hoped that the Senate might also move to other business tomorrow. I would not want to exclude other business. There may be conference reports. There may be other measures that should be called up.

Rollcall votes will occur on tomorrow, and I think the Senate should be on notice that there may be other measures and conference reports called up in addition to the civil rights attorneys' fees bill.

ADJOURNMENT TO 9:30 A.M. TOMORROW

Mr. ROBERT C. BYRD. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:30 a.m. tomorrow.

The motion was agreed to; and at 7 p.m., the Senate adjourned until tomorrow, Wednesday, September 22, 1976, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate September 21, 1976:

FEDERAL ENERGY ADMINISTRATION

Michael F. Starr, of Louisiana, to be Director, Intergovernmental, Regional and Special Programs, Federal Energy Administration, vice William W. Geimer, resigned.

DEPARTMENT OF JUSTICE

David Keith Rutledge, of Arkansas, to be U.S. attorney for the eastern district of Arkansas for the term of 4 years vice Wilbur H. Dillahunty, term expired.

HOUSE OF REPRESENTATIVES—*Tuesday, September 21, 1976*

The House met at 12 o'clock noon.

Rev. Floyd I. Enzor, Sandy Bottom Baptist Church, Kinston, N.C., offered the following prayer:

O give thanks unto the Lord; call upon His name; make known His deeds among the people.—Psalms 105:1.

Let us pray:

We thank Thee, our Heavenly Father, for this solemn occasion; for these who represent the peoples of our Nation; for our position in world leadership; for our predecessors who endeavored to begin and continue the deeds of government, designed for the governed, and for Thy smile upon our Nation.

We acknowledge that Thou art God.

We ask Thy blessings upon our national leaders so our national objectives may be reached, and our needs met.

We desire for ourselves a vision so man will not perish from the Earth. We ask for tolerance of each other in our varied opinions of life and religion.

Accept this our prayer today that Thy kingdom may come and Thy will be done on Earth as it is done in Heaven, in Jesus' name. Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

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

H.R. 14973. An act to provide for acquisition of lands in connection with the international Tijuana River flood control project, and for other purposes.

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate to bills of the House of the following titles:

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

H.R. 14298. An act to amend title 38 of the United States Code to increase the rates of disability and death pension and to increase the rates of dependency and indemnity compensation for parents, and for other purposes.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills and a concurrent resolution of the House of the following titles:

H.R. 12961. An act to amend the Social Security Act to repeal the requirement that a State's plan for medical assistance under title XIX of such act include a provision giving consent of the State to certain suits brought with respect to payment for inpatient hospital services;

H.R. 13549. An act to provide for additional income for the U.S. Soldiers' and Airmen's Home by requiring the Board of Commissioners of the home to collect a fee from the members of the home, by appropriating nonjudicial forfeitures for support of the home, and by increasing the deductions from pay of enlisted men and warrant officers;

H.R. 14299. An act to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans, to increase the rates of dependency and indemnity compensation for their survivors, and for other purposes; and

H. Con. Res. 688. Concurrent resolution authorizing printing of the folder "The United States Capitol" as a House document.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3091) entitled "An act to amend the Forest and Rangeland Renewable Resources Planning Act of 1974, and for other purposes," agrees to a conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. TALMADGE, Mr. JACKSON, Mr. EASTLAND, Mr. CHURCH, Mr. HUMPHREY, Mr. METCALF, Mr. CURTIS, Mr. HATFIELD, Mr. HELMS, and Mr. MCCLURE to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 3219) entitled "An act to amend the Clean Air Act, as amended," agrees to a conference requested by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. MUSKIE, Mr. RANDOLPH, Mr. GRAVEL, Mr. MORGAN, Mr. CULVER, Mr. GARY HART, Mr. BAKER, Mr. BUCKLEY, Mr. STAFFORD, Mr. MCCLURE, and Mr. DOMENICI to be the conferees on the part of the Senate.

The message also announced that the Senate had passed a bill and concurrent resolutions of the following titles, in which the concurrence of the House is requested:

S. 784. An act to authorize the Secretary of Commerce to sell two obsolete vessels to Mid-Pacific Sea Harvesters, Inc., and for other purposes;

S.J. Res. 173. Joint resolution authorizing and requesting the President to issue a proclamation designating the 7 calendar days beginning September 26, 1976, as "National Pork Week";

S.J. Res. 181. Joint resolution to authorize the erection of the American Legion's Freedom Bell on lands of the park system of the District of Columbia, and for other purposes;

S.J. Res. 213. Joint resolution to provide temporary authority for qualified individuals to hear and determine claims under title IV of the Coal Mine Health and Safety Act of 1969, as amended; and

S.J. Res. 214. Joint resolution to require the Secretary of Agriculture to dispose of surplus peanuts at competitive market prices.

The message also announced that Mr. BURDICK be removed as a conferee, on the part of the Senate, on the bill (S. 2710) entitled "An act to extend certain authorizations under the Federal Water Pollution Control Act, as amended."

THE REVEREND FLOYD I. ENZOR

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

Mr. JONES of North Carolina. Mr. Speaker, it is indeed a pleasure to welcome the Reverend Floyd Enzor, pastor of the Sandy Bottom Baptist Church of Kinston, N.C., to the House of Representatives today. I am sure we were all impressed with his sincerity and inspiring prayer. With us here today are his wife, Mrs. Enzor, and their friends, Mr. and Mrs. William Croom. I am sure the Members join me in extending a warm welcome to these fine people.

PERMISSION FOR MANAGERS TO FILE CONFERENCE REPORT ON H.R. 14260, FOREIGN ASSISTANCE APPROPRIATIONS

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent that the managers may have until midnight tonight to file a conference report on H.R. 14260, a bill making appropriations for foreign assistance and related programs for the fiscal year ending September 30, 1977, and for other purposes.

The SPEAKER. Is there objection to

AUTHENTICATED U.S. GOVERNMENT INFORMATION GPO

the request of the gentleman from Louisiana?

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, why is it necessary to get unanimous consent?

Mr. PASSMAN. I think it is customary to get unanimous consent to file these reports. I think we have been doing it; have we not?

Mr. ROUSSELOT. The gentleman is not going against a House rule is he?

Mr. PASSMAN. No. Under the procedures, of course, there is a usual 3-day delay.

Mr. ROUSSELOT. Mr. Speaker, I withdraw my reservation of objection.

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

There was no objection.

