations, but identifies projects that may have potential and warrant further consideration. I offer a brief summary from the ERDA report on promising alternative energy sources:

FOSSIL ENERGY

Research, development, and demonstration activities are supported by the federal government to assist industry in developing and bringing into use technologies to extend the recoverable base of domestic oil and natural gas resources, and to make coal and oil shale more economically and environmentally attractive.

The coal program comprises several RD&D activities designed to assist industry in developing second generation technologies to convert coal to more widely useful and cleaner synthetic fuels; develop environmentally acceptable and economic methods to burn coal; and find more efficient means to generate electric power from coal resources.

Petroleum and natural gas programs are being conducted jointly with industry to determine the optimum application of tertiary recovery and stimulation techniques to the multiplicity of domestic resource reserves.

The unique aspects of in-situ resource recovery techniques are being explored and developed for potential application in coal gasification and shale oil recovery in another program receiving federal support.

Programs in resource appraisal and extraction technologies seek to determine the extent and quality of domestic fossil fuel resource and improved methods for mining that incorporate greater efficiency and safety and enhance environmental integrity.

SOLAR ENERGY

Solar heating and cooling is comprised of those technologies that make use of the radiant energy of the sun on a decentralized basis to provide space conditioning and hot water for a variety of uses. The technologies are now at a sufficient level of sophistication to allow for practical application, but have failed to achieve effective market penetration owing to a number of constraints, notably economic and institutional. The federal effort is largely centered on demonstration programs in cooperation with industry designed to show the applicability of solar heating and cooling systems to a number of uses and in a number of environments. These include residential and commercial space conditioning and hot water production, and agricultural crop drying.

The longer-range goal of harnessing the sun's radiation for centralized energy production is being approached simultaneously in a variety of ways: solar thermal collection, wind power, ocean thermal gradient, and fuels from biomass.

Several types of solar thermal collection techniques are being brought to the pilot plant phase of development to test systems concepts and validate economic projections. These include a 5 MWe solar thermal test facility and the conceptual design of a 10 MWe central receiver pilot plant, both to be completed in FY 1977.

A photovoltaic program aimed at systems definition and cost reduction of photovoltaic cells represents another unique approach to the development of solar energy technology for electric power production. A price of less than $2000 per peak kilowatt (its present cost) for planar solar cells and the establishment of the viability of the technology by 1982 are primary objectives of the ERDA program.

The wind power program will build and test successively larger wind-powered electrical-generating machines to determine applications and economic feasibility.

Ocean thermal gradients offer potential for energy production in several forms. The federal program for this technology currently emphasizes system studies, criteria development for testing facilities, and component design and testing.

Agricultural and forest residues and marine biomass offer potential for clean fuels and industrial chemicals. The federal program emphasizes the demonstration of an economically feasible technology for the development of this energy source.

GEOTHERMAL ENERGY

Program efforts are intended to aid in the establishment of a geothermal industry to encourage the commercial use of existing technologies to recover useful energy from low-salinity hydrothermal resources. Federal support includes geothermal resource exploration and assessment, the development and demonstration of improved plant components, and a loan guaranty program.

Other program highlights consist of advanced technology development activities designed to improve means to recover energy from higher-salinity hydrothermal resources, including verification of the use of binary cycles, demonstrating the feasibility of removing useful energy from hot dry rock sources with circulating fluids, and continuing research on concepts for economical extraction of energy from geopressured zones.

Federal coordination is effected through a Geothermal Advisory Council. The Council advises one the direction and relevance of the research, studies, educational programs, land leasing policies, environmental standards development, and the other federal agency activities that must be coordinated to bring about viable technical and industrial bases for geothermal energy development.

CONSERVATION

Federal programs in this area attempt to assist industry in developing technology to aid in reducing wasteful patterns of energy consumption and increasing efficiency of equipment used in energy conversion, distribution and consumption. The aim is to encourage more efficient patterns of energy use through the development of new technologies and approaches that will have a major impact on energy consumption in the future.

The RD&D Conservation efforts are supported by the following programs: Electric Energy Systems, Energy Storage Systems, Industry Conservation, Buildings Conservation, Transportation Energy Conservation, and Energy Conservation.

Representative ongoing activities include: testing of alternative energy-saving building designs; development of building design standards; testing of devices to reduce energy losses in existing structures; improve-

ment in the energy efficiency of processes (such as distillation) common to many industries; development and testing of alternative transportation vehicle propulsion systems; testing of approach to improve driver operation and maintenance practices; development of electrical system management techniques and components to meet future needs for efficient and reliable operation and exploration of processes and components (e.g., storage devices, heat recuperators, and combustion processes) fundamental to end-use energy efficiency in a number of areas.

FUSION POWER R&D

The Fusion program comprises two substantially different technological approaches to the production of usable energy from controlled thermonuclear reactions: magnetic confinement, and inertial confinement. FY 1977 funding (Budget Authority) for the program has increased a substantial 57 percent over FY 1976 levels, most of which is required to sustain the technical directions already in progress. Primary programmatic emphasis is shifting from basic physics research towards more practical systems development. Such a transition inherently involves costlier equipments and facilities, and larger and more diverse technical staffs.

The magnetic confinement approach has recently achieved reactor-level temperatures and a ten-fold increase in plasma confinement conditions in a magnetic mirror device. A similar advance was achieved in a tokamak device. Current work includes further testing of a superconducting magnet system for plasma confinement, and completion and operation of a rotation target neutral beam source for plasma heating.

NUCLEAR FUEL CYCLE R&D AND SAFEGUARDS

This effort consists of six major program activities: Uranium Resource Assessment, Support of the Nuclear Fuel Cycle, Waste Management (Commercial), Nuclear Materials Security and Safeguards, Uranium Enrichment Process Development, and Advanced Isotope Separation Technology. The program activities in this effort are wide in scope. For example, activities are directed toward assessing the extent of uranium resources, and assisting industry in overcoming technical and institutional uncertainties in the areas of fuel reprocessing and recycle and waste management, and developing and demonstrating efficient and effective safeguards systems for the light water reactor and advanced fuel cycle systems.

Other activities are directed toward continuing the development of gaseous diffusion technology for use in increasing production capacity at existing gaseous diffusion plants, continuing the development of gas centrifuge technology to be available for early use by an expanding domestic uranium enrichment industry. Finally, there are activities to investigate and develop additional isotope separation processes which have the potential for significantly reducing the cost of enriched materials and enhancing the introduction of these technologies into the marketplace.

FISSION POWER

There are six major program areas: Liquid Metal Fast Breeder Reactors; Water Cooled Breeder Reactors; Gas Cooled Reactors; Light Water Reactor Technology; Supporting Activities; and Reactor Safety Facilities.

Near-term increases in the amount of energy produced from nuclear sources may be possible through cooperation with industry to improve licensability, constructability, and operating availability of light water reactors, which are now being marketed by industry and operated by the utilities.

Mid-term impact is possible on both energy supply and energy resources through continued improvements in these reactors which make more efficient use of available nuclear fuel. Long-term impact on energy resources will be realized with the successful commercial introduction of breeder reactors which have the capability to increase energy available from the reactor by a factor of sixty. The availability of breeder reactors can assure our nation clean and economic energy for centuries.

Substantial involvement of the private sector is necessary to ensure that the technologies which are being developed and improved are commercially viable. A major federal involvement is necessary because of the long-term payoff inherent in the program. Safety and environmental research activities are uppermost in the development program due to public concern, although the safety record of fission power is unequaled by any other industry.

Mr. Speaker, as demonstrated by legislation considered and acted upon by the 94th Congress, and by the ERDA report, we have begun to deal with the energy crisis. We have much more to do, but we have taken steps to offer viable short- and long-term energy alternatives to the American public.

STRIKING MEDALS TO COMMEMORATE VALLEY FORGE

HON. RICHARD T. SCHULZE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. SCHULZE. Mr. Speaker, as the ranking minority member of the House Banking, Currency and Housing Subcommittee on Historic Preservation and Coinage, I am proud to introduce legislation today which would provide for the striking of medals to commemorate the 200th anniversay of the encampment of the American Army during the bitter winter at Valley Forge—1777–78. This action appropriately follows enactment of legislation which I sponsored to provide for the establishment of the Valley Forge National Historical Park in the Commonwealth of Pennsylvania.

Now that Valley Forge will secure its proper identfication in our national life, it is appropriate that we commemorate the bicentennial of the event which forged the cause of our American freedoms.

My bill will provide for the manufacture of up to 500 silver and 50,000 bronze National Mint medals—each bearing a common design approved by the Treasury Secretary and concurred with by the Fine Arts Commission.

I have inserted a new provision in this bill which provides that the designs of the medals be approved by the Commission on Fine Arts. They have the authority, in accordance with an Executive order issued by President Harding, to approve the designs of all coins and medals. Although this practice has not been utilized in recent years, I believe, and the General Counsel of the Mint concurs, that it is appropriate to include the provision in the bill since the Commission has recently expressed concern over the fact that their function is being bypassed. I am a firm believer of the role that the Commission is, by law, mandated to perform.

I urge my colleagues to join me in support of this legislation to etch in coin one of the most meaningful events of our history—a symbol and reminder of the spirit and strength which makes us free.

The text of my legislation follows:

H.R. 15420

A bill to provide for the striking of medals commemorating the 200th anniversary of the encampment of the American Army during the bitter winter at Valley Forge

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) in commemoration of the 200th anniversary of the encampment of the American Army commanded by General George Washington during the bitter winter at Valley Forge, Pennsylvania, the Secretary of the Treasury (hereinafter in this Act referred to as the "Secretary") shall strike and deliver to the Valley Forge Historical Society, Incorporated, Valley Forge, Pennsylvania (hereinafter in this Act referred to as the "Society"), not more than fifty thousand sterling silver and bronze medals, 1 5/16 inches in diameter, with suitable emblems, devices and inscriptions to be determined by the Society, with the concurrence of the Commission on Fine Arts, subject to approval by the Secretary.

(b) Such medals—

(1) are national medals within the meaning of section 3551 of the Revised Statutes (31 U.S.C. 368); and

(2) may be disposed of by the Society at a premium.

SEC. 2. (a) Except as provided in subsection (b), the medals authorized to be struck and delivered under section 1 shall be delivered at such times as may be required by the Society in quantities of not less than two thousand, but no such medals shall be struck after December 31, 1978.

(b) The Secretary shall deliver—

(1) five hundred sterling silver medals, the first two hundred and fifty of which shall be in sequence, and

(2) five thousand bronze medals,

by September 1, 1977.

SEC. 3. The Secretary shall cause the medals authorized to be struck and delivered under section 1 to be struck and delivered at not less than the estimated cost of manufacture, including labor, materials, dies, use of machinery, and overhead expenses, and security satisfactory to the Director of the Mint shall be furnished to indemnify the United States for the full payment of such costs.

PROTECTING PROPERTY RIGHTS OF THE WIFE UNDER FEDERAL ESTATE TAX LAWS

HON. ROBERT W. KASTEN, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. KASTEN. Mr. Speaker, yesterday, I introduced an amendment to H.R. 14844 which would modify section 3(c), "Fractional Interest of Spouse," to allow exclusion from the value of an estate of a spouse's interest in any joint tenancy after December 31, 1976.

One of my original concerns with Federal estate tax reform was the failure of current law to recognize joint tenancies by allowing a wife to exclude her share of the property from the value of her husband's estate.

A typical example of the inequity of

the current law would be the case of a couple who purchased a small farm, literally on a shoestring, 20 or 30 years ago. The effects of inflation, particularly dramatic appreciation of land values over the years, and the capital improvements made by an industrious couple have resulted in a moderate-sized operation with a paper value many times their original investment.

They have long since established joint ownership under State law and, by all standards, the wife has been an equal partner in building what they have achieved. Yet, when the husband dies the entire property, in the eyes of the Federal Government, will be treated as though he were the sole owner.

Under current law, the wife will not be allowed to exclude her half of the property from the value of the estate and will, in fact, have to pay estate tax on what she herself has earned.

Recognizing the injustice of similar policies, States are moving to correct their own inheritance tax laws. Just this year the State of Wisconsin enacted legislation allowing up to a 50-percent inheritance tax exemption for all surviving joint tenants. Past law required proof of contribution "in money or money's worth" to the estate's value in order to qualify for the exemption.

It was encouraging when the Ways and Means Committee addressed the inequity in Federal law by including a section in H.R. 14844 allowing half of a jointly held property to be excluded from the estate tax.

However, close examination of this provision reveals a cure that, in some cases, could be worse than the illness. At best, it offers a tradeoff as to which kind of tax you want the Federal Government to impose.

The allowance in the committee bill for exclusion of the wife's half of the property is only under the condition that after December 31, 1976, the husband and wife elect to create a joint tenancy, and elect to take the tax liability of transfering a gift to each other. They are subject to the gift tax liability even if they already have established joint tenancy under State law.

In other words, Mr. Speaker, even if the property is already jointly owned, we are saying, "You have a choice: the Federal Government will tax your joint property now; or we will tax it twice later, once when your husband dies and again when you die."

Mr. Speaker, it is patently unfair to impose a gift tax on that which is not a gift, and joint property is owned half by each.

How can we justify taxing it as a gift if we are serious about "reforming" the major inequities in the Federal estate tax laws.

My amendment to H.R. 14844 eliminates the gift tax election and redefines a "qualified joint interest" as any joint tenancy between a husband and wife, applicable to all estate after December 31, 1976.

It is not my intention to establish Federal guidelines as to what kind of interests can qualify as jointly held property. That is a legal question that varies widely from State to State. I believe the Federal role should be to give recognition to State laws in this regard by allowing exclusion of the spouse's interest where a joint tenancy exists in accordance with State law.

It also is not my intention to single out any particular kind of property for special treatment. A family's home should qualify as well as their business, farm, or antique collection, if the property is jointly owned.

I strongly urge my colleagues to look closely at the difficulties inherent in ignoring a wife's share of the family's property when computing the value of the husband's estate. This amendment will correct a longstanding injustice, and I urge its inclusion in the estate tax reform bill.

Mr. Speaker, the second amendment I have offered is to Mr. BURLESON's substitue for H.R. 14844. Mr. BURLESON's amendment, which is identical to the language of H.R. 1973, does not contain any provision recognizing joint tenancy interests of a spouse. Therefore, my amendment would add a new section to Mr. BURLESON's bill identical to section 3(c) of H.R. 14844, "Fractional Interest of Spouse," as amended by my proposal to eliminate gift tax liability in creating a joint tenancy.

THE POWER TO TAX INVOLVES THE POWER TO DESTROY

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. PAUL. Mr. Speaker, Chief Justice John Marshall, in his famous decision, "McCulloch against Maryland" (1819), set forth the incontrovertible principle, "the power to tax involves the power to destroy; * * *" The estate tax is the worst tax of all taxes that might be conceived, for the power to tax a dead man's estate confers on the civil government the power to undermine the integrity of the family.

The estate tax should be abolished at the Federal level, the State level, and any other level of civil government that attempts to impose it. I will vote if I have the chance to raise the exemption figure to $200,000, not because I think it is right or wise to tax an estate that is worth more than $200,000, but because this proposal will at least remove many families out from under the atrocious burden of this odious tax. If I had the opportunity to vote for a proposal that would exempt estates up to $200 million, I would vote for it with equal enthusiasm.

This tax is the product of envy, one of the most devastating evils of the human personality. Envy wants to tear down anything that is above it, socially, economically, and culturally. No one who has studied the distribution of wealth in this Nation could sensibly believe that a redistribution of wealth from the very rich to the whole population could raise the level of income of the poor to any great extent or for more than a few weeks. There are not that many rich people, and there are too many poor people. Therefore, the politically hypnotic slogan, "soak the rich," is a fool's catch phrase. The rich are not soaked. They have their family equity trusts that remove them from the tax collector's grasping hands. Their estates are not held personally, so they do not suffer the effects of the estate tax. The famous family of the Vice President—grandfather, father, brothers, or cousins—has not been "soaked" by the estate tax. But average upper middle-class farmer has no knowledge of the family equity trust. He has not set up an inexpensive Delaware corporation for his family. He has only worked hard, poured his earnings back into the improvement of his land and equipment, and when he dies, his assets wind up in the hands of the tax collector.

Those who wanted to "soak the rich" through discriminatory legislation have seen the fruition of their envious schemes: The soaking of the not-so-rich. It will be interesting to see whether Congress will acknowledge the error of the present levels of estate taxation and remove the burden imposed on the not-so-rich. I hope we do. When we finally get this odious tax levied only on the truly rich, then it will become a dead letter, which it dearly deserves to become. I do not worry too much about the very rich, for they have their tax lawyers, their accountants, their tax-free trusts on the Grand Cayman Island, their family equity trusts, and all the other so-called "loopholes" that we in Congress yell about but will not, cannot, and should not close.

What this country needs is "loopholes" for everyone. Let the little guy get a piece of the "loophole" action. Let everyone get out from under the massive burden of taxation that has been placed on his back, all in the name of soaking the rich or helping the needy. The people helped are the upper middle-class bureaucrats who administer these boondoggles, and now the inflation tax is catching up to them, too.

What this country needs is a loophole in every pot and two-family equity trusts in every garage. More loopholes and fewer tax lawyers. Democratize the loopholes.

And, of course, cut Federal spending to accommodate the loopholes.

In defense of my statement that the inheritance tax or estate tax is the worst of all possible taxes, since it jeopardizes the integrity of the family, I offer the analysis of Rev. Rousas John Rushdoony:

> Where the father possesses private property and provides for his children's care and future, and controls their inheritance, it is the authority of the father which governs the family. Where the state assumes the responsibility for the welfare and education of the children, and assures them of future social security, it is the authority of the state which governs the children. Power over property is authority. Where the state controls property, income, and inheritance, power has been transferred to the state.

No one should consider the estate tax bill and its provision for raising the exemption without being aware of Rev-

erend Rushdoony's analysis, which appears in his outstanding little book, "Law and Liberty," Craig Press, 1971. I am inserting the relevant passages into the RECORD for the consideration of my colleagues:

THE FAMILY AND INHERITANCE

Property is power, and the control of property is therefore the key to power. Basic to all control of property is the control of inheritance. According to the Columbia Encyclopedia, inheritance in law is the "right to acquire property on the death of the owner. . . . In Anglo-American law inheritance is by the grace of the state, which may exercise any degree of control over the property of the decedent (i.e., the owner who dies), including the total escheat (i.e., government acquisition of title)." "By the grace of the state"! And how much grace does a state have? Since when has the state been the source of grace?

When the state enters into the question of inheritance, property gradually is transferred from the family to the state. The inheritance tax is simply a first step in that program of confiscation. For the family to maintain itself, the family must control inheritance, and the Biblical laws of inheritance are entirely family laws. The Bible kept property immune from taxation and from anything but family control of inheritance.

Inheritance, according to the Bible, was a sign of faith, character, and godliness on the part of a man. The Bible declares, "A good man leaveth an inheritance to his children's children" (Prov. 13:22). And, as H. B. Clark, a law editor, stated in his study of Biblical Law, "There is nothing in Jewish law to warrant the belief that the King or the State has any right to inherit property upon the death of the owner without lawful heirs." The control of property and inheritance is entirely within the jurisdiction of the family in Biblical law.

What was the consequence of the Biblical law of inheritance? It meant simply that power was concentrated into the hands of the family. This meant that the authority of the family over its children was a very real one, and an undiminished power. The discipline of the parents over their children was unquestioned, because authority and economic power rested in the family. The Bible is a realistic book. God knows that man respects only authority which has power behind it. When an order is given, that order is futile unless it can be supported by the power to enforce it. If power is transferred from the family to the state, then the ability to give orders and to maintain order is transferred from the family to the state. Educational philosophers begin to speak of "the children of the state," because parental authority has been transferred to the state.

According to Carle C. Zimmerman and Lucius F. Cervantes, in their study, Marriage and the Family. Western society has had a family organization since Christianity became the faith of the West. A man's life, from birth to death, is guided, affected, and colored by family relations. The basic unit of the social order is the family. The family is the socially stable unit where the family has liberty and property.

As a result, the totalitarians hate the family and declare it to be the enemy of social change. Totalitarianism hates the family because it is the basic thesis of all totalitarians that man's first loyalty must be to the state, whereas the Christian family's first allegiance is to the triune God. The totalitarian therefore seeks to abolish the family. Lenin said, "No nation can be free when half of the population is enslaved in the kitchen." As a result, the Communist state abolished the family as a legal entity until 1936, and the family since then has merely been a legal breeding ground for the state. The Soviet Union, two years after the Revolution, announced, "The family has ceased to be a necessity, both for its members and for the State." Women were "freed" from the kitchen only to become the unskilled labor force of the Soviet Union. According to Zimmerman and Cervantes, among the means taken by the Soviet Union "to abolish the family" were the following:

"The forbidding of parents to give religious instruction to their children, the encouraging of children to denounce their parents, the abolishing of inheritance, the equalization of the 'nonregistered marriage' with the registered one, the promulgation of three forms of common menage contract: for an indefinite period, for a definite period, for a single occasion. This latter legal expedient was a propaganda piece aimed to demolish the difference between prostitution, promiscuity, and monogamy. The legalization of bigamy and the abolishing of the legal differences between legitimacy and illegitimacy were other minor steps with the same purport of the destruction of the family."

"Free love in a free state" became the ideal. Family life was declared to be "especially harmful to collective life" (Carle C. Zimmerman and Lucius F. Cervantes, Marriage and the Family, Chicago: Regnery, 1956, p. 525).

In the United States, the attack on the family is being steadily mounted. The state increasingly claims jurisdiction over the family, its children, income, and property. The state assumes that it knows what is best for the children, and it claims the right to interfere for the children's welfare. As a result, the family is progressively weakened in order to strengthen the power of the state. The authority of parents is legally weakened and children are given legal rights to undercut their parents. According to Zimmerman and Cervantes, the reality today in our courts is a very startling one. They report:

"Thus in New York, Chicago, and Boston, children are now allowed to sue second spouses of a parent some years later for 'alienation' of the love and affection of the parent. In New York and Chicago the children have won these cases, but they are still pending in Boston. Thus, also, we have the New York case where a divorced mother—custodian of children—was imprisoned for neglect some years after the divorce. The husband was safe because he was not given custody, although the earlier 'discoloration' theory would have blamed him also" (ibid., p. 598).

Such powers, when given to the child, are not for the child's welfare. They are destructive of the family and of the child, and the more the state legislates over the family, supposedly for its welfare, the more it destroys the family.

No institution can long exist if it is not free. The more controlled an institution becomes, the less life it has. Its life and functions are transferred to the controlling agent, or they simply cease to be. How long would a club last, if its every act were controlled by the state? The life and authority of the family depends on the liberty of the family, and the economic expression of the family's independence is the right to private ownership of property and the right of inheritance.

Now where the family controls inheritance, it also controls marriage. This Frederick Engels noted in his study of The Origin of the Family, Private Property, and the State. But the Bible long ago plainly recorded it. When Jacob became the heir, his father Isaac "blessed him and charged him, and said unto him, Thou shalt not take a wife of the daughters of Canaan" (Gen. 28:1). In other words, the father had the power to require a godly marriage; because Isaac was leaving a sizable inheritance, he had a stake in the future, and because he had a stake in that future, he had a right to control it by requiring a godly marriage. This was a legitimate and godly power. The Bible as a result gives a great deal of space to laws of inheritance Roger Sherman Galer, in his classification of Biblical law, takes more than seven pages merely to list these laws (Roger Sherman Galer, Old Testament Law for Bible Students, New York: Macmillan, 1922, pp. 85–101).

Where the father possesses private property and provides for his children's care and future, and controls their inheritance, it is the authority of the father which governs the family. Where the state assumes the responsibility for the welfare and education of the children, and assures them of future social security, it is the authority of the state which governs the children. Power over private property is authority. Where the state controls property, income, and inheritance, power has been transferred to the state. Honor and authority go hand in hand, and, where parents have authority, they are more readily honored. The Biblical law declares, "Honour thy father and thy mother; that thy days may be long upon the land which the LORD thy God giveth thee" (Ex. 20:12). It is because God gave this law that He gave also the laws concerning private ownership of property and the right of inheritance. The two go hand in hand. God forbids adultery, because He has ordained and established the family as the basic and central social unit of mankind. God therefore commands private ownership of property and private control of inheritance in order that the family may be maintained in its honor and authority. We do not honor the family or parents if we strip them of their powers.

In fact, we are now being told that the family is obsolete. One prominent and influential churchman has said that the family is, like the tribe, a relic of the past. The tribe served its purpose and is now gone; the family, a great institution for its time, has also seen its day, and it must make way for a new structuring of society.

The death of the family is therefore planned, and, on every continent, the executioners are at work. Together with the death of the family, the "death" of God is also proclaimed, and we are assured that the new age has no need for God or the family. The menace and intensity of dedication of these hostile forces cannot be underestimated. They are an active, powerful, and highly organized force in modern society.

But, even more, we dare not underestimate the power of the triune God, Who rules the nations and fulfills His holy purpose despite all the vain conspiracies and wild imaginations of men. But none can share in God's victory unless they stand forth clearly in terms of Him and His holy cause, unless they separate themselves unto Him. Jesus Christ said, "He that is not with me, is against me: and he that gathereth not with me, scattereth abroad" (Matt. 12:30). And you, where do you stand?

THE INTRODUCTION OF FEDERAL SHARED-RISK INSURANCE ACT OF 1976

HON. THOMAS L. ASHLEY

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. ASHLEY. Mr. Speaker, we are all very much aware that existing housing is this country's primary housing resource and that preservation of that housing stock is of paramount importance if we are to achieve our national goal of providing decent and adequate housing for all Americans. However, we are now confronted with the continuing waste of that valuable resource through neighborhood

decline. As new, suburban communities and neighborhoods have appeared, older, residential areas lying closer to the core of our central cities have gone through a process of costly decline. The continuation of this decline and the resulting depletion of existing housing stock immeasurably affects our ability to provide decent housing for every citizen.

However, the problems of housing, and those of urban decline in particular are diverse. Their causes are numerous, complex, and often interrelated. These problems will not be solved by a single stroke. Rather any number of approaches will be required if we are to achieve our goal. The proposal for an alternative mortgage instrument tailored to meet the needs of a specific segment of the public seeking housing, which Senator BROCK and I introduced, is an example of the type of approach that will be required. The bill I am introducing today, the Federal Shared-Risk Insurance Act of 1976 is analogous to the Housing Incentive Investment Act. It, too, is specifically designed to alleviate one facet of the problem of urban decline—that of the reluctance of mortgage lenders to make certain loans in certain urban neighborhoods. The bill would establish a corporation to provide mortgage loan insurance. The availability of this insurance would enable the Government and private lenders to share the risk of loss in situations where the risk is greater than private lenders can reasonably be expected to bear on their own. This bill will make additional mortgage funds available for lending on existing homes located in older, residential neighborhoods.

However, it should be stressed that the insurance company created in this bill would avoid the problems and pitfalls of previous, well-intentioned efforts to "insure the inner city." Rather it would only provide the assistance and impetus necessary to encourage private lenders to voluntarily make safe and sound loans on older properties without impairing their own safety and soundness.

I would like first to outline the proposal and then to highlight certain things that it will do and certain things it will not do.