911 EMERGENCY TELEPHONE NUMBER

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

Mr. ROUSH. Mr. Speaker, over the past year I have included in the pages of the CONGRESSIONAL RECORD a list of all the cities, by State, throughout the United States which now have the "911" emergency telephone number. I have done this so that each Member of Congress might know where this system exists in their congressional district.

If you have ever had an emergency situation and needed the police quickly, or a fire has broken out or some member of your family has had a heart attack you realize how important it is to know that all you have to do is to dial "911" and you will be quickly in touch with help. That is, if your community has the "911" single, emergency telephone number.

As of December 1975 some 37 million Americans could reach for the phone and dial "911" and get help; 12 million more will be able to do so in the near future.

I am proud to have been associated with the idea and the implementation of "911" dating back to 1967 when I first wrote an article urging the telephone company to provide a simple, three-digit number for emergencies, preferably to be used all over the United States. A.T. & T. and the independent telephone companies at first reluctantly, now with enthusiasm, agreed to the idea. We have come a long way since then as the numbers I listed indicate, and my State of Indiana has been a leader, my hometown of Huntington the first in the Bell System to adopt "911." Indianapolis, our capital city will be added to the list on October 1.

Our near neighbor, Chicago, adopted "911" on September 16. Chicago now has a total of 156 "911" lines and 39 positions that can pick them up. Philadelphia, which I visited last year in order to observe their system, has a highly sophisticated and responsive "911" system. New York is enthusiastic about "911" having been one of the first to adopt it. Yet it is not just the large cities that find "911" saves lives and reassures people. Bluffton, Ind., Durant, Miss., Elwood, Kans., Southwick, Mass., Joplin, Mo., also have "911."

Yet I am not satisfied and I will not be satisfied until every American, every place in the United States can dial "911" to get emergency help and knows that this is available.

TRIBUTE TO LATE AMBASSADOR ORLANDO LETELIER

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

Mr. HARKIN. Mr. Speaker, just a few hours ago early this morning a bomb went off, blowing up an automobile, killing two persons, and severely injuring another. The driver of the car was Mr. Orlando Letelier. With him in the car was Ms. Ronnie Karpen and her husband, Michael Moffett.

Mr. Letelier was a former Ambassador to the United States from Chile. Prior to that he also held the two posts of Chilean Defense Minister and Chilean Foreign Minister. After the military junta took power in Chile, he was imprisoned on Dawson Island for 1 year where he was tortured. The Chilean junta then forcibly exiled him to the United States where he has since lived with his wife and four children.

Ronnie and her husband both worked for the Institute for Policy Studies here in Washington.

Just a few days ago on September 10, the Chilean junta in violation of the U.N. Charter and U.N. Declaration of Human Rights took away Mr. Letelier's Chilean citizenship.

I had met Mr. Letelier and his wife on several occasions. I know that he was a person who had dedicated his life to democratic principles. He believed in constitutional government, the rule of law, and that the military should be subservient to the civilian government. Moreover, Mr. Letelier was a good and decent human being who had dedicated his life to the principle of human rights and social justice. It is not only with sadness that I take this time on the House floor to praise Mr. Letelier, but also in a sense of outrage and indignation that such could happen in America.

We can only speculate as to who planted the bomb that snuffed out the lives of Mr. Letelier and Ronnie Karpen. I only hope that the FBI and the local law enforcement officials are able to find the murderers and bring them to justice.

My heartfelt sympathies go out to Mrs. Letelier and their four children. They can be proud of their father and husband and the good that he brought to the world.

PERSONAL EXPLANATION

Mr. BRADEMAS. Mr. Speaker, I insert in the RECORD at this point a statement regarding several recorded votes I missed on Monday, September 20, 1976, and an indication of how I would have voted had I been present. Each of the following votes came on a motion to suspend the rules and pass the bill, and I note, Mr. Speaker, that a vote of two-thirds of those present and voting is required for passage under this procedure.

Rollcall No. 766, a vote on a motion to suspend the rules and pass H.R. 14041, to amend the Railroad Retirement Act of 1974 with respect to the computation of annuity amounts in certain cases. The motion was agreed to by a vote of 379 to 4. I was paired for this motion, and had I been present, would have voted in favor of it.

Rollcall No. 767, a vote on a motion to suspend the rules and pass H.R. 14319, the Clinical Laboratory Improvement Act. The motion failed to carry by a vote of 193 to 188. I was paired for this motion, and had I been present, would have voted in favor of it.

Rollcall No. 768, a vote on a motion to suspend the rules and pass S. 1174, the Earthquake Hazards Reduction Act. The motion failed to carry by a vote of 192 to 192. I was paired for this motion, and had I been present, would have voted in favor of it.

Rollcall No. 769, a vote on a motion to suspend the rules and pass H.R. 13124, Hazardous Materials Transportation Act. The motion was agreed to by a vote of 346 to 39. I was paired for this motion, and had I been present, would have voted in favor of it.

Rollcall No. 770, a vote on a motion to suspend the rules and pass S. 3383, the National Weather Modification Policy Act of 1976. The motion was agreed to by a vote of 292 to 91. I was paired for this motion, and had I been present, would have voted in favor of it.

Rollcall No. 771, a vote on a motion to suspend the rules and pass House Concurrent Resolution 726, to urge the Soviet Union to release Georgi Vins and permit religious believers within its borders to worship God according to their own conscience. The motion was agreed to by a vote of 381 to 2. I was paired for this motion, and had I been present, would have voted in favor of it.

LT. COL. WILLIAM "GUS" PAGONIS REASSIGNED

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

Mr. HILLIS. Mr. Speaker, I am very sorry to report to the House that shortly after the 94th Congress adjourns, the Armed Services Committees will be losing the services of an extraordinary young officer in the office of the Chief of Army Congressional Liaison. Lt. Col. William "Gus" Pagonis is being reassigned to command the 10th Transportation Battalion at Fort Eustis, Va.

The chance to command a battalion represents a significant milestone in the career of an Army officer, and certainly Lieutenant Colonel Pagonis deserves such an opportunity. Yet, I cannot help but reflect on how difficult it is going to be for the Army to fill his shoes at OCLL after the job he has done, not only for the Army and the Congress, but for our country over the past 2 years.