Briefly, the Federal Shared-Risk Insurance Act of 1976 would establish a self-sustaining corporation, the Federal shared-risk insurance fund, which would insure mortgage loans made in neighborhoods with a recent history of low mortgage investment. Areas qualifying for the insurance program will be determined by reference to the actual lending activity of depository institutions in prior years. Only loans made in areas that received less than a certain percentage of the overall average dollar amount of loans originated per area would be eligible for the insurance. Census tracts would be utilized to establish the geographical boundaries of the "shared-risk" areas. Depository institutions would certify that a particular loan is eligible for insurance, under guidelines established by the fund. This insurance would be available to all federally regulated depository institutions and would insure up to a maximum of 80 percent of the risk of loss on eligible loans. To be eligible a loan would have to be secured by residential property located in a qualifying area and the borrower would be required to have a minimum of 15 percent equity—downpayment—in the property. The fund, an independent corporation, although initially capitalized by the Government, would be required to operate on a fiscally sound basis and would be managed by a three-person board of directors, appointed by the President and confirmed by the Senate.

I would like to now highlight certain things the bill will do and certain things it will not do.

First, the bill will represent an opportunity for the exercise of private initiative in meeting the problem of urban decline. The fund will rely on determinations made by the depository institutions seeking to use the insurance. Use of this insurance will be wholly voluntary. Reliance on the private sector obviates the need for creation of a bureaucracy attempting to administer from afar to local needs.

Second, the bill will provide a constructive use of the information collected pursuant to the Home Mortgage Disclosure Act as this information may serve as the data base on which the decision as to which neighborhoods qualify is made.

Third, the bill will encourage sound underwriting on the part of the lenders. Insurance coverage is limited to a maximum of 80 percent of the risk of loss. The remainder of that risk of loss lies with the lender. This sound underwriting, together with the statutory mandate that the Fund operate on a fiscally sound basis, distinguishes this proposal from the massive subsidy approaches which have too often led to disappointment and failure.

Fourth, this bill will create a flexible program. Although the recent lending history of depository institutions will be the primary factor in the insurance qualification process, the fund is granted sufficient discretion to enable it to target its resources to those areas where maximum benefits will obtain. Further, this flexibility should enhance the attractiveness of the insurance to the private market.

Thus, the bill will do a number of things, but so too, there are a number of things it will not do. First, it will not totally solve the problem of urban decline. The insurance is neither envisioned nor designed as a cure-all for urban decline. However, the bill will provide an additional, and I believe, important tool to those who seek to preserve existing neighborhoods.

Second, the bill will not be effective in terminally blighted neighborhoods characterized by extremely low incomes, heavy absentee ownership, severe vandalism, abandonment, and demolition. But it will be useful in those neighborhoods which are in the beginning stages of a cycle that would probably lead to a blighted condition if not stayed.

Third, the bill will not replace the Neighborhood Housing Services program which is already successful. NHS programs have amply demonstrated that safe and sound loans—even without insurance—are to be found in many older, residential neighborhoods. The bill may, however, serve to complement the efforts of NHS in turning around declining neighborhoods. Equally as important, it will serve to encourage lending in neighborhoods not presently served by NHS programs.

This, in essence, is what the Federal Shared-Risk Insurance Act of 1976 is, and what it will and will not do. I am committed to the goals that this legislation would help us achieve and I am encouraged by its potential. I urge its early consideration.

A DEEPER ANALYSIS OF CARTER'S REFRAIN

HON. WILLIAM A. STEIGER

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. STEIGER of Wisconsin. Mr. Speaker, each night's newscasts bring us film clips of former Gov. Jimmy Carter asserting that "it is time," pause, "that we had a President," pause, "who will work with harmony with Congress."

This theme itself requires a pause—a pause perhaps less for effect than for deeper analysis.

In a short but eloquent essay on this theme, the Washington Star's columnist Edwin M. Yoder points out that "harmony" such as President Johnson found when he sought support on the Gulf of Tonkin—to pick one example—is not quite what Mr. Carter may intend for the people to remember.

I commend the Yoder column because it bears rereading:

[From the Washington Star, Aug. 26, 1976]

A CARTER THEME THAT NEEDS RE-THINKING

(By Edwin M. Yoder, Jr.)

When clearer words fail, the political correspondents call Gov. Jimmy Carter a "populist" or "neo-populist." They seem to mean a politician who extols the unfiltered wisdom of the "average man." The Average Man, that paragon of judgment, turned up several times in the governor's Los Angeles speech this week.

"We have seen a wall go up," Mr. Carter had said in his New York acceptance speech, "which separates us from our own government. . . . Each time our nation has made a serious mistake, the American people have been excluded from the process." This is indeed the populist theme pure and simple—very simple. Government goes awry only when it ignores or thwarts popular wisdom; its errors are an imposition on an innocent and infallible public.

Governor Carter's populist theme isn't going to cost him votes. People don't vote no to flattery. But there is a certain mindlessness in this theme that could become tiresome. In Los Angeles, again, Mr. Carter said "there is something seriously wrong when the members of Congress, all of whom were elected by the people, repeatedly passed legislation the country needs, only to have it vetoed by an appointed President." Mr. Ford has vetoed too many bills, he said, more than 50 in all.

Politically, the gravity of the charge would depend on a piece-by-piece analysis of the bills vetoed, which was not supplied. Institutionally, the charge comes near being vacuous.

There is a dirty little secret about American government that seems to have escaped Governor Carter's consideration. American government functions in this wicked way by the design of the founders, who with topheavy congressional majorities in mind loaded the Constitution with every conceivable device of dilution, delay and dilatoriness. Theoretical democrats, they made the people sovereign; but they shrank from equating the instant judgment of any temporary majority with wisdom.

Alexander Hamilton's defense of the presidential veto, which appeared in one of the "Federalist Papers" in March, 1788, speaks to the point:

"It may perhaps be said that the power of preventing bad laws includes that of preventing good ones. But this objection will have little weight with those who can properly estimate the mischief of that inconstancy and mutability in the laws which form the greatest blemish in the character and genius of our governments. . . . The injury which may possibly be done by defeating a few good laws will be amply compensated by the advantage of preventing a number of bad ones."

On yet another score Mr. Carter's charge falters. If President Ford, an "appointed President," lacks a national elective mandate, so does Congress. Governor Carter may be impressed by the congressional tendency to put national interest ahead of regional and parochial interest. But that tendency has eluded most observers of its recent labors on energy legislation—and much besides.

Strictly speaking, President Ford is no more an "appointed President" than were Lyndon Johnson and Harry Truman and by some relevant considerations less so. After all, a Democratic Congress weighed and approved his elevation to the vice presidency, even with good reason to suspect that Mr. Nixon's days were numbered. By contrast, no congressional hearings attended the "appointment" of other vice presidents who assumed the presidency. On the face of the matter, it can be argued that Mr. Ford was for better or worse the most carefully scrutinized "appointed President" we have had in this century. Perhaps Governor Carter's real quarrel is with Congress, or with the 25th Amendment.

The point of all this is not to quarrel with Mr. Carter's assault on the "negativism" and "dormancy" of Mr. Ford's presidency. It is only to say that the proposition calls for deeper analysis.

"It is time," proclaimed Mr. Carter in Los Angeles, "that we had a President . . . who will work with harmony with Congress for a change." Maybe so. But as Mr. Madison and Company foresaw, the dangers of mindless "harmony" between the President and Congress sometimes exceed the dangers of mindless conflict. Has Mr. Carter forgotten that the Gulf of Tonkin Resolution passed Congress with only two dissenting votes? Oh, for a bit of "dormancy" then!

ELECTRIC DEMAND INCREASING SHARPLY

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. McCORMACK. Mr. Speaker, as we continue to try to forge a rational energy policy for this Nation, we too often hear arguments relating to an isolated aspect of our energy situation which fail to make sense in the context of the total energy picture. The costs and benefits of any single energy source can be rationally evaluated only by taking into account the availability and desirability of other energy sources, rational projections of energy demand, conservation opportunities, and the consequences of failure to meet the demand.

A refreshingly comprehensive article by Hal Lancaster, which appeared in the Wall Street Journal, describes the dilemma in which the utilities find themselves as demand for electricity continues to increase while the cost and difficulty of adding all types of generating capacity continues to increase.

His description of the problems of diminishing gas supply, expensive oil, unresolved problems of air pollution and strip mining associated with coal plants, and the snarls of redtape and long lead times impeding the use of nuclear power, offer a valuable insight into the situation we face.

The article follows:

WORRIED UTILITIES: ELECTRICITY USE BEGINS TO TOP FORECASTS, STIRS FEAR OF LAG IN CAPACITY—PICKUP IN INDUSTRIAL DEMAND CHILLS HOPE FOR CUTBACKS IN POWER PLANT SPENDING

(By Hal Lancaster)

A year or so ago, the nation's problem-plagued electric utilities thought they saw a glimmer of hope.

They projected a slackening in the growth of demand for power as huge rate increases, forced by a surge in fuel prices and other costs, spurred conservation of electricity. They expected demand to be moderated further by slower population growth. And thus they hoped to be able to cut back costly projects to add generating capacity.

But the hope may be fading.

The utilities are beginning to see indications that demand may exceed the sharply reduced forecasts made in the wake of the Arab oil embargo. A resurgence of demand, if continued, would have serious import for utilities and power buyers.

Utilities could face unexpected strains on their capacity. And higher-than-anticipated demand would aggravate their other problems: uncertain fuel supplies, huge increases in plant costs, environmental opposition, tangles of regulatory red tape, and diminished financing capacity.

Power buyers could face blackouts and brownouts in some areas. Some pessimistic observers already are predicting industrial production cutbacks, lost jobs and occasionally juiceless households.

ENERGY MALNUTRITION

"We've already cast the die for trouble. We are headed for energy malnutrition," says Chauncey Starr, president of the industry-supported Electric Power Research Institute.

Environmentalists battling big generating projects argue that the power companies are crying wolf. But evidence that lower growth in demand is far from a certainty keeps trickling in.

Figures from the Edison Electric Institute, another industry group, show the trend. Following 1973's 6.8% raise in total electricity consumption—for many years, a typical gain—growth collapsed to zero in 1974 in the wake of the oil embargo and was only 2.2% in 1975. But last year was deceptive; a sizable decline in use by industry, which generally was operating far below capacity because of the recession, masked a substantial rise in residential and commercial use. Clearly, families and shopkeepers had become accustomed to the higher electricity rates and weren't switching off the lights as much as expected.

Now, with the economy recovering, industrial use is no longer declining. Total consumption in the first 32 weeks of the year has grown 5.2%, and the growth rate is "moving upward," an Edison institute spokesman says. The institute expects growth to reach 6% for the whole years.

UNEVEN IMPACT

Although all utilities would be affected by an unexpected surge in demand, some companies and areas would be particularly troubled. One such area is the Southwest, where the power industry is having its more spectacular conflicts with environmentalists and where utilities already are straining to cope, with a boom in population.

Utilities in those six states—California, Arizona, New Mexico, Utah, Nevada and Colorado—haven't ignored the fact that the area's population gain, at 8.2% since 1970, has far exceeded the 4.8% national average. They have projected power growth rates higher than most utilities'. But within the past year or so they, too, have lowered their projections on the assumption that energy conservation was here to stay. Now some of those reduced projections are being overrun.

Southern California Edison Co., for example, originally predicted a power consumption growth rate of 6% a year for the next few years, and gradually lowered it to 4.1%. But the company, one of the nation's biggest utilities, has chalked up actual growth of 5% through July, and demand is still picking up.

Even utilities managing to stay within lowered forecasts now discern the beginnings of a surge in demand. An unusually mild winter kept power consumption in bounds at both Arizona Public Service Co. and Public Service Co. of Colorado through May. But Arizona PS had 13% increases in June and July from a year earlier and the Colorado utility about 8%; both rates topped forecasts.

LITTLE LEEWAY

However, utilities in the Southwest and elsewhere have little reason to be seriously concerned about consumption just yet; it will take much longer to see whether the preliminary indications become a long-term trend. But if they do, power companies will have to try to meet the extra demand at a time when their options are severely restricted.

Even now, fuel supplies are a major problem. Experts agree that supplies of natural gas, the cleanest source of boiler fuel, are in an irreversible slide. Most utilities already have had to stop using gas as boiler fuel except in emergencies, and some industrial users of gas are seeing their supplies interrupted more and more frequently so that residential and commercial customers can get enough. To save fuel, Arizona has banned all new gas hookups, and California is curtailing low-priority uses. Meanwhile, plans to import liquefied natural gas and to make gas from coal are still untested on a large scale and are certain to be costly.

With gas fading as a generating fuel, additional pressure will be put on nuclear, coal and oil suppliers. No one sees much help coming before the end of the century from so-called exotic sources such as geothermal energy, solar power and wind. "Anyone who says differently is perpetrating a fraud on the public," declares Mr. Starr of the Power Research Institute.

Nuclear power passed a severe test in June, when California voters defeated a proposal that utilities say would have throttled the use of nuclear energy in the state. To placate antinuclear sentiment, however, the legislature passed stringent safety bills that will increase lead times and costs of new plants. And 15 to 20 other states are preparing similar measures. But in any event, nuclear power isn't suitable for meeting unexpected demand quickly. Nuclear plants cost more than any other type, and red tape makes it

nearly impossible to get them from the proposal stage into operation in less than 10 years.

More oil is being burned by gas-short utilities. But oil, though currently in ample supply, involves the danger of another embargo since so much of it is imported. Also, air-quality standards in some areas practically rule out anything but low-sulphur oil, which is in hot demand world-wide and, at about $15 a barrel, is the most expensive of generating fuels.

Coal is relatively cheap and is abundant domestically, particularly in the West, and many utilities use it extensively. They plan to use more; an Arthur D. Little & Co. study indicates that power companies' appetite for coal will double by 1980 to 925 million tons a year.