It has been my privilege to work closely with Gus Pagonis during that period,

and I can only say that he personifies all the things that are right about today's Army. He exemplifies the quality of leadership present in the Army today and typifies the "can do" spirit and the technical competence necessary to get a vital job done. Even while functioning as a spokesman for the Army, Lieutenant Colonel Pagonis has managed to retain the kind of objectivity necessary to provide unbiased information for the use of the Congress. Gus is an officer who understood that his mission in OCLL was to serve two masters equally well—the Army and the Congress.

I am pleased that the Army has recognized Colonel Pagonis' leadership abilities by giving him a battalion command, and I have every confidence that he will continue to excel in his new assignment. Selfishly, I hate to see him go because he will be missed by the Congress, but the Congress' loss is the 10th Transportation Battalion's gain. And, in the future, I expect to hear great things about my friend, Gus Pagonis.

PRIVATE CALENDAR

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

FIDEL GROSSO-PADILLA

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

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

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

There was no objection.

MRS. ROSE THOMAS

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

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

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

There was no objection.

MURRAY SWARTZ

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

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

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

There was no objection.

FRANKLIN R. HELT

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

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

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

There was no objection.

CHESTER C. CLARK, MARY L. CLARK, AND DOROTHY J. WILBUR (ALSEA VENEER, INC.)

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

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

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

There was no objection.

AUTHORIZING THE SECRETARY OF THE INTERIOR TO REINSTATE OIL AND GAS LEASE NEW MEXICO 18302

The Clerk called the Senate bill (S. 2220) to authorize and direct the Secretary of the Interior to reinstate oil and gas lease New Mexico 18302.

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

S. 2220

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of section 31 of the Mineral Leasing Act of February 25, 1920, as amended (30 U.S.C. 188), the Secretary of the Interior is authorized and directed to receive, consider, and act upon any petition of Sol West III, lessee of record of terminated oil and gas lease New Mexico 18302, for reinstatement of said lease filed within ninety days after the effective date of this Act, together with the required rental, if any, including back rental accruing from the date of the termination of the lease.

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

DR. DARYL C. JOHNSON

The Clerk called the bill (H.R. 6816) for the relief of Dr. Daryl C. Johnson.

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

H.R. 6816

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Dr. Daryl C. Johnson of Atlanta, Ga., the sum of $847 in full settlement of all his claims against the United States for expenses incurred in 1972 and 1973 for storage of household goods during Dr. Johnson's service with the Newscastle Task Force of the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture.

SEC. 2. No part of the amount appropriated in this act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 1: Strike all of lines 3 through 11 inclusive and insert:

That the Comptroller General of the United States is authorized to settle and adjust the claim of Dr. Daryl C. Johnson, Atlanta, Georgia, for the amount to which he would be entitled under section 5724(a)(2), Title 5 of the U.S. Code and the regulations issued thereunder without regard to Section 6.2c of the Office of Management and Budget Circular A-56, revised August 17, 1971, and ¶2-8.2c of the Federal Travel Regulations (FPMR 101-7) May 1, 1973, representing expenses which he incurred in 1972 and 1973 for storage of household goods incident to his detail with the Newcastle Task Force of the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture, San Gabriel, California, for the convenience of the Government.

The committee amendment was agreed to.

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

WILLIAM H. KLUSMEIER, PUBLISHER OF THE AUSTIN CITIZEN, OF AUSTIN, TEX.

The Clerk called the bill (H.R. 11859) for the relief of William H. Klusmeier, publisher of the Austin Citizen, of Austin, Tex.

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

H.R. 11859

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That William H. Klusmeier, publisher of the Austin Citizen, of Austin, Texas, is relieved of all liability for payment to the United States of the sum of $6,575.23, representing the difference between the amount which should have been paid and the amount actually paid by the said William H. Klusmeier for postage on second-class mailings of the Austin Citizen for the period from March 5, 1973, to August 10, 1974, such underpayment having resulted from his reliance upon postal rates specified in good faith by the appropriate postmaster although such rates were erroneous.

SEC. 2. The Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said William H. Klusmeier the sum of any amounts received from him on account of the underpayment referred to in the first section of this Act. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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.

ALICE W. OLSON, LISA OLSON HAYWARD, ERIC OLSON, AND NILS OLSON

The Clerk called the Senate bill (S. 3035) for the relief of Alice W. Olson, Lisa Olson Hayward, Eric Olson, and Nils Olson.

Mr. ROUSSELOT. Mr. Speaker, I ask

unanimous consent that the bill be passed over without prejudice.

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

There was no objection.

MRS. HELEN WOLSKI, MICHAEL WOLSKI, AND STEVEN WOLSKI

The Clerk called the bill (H.R. 3377) for the relief of Mrs. Helen Wolski, Michael Wolski, and Steven Wolski.

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

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

There was no objection.

GARY DAVES AND MARC CAYER

The Clerk called the bill (H.R. 4480) for the relief of Gary Daves and Marc Cayer.

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

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

There was no objection.

CERTAIN EMPLOYEES OF THE NAVAL ORDNANCE SYSTEMS COMMAND

The Clerk called the bill (H.R. 6511) for the relief of certain employees of the Naval Ordnance Systems Command.

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

H.R. 6511

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated—

(1) to Donald L. Francke of Bloomington, Indiana, the sum of $442.98;

(2) to J. Keith Cane of Bloomfield, Indiana, the sum of $677.84.

(3) to Alvin E. Gilmore of Bloomington, Indiana, the sum of $861.50;

(4) to Charles H. Horrell of Bedford, Indiana, the sum of $852.67; and

(5) to Allan Hamilton of Spencer, Indiana, the sum of $560.98.

in full settlement of their claims against the United States for premium pay due them for services rendered, during an emergency situation, upon orders given by the Naval Ordnance Systems Command. Such pay has been denied them pursuant to section 5547 of title 5 which currently limits aggregate biweekly pay without regard for emergency situations requiring extended services by specialized personnel.

No part of the amount appropriated in this Act for the payment of any one claim in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with such claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

With the following committee amendment:

Page 2, line 2: Strike "852.67" and insert "$1,755.02".

The committee amendment was agreed to.

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

ROBERT H. GLAZIER

The Clerk called the bill (H.R. 7522) for the relief of Robert H. Glazier.

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

H.R. 7522

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of section 518(b) of the National Housing Act, the property located at 228 Apsley Street, Philadelphia, Pennsylvania, which Robert H. Glazier of Drexel Hill, Pennsylvania, repaired in December 1971 and January 1972, pursuant to written authorization from the Federal Housing Administration, shall be deemed to have been covered by a mortgage insured under section 235 of the National Housing Act at the time such work was performed; and the Secretary of Housing and Urban Development is authorized and directed to pay Robert H. Glazier $1,285 in full settlement for the performance of such work.