But coal—even low-sulphur coal—raises many environmental problems. Needed reserves may not be developed, due to resistance to strip-mining projects and the possibility of tough federal restrictions on them. Coal shortages and higher prices are likely, Bruce Old, senior vice president of Arthur D. Little, says. And even if utilities get enough coal, they face increasing resistance to burning it; in a growing number of places, coal simply can't be burned at all, even with the latest antipollution equipment, because of tightening air-quality standards.

Utilities say a constricting net of environmental legislation and regulations also is stifling their plant-building plans. For example, preparation of environmental-impact statements alone can cost several million dollars and has added about two years to the "lead time" for major projects. Then still more time is consumed in negotiating with, and getting approvals from, a horde of other federal, state and local agencies.

COSTLY DELAYS

The delays have had a crushing impact. After seven years, Pacific Lighting still is trying to nail down the more than 100 regulatory approvals from 40 different agencies needed before it can build a big coal gasification plant in New Mexico. During the years of paper-shuffling, the plant's projected cost has risen from $600 million to $850 million; at that price. Pacific Lighting says, it must get federal loan guarantees, or financing can't be obtained and the project is dead; in addition, a utility group led by Southern California Edison has already given up on plans for a mammonth coal-fired plant in Utah; years of delay had pushed the costs out of sight.

Plant costs have soared also because of big wage settlements with construction unions and the extra expense of legally mandated safety and pollution-control gear. Southern California Edison's San Onofre Nuclear Unit No. 1 cost $215 per kilowatt of capacity in 1968; two additional units currently under construction will cost about $1,000 a kilowatt. In six years, prices of some coal-fired plants have tripled, mostly because of pollution-control equipment. Utah Power & Light Co. is spending $54 million to fit its Mountain No. 3 unit with a coal scrubber; that's $2 million more than the whole unit cost in 1971.

Such cost increases, along with projected declines in consumption growth rates, have led utilities to cut back or delay construction plans, even though right now they would have difficulty meeting a big surge in demand. Many plants originally scheduled to operate in the late 1970s won't open until the 1980–85 period, when the industry is expected to go on a spending spree—if it can get the money.

MONEY-RAISING PROBLEMS

Utilities' ability to attract capital at reasonable rates has been drastically reduced by the soaring costs. Rate-setting regulators, aghast at the huge rate increases the utilities were seeking, dug in their heels; in many states, rate hearings have dragged on for 18 months or more, and when finally granted the new rates (often far less than the companies had sought) already had been outstripped by inflation. The companies' short-term debt ballooned, their earnings suffered and their coverage of bonded debt shrank. Bond ratings fell, raising the cost of borrowing. Investors, noting the havoc, cooled on utility stocks, and share prices slumped. Many utilities were forced to sell common stock at bargain-basement rates.

Despite some recent recovery, the industry still has major financial woes. "We just finished selling stock at 53% of our book value," laments Charles Lenzie, vice president, finance, at Nevada Power Co. "We were dragged into it, kicking and screaming. But the banks get pretty exercised when you run your short-term debt up to $85 million." To raise money, San Diego Gas & Electric Co. recently sold and leased back its own headquarters building; its stockholders didn't want dilution of their equity through more stock sales.

There isn't any assurance utilities will be healthier four or five years from now, when they will have to build heavily. Meanwhile, they are trying to squeeze the most out of present plants with power pooling and experiments in trying to flatten peak usage (utilities' capacity must cover the peaks in daily or seasonal demand, not just average demand). Some are charging more for power during peak hours. But what really is needed, they insist, is quick rate relief and higher permissible rates of return on investments in new plants.

One possible solution is an indexing plan similar to New Mexico's, under which utility rates are raised or lowered quarterly in accordance with a formula based on all of a company's costs and the level of its earnings. In effect for a year, indexing has already saved Public Service Co. of New Mexico about $2 million in interest costs alone, Jerry Geist, president, says.

FIRST IN 1980 OLYMPICS

HON. JOHN J. LaFALCE

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. LaFALCE. Mr. Speaker, the meaning of the international Olympics can often be attributed to its symbolization of excellence and achievement. The teams with the greatest display at the Olympics command the respect and admiration of other competing countries—whether they be free nations or Third-World countries.

Although it may be infrequently verbalized, the implication is evident that the Olympics is a confrontation of not only athletes and nations, but also a contest of national beliefs and morals.

It is to America's distinct advantage at this point in time to cultivate greater national support for our Olympic athletes and to vigorously pursue a better Olympic victory record. With this might come the subtle triumph of the free democracy philosophy.

I think Michael Novak has said it succinctly in his recent article printed in the National Review:

If a free society could prevail against the totalitarian disciplines . . . the moral satisfaction for the rest of the world would be very great indeed. Power in our world is very much affected by symbolic status.

I have submitted Novak's comments here along with some of my own thoughts on the future of the Olympics in an accompanying article:

[From the National Review, Sept. 3, 1976]

WAR GAMES: FACTS AND COVERAGE

(By Michael Novak)

When sportswriters turn to political commentary—especially the more pretentious commentators—their minds turn sentimental in a new way. The old sportswriters were sentimental about petty things, like Babe Ruth, or the Dodgers, or dear old Alma Mater U. The new sportswriters are sentimental about weighty things, like world revolution, socialism, universalism, and eye-wetting "humanistic" values.

Thus, Dick Schaap took three minutes on NBC news to tell us that a brilliant Cuban runner, Alberto Juantorena, was running solely for the honor of a "poet and former baseball player," Fidel Castro, and for the Revolution—which is even more incredible than saying Joe Rudi and Rollie Fingers give their all for the love of Charlie Finley. Howard Cosell, too, only tells about half of it like it is, that half composed of shilling entertainment values—touting new favorites as Ed Sullivan used to tout new jugglers and rock stars. The comments from the press box are not investigative, calm, reportorial, full, accurate; they sell entertainment and the newest chic politics. Cosell couldn't even get the names of the opposition right: he resorted to calling them "the Bulgarian," "the Russian," "the Pole," while treating the Americans to lavish nicknames and lavish praise.

Marvin Kitman of Newsday voted "the stone medal" to ABC for its incompetent coverage of the Olympics. Most of Europe (I am told) saw eight or more hours of sports each day—and they saw sports. Most of what ABC showed us was Jim McKay talking endlessly, night club sports, romantic "Up Close and Personals" to shame Grantland Rice, and Jim McKay talking endlessly.

One lucky day, I had the chance to watch Canadian television. In 45 minutes of CBC I saw more athletic action than in any four hours of ABC. The CBC used tapes to show each attempt of the broad-jumpers—short cuts, each several seconds long, so that one could see the cumulative efforts in a single sequence. In this fashion, whole events can be summarized in a few minutes. The beauty of these deeds stays in the mind.

ABC has not yet discovered that what fans want to watch is sports, not the travelogues that corporations produce for high schools. Jim McKay seemed all agog that ABC could show us so many events live. Who cares? With tape, ABC could have multiplied the number of events we witnessed fivefold.

Soccer, which we missed, is the most popular planetary game. Field hockey and water polo would have been delights to see. Volleyball, fencing, shooting, archery—dozens of events were barely, if at all, scanned by ABC. The version of the Olympics shown in the United States was over-inflated, narrow, parochial, star-struck. When ABC's Keith Jackson twice informed the world that "our leader," Roone Arledge, had been a high-school wrestler, nausea rumbled in at least one disgusted stomach. A stone medal is too good.

THE ONE-WORLDERS OF SPORTS

Yet ABC's confusion of sports with "entertainment" is like that of Silver Screen, Screen Romances, or New York magazine. At the level of The New York Review of Books, the most commonly bruited ideas about the Olympics were also pretty silly. The idealists of the press would like to ban "nationalism" from the Games, and celebrate "individual excellence." James Tuite of The New York Times countered this trend effectively by pointing to the tears in the eyes of many

of the U.S. basketball players on the victory stand as the flags were raised and our National Anthem was played—and to the intense national pride exhibited at the boxing and swimming contests. Let's face it, he wrote, nationalism is the name of the game.

I happened to be at the Finn Fest in Michigan's Upper Peninsula when Lasse Viren won the 10,000 meters. To imagine that Finns, either Finnish-Americans or visitors, reacted to his victory as they would have to one by someone from any other nation is to misunderstand the nature of human beings. We are nearly as limited as plants—each of us rooted in the belly of a single woman, in a single family, a single village or city, region, and nation. No one of us speaks for the whole human race, for it is the nature of our race to be diversified by flesh, culture, and history. God made human diversity, Aquinas wrote, to mirror back God's infinity, each variation reflecting a different glory of the Infinite.

Theologically, our one-worlders are gnostics, thinking it a scandal that flesh, time, and history diversify us. The Christian "mystery" of the Incarnation, like the Jewish "mystery" of Jahweh's election of a single chosen people, flies in the face of gnosticism. Our flesh and finiteness are as integral to our identity as our "universal reason." One value of sports in our world is that they are by their nature a scandal to gnosticism. They are embodied.

They depend on a supporting political and economic system. Many of our commentators seem to think that communications, a shrinking world, and the Coca-Colanization and Pepsification of the planet tend to "unite" the human race. They miss the great fact of the last third of the twentieth century: modernization engenders, not unity, but intense feelings of identity, loyalty, and difference. Not only is Great Britain now more weakly Great, it is less and less a United Kingdom, the Scots and the Welsh feeling new impulses toward independence. "National Liberation" is proving to be a human tendency deeper than International Socialism. Homogenizing tendencies spread across the world's surface, but the deep dynamism of our times is differentiation, not conformity.

The very conception of the Olympics reflects a dual awareness of this truth. The Games are international and help to focus world attention on a shared set of symbols in one system of laws and rules. But the only source of energy, passion, interest, and (not incidentally) money capable of bringing off an international event of such magnitude is national loyalty—and, if not necessarily the nation-state, committees nationally organized for the Herculean task. Our gnostics may say that we should cheer excellence wherever it is found, and in part we do. But television's practices prove that at the same time we do not. Cameras follow national heroes. Intensity of feeling builds up around national rivalries.

SPORTS AS WAR

The Olympics without the intense feeling that marked the volleyball battle between the Poles and the Russians—a feeling that reaches back hundreds of years—would be flat, indeed. More than physical excellence is at stake; rootedness and spirit are at stake. The Olympics are what William James so earnestly sought everywhere except where it might be found: a moral equivalent of war. Great passions may here be purged. Even a single gold medal can enthrall a nation; virtually every nation wins (gold, silver, bronze) something. Even a nation of 17 million like East Germany, which is smaller in population than California, can become a superpower if it has the native culture to support the required disciplines.

Put the two halves of Germany together—East Germany with ninety medals and West Germany with 39—and one seems to get in the Olympic Games a fair enough sense of the distribution of moral, cultural, and political power in the present world: Germany 129, USSR 125, U.S.A. 94. One realizes why Germany was kept divided.

The incredible performance of the Eastern bloc tells us something very important about psychic power in our world. Combined, the athletes of the USSR, East Germany, Poland, Yugoslavia; Rumania, Czechoslovakia, Hungary, and Bulgaria won 328 medals out of a possible 615. When Moscow's Literary Gazette intones that "The Olympic Games are not just a major sports festival but are one of the fronts of fierce struggle between the supporters and opponents" of the way Communists view the world, we get the message. On this front, they are demonstrably superior.

And what is this front? It is not mere excellence. It is not mere "sport." It is assuredly not entertainment. It is not even a moneymaker; on the contrary, its financial costs are very high. It is deadly serious discipline, dedication, morale, work, organized effort, and individual sacrifice—in order to prevail. It is a kind of war. Socialism is not only physically obtrusive in the Olympic Games; it prevails.

Bill Dwyre of the Milwaukee Journal tried to show in an intelligent column that American sportswriters were confusing politics with sports, especially in the case of the East German women, who thrashed the U.S. women. He doesn't like the "win-at-all-costs sentiment that prevails in most sports circles in the U.S." Let East Germany, or all the Communist countries, he argues, consider it a high-priority item to win Olympic medals. Let them pursue that goal and choose their lifestyle accordingly. We should not.

WIN AT WHICH COSTS?

Shouldn't we? That depends. "Win-at-all-costs" is a weasel word. Which costs? Surely, there are many costs that a free people can willingly sustain in order to reach certain goals, goals themselves morally neutral or good. Surely, too, a free nation can so organize itself, not only freely but nongovernmentally, to attain such goals. There is no reason why free societies cannot prevail in fair competition.

If a free society could prevail against the totalitarian disciplines of athletes single-mindedly dedicated to proving the superiority of their regimen, the moral satisfactions for the rest of the world would be very great indeed. Power in our world is very much affected by symbolic status.

Sports transcend both entertainment and business. They also transcend politics. Losing a basketball game is not at all like losing a tank battle (as the Czechs and Slovaks lost one in 1968); being inferior in swimming is not at all like being inferior in political independence. Besides, to participate at all is to accept international rules that, in principle, transcend political interests. But if we are to "tell it like it is," we have to say that the left-wing critics of sports in America are right about the politicization of sports, but wrong about the central source of the politicization. The Eastern bloc does regard sports as one front in a political battle that they wage on every front—in literature, in science, in religion, as well as in sports. We have two choices: Pretend differently. Or accept their challenge.

Were we to accept the challenge and win, then we could say that sports transcend politics. Then we could say that just because we prevail at the Olympics, we do not believe that athletic pre-eminence is the be-all and end-all of a free society. As winners, we could say our piece and even speak convincingly of love. As losers, now, we sting like a butterfly.

Perhaps my competitive instincts are overdeveloped (perhaps it is merely an East European seriousness about such things); but I would prefer to win before I tried to make my moral points. I would like to see the U.S. go to Moscow in 1980 and come home with the highest point total of any nation in the world. If the Eastern bloc wants a fight, let's stick it to them right in Moscow. Frank Merriwell would have done no less. What cheers would echo through the world, even to the farthest cell of the Gulag Archipelago!

[News from Congressman John J. LaFalce]

THE FUTURE OF THE OLYMPICS

The thousands of Americans who attended the Olympic Games in Montreal, and the millions who watched them on TV, swelled with pride when the swimmers and boxers from the U.S. gave such creditable performances. We shared an inner glow when the two 400 meter hurdlers—one black and one white—embraced after their thrilling one/two finish in that race.

Our athletes performed ably, from the first victory by John Naber in the swimming events to the brilliant record performance by Bruce Jenner in the decathlon. And they did what they did under a severe handicap—lack of total support by the American people.

For while we watched a lot of victories and medal-winning performances by the Americans, the overall standing of the U.S. team was third, behind both the Soviet Union and East Germany. That country is smaller in population than New York State, yet it spends $50 million a year on its sports development programs.

In 1980 the Olympics will be held in Moscow. I think that the U.S. should make it a national goal to regain its supremacy in sports by that time. Jesse Owens reminded Hitler about the strength of Americans and our society in Berlin in 1936; what could be more fitting than to duplicate that demonstration in Moscow four years from now?

A number of ideas have been presented to beef up our support for the Olympics. I believe that now is the time to look into this issue in depth and come up with one or more ways to help our athletes. In this column I will review some of the suggestions which have been put forth, but I also want to ask all of my readers to forward any ideas they might have on this subject as well.

GOVERNMENT FINANCING

East Germany is far from alone in subsidizing its sports programs, although on a per capita basis it may be into this area more heavily than most other countries. A great many nations subsidize, in whole or in part, their athletes and the development programs which produce them. I don't think, frankly, that we should emulate this approach, although there are some limited areas where I do think government involvement might be justified.

VOLUNTARY SUPPORT FROM PRIVATE ENTERPRISE

In its "wrap-up" coverage of the Olympics, the American Broadcasting Company made a big point of plugging for America's free enterprise system to rise to the occasion and support Olympic athletes by giving them jobs which permit them to train, etc. I hope that ABC puts its money where its mouth is and does just that, as an example to other private firms. And I would like to see this idea catch on in a big way, for I agree that this is the kind of support which our society ought to provide. It's not a proposed feather-bedding scheme, but rather an idea which calls on private firms to do what they're best at doing—devising innovative and flexible solutions to difficult problems.

REORGANIZATION OF THE AMATEUR ATHLETIC SUPPORT STRUCTURE

The President's Commission on Olympic Sports, in a preliminary report in February

of 1976, recommended that an initial step toward providing better support for our Olympic effort should be to reform the organizational structure governing amateur athletics in the U.S. They called for establishment of a "highest sports authority" to coordinate policies, programs, and other aspects of this issue and eliminate the present chaos and confusion. The Commission went on to tell the President that it is studying details of this proposal as well as fiscal and other problems.

I think the call for re-organization of our amateur athletic system is long overdue, and I support it heartily.

SOME POSSIBLE CONGRESSIONAL ACTIONS

Congress may be asked to act in this situation. One idea has already been circulated by one of my colleagues—a proposal to permit a $1 check-off, like the presidential campaign financing check-off—on an individual's tax return. I don't favor this approach, but we certainly should begin to consider some forms of limited government support for some aspects of our athletic program.

Whatever comes before us, I hope it will be soon and that it can contribute to a first place finish in Moscow. We should try for nothing less.

OUTLAWING ARAB BOYCOTTS

HON. BENJAMIN A. GILMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. GILMAN. Mr. Speaker, this week the House International Relations Committee, of which I am a member, marked up legislation to extend the Export Administration Act. One of the most important amendments to be considered deals with the prohibition of compliance by the U.S. firms with the Arab boycott against Israel.

In June of this year, I testified before the International Relations Committee on the subject of foreign trade boycotts, and on that occasion, I pointed out that although present U.S. policy states its opposition to such restrictive trade policies and boycotts, the very fact that they continue to occur demonstrates the need for more stringent Federal laws. We need not only to discourage such practices but we should also prohibit them. The appropriate vehicle to effectuate this change is the Export Administration Act.

I have cosponsored several pieces of legislation to end these discriminatory practices of foreign trade boycotts and I am currently a cosponsor of the prohibiting amendment now before the committee.

I would like to urge not only the members of the House International Relations Committee but all of my colleagues to join in supporting this legislation. The full text of my testimony before the House International Relations Committee follows:

STATEMENT OF HON. BENJAMIN A. GILMAN, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK, JUNE 1976

Mr. Chairman: I welcome this opportunity to appear before the Committee on International Relations to express my strong support for proposed legislation to end the discriminatory practices of foreign trade boycotts.

The implementation of economic boycotts against the State of Israel for political purposes has been a common practice among the Arab states for more than 25 years. Generally, these efforts have been met with little opposition due to their lack of enforcement and success. However, with the imposition of the oil embargo, new strength and life was added to these efforts. The shocking results of these new efforts have revealed broad scale cooperation by American business to the threats and demands of one nation against another.

The Arab embargo against Israel is not the center of this controversy. The right of one nation to refuse direct interaction with another is not a question. What is at stake is the extension of this embargo to U.S. firms in an attempt to prevent them from trading with Israel. This type of boycott extends far beyond any recognized right of one nation to prevent trade with its enemies.

This form of economic blackmail must not be allowed to continue. Even the slightest forms of cooperation encourage more and more demands that extend far beyond economic matters and take aim at U.S. foreign policy. This not so subtle attack which pits one American against another because of his racial, ethnic or religious background must be stopped.

As a recent editorial in the Charlotte Observer points out, the issue of Arab boycotts is much greater than the struggle of one nation against another.

"The larger question, however is one of morality. The Arab boycott and blacklisting of firms has been aimed not only at Israel but also against American Jews. If an Arab nation wants to do business with an American firm, it can abide by this country's rules of decency and fair play—or go elsewhere. We doubt that those countries, which are being developed largely by American enterprise, would go elsewhere."

The United States as a nation must take a stand on this issue. We must not allow foreign governments to manipulate the internal affairs of this country. We must remove the pressures that are brought to bear on individual companies to comply or face the repercussions of discrimination. The solution to this problem, as the Observer's editorial states, is: "the best way to counter the Arab governments' pressures is to have a law on the books which requires them not to yield. Then they could simply tell Arab governments: We have no choice but to comply with the American law."

We can and should prevent boycott compliance and the appropriate vehicle is now before us, the Export Administration Act.

While the present U.S. policy states clearly its opposition to such restrictive trade policies and boycotts, the fact that these practices do occur demonstrates the need for stronger federal laws. The policy statements in the current Export Administration Act are commendable but ineffective. We need not only to discourage such practices, but to prohibit them. I urge the adoption of amendments to outlaw the disclosure of discriminatory information and participation in the restrictive trade practices of foreign nations including both secondary and tertiary boycotts.

Currently, there are several pieces of legislation before this committee aimed at the heart of this problem. I am a co-sponsor of H. Con. Res. 173, offered by Congressman Addabbo, H.R. 6431 offered by Congressman Drinan and H.R. 11463 offered by Congressman Koch. In addition Congressmen Bingham and Rosenthal have both offered constructive proposals that deserve your consideration and support.

As we proceed to consider the Export Administration Act, I am convinced that from these proposals and the committee deliberations that will follow, an effective policy against the discriminatory practices of boycotts can be achieved. It is only fitting that in this bicentennial year, as we reflect on the founding principles of this great nation that we apply those same concepts of freedom from repression, non-discrimination and rights of religious tolerance to the conduct of commerce.

Accordingly, I urge my colleagues on this committee to support the concepts contained in the anti-boycott proposals before you in order to end the divisive effects of these discriminatory acts.

Mr. Chairman, I request permission to insert, in full, at this point in the record, the Charlotte Observer Editorial dated June 14th, 1976, entitled "Arab Intrusion".

[Editorial From the Charlotte Observer, June 14, 1976]

ARAB INTRUSION—JONES' ADVICE IS WRONG

Neither common decency nor the best interests of the United States are served by the practices acknowledged by Edwin L. Jones Jr. of Charlotte in his testimony Thursday to a House committee. Mr. Jones, president of J.A. Jones Construction Co., said his company in some instances has gone along with demands by Arab countries to boycott Israel.

Why? Not to create jobs for Americans, but to make money. The company does a substantial business in Saudi Arabia.

Mr. Jones' testimony showed that while the company is responsive to the Arab countries' foreign policy requirements it is ignoring American policy. We think the company has no business acting, for whatever reason, in a matter that is against the policy of the United States.

Arab pressures of various kinds have been brought to bear upon American companies. Many firms have been blacklisted because they had Jewish ownership or high-level Jewish executives; some of the biggest corporations in America have been blacklisted for other reasons, chief among which, apparently, is that they do business with Israel.

In other words, some of the Arab countries not only have told American companies they cannot do business with both Israel and Arab nations; they also have brought subtle pressures to bear which might persuade some companies to violate American law by discriminatory practices within. Congress has declared the first part of this to be against American policy; the second part is against the law.

As we said some time ago, this is a reprehensible and unacceptable intrusion in American affairs. No American company should accept such interference.

In his testimony before the House International Relations Committee, Mr. Jones not only acknowledged that his company has yielded to the boycott-Israel pressure but also urged Congress not to enact proposed legislation which would make this a punishable violation of law rather than simply an expression of disregard for American policy.

He should have been on the opposite side, as are many American business executives. They know that the best way to counter the Arab government's pressures is to have a law on the books which requires them not to yield. Then they could simply tell Arab governments: We have no choice but to comply with American law.

Would that put them out of business in the Arab world? It is conceivable, though unlikely, that in a few cases it would. But it is virtually inconceivable that those developing countries would choose to do without American technology, American scientific development and American management know-how. Such a law, in our view, overnight would break the back of this impudent intrusion in American life.

The larger question, however, is one of morality. The Arab boycott and blacklisting of firms has been aimed not only at Israel but also against American Jews. If an Arab nation wants to do business with an American firm, it can abide by this country's rules

of decency and fair play—or go elsewhere. We doubt that those countries, which are being developed largely by American enterprise would go elsewhere.

Congress should make American policy—not a bunch of oil kings and sheiks.

TROTSKYISM AND TERRORISM: PART V—TERRORIST ACTIVITIES IN EUROPE

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. McDONALD. Mr. Speaker, the Trotskyite Communist Fourth International not only has been vociferously supporting terrorist activities—bombings, kidnappings, assassinations, and armed robberies, "expropriations" as the revolutionaries term them—by non-Troskyite revolutionaries and nationalist groups, but also has conducted terrorist activities itself.

FRANCE

During the 1960's, the French section of the Fourth International led by Pierre Frank was able to recruit some of the violence-oriented New Left. These New Leftists recruited by Frank, were similar in their outlook and desire for street violence to the SDS Weatherman faction which led major street riots in New York, Berkeley, Boston, and Chicago during 1969 and 1970 before disappearing underground.

In April 1966, a New Left segment split away from the Communist Party controlled Union Estudiants Communistes de France and declared itself Trotskyist. It affiliated with Pierre Frank's Fourth International section which was then called the Parti Communiste Internationaliste. The youth group, led by Alain Krivine, was then called the Jeunesse Communiste Revolutionnaire and expressed its strong admiration for Castro and Che Guevara.

For their prominent role in leading the student and worker riots which nearly precipitated a civil war, in April 1968, the French Government outlawed the Trotskyite group. However, the Trotskyites merely changed the names of their organizations and continued to function. The Jeunesse Communiste Revolutionnaire became the Cercles Rouge—Red Circle—then changed its name to Ligue Communiste. For its involvement, in continuing violence the Ligue was dissolved again in June 1973, by the French Government. However, the Ligue merely changed its name again to Front Communiste Revolutionnaire, LCR. LCR's top leaders include the aging Pierre Frank, Gerard Vergeat, Alain Krivine, Charles Micheloux, and Daniel Bensaid.[1]

The involvement of the French Trotskyites in terrorism was revealed by SWP Political and National Committee member, Mary-Alice Waters, alias Therese, who is one of the SWP members on the Fourth International United Secretariat. On behalf of her minority faction, Waters submitted a report attacking the "terrorism now" position of the Fourth International majority to the December 2–6, 1972, United Secretariat meeting.

Incidentally at the opening of her report Waters listed "six comrades who are members of the United Secretariat—Adair, Hans, Juan, Pedro, Stateman, and Therese."[2] Comparison with other internal Fourth International documents indicates that Adair is the Canadian Alan Harris who was sent by the Fourth International to Great Britain to help lead the British section; Hans is an alias for SWP National Secretary, Jack Barnes; Juan was Joseph Hansen; Pedro is Peter Camejo and Statemen is apparently Barry Sheppard.

The Waters report which was of course rejected by the majority attacked "violent minority actions":

She wrote:

Let us turn now to one of the most important questions being debated in the European movement—a question so vital that it can prove fateful for our sections in the immediate future. The issue is what several comrades of the Ligue Communiste refer to as the need for "a deliberate somewhat voluntaristic initiative by the vanguard" to reintroduce "violence" into the class struggle. [See Appendix, "The Debate in the Ligue Communiste."]

This idea is not developed clearly in the European document, but the essence is included in Section 19, which states: "The spirit in which our sections will have to educate the entire mass vanguard moreover, is this: to show the bourgeoisie *in practice* that the price it will have to pay for any attempt to establish an open dictatorship will be a civil war in which both camps will use *arms*." (p. 25. Emphasis added.)

One interpretation of this line has already been initiated in France to a sufficient degree to indicate what it entails.

The May 13, 1972, issue of *Rouge*, the official paper of the French section of the Fouth International, prominently featured a "last minute" news bulletin that announced:

"In response to the intensification of imperialist aggression in Indochina, on Wednesday, May 10, at 6:30 a.m. revolutionary militants attacked the offices of Honeywell-Bull and the machine display at the Trade Center. Molotov cocktails were thrown and the machines were seriously damaged. Simultaneously, a similar action took place against the Toulouse headquarters of Honeywell-Bull.