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.

M. SGT. WILLIAM E. BOONE, U.S. ARMY, RETIRED

The Clerk called the bill (H.R. 11349) for the relief of M. Sgt. William E. Boone, U.S. Army, retired.

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Master Sergeant William E. Boone, United States Army, retired, of Burlington, North Carolina, the sum of $1,410 in full settlement of his claims against the United States for reimbursement for amounts he was forced to pay for dental work authorized by Army medical authorities at Womack Army Hospital, Fort Bragg, North Carolina, to be performed at Government expense during his period of active service but which was not completed through no fault on his part until after his retirement.

SEC. 2. No part of the amount appropriated in the first section of this Act in excess of 10 per centum thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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

MR. AND MRS. AARON WAYNE OGBURN

The Clerk called the bill (H.R. 13940) for the relief of Mr. and Mrs. Aaron Wayne Ogburn.

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

H.R. 13940

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Comptroller General of the United States be, and hereby is authorized and directed to settle and adjust the claim of Mr. and Mrs. Aaron Wayne Ogburn, for reimbursement of the amount they were required to pay for shipment of a privately owned vehicle from Germany to the United States incident to a permanent change of duty station. An amount not to exceed $446.45 may be allowed in full and final settlement of the claim. There is appropriated out of money in the Treasury not otherwise appropriated the sum of $446.45 for payment of said claim. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of service rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

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.

JEANNETTE GREEN, AS MOTHER OF THE MINOR CHILD, RICKY BAKER, DECEASED, AND AS WIDOW AND ADMINISTRATRIX OF THE ESTATE OF ENOCH ODELL BAKER, DECEASED; AND FOR THE RELIEF OF MARY JANE BAKER NOLAN, INDIVIDUALLY, AND AS WIDOW AND ADMINISTRATRIX OF THE ESTATE OF JOHN WILLIAM BAKER, DECEASED

The Clerk called the bill (H.R. 13964) for the relief of Jeannette Green, as mother of the minor child, Ricky Baker, deceased, and as widow and administratrix of the estate of Enoch Odell Baker, deceased; and for the relief of Mary Jane Baker Nolan, individually, and as widow and administratrix, of the estate of John William Baker, deceased.

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

H.R. 13964

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the limitations of section 745 of title 46 of the United States Code, or any other statute of limitations, suits filed within one year of the effective date of this Act in the United States District Court for the Middle District of Georgia by Jeanette Green as mother of the minor child, Ricky Baker, deceased, and as widow and administratrix of the estate of Enoch Odell Baker, deceased, for the deaths of Ricky Baker, a minor, and Enoch Odell Baker, and by Mary Jane Baker Nolan, individually, and as administratrix of the estate of John William Baker for the death of John William Baker and for injuries to Mary Jane Baker Nolan, arising from a boating accident that occurred on or about June 24, 1972, near the George Andrews Dam on the Chattahoochee River, near Co-

lumbia, Alabama, shall be held to be timely suits, and shall be received, considered, settled, and if meritorious, paid in accordance with the otherwise applicable provisions of sections 741 through 752 of title 46 of the United States Code. Jurisdiction is hereby conferred upon the United States District Court for the Middle District of Georgia to receive, hear, and render judgment upon any suits filed with that court under the preceding provisions of this Act. Nothing in this Act shall be construed as inference of liability on the part of the United States.

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.

GARY A. BROYLES

The Clerk called the Senate bill (S. 2830) for the relief of Gary A. Broyles.

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

S. 2830

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any other provision of law, the Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to Gary A. Broyles, a minor, the sum of $120,000 in full settlement and satisfaction of all his claims against the United States for compensation for permanent personal injuries suffered by him as a result of surgical procedures performed at the United States Army Hospital, Fort Sill, Oklahoma, on or about January 27, 1965.

SEC. 2. No more than 10 per centum of the amount paid in settlement of this claim shall be paid to or delivered to or received by any agent or attorney on account of services rendered in connection with this claim. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor punishable by a fine not exceeding $1,000.

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

EVELYN FEGI MATAYOSHI AND WILMA FEGI MATAYOSHI

The Clerk called the bill (H.R. 1761) for the relief of Evelyn Fegi Matayoshi and Wilma Fegi Matayoshi.

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

H.R. 1761

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Evelyn Fegi Matayoshi and Wilma Fegi Matayoshi shall each be deemed to be an immediate relative within the meaning of section 201(b) of that Act and each may be issued a visa and admitted to the United States for permanent residence if each is found to be otherwise admissible under the provisions of that Act.

With the following committee amendment:

On page 1, line 5, after the name "Matayoshi" strike out the remainder of the bill and insert in lieu thereof the following: "may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in their behalf by Mr. and Mrs. George Matayoshi, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act."

The committee amendment was agreed to.

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

MRS. KYONG CHU STOUT

The Clerk called the Senate bill (S. 1404) for the relief of Mrs. Kyong Chu Stout.

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

S. 1404

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Mrs. Kyong Chu Stout, the widow of a citizen of the United States, shall be held and considered to be within the purview of section 204 of such Act shall not be applicable in this case.

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

BEATRICE SERRANO-TOLEDO

The Clerk called the Senate bill (S. 1477) for the relief of Beatrice Serrano-Toledo.

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

S. 1477

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Beatrice Serrano-Toledo, the widow of a citizen of the United States, shall be held and considered to be within the purview of section 201(b) of that Act and the provisions of section 204 and section 245(c) of such Act shall not be applicable in this case.

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

MARIA LISA R. MANALO AND ROGENA R. MANALO

The Clerk called the Senate bill (S. 1787) for the relief of Maria Lisa R. Manalo and Rogena R. Manalo.

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

S. 1787

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(2) and 204 of the Immigration and Nationality Act, Maria Lisa R. Manalo and Rogena R. Manalo shall be held and considered to be the natural-born alien children of Mr. and Mrs. Olmpio Javidando, lawful resident aliens of the United States: *Provided,* That the natural parents or brothers or sisters of the beneficaries shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

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

LEE MEE SUN

The Clerk called the Senate bill (S. 2322) for the relief of Lee Mee Sun.