"The Ligue Communiste supports and salutes the revolutionary militants who have thus demonstrated their determination not to let the new arrogance of imperialism go unanswered. By these acts they have denounced the war profiteers who furnish the matériel for imperialist aggression. And they have demonstrated their solidarity with the Indochinese people—at the very moment when the French government was trying vainly to ban the mass demonstrations that took place Wednesday night."

On September 2, 1972, *Rouge* carried another special article, which approvingly reproduced the press release issued by a commando squad that firebombed the Argentine embassy in Paris, following the murder of the Argentine comrades in Trelew. As *Rouge* reported it:

"In France in the dawn hours of August 25 revolutionary Marxist militants attacked the Argentine embassy with Molotov cocktails. The following communique was issued by these revolutionists shortly after their actions:

" 'Today revolutionary Marxist militants attacked the Argentine embassy in Paris. This symbolic action is part of the worldwide wave of protest developing in the wake of the savage murder of sixteen unarmed Argentine revolutionists by the mercenaries of Lanusse. On the defensive today politically, the imperialists and their watchdogs are escalating their extortions and crimes in Latin America and throughout the world.

" 'They will not go unpunished because the day is near when the Argentine and Latin American masses, mobilized by their vanguard on the road of revolutionary war, will sound the death knell of the murderers' system and make them pay the full retribution for their accumulated debt of blood.

" 'Long live the Argentine socialist revolution.

" 'Long live the Latin American revolution.

" 'Hasta la victoria siempre. Venceremos.

" 'Cuarta Internacional' "

The signature of the communique falsely gave the impression that this was an action approved by the Fourth International and carried out by its forces.

"Cuarta Internacional" is of course Fourth International. Despite Water's denial of responsibility, Pierre Frank, a leader of both the French section and the International took full responsibility for the terrorist acts.

Waters went on to say,

The rationale for such actions has been explained at length in a number of articles in *Rouge*.

For example, the June 10, 1972, issue carried an article entitled "Terrorism and Revolution" by Daniel Bensaid, a member of the Political Bureau of the Ligue. He states:

"As far as we're concerned, we have not hesitated to resort to violent minority actions when the actions were tied up with mass activity. In December 1970, at the time of the Burgos verdict, the Ligue Communiste supported the attack of a group of militants against the Bank of Spain, but that was parallel with leading the mass campaign on behalf of the Basques threatened with death. We also led actions against General Ky when he visited Paris, against the U.S. consulate, an action that led to the indictment of Alain Krivine, and we supported the action led by militants against the firms profiting from the U.S. war. But this was parallel with systematic mass work on behalf of the Indochinese revolution, within the framework of the FSI [Front Solidarite Indochine—Indochina Solidarity Front] in particular."

Such actions, we are told, have a basis in theory—the theory of the "dialectics of mass violence and minority violence." According to this "theory," violent actions organized by a small group can show the way, stimulate actions by the masses of workers through raising their combativity, and prove to the workers that they can and should use violence on a mass scale.

For example the June 10 article takes up the question of kidnapping factory owners or supervisors. "It is clear that the occupation of a factory that mobilizes a mass of workers to control the means of production and eventually passes over to active administration has a far greater significance than the kidnapping of a supervisor or a boss . . . But if the kidnapping expresses a genuine anger, if it is not presented as an end in itself, a pure revolt, but rather as a means of breaking up a passivity and resignation of the masses by beginning to overthrow its hierarchical idols, then kidnapping can be a correct initiative the workers ought to defend and even in certain cases promote."

Waters argued, however, that Trotskyites should engage violence at the proper time:

Footnotes at end of article.

The Leninist method of educating the working masses in effective anticapitalist action is not through the exemplary action of small, clandestine groups, violent or otherwise. It is by organizing and leading the masses in struggle to achieve their demands. As those struggles unfold, the masses themselves come to understand the need to defend their interests against the violence of the rulers. As that point approaches, we help the masses to organize their defense of their struggles.

As in every other aspect of the struggles of the masses, we play a vanguard role. We take the initiative within the masses on such questions as the formation of strike pickets and workers militias or, in certain situations, guerrilla units to defend the mass struggles of the peasants. We take these initiatives as members of the mass organizations, and in the name of the mass organizations, even if initially few besides ourselves are involved. The course followed by Hugo Blanco in Peru and the course followed by the Trotskyist leaders of the 1934 teamsters strike in Minneapolis offer instructive examples.[3]

Pierre Frank answered:

The use of force is not in itself terrorism and it is necessary to take care not to use the critiques made in our classics, for example against the Narodniks, incorrectly. Let's listen to what Trotsky himself said:

"It must be said that the Narodnik terrorists took their own words very seriously: bomb in hand they sacrificed their lives. We argued with them: 'under certain circumstances a bomb is an excellent thing but we should first clarify our minds.'" (P. 79, In Defense of Marxism.)

Under certain circumstances a bomb is an excellent thing! Under certain circumstances, Trotsky, according to Comrade Mary-Alice, fell prey to adventurism and terrorism.

The article in question denounces two "adventurist" actions, the one against the Argentine Embassy and the one against Honeywell-Bull. They were "in no way related to the needs of the masses or of any section of the masses." (P. 25)

In our opinion, the crime of Trelew required an immediate response and, as everyone knows, one cannot always summon up mass demonstrations. Thus the question of a vigorous action was posed, and we were of the opinion that the Trelew crime required more than a telegram or a customary gesture. But in the question of Honeywell-Bull, one finds a problem posed that Comrade Mary-Alice didn't seem to suspect. Why did revolutionary militants attack this American firm if not because it made material used against the Vietnamese revolution? We are for the defense and victory of that revolution, of the workers state of Vietnam. On this question we are not just for mass actions but also for the sabotage of the capitalist troops and of their armament: "The Fourth International has established firmly that in all imperialist countries, independent of the fact as to whether they are in alliance with the USSR or in a camp hostile to it, the proletarian parties during the war must develop the class struggle with the purpose of seizing power. At the same time the proletariat of the imperialist countries must not lose sight of the interests of the USSR's defense (or of that of colonial revolutions) and in case of real necessity must resort to the most decisive action, for instance, strikes, acts of sabotage, etc." (P. 30, *In Defense of Marxism.*)

The action against Honeywell-Bull, symbolic as it had been, fell into this category. It was "related to the needs" of the Vietnamese masses, and one can simply regret that there weren't more of them and more vigorous ones.

In peremptorily asserting that minority violence and mass violence cannot be complementary, that they are politically contradictory, Comrade Mary-Alice rejects en toto all the actions taken on by the Ligue Communiste that had a minority character. But the Ligue concretely showed the contrary within the framework of solidarity actions toward the Indochinese revolution. On the day after the presidential "elections" in Saigon, the Ligue clandestinely organized a demonstration of 400 militants in front of the American consulate in Paris. This demonstration, like the others (against the South Vietnamese consulate in Paris, Honeywell-Bull . . .) politically prepared the January 20, 1973, demonstration, in the course of which 15,000 demonstrators violently confronted the police in order to make their way to the American Embassy. That demonstration even had an echo in the ranks of the French CP. It represented a step forward in the anti-imperialist mobilization. It would have been much more difficult to carry out if it hadn't been prepared by the Ligue.[4]

Ernest Mandel, writing under his pseudonym Ernest Germain, answered the charge that the French section wanted the terrorist violence to escalate into guerrilla warfare. Mandel wrote:

We repeat: what we threaten the fascists with is not "guerrilla war," but civil war of the Spanish type, which, let us repeat again, was started by relatively limited vanguard forces.[5]

FOOTNOTES

[1] Trotskyite Terrorist International.

[2] Internal Information Bulletin, January, 1972, No. 1 in 1972.

[3] Ibid.

[4] International Internal Discussion Bulletin, Volume X, No. 14, August, 1973.

[5] International Internal Discussion Bulletin, No. 4, April, 1973.

TESTIMONY OF COMMISSIONER THOMAS K. STANDISH, CONNECTICUT PUBLIC UTILITIES CONTROL AUTHORITY, ON ELECTRIC UTILITY REGULATORY REFORM

HON. CHRISTOPHER J. DODD

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. DODD. Mr. Speaker, at hearings before the Senate Committee on Commerce, testimony was presented by Commissioner Thomas K. Standish, of the Public Utilities Control Authority in my State of Connecticut, on the subject of legislation to reform electric rate regulation by the Federal Power Commission and by State regulatory bodies.

Commissioner Standish presents a clear and straightforward picture of the complex issues involved in electric rate regulatory reform; this issue is one which has long been a concern to me, and I know, to many of my colleagues.

Legislation to reform the electric rate regulatory process is pending further action by both bodies of Congress, and is expected to come to the floor before the close of this session. In light of the importance of this legislation, I know we will all want to be fully informed when it comes before us for consideration. I therefore include the following excerpts from the commissioner's testimony in the RECORD, and I commend them to the attention of my colleagues:

[Testimony of Commissioner Thomas K. Standish Before the Committee on Commerce, U.S. Senate, April 27, 1976]

NEED FOR ENERGY CONSERVATION PROGRAMS AT THE FEDERAL LEVEL

CONSIDERABLE POTENTIAL EXISTS FOR ENERGY SAVINGS THROUGH THE CONSERVATION OF ELECTRICITY

Because of the dramatic changes which have taken place in the supply of energy within the last three years, there presently exists considerable potential for a shift to a reduced dependence upon electric energy per unit of goods and services consumption by the household, government, and business sectors of the economy. This is not to say that total electric consumption by these sectors will not increase as output and consumption expands in the future, but significant adjustments have yet to take place in the economy to adapt to the reality of higher energy costs.

ADAPTATION TO NEW ELECTRICITY PRICES WILL BE SLOW

Even though the price of electric power has increased by a multiple factor over the last three years, we can expect that economic adjustments to the new prices will be slow. This is because, unlike most purchases, the consumption of electricity is indirect. A durable piece of equipment is required as the vehicle through which electricity is consumed.

When a business, household or government consumer considers the alternatives available to utilize his dollar income on the purchase of electricity-using equipment, the consumer must include in the calculation the future stream of costs for repair, maintenance and certain imputs to the long-term utilization of the equipment. Often these future costs are larger in total than the cost of the equipment at time of purchase. Absent evidence to the contrary, consumers generally assume that present prices of repair, maintenance and inputs (e.g. electricity) are a reasonable guide to prices which will prevail over the lifetime of producer or consumer equipment.

Stocks of electricity-using equipment existing in the economy today were purchased at a time when electric energy costs were relatively low and the design of these stocks reflects past input costs. At today's electricity costs this equipment is wasteful. The problem is, however, that because of the inability to rapidly shift to equipment which is less electric-energy intensive, consumers are forced to use electricity at or near rates of consumption (per unit of output) which prevailed prior to the energy crisis. The shift to less wasteful patterns will result as consumers (1) make investments in retrofit modifications of existing equipment (insulation, motor rewiring and the like) (2) make investments in new equipment which has been designed to adapt to present electric prices, and (3) as producers make available durable equipment which has energy saving technology embodied in it.

IF LEFT ALONE, PRICE MECHANISM WILL EVENTUALLY PRODUCE A ONCE-OVER SHIFT TO ELIMINATE ECONOMIC WASTE

Even if no conservation program is undertaken, it is certain that the price mechanism will eventually bring about the adjustments which are necessary to shift consumption patterns away from the waste of electric energy. At some point in the future, old equipment will have been phased out and all classes of consumer will have adjusted their equipment stocks to account for the new electricity price level. This process will, in all likelihood, take more than 25 years to accomplish if no steps are taken to accelerate the shift.

INCREASING DEPENDENCE ON FOREIGN OIL REQUIRES IMMEDIATE RESPONSE ON CONSERVATION PROGRAMS

Dependence upon foreign sources of oil has grown from 13% of our consumption needs in 1950 to 37% in 1974; and in January the

Federal Energy Agency announced that for a brief period 50% of America's oil needs came from imports. This trend can be expected to continue in the near future. According to the Energy Research and Development Administration, U.S. production of oil will peak in the late 1980's and natural gas production in the U.S. will peak in the early 1980's.

In the longer run, programs to develop nuclear, coal and other suppliers of energy will reduce the energy gap between U.S. production and demand; until the U.S. energy supply strategy bears fruit, however, the risk of supply interruptions at the political whim of foreign nations will increase. This fact makes it imperative that, in the short run (until 1985), a demand strategy be developed to reduce the waste of energy. In states (like Connecticut) in the northeastern part of the United States where dependence on foreign oil is the highest, the ability to implement conservation programs to curb demand is critical to our development over the coming decade.

THE FORD ADMINISTRATION'S PROGRAM ON CONSERVATION IS HIGHER PRICES

The fact that the national administration has allocated only 1%-2% of its total energy budget to conservation indicates that embraced a price-mechanism strategy in this important area. In this light I take as a positive development the announcement on April 19, 1976 that ERDA will give "the highest priority" to conservation of energy, placing it on a par with the development of new energy supplies.

BECAUSE OF INTER-REGIONAL COMPETITION, CONSERVATION PROGRAMS FOR ELECTRIC POWER INDUSTRY MUST BE FEDERAL

The principle of the division of powers and responsibilities between the State and Federal government is important to successful regulation of public utility industries. In most instances, the geographic and economic uniqueness of each state makes it more efficient to regulate at the state level. The case of utilizing electric power rates as an instrument to promote conservation and economic efficiency is an exception. While it is my belief that implementation of programs to reinforce the price mechanism (such as those which will operate within the constraints set forth in Sections 203 and 204 of S3310) should be on a state by state basis, the operation of the competitive system makes it imperative that the Federal government set the standards for such programs. This is because those states which, on their own, undertake to implement time-of-day pricing or shift to a new principle of electricity pricing will be placed at a comparative disadvantage in the competition for new industry investment.