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

S. 2322

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Lee Mee Sun may be classified as a child within the meaning of section 101(b)(1)(F) of the Act, upon approval of a petition filed in her behalf by Mr. and Mrs. Kenneth Simantel, citizens of the United States, pursuant to section 204 of the Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act. Section 204(c) of the Immigration and Nationality Act shall be inapplicable in this case.

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

OSCAR RENE HERNANDEZ RUSTRIAN

The Clerk called the Senate bill (S. 2481) for the relief of Oscar Rene Hernandez Rustrian.

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

S. 2481

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Oscar Rene Hernandez Rustrian shall be classified as the child of Mr. and Mrs. Jose Antonio Rustrian within the meaning of section 101(b)(1)(E) of such Act: *Provided,* That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

SEC. 2. Notwithstanding the provisions of section 245(c) of the Act, an application for adjustment of status may be approved for Oscar Rene Hernandez Rustrian if the Attorney General finds he is otherwise eligible.

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

ARTURO MORENO HERNANDEZ

The Clerk called the Senate bill (S. 2668) for the relief of Arturo Moreno Hernandez.

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

S. 2668

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Arturo Moreno Hernandez may be classified as a child within the meaning of section 101(b)(1)(F) of such Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Jose Jesus Palacios, citizens of the United States, pursuant to section

204 of the Act: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

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

ANTHONY AUGUSTUS DALEY AND BEVERLY EVELYN DALEY

The Clerk called the Senate bill (S. 2770) for the relief of Anthony Augustus Daley and Beverly Evelyn Daley.

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

S. 2770

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Anthony August Daley and Beverly Evelyn Daley, his sister, may be classified as children within the meaning of section 101(b)(1)(F) of such Act upon approval of a petition filed in their behalf by Mr. and Mrs. Samuel U. Daley, a lawfully resident alien and a citizen of the United States, respectively, pursuant to section 204 of such Act. The natural mother, brothers, and sisters of the said Anthony Augustus Daley and Beverly Evelyn Daley shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

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

TERESA MARIE SALMAN

The Clerk called the Senate bill (S. 2956) for the relief of Teresa Marie Salman.

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

S. 2956

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Teresa Marie Salman may be classified as a child within the meaning of section 101(b)(1)(E) of such Act upon approval of a petition filed in her behalf by Technical Sergeant and Mrs. Eugene A. Salman, citizens of the United States, pursuant to section 204 of such Act. The natural parents and brother and sisters of the said Teresa Marie Salman shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

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

ORLANDA GARZON

The Clerk called the Senate bill (S. 3485) for the relief of Orlanda Garzon.

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

S. 3485

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, in the administration of the Immigration and Nationality Act, Orlando Garzon may be classified as a child within the meaning of section 101(a)(1)(F) of the Act, upon approval of a petition filed in his behalf by Mr. and Mrs. Arnold Lindgren, citizens of the United States, pursuant to section 204 of the Act: *Provided*, That the natural parents or brothers or sisters of the beneficiary shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

SEC. 2. Section 204(c) of the Immigration and Nationality Act, relating to the number of petitions which may be approved, shall be inapplicable in this case.

With the following committee amendment:

On page 1, line 8, after the "Act" insert the following: and the provisions of section 245(c) of that Act shall be inapplicable in this case.

The committee amendment was agreed to.

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

EUPERT ANTHONY GRANT

The Clerk called the bill (H.R. 9543) for the relief of Eupert Anthony Grant.

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

H.R. 9543

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Eupert Anthony Grant shall be held and considered to be the natural-born alien child of Ethel Maud Brown, a lawful permanent resident of the United States, and the provisions of section 21(c) of the Act of October 3, 1965, shall be inapplicable to this case: *Provided*, That the natural parents and brothers and sisters of the beneficiary of this Act shall not, by virtue of such relationship, be accorded any right, privilege, or status under the Immigration and Nationality Act.

With the following committee amendment:

Beginning on line 6 after the words "United States," strike out the remainder of line 6, all of line 7 and the language "be inapplicable to this case" on line 8, and insert in lieu thereof the following: "and shall be held and considered to have a priority date for Western Hemisphere immigration as of January 22, 1973".

The committee amendment was agreed to.

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

Mr. JAMES V. STANTON. Mr. Speaker, I ask unanimous consent that further reading of the Private Calendar be suspended.

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

There was no objection.

MAKING IN ORDER PRIVATE CALENDAR ON THURSDAY, SEPTEMBER 23, 1976

Mr. BAUMAN. Mr. Speaker, I ask unanimous consent that it may be in order on Thursday next, September 23, 1976, to call the Private Calendar.

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

There was no objection.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. BRADEMAS. 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. 772]

Abzug	Harsha	Nolan
Andrews, N.C.	Hayes, Ind.	O'Hara
Archer	Heinz	Railsback
Badillo	Helstoski	Rangel
Burton, John	Henderson	Reuss
Butler	Hinshaw	Riegle
Chappell	Howard	Russo
Chisholm	Howe	St Germain
Conlan	Jarman	Scheuer
Conyers	Johnson, Colo.	Schneebeli
Daniels, N.J.	Landrum	Spellman
Dellums	Long, Md.	Staggers
Derrick	McCollister	Steelman
Derwinski	McCormack	Steiger, Ariz.
Drinan	McKinney	Stephens
du Pont	Matsunaga	Stuckey
Esch	Meeds	Symms
Eshleman	Mikva	Udall
Fithian	Milford	Wampler
Ford, Mich.	Mink	Wilson, Tex.
Fraser	Montgomery	Wolff
Gibbons	Moorhead, Pa.	Wylie
Goodling	Murphy, N.Y.	
Green	Nix	

The SPEAKER pro tempore (Mr. BRADEMAS). On this rollcall 360 Members have recorded their presence by electronic device, a quorum.

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

JOE L. EVINS POST OFFICE AND FEDERAL BUILDING

Mr. GINN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill, H.R. 14956, to designate the Joe L. Evins Post Office and Federal Building.

The Clerk read the title of the bill.

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

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I do so only for the purpose of asking the gentleman from Georgia (Mr. GINN) to explain the bills now being called up since I do not think a good many of the Members realized that they would be considered. I am sure there is no objection to them, but I think it would be a good idea if the Members knew what is going on.

CALL OF THE HOUSE

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

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. BOLLING. 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. 773]

Andrews, N.C.	Harsha	Nix
Badillo	Heckler, Mass.	O'Hara
Biaggi	Heinz	Railsback
Bolling	Helstoski	Rangel
Bonker	Henderson	Reuss
Burke, Fla.	Hinshaw	Riegle
Butler	Holland	Ruppe
Cederberg	Howard	Russo
Chisholm	Howe	Scheuer
Conyers	Jarman	Schneebeli
Daniels, N.J.	Johnson, Colo.	Sikes
Dellums	Landrum	Spellman
Derrick	McCollister	Stanton, James V.
Downing, Va.	McCormack	Steelman
Drinan	McEwen	Steiger, Ariz.
du Pont	McKinney	Stephens
English	Mathis	Stuckey
Erlenborn	Matsunaga	Symington
Esch	Meeds	Udall
Eshleman	Melcher	Wampler
Fithian	Mikva	Wilson, C. H.
Ford, Mich.	Milford	Wilson, Tex.
Fraser	Mink	Wylie
Green	Mitchell, Md.	
Hagedorn	Montgomery	
Hansen	Murphy, N.Y.	

The SPEAKER pro tempore (Mr. BRADEMAS). On this rollcall 355 Members have recorded their presence by electronic device, a quorum.

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

JOE L. EVINS POST OFFICE AND FEDERAL BUILDING

The SPEAKER pro tempore. Without objection, the Clerk will again report the bill by title.

There was no objection.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia (Mr. GINN).

Mr. BAUMAN. Mr. Speaker, reserving the right to object, and I shall not object, I do so only to have the gentleman from Georgia (Mr. GINN) explain the series of bills that are now to be brought before the House.

Mr. GINN. Mr. Speaker, if the gentleman from Maryland will yield, this is simply a clause 7 unanimous-consent agreement bill designed to name Federal facilities after Members of Congress who are either retired, retiring, or deceased.

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

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

There was no objection.

The Clerk read the bill as follows:

H.R. 14956

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Post Office and Federal Building at East Main Avenue and South First Street, Smithville, Tennessee, shall hereafter be known and designated as the "Joe L. Evins Post Office and Federal Building." Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the Joe L. Evins Post Office and Federal Building.

Mr. GINN. Mr. Speaker, Congressman JOE L. EVINS was born in DeKalb County, Tenn., on October 24, 1910. He attended public schools in DeKalb County and was graduated from Vanderbilt University, Nashville, Tenn., in 1933. He obtained a law degree from Cumberland University in 1934 and conducted postgraduate work in law at George Washington University in the years 1938–40. Mr. EVINS of Tennessee served as a member of the legal staff of the Federal Trade Commission and served with distinction during World War II, and was discharged as a major.

He was elected to the 80th Congress, November 5, 1946, and served in succeeding Congresses through 1976. During his years in Congress, he served admirably as chairman of the Subcommittee on Public Works Appropriations of the House Appropriations Committee; chairman of the Subcommittee on Housing and Urban Development Appropriations Subcommittee; and chairman of the Small Business Committee. He served the Congress in a most commendable manner. It is fitting and proper that we pay this small tribute to JOE EVINS who has rendered such outstanding service, not only to Tennessee, but to the country as well.

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.

PHIL M. LANDRUM FEDERAL BUILDING AND POST OFFICE

Mr. GINN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 12927) to designate a Federal building and U.S. Post Office in Jasper, Ga., as the "Phil M. Landrum Federal Building and Post Office."

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. BRADEMAS). Is there objection to the request of the gentleman from Georgia?

There was no objection.

The Clerk read the bill as follows:

H.R. 12927

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal building and United States Post Office bounded by Church Street, Pratcher Street, and Richards Street, Jasper, Georgia, shall hereafter be known and designated as the "Phil M. Landrum Federal Building and Post Office". Any reference in any law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Phil M. Landrum Federal Building and Post Office".

Mr. GINN. Mr. Speaker, Congressman PHILLIP M. LANDRUM was born in Merlin, Ga., on September 10, 1909. He attended Mercer University and was a graduate of Piedmont College and Atlanta Law School.

As a private citizen and a public servant he served his community and country admirably; he served 3 years in the U.S. Army Air Force in World War II; former assistant attorney general of the State of Georgia; and served as executive secretary to the Governor of Georgia.

PHILLIP LANDRUM was elected to the 83d Congress on November 4, 1952, and was reelected to 11 consecutive terms. Congressman LANDRUM will be retiring from Congress at the conclusion of the 94th Congress. He has been a leading sponsor and cosponsor of legislative proposals enacting major tax reform as a member of the House Ways and Means Committee. He has also served on the recently created House Budget Committee, a committee whose purpose is and will be to control Federal spending and taxation. He has also served on the House Education and Labor Committee. In view of his long and distinguished career, and in view of his many years of outstanding service to the people of his district and to his country, it is fitting and proper that the Federal building and U.S. Post Office in Jasper, Ga., be named in his honor as the Phil M. Landrum Federal Building and Post Office.

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.

MICHAEL J. KIRWAN POST OFFICE

Mr. GINN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 14503) to name the new post office in Youngstown, Ohio, the "Michael J. Kirwan Post Office."

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill as follows:

H.R. 14503

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the building being constructed by the United States Postal Service at 99 South Walnut Street, in Youngstown, Ohio, shall be known and designated as the "Michael J. Kirwan Post Office". Any reference in any law, map, regulation, document, record, or other paper of the United States to such building shall be considered to be a reference to the Michael J. Kirwan Post Office.

Mr. CARNEY. Mr. Speaker, the late Michael J. Kirwan faithfully represented and served the 19th Ohio District from 1934 to 1970 in the U.S. House of Representatives. As a fitting and proper tribute to this man, I introduced H.R. 14503, which would name the new Youngstown Post Office the "Michael J. Kirwan Post Office Building."

This new postal facility, which is being constructed at 99 South Walnut Street, will be a sectional center for all ZIP codes beginning with 444 and 445. It is being constructed at a total cost of $7.8 million and will contain 150,000 square feet of working space. This facility is now 50 percent completed, and is scheduled to open its doors to the public in February of next year.

I am sure that many members of the present Congress personally knew Michael Kirwan when he served in the U.S. House of Representatives. I am equally sure that you will recall his outstanding record as a legislator—as a man who got things done.

In honor of his many years of service in Congress, I think it is only fitting to name the new Youngstown Post Office after Michael J. Kirwan. It is my sincere

hope that the U.S. House of Representatives will pass my bill when it is brought to the House floor today.