Although approximately 40% of economic activity is non-market oriented, the underpinning of our economic system is the competitive market. On a geographic basis, the economic system is comprised of many regions which compete with each other for new investments. The Atlantic region competes with Baltimore, Houston, etc. To be more specific, within each metropolitan region certain industries—those which export a good or service to the other regions and parts of the world—are the foundation upon which the rest of the regional economy is built. Two examples of such industries in the Hartford region are the insurance and aircraft industries. It is these "regional export" industries which bring dollars into the regional economy, which are the major source of tax payments to local and state government, and which are the first step in the income multiplier process supporting other industries and businesses which serve only the local market. An increase in the costs of operation for regional export industries, either directly, or indirectly through those businesses which supply them with inputs, will put the region at a comparative disadvantage in the competition to retain and attract this important type of industry.

SHORT RUN EFFECT OF ADOPTING CONSERVATION RATES FOR ELECTRIC POWER MAY BE TO INCREASE COSTS FOR "REGIONAL EXPORT" INDUSTRIES

If the adoption of electric rates on the basis of conservation, load management and/or full costing principles is to be nondiscriminatory, then it is probable that such rates must be adopted for all classes of customer. There is reason to believe that certain industries would bear a greater hardship than others, particularly in the short run, if the existing design were changed by regulatory agencies to conform with conservation, load management and/or full cost principles. Hence, even if regulators in a geographic jurisdiction favor the adoption of time-of-day or interruptible rate for electric consumers, they are effectively prevented from doing so because of the certainty that, undertaken unilaterally, these rate reforms will inhibit new investment in certain of those industries which are the lifeblood of regional economic development.

As outlined later in this testimony, the adoption of rates which lead to electric load leveling does have a long run beneficial effect for all ratepayers. National minimum standards for electric ratemaking, such as those found in S3310, are an essential context for regulatory reform at the state level. In this context, the design of rates which will promote the conservation of energy and efficiency of electric power generation can be implemented.

CRITICAL IS THE CHOICE OF THE STANDARD USED IN THE DESIGN OF RATES TO ACHIEVE CONSERVATION, AND EFFICIENCY IN ELECTRIC POWER GENERATION

Fair and reasonable rates gauged in past by marginal cost standard

The design of rate structures for public utility companies must have the result of not being unreasonably discriminatory between and among customer classes and must be fair in their impact upon (1) the public at large, (2) consumers of utility service and (3) upon utility investors. In the past, the standard of economic efficiency, drawn from traditional micro-economic theory, has been used as a measure of the "fairness" and "reasonableness" of rates. This economic reasoning, and the social welfare precepts following from it, was fully developed in the period from the late 1860's to the turn of the century. In essence, this complex system of thought can be summarized as follows: If the prices charged consumers are the result of perfect competition and, if perfect competition exists in all markets for products, services, and resources (including labor), then the prices which are thereby charged consumers will be equal to the full marginal costs of producing each good and service in the economy. Further, it can be demonstrated that, under these restrictive assumptions, the effect of full marginal cost pricing will be to bring about an optimum, the most economically efficient allocation of society's resources.

For regulated industries, the conclusion which flows from this theory is that, absent the forces of competition to bring about full marginal cost pricing of utility services, a regulatory result should be imposed whereupon, to the extent practicable, rate structures are designed to be reflective of full marginal costs.

Marginal cost standard is inappropriate for the design of rates

It is my belief that the full marginal cost standard for the design of electric utility rates is not only theoretically inappropriate for use in the design of rate structures for electric utility companies but, more important, it is virtually impossible to apply this standard under today's economic conditions. Further, I believe that, because of the fatal defects in the use of marginal cost as the standard for rate design, fair and reasonable rates can only be achieved for electric customers if an alternative standard is employed. Let me first address the defects in the use of full marginal costs as the standard for rate design and then the issue of an appropriate alternative standard.

Although a complete analysis of traditional micro-economic theory cannot be undertaken here, an exposition of some of the underlying assumptions will clearly indicate the obsolescence of the traditional theory. The important assumptions, with editorial comment, are as follows:

1. That a general equilibrium can be attained wherein all firms in all markets are producing at their optimum point of equilibrium. This assumption is critical because, once out of equilibrium, the interaction between supply and demand in individual markets has the result of altering the income distribution which, in turn alters demand which, in turn, alters supply offerings which, in turn alters the income distribution—and so on.

2. That there is no government sector in the economy. This assumption is necessary because the "pricing" of services and the levels of output in the government sector are determined according to non-market principles which conflict with the allocation of resources according to competitive market principles. To gauge the degree to which the relaxation of this assumption will impair the usefulness of marginal cost theory, Federal, State and local governments produced output equal to 39.5% of gross national product, annualized for the 3rd quarter of 1975.

3. That long-run marginal costs are not increasing nor decreasing. This restrictive assumption is needed to prevent regulated industries from making exorbitant profits (in the case of increasing lnog-run marginal costs), or incurring excessive losses. Most observers believe that the electric utility industry is presently operatng under conditions of increasing long-run marginal costs; thus, to price electricity equal to long-run marginal costs will virtually assure electric utility companies of huge excess profits (Not withstanding Section 203(d) of S3310).

4. That all firms and all markets for resources in the American economy are perfectly competitive. Translated in the real world, this means that there are no unions, no large firms which dominate markets; in essence, this assumption requires that the very fabric of the American economy be ignored when using the marginal cost standard for utility rate design. Suffice it to say that 500 firms now produce over 70% of all industrial output in our economy.

5. That private costs, internal to the firm, are the only costs which are appropriate in determining prices for goods and services. This assumption has two serious defects; first, even if all the other assumptions essential to the theory were descriptive of conditions in the real world, social costs of production such as pollution, income distortions of social welfare, cannot be reflected in market prices and, second, once the existence of the government sector is admitted into the theory, it is impossible for prices of goods and services produced in the private sector to reflect total economic costs of production. This is because federal subsidies, municipally financed industrial parks, tax differentials, government supported labor training, and the myraid government programs which alter private costs of production have the effect of "socializing" private costs. It is exactly this phenomenon which is produced when one state or municipality competes against another for new business and industry. Each government competitor is attempting to socialize a greater portion of private costs in order to attract and retain investment. In the

real world, the full cost to society of producing goods and services does not even approximate the prices paid by the consumer.

6. That monopoly, perfect competition and other industry organizations will tend to promote the same rate of technological change. Reduced to its simpliest form, this assumption requires that large firms and the complex of industries which supply them will not promote technological progress at a faster rate than small firms operating in competitive markets.

7. That income transfers; the many regulatory agencies at the local, state, and federal level; public support of research and development; and any other institutional deviation from general equilibrium conditions do not exist.

Rather than continue any further, I believe that it is clear that the theory of marginal cost pricing cannot be used as a standard for rate design in the electric utility industry. I am of the opinion that the concept of marginal cost pricing is being promoted at this time precisely because the long-run costs in electric power have turned upward within the last few years and, under these conditions, use of the concept in rate design will tend to promote excess profits for electric utility companies. I urge this Committee to strike from S3310 and reference to costs which might be construed as relating to the marginal cost standard of rate design.

FEDERAL STANDARDS NEEDED TO REQUIRE THAT STATES IMPLEMENT RATE FORMS WHICH PROMOTE CONSERVATION AND LOAD MANAGEMENT

The widespread adoption of peak load, time-of-use pricing promises to produce a regulatory result consistent with two goals found desirable by government agencies at the federal, state, and local levels. First, it is expected that this rate form will promote the conservation of petroleum and gas used in the production of electricity conservation of petroleum and gas used in the production of electricity and, second, it is expected that peakload rate forms will foster internal efficiencies for electric companies.

According to the theory of peak load, time-of-use pricing, the consumer will shift consumption of electricity from on-peak to off-peak periods if sufficient price and technological incentives exist in the marketplace. This levels the load for the electric power supplier, producing the following effects:

1. The percentage of base load units in the generation mix increases. Because base load units have more efficient heat rates than intermediate cycling or peak-load units and, because intermediate cycling units tend to burn oil or gas as fuel, load leveling reduces the amount of these fossil fuels burned per KWH. The conservation effect of load leveling will be even more pronounced as the percentage of nuclear base load units continues to increase over time.

2. All fossil units on the generation system will require less minute-to-minute incremental control and can operate a greater percentage of the time at optimum efficiencies. This too has both a conservation effect and an efficiency effect on system operation.

3. Those fossil units which operate at nearly constant loads, because of the increased off-peak load and the reduced peak load, have reduced thermal and physical stresses and corresponding reductions in maintenance costs.

4. Certain planning and management efficiencies result from a more stable load pattern.

In light of the above and, taking into consideration that these conservation and efficiency effects increase in the long run and, considering that there is likelihood that peak load, time-of-use rate forms will not be implemented absent federal constraints which require state regulatory agencies to implement such rate forms, Section 204 of S3310 will have a constructive effect on the state public utility regulatory process.

RESOLUTION ON THE RELIGIOUS SITUATION IN CZECHOSLOVAKIA

HON. JOSHUA EILBERG

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. EILBERG. Mr. Speaker, the Conference of Czech hierarchy, clergy and laymen of most of the Catholic institutions and organizations in America and others elsewhere, held under presidency by the Most Reverend John L. Morkovsky, Bishop of Galveston-Houston in Texas, on Monday, August 9 at Chestnut Hill College, Philadelphia, deliberated concerning the tragic religious situation in present-day Czechoslovakia. They have decided to call this critical situation to the attention of the authorities of free nations with the urgent request that they extend their help to restore religious freedom in Czechoslovakia, to stop the blatant violation of precious human rights, which should not and cannot longer be condoned.

The following resolution of protest and indignation at these blatant violations by the Czechoslovak Communist regime, is aimed at awakening the conscience of the world and at eliciting the sympathy and solidarity with those suffering much under the yoke of Communism. It reads:

RESOLUTION

The people of Czechoslovakia call you from Philadelphia in the United States because they cannot call from Prague in Czechoslovakia. They call for your attention from the 41st International Eucharistic Congress in Philadelphia, held from August 1 to 8, 1976.

Representatives of Czechoslovak Catholics gathered in Philadelphia wish to thank the Almighty for the freedom enjoyed by the people of the United States of America and they pray that the Czechoslovak people may likewise participate in its benefits. Almost 200,000 Czechoslovak citizens of a total of some 15 million were obliged to leave their native land because the biggest tyranny of modern history has since 1948 engulfed Czechoslovakia. They wish to thank God that a significant portion of the population of Czechoslovak descent living in the United States (1% and numbering more than 2 million of a total of American citizenry well over 200 million) has been saved from a similar fate.

The principal conditions of a free development of the human personality are the freedoms of thought, of conscience and of religion. These basic human rights have in Czechoslovakia the value alone of a historical document, because they exist only on paper of the Helsinki Conference of August 1, 1975 (Art. VII) and of the Czechoslovak Constitution of July 11, 1960 (Art. 32). Yet, the Concluding Act of the Helsinki Conference was signed by thirty-five nations, including as well the President of the United States of America, and the President of the Czechoslovak Socialist Republic.

Freedom of religion requires for its existence not alone the inner freedom of thought and conviction, but likewise the freedom of public expression of religion. Man is not only a thinking but also an acting creature who wishes to express himself by participating in religious acts. In Czechoslovakia, however, any form of participation in religious liturgy and dissemination of religion by word is persecuted as a foreign and subversive ideology which, according to the Czechoslovak Constitution, contradicts the state ideology of Marxism-Leninism (Art. 16).

The Czechoslovak ecclesiastical hierarchy is a burning problem of Church-State relations. The Communist regime in Prague perfected the absolutist centralized power which two hundred years ago culminated in the absolute monarchy in Vienna. As once the Austrian Emperor Joseph II (1780–1790) in Vienna, so also the present absolutist government in Prague considers bishops to be state officials and usurps the right to appoint an obedient ecclesiastical hierarchy. The parallel of the 200-year anniversary is this: in the United States—freedom—in Czechoslovakia—tyranny. Emperor Joseph II, however, was enough of an enlightened monarch not to force the subjugated bishops to preach atheism. Less enlightened and candid are the rulers of today's Czechoslovak Communist regime, who by law (October 14, 1949), established the Government Bureau for Church Affairs with such a wide jurisdiction as was promulgated by Cabinet Decree (November 4, 1949) as to make the Church a slave of an atheistic State. The monstrosity of the Penal Code of 1950 and of the Administrative Penal Code, issued by the Czechoslovak Ministerium of the Interior on August 1, 1950, by which the Communist State terrorizes the Church, seems to exceed the cruelty of infamous tyrants of the past. It is urgent that, in the name of human decency, these laws be abrogated without any delay.

The Czechoslovak ecclesiastical hierarchy was liquidated in the staged trials of the early 1950s. In November, 1950, in Prague, nine church dignitaries were tried, of whom Abbot Dr. Stanislav Jarolimek was sentenced to 20 years, Abbot Jan Opasek to life imprisonment, and Bishop S. Zela to 25 years in prison, to name but a few. In January 1951 in Bratislava, Bishops Dr. M. Buzalka and P. Gojdio were sentenced to life, and Bishop Jan Vojtassak to 24 years in prison. In 1951 the dissolution of the church organization was roughly achieved and the Church was separated from its center in Rome.

In Czechoslovakia, there were two Roman Catholic cardinals who went through both Nazi and Communist prisons; after their deaths the episcopal sees remained vacant. Cardinal Joseph Beran (Dec. 29, 1888–May 17, 1969) was the last Archbishop in Czechoslovakia. Cardinal Stephen Trochta (March 26, 1905–April 6, 1974) was the last residing bishop in Bohemia and Moravia.