Mr. GINN. Mr. Speaker, Congressman Michael J. Kirwan was born in Wilkes-Barre, Pa., on December 2, 1886. He was educated in the public schools of Wilkes-Barre and moved to Youngstown, Ohio, in 1907. He served with distinction as a sergeant in the 348th Machine Gun Company during World War I. Following his military service Mike Kirwan was engaged in commercial enterprise during the 1930's.

Congressman Kirwan was elected to Congress in 1936, and served until his death on July 7, 1970. As chairman of the Subcommittee on Appropriations for Public Works, he served not only the State of Ohio but the entire country in helping to build America and to provide for numerous water resources, navigation, and interstate road programs. In view of his long and distinguished career as a public servant, it is fitting and proper to name the post office in Youngstown, Ohio, in his honor.

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.

THE HERMAN T. SCHNEEBELI FEDERAL BUILDING

Mr. GINN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 11303) to designate the "Herman T. Schneebeli Federal Building."

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill as follows:

H.R. 11303

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal building at West Third Street, Williamsport, Pennsylvania, shall hereafter be known and designated as the "Herman T. Schneebeli Federal Building." Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the Herman T. Schneebeli Federal Building.

Mr. GINN. Mr. Speaker, Congressman HERMAN T. SCHNEEBELI was born in Lancaster Pa., on July 7, 1907. He was educated in the public schools of Lancaster County and was graduated from Mercerburg Academy in 1926 and Dartmouth College in 1930. During World War II he served as captain and following World War II he served as a civic leader of the community.

He was elected to the 86th Congress in 1960 and served 16 years until his pending retirement in the 94th Congress. Congressman SCHNEEBELI served on the Ways and Means Committee and the Budget Committee of the House of Representatives. In view of his distinguished career, it is most fitting to name the Federal building at West Third Street, Williamsport, Pa., the "Herman T. Schneebeli Federal Building."

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.

ROBERT G. STEPHENS, JR., FEDERAL BUILDING

Mr. GINN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 14977) to name the Federal office building in Athens, Ga., the "Robert G. Stephens Federal Building."

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill as follows:

H.R. 14977

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal office building located at 355 East Hancock Avenue, Athens, Georgia, is hereby designated as the "Robert G. Stephens Federal Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the "Robert G. Stephens Federal Building".

AMENDMENT OFFERED BY MR. GINN

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

The Clerk read as follows:

Amendment offered by Mr. GINN: Strike out line 5 "Robert G. Stephens Federal Building" and insert in lieu thereof "Robert G. Stephens, Jr., Federal Building", and on line 9 strike out "Robert G. Stephens Federal Building" and insert in lieu thereof "Robert G. Stephens, Jr., Federal Building".

The amendment was agreed to.

Mr. GINN. Mr. Speaker, Congressman ROBERT G. STEPHENS was born in Atlanta, Ga., on August 14, 1913. He was educated in the Atlanta public schools and was graduated from the University of Georgia in 1935. He received a master of arts degree from the university in 1937 and received a law degree, cum laude in 1941 from the University of Georgia.

He served with distinction during World War II and was on the legal staff during the Nuremberg trials following World War II. Mr. STEPHENS served in the General Assembly of Georgia from 1951 to 1959.

Congressman STEPHENS was elected to the 87th Congress in 1960 and served with distinction until his pending retirement in 1976. During his years in the Congress, he served as chairman of the Subcommittee on Historic Preservation and Coinage of the Banking, Currency and Housing Committee; Chairman of the Small Business Subcommittee of the Committee on Banking, Currency and Housing; and was a member of the Interior and Insular Affairs Committee. In his capacity as chairman of the Subcommittee on Historic Preservation and Coinage he was the driving force behind meaningful legislation designed to assist the entire country. He was forthright and eloquent in his belief in our systems of Government and the American way of life. He served the Congress and his constituents with commitments and devotion. Therefore, it is fitting and proper to name the Federal office building in Athens, Georgia, the "Robert G. Stephens Federal Building."

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

The title was amended so as to read: "Robert G. Stephens, Jr., Federal Building."

A motion to reconsider was laid on the table.

RAY J. MADDEN POST OFFICE BUILDING

Mr. GINN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 15546) to designate the "Ray J. Madden Post Office Building."

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill as follows:

H.R. 15546

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Post Office Building at 1499 Doctor Martin Luther King Drive, Gary, Indiana, shall hereafter be known and designated as the "Ray J. Madden Post Office Building". Any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be held to be a reference to the Ray J. Madden Post Office Building.

Mr. GINN. Mr. Speaker, RAY J. MADDEN was born in Waseca, Minn., on February 25, 1892. He attended public schools and Sacred Heart Academy in Waseca, and received his LL.B. in 1913, from the Law Department of Creighton University in Omaha, Nebr., where he practiced law. He was soon thereafter elected municipal judge of Omaha, and later resigned during World War I to serve in the U.S. Navy. Mr. MADDEN returned to practice law in Gary, Ind., and served in local elected positions.

In 1943, he was elected to his first term in the House of Representatives and began a new role of public service that became marked with various legislative accomplishments.

Mr. MADDEN has held various committee posts while serving in Congress. He served on the Post Office and Postal Roads Committee during the 78th Congress and the Labor and Education Committee during the 80th Congress.

In the early 1950's, MADDEN chaired the Forest Massacre.

He was cochairman, along with Senator Monroney, of the Legislative Reorganization Committee in the 1960's and is a past chairman of the Democratic Steering Committee.

He sponsored and cosponsored major bills including legislation on low-cost housing, salary increases for postal employees, G.I. benefits, and the Civil Rights Act of 1964. Mr. MADDEN was also instrumental in legislation dealing with loans, scholarships, and aid for higher education, low-income housing, medicare, the Dunes National Lakeshore, and closure of tax and oil loopholes.

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.

GLENN CUNNINGHAM FEDERAL BUILDING

Mr. GINN. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 9444) to name the Federal Building in Omaha, Nebr., the "Glenn Cunningham Federal Building" in commemoration of the many contributions of former Congressman Glenn Cunningham.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill as follows:

H.R. 9444

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Federal Building at 215 North Seventeenth Street, Omaha, Nebraska, shall hereafter be known and designated as the "Glenn Cunningham Federal Building", and any reference in a law, map, regulation, document, record, or other paper of the United States to such building shall be deemed to be a reference to the Glenn Cunningham Federal Building.

Mr. GINN. Mr. Speaker, Congressman Glenn C. Cunningham was born in Omaha, Nebr., on September 10, 1912. He was educated in the Omaha public schools and was graduated from the University of Omaha. Glenn Cunningham ran his own insurance agency and had an impressive list of leadership credits in Omaha civic organizations. In 1946, he was named Nebraska's Outstanding Young Man. Glenn was elected mayor of Omaha and served from 1949 to 1954 with distinction in that job, having previously served the city on the city council, the board of education, and the safety council.

Glenn Cunningham was elected to Congress in 1956 and served admirably through the next 14 years until his retirement at the end of the 91st Congress in 1971. His contributions to Omaha and the entire Nation will be remembered in his accomplishments through and as a member of the House Interstate and Foreign Commerce Committee and the House Post Office and Civil Service Committee. Designating the Federal building in Omaha, Nebr., for former Congressman Cunningham would be a most appropriate honor.

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

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

There was no objection.

DIRECTING THE SECRETARY OF THE INTERIOR AND THE ADMINISTRATOR OF GENERAL SERVICES TO CONVEY CERTAIN PUBLIC AND ACQUIRED LANDS IN THE STATE OF NEVADA TO THE COUNTY OF MINERAL, NEV.

Mr. SANTINI. Mr. Speaker, I ask unanimous consent for the immediate consideration of the bill (H.R. 10072) to direct the Secretary of the Interior and the Administrator of General Services to convey certain public and acquired lands in the State of Nevada to the county of Mineral, Nev.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 10072

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior or the Administrator of General Services, if the lands described in paragraph (1) of this section come within his jurisdiction for disposal purposes, shall issue to the county of Mineral, State of Nevada, upon the payment by the county into the Treasury of the United States, not more than five years after the Secretary or the Administrator has notified the county of the purchase price, which shall be an amount equal to the sum of the costs of extinguishing any adverse claims to the lands to be patented, the costs of any necessary survey, and the fair market value of the lands as determined by the Secretary or the Administrator after the appraisal of the lands by contract appraisal or otherwise, a patent or deed for the following described lands, situated in the State of Nevada (all range references are to the Mount Diablo base and meridian):

(1) The west half of the northwest quarter of section 26, township 8 north, range 30 east; the part of the northwest quarter of the southwest quarter of section 26, township 8 north, range 30 east, that is north of the highway 95 right-of-way.

(2) The northwest quarter of the northeast quarter and the east half of the east half of section 25, township 8 north, range 29 east; all in sections 29 and 30, township 8 north, range 30 east; the north half of the southeast quarter of section 28, township 7 north, range 30 east.

(3) The part of section 21, township 7 north, range 30 east, that is west of Nevada State Highway Route 31; the north half of the northwest quarter and the southeast quarter of the northwest quarter of section 28, township 7 north, range 30 east; the part of the northeast quarter of section 28, township 7 north, range 30 east, that is west of Nevada State Highway Route 31; the part of section 27, township 7 north, range 30 east, that is west of Nevada State Highway Route 31; the east half of the northwest quarter and the north half of the southwest quarter of section 34, township 7 north, range 30 east; the part of the northeast quarter of section 34, township 7 north, range 30 east, that is west of Nevada State Highway Route 31; the part of section 35, township 7 north, range 30 east, that is west of Nevada State Highway Route 31.

SEC. 2. That conveyance authorized by this Act shall be made subject to any reservations necessary to protect continuing uses of those lands by the United States.

SEC. 3. All moneys received from the conveyance of lands under the terms of this Act shall be disposed of in the same manner as moneys received from the sale of public lands, except that moneys received, as reimbursement for costs of appraisal, surveys, and extinguishing adverse claims may be used by the Secretary for said purposes without appropriation.

SEC. 4. The lands described in the first section of this Act shall be segregated from all forms of appropriation under the public land laws including the mining and mineral leasing laws, from the date of approval of this Act until the Secretary shall provide otherwise by publication of an order in the Federal Register.

With the following committee amendments:

Committee amendments: Page 1, beginning on line 3, strike all through Page 2, line 7 and insert in lieu thereof the following:

"(a) That the officer of the United States who has the primary responsibility for the administration of the real property described in this section shall issue to the County of Mineral, State of Nevada, a patent or other instrument of conveyance for such real property, or any portion thereof, upon payment into the Treasury of the United States the appraised value of the parcel to be conveyed, *Provided,* That any of the land described in this section which remains unconveyed to the County of Mineral on and after five years from the date of enactment of this Act shall remain the property of the United States and shall no longer be subject to conveyance under this Act;

"(b) the following described lands situated in the State of Nevada, are hereby made subject to this Act."

Page 2, line 17, strike out "in" and insert in lieu thereof "of".

Page 2, line 18, after "30" strike the remainder of line 18 and all of line 19.

Page 3, line 5, strike out "southwest" and and insert "southeast".

Page 3, lines 11 through 13, strike all of section 2 and insert in lieu thereof:

"SEC. 2. Upon receipt of a request from the County of Mineral, State of Nevada, for the purchase of a parcel of real property described in the first section, the officer of the United States having primary responsibility for the administration of such parcel, shall immediately cause the same to be appraised and, upon completion of such appraisal shall notify the County of Mineral of the appraised value of such parcel and the county shall have six months from the date of such notice to complete the purchase of such parcel by payment of the appraised value into the Treasury of the United States whereupon a patent or other instrument shall be issued conveying such tract to such county subject to valid existing rights and subject to any reservation necessary to protect the continuing use by the United States of real property owned by the United States which is adjacent to the tract conveyed."

Page 3, lines 21 through 26, strike all of section 4 and insert in lieu thereof the following:

"SEC. 4. The lands described in Section 1 and subject to conveyance under the terms of this Act shall be segregated from all forms of appropriation under the public land laws including the mining and mineral leasing laws, from and after the date of approval of this Act, until the officer of the United States having primary jurisdiction for the administration of such lands shall provide otherwise as to any interest remaining in the United States by publication of an order in the Federal Register."

The committee amendments were agreed to.

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

The title was amended so as to read: "A bill to direct the conveyance of certain real property of the United States to the county of Mineral, State of Nevada."

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

SERVICE CONTRACT ACT AMENDMENTS OF 1976

Mr. THOMPSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15246) to amend the Service Contract Act of 1965 to provide that all employees, other than bona fide executive, administrative, or professional employees, shall be considered to be service employees for purposes of such act, and for other purposes.

The Clerk read as follows:

H.R. 15246

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 2(a) of the Service Contract