All seven episcopates in Czech Lands are vacant. Two dioceses are administered by Titular Bishops-Apostolic Administrators (Praha, Olomouc), and five dioceses (Litoměrice, Hradec Králové, Ceské Budějovice, Brno, Těšin) administered by Capitular Vicars appointed under government pressure. In Slovakia are seven episcopates: two are occupied (Nitra, Banská Bystrica); one administered by a Titular Bishop-Apostolic Administrator (Trnava); and four dioceses (Roznava, Spis, Kosice, Presov) are also vacant.

The Catholic Church in Czechoslovakia has been a most powerful mainstay of the thousand-year old Christian tradition. Before World War II, the Roman Catholic Church had 10,831,669 (73.54%) and the Greek-Catholic Church 585,041 (3.97%) members out of a total of 14,729,536 inhabitants of the country. After the Coup d'Etat (February 25, 1948) no official statistical data about religion were published, but these results of the persecution of Church and religion are known:

Approximately 8,000 Roman Catholic priests were in Czechoslovakia before World War II. There are now fewer than half in the Church administration. Being a priest is a hazardous and dangerous profession. Many clergy are in prison because they fought atheism from the pulpit or disseminated religious literature. Some are seriously ill without medical attendance (Rev. J. Studeny); some were executed during the forced collectivization (Babice, Morava, 1951) or beaten to death in prison (Rev. J. Toufar).

Liquidation of the Church organization is still the main goal of the struggle in which not the old but other equally effective methods of force are being used. Priests are removed from the ecclesiastical administration and transferred into production or prematurely retired, or, on the other hand, state approval for their priestly profession is denied. At the end of 1974, more than 500 priests were denied state approval, forbidden to pursue their ecclesiastical profession, and even to say Mass in private. More than 1600 Roman Catholic parishes of a total of 4600 remained vacant; many churches were closed or turned into museums or warehouses. It is not an infrequent case that one priest is in charge of six or more vacant parishes in today's cultural Czechoslovakia, as in uncivilized countries elsewhere in the world.

Monastic life was illegally liquidated (in the night of April 14–15, 1950) when police invaded the monasteries and drove the arrested monks into concentration camps. This action, appropriately called "Night and Fog" (according to the *London Catholic Herald*), hit all the monasteries: 226 male monasteries with 2,221 monks, of whom 881 were still alive after the Prague Spring in 1970, and 720 convents for women, with 10,448 religious, of whom 3,247 died in concentration camps.

The Communist regime in Czechoslovakia liquidated all monasteries and confiscated their property, while the absolutist regime of Joseph II had abolished approximately half the monasteries and used their property to establish a Religious Foundation.

According to the Czechoslovak Constitution, citizens have the right to education (Art. 14), but this constitutionally guaranteed right does not cover catholic education in theological seminaries. The strict *numerus clausus* limits Catholic access to theological education in such a way that 90% of the applicants were rejected. In the Czech Lands, there is one Theology Faculty in the city of Litomerice (since 1953) and in the school year of 1976 only 20 students of the 200 petitioners were accepted—not in accordance with the recommendation of the hierachy but of that of the Communist Party and Police. In 1950 the Communist regime abolished the Theological Faculties in Prague and Olomouc, where even the Emperor Joseph II had once founded General Seminaries.

Schools in Czechoslovakia today are the center of anti-religious and atheistic propaganda which is spread freely in text books. On the other hand, dissemination of religion is punished just as the dissemination of forbidden literature. Religious education contradicts the state doctrine of Marxism-Leninism. Therefore, it is not permitted. Only exceptionally is religious instruction allowed in some schools, for one hour in two weeks or in a month, but this is extremely difficult to get. For this parents face retaliatory measures of social and economic pressure. The children are, as a rule, excluded from higher education. But a small fraction (2–4%) of those attending grammar or high schools have the courage to apply for religious instruction, while the greater majority yields to the religious terror wrought by the Communist regime.

Because the faithful are second-class citizens, the constitutional principle of equality of citizens (Art. 20) is violated. Believers live under constant existential terror which hits hardest the clergy. The priest is isloated even in the church where he by himself carries two small cans since without wine and water he cannot offer mass even in an empty church. In deserted parishes, the chilly autumnal sleet and the winter weather of blizzard and icy wind within the damp walls of an empty church, he is sometimes alone. Without a single believer, the priest makes a sacrifice, next-to-the-last step to sanctity.

Considering these harassing measures of the Prague regime, we ask, therefore: that the actual situation, concealed by the Communist Government in Czechoslovakia, be made properly known to the public of the United States of America and of all the free world; that the Governments of the free countries, when dealing with Czechoslovakia, be aware of the violations of basic human rights; and that they persist in reminding their Communist partners of these facts at every suitable occasion; that the public of all free countries, especially Christian Churches and their leaders, help the oppressed and endangered Christianity in Czechoslovakia.

We appeal to the Holy See also, in her laudable effort to help the Church in Czechoslovakia, not to confirm the ecclesiastical structure insofar only as it helps to build up the authentic Christianity in human hearts.

We are asking finally all who believe in God to help by their prayers those who are endangered by the militant and intolerant atheism of the totalitarian Czechoslovak regime.

The more than a thousand-year-old Christian tradition cannot be buried even by today's Czechoslovak Communist regime. The eternally young Christian tradition has survived revolutionary changes of history and was at the grave of great despots and tyrants. Since the arrival of the Slavonic missionaries, Saints Cyril and Methodius in Great Moravia (863), the Czech and Slovak Lands have contributed greatly to the world of culture, and their skies are lighted by many stars of national saints of the past.

Reflecting on this glorious Christian past, one is impelled to highlight Karl Marx's *Communist Manifesto* of 1848 with our call: Christians of all lands unite! Help to liberate from hate and assist the restoration of fundamental civil and religious freedom. Help in our struggle against the terror of communism and the present equal rights for all Catholics. Tolerate not that Catholics and other religious bodies and Churches in Czechoslovakia be but second-class citizens because they never submitted to the government doctrine of Marxism-Leninism. Help to gain freedom for the people who suffer under communism's yoke. Protect the religious, cultural and national freedom, which postulate for their existence not only the internal freedom of thought and persuasion, but also freedom for its public cultural and religious expression. Help the people of Czechoslovakia to kindle a spark of hope for the emergence of a Czech free man who well may be forerunner of a "free religious man." In the euphoria generated by the Bicentennial of the U.S.A., it is easy to forget the sobering fact that one-third of the world, and well over half the world's population, suffer under the crushing yoke of communist tyranny. This should be a salutary warning to all. Help the people of Czechoslovakia in pursuit of happiness in freedom: cultural freedom and religious, that they may enjoy the dignity of man created in the image of God.

DOVIE SWEET'S CLOSING CAREER

HON. LOUIS STOKES

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. STOKES. Mr. Speaker, I have on many occasions brought the achievements of different Clevelanders to the attention of my colleagues in this House. It is a special treat for me to bring to your attention and to the attention of my colleagues, the retirement of Mrs. Dovie Sweet from the Cleveland Board of Education school system. Mrs. Sweet retires from an active teaching position in the Cleveland public schools after 26 years in the field.

Mr. Speaker, I have known this dedicated and highly qualified woman for many years. While she has been an outstanding teacher, she has also dedicated many years to civic, social, and political activities in our community. Mrs. Sweet has been one of the NAACP's most active and ardent supporters.

Mr. Speaker, those of us who know Dovie Sweet cannot imagine her complete retirement. She will probably be even more involved in her community now that she is not restricted to her teaching activities in the schools.

Mr. Speaker, I submit for the RECORD a recent article which appeared in the Cleveland Call and Post regarding Mrs. Dovie Sweet and I call to the attention of my colleagues her beautiful poem entitled: "My Closing Career."

Mr. Speaker, I am sure that you and all of my colleagues in the U.S. House of Representatives join with me in congratulating Mrs. Sweet for a job well done.

DOVIE SWEET RETIRES FROM 26-YEAR TEACHING CAREER

After 26 years of teaching with the Cleveland Board of Education School System, Dovie D. Sweet announced her retirement from the field of teaching at the monthly faculty meeting of Harvey Rice Elementary School, E. 115th & Buckeye, on May 12.

With no regrets, Mrs. Sweet stated she had paid her dues and done her work. She said she would miss her children at school but felt confident that someone younger would replace her and give the students the love, patience, and understanding they need.

Many of Mrs. Sweet's fellow teachers were tearful as they congratulated her and extended regrets over the school's loss.

Alfred Aielio, principal of Harvey Rice Elementary School, commented that he envied her but added that she deserved a break from many years of tireless and sometimes thankless service.

Aielio remarked that Mrs. Sweet was still youthful and had much to give.

In keeping with her involved and concerned nature, Mrs. Sweet plans to notify by personal letters the parents of her students, who do not as yet know of her retirement.

Dovie states that she is leaving the field of teaching but not the field of education. "I'll be some place getting education over in a different way," she says.

Dovie Sweet wrote the following poem, "My Closing Career" to sum up her sentiments about the career she chose at age six.

MY CLOSING CAREER

(By Dovie D. Sweet)

I've come to my conclusion
In the field of education;
I hope that I have made it felt
Throughout the entire nation.

By training adults, boys and girls
To read, write and count;
To find out things for themselves
And I am sure it mounts.

I said when I was six years old
Just what I wanted to be:
That was my first day in school
And the teaching rubbed off on me.

I wanted to train boys and girls
To spell, and read, and write,
To count and play together
Being sure there were no fights.

I said to Mamma when I went home
I want to be a teacher;
I want to help the boys and girls
Who all would be our future.

My mother said, just study hard
Do what the teacher says;

Regardless of the other crowd
Get A's at the end of the day.

I put forth every effort
To do my very best in school;
I studied all the books I had
I obeyed all the rules

And now the time has come for me
To lay my life's work down;
I feel that I should make a place
For some of our young.

RADIO COMMENTARY ON ABORTION

HON. M. CALDWELL BUTLER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, September 2, 1976

Mr. BUTLER. Mr. Speaker, with reference to the recent debate on the Hyde amendment to the Labor-HEW appropriations bill, I call attention to the following WTOP commentary by James J. Kilpatrick of August 30:

WTOP COMMENTARY

(By James J. Kilpatrick)

There is something especially cruel, pointless, and indefensible in the position taken by the House of Representatives in the latest controversy over abortion. The House is insisting upon an amendment to the pending $57 billion appropriations bill for HEW. The amendment would prohibit the expenditure of Medicaid funds for the purpose of abortions. The Senate has refused to go along.

If the effect of this amendment were absolutely to prohibit abortions anywhere, any time, by anybody, for anybody, perhaps it would make some sense. But Congress has no such power to define abortion as a crime and to impose a sweeping ban. That is the business of the separate States.

What we have here is a misguided proposal to make therapeutic abortions more difficult for the very class of women least able to fend for themselves—the poor women on welfare. The amendment won't prevent them from getting abortions. It will merely drive them into the hands of the underground abortion mills; or it will foster the birth of more unwanted children who will form a new generation of supplicants on the public dole.

No useful public purpose will be served by the House amendment. The money that might be saved will be spent, now or later in aid to families with dependent children. Middle-income and upper-income women, able to afford abortions, will get them. Only the poor will be denied the safety and security of proper medical care. Maybe this is good politics—I doubt it—but it is a mean-spirited act. I hope the House retreats. I'm James J. Kilpatrick.

SENATE—*Tuesday, September 7, 1976*

(Legislative day of Friday, August 27, 1976)

The Senate met at 12 o'clock noon, on the expiration of the recess, and was called to order by Hon. RICHARD STONE, a Senator from the State of Florida.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, God of all history, whose goodness and mercy has followed us all our days, and whose love will not let us go, let the words of our mouths and the meditations of our hearts be acceptable in Thy sight, O Lord, our Strength and our Redeemer.

Renew our faith in the victory of Thy purposes. Bring us to a new and simple trust in Thee. Show us the way to directness, to clarity, to simplicity. Deliver us from confused thinking and ambiguous speech. Nourish our minds by the grace and truth of Thy Word. Hold us securely to the eternal verities which make a people great and good and strong.

We pray in the name of that One whose life is the light of the world. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., September 7, 1976.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. RICHARD STONE, a Senator from the State of Florida, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. STONE thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Wednesday, September 1, 1976, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS

COMMITTEE ON FOREIGN RELATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet today to consider ambassadorial nominations and S. 3309, authorizing distribution of a USIS film on George Washington, H.R. 14681, investment insurance and guarantees issued by OPIC, and H.R. 14973, the Tiajuana flood control project.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet on September 8 to consider nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs be authorized to meet on September 8, to consider bills on which final action is assured this Congress.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUBCOMMITTEE ON AFRICAN AFFAIRS OF THE COMMITTEE ON FOREIGN RELATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on African Affairs of the Committee on Foreign Relations be authorized to meet on September 8 and 9 to consider the role of U.S. corporations in South Africa.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUBCOMMITTEE ON LABOR OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Labor of the Committee on Labor and Public Welfare be authorized to meet on September 8 to consider railroad retirement.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUBCOMMITTEE ON CHILDREN AND YOUTH OF THE COMMITTEE ON LABOR AND PUBLIC WELFARE

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Children and Youth of the Committee on Labor and Public Welfare be authorized to meet on September 8 and 9 concerning children in foster care.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SUBCOMMITTEE ON MULTINATIONAL CORPORATIONS OF THE COMMITTEE ON FOREIGN RELATIONS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Multinational Corporations of the Committee on Foreign Relations be authorized to meet on September 9 and 10 to continue hearings on the Grumman Corp.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

REQUEST FOR COMMITTEE ON LABOR AND PUBLIC WELFARE TO MEET ON SEPTEMBER 14

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Committee on Labor and Public Welfare be authorized to meet on September 14 to consider black lung legislation.

Mr. GRIFFIN. Mr. President, on behalf of several other Senators, I respectfully object.

The ACTING PRESIDENT pro tempore. Objection is heard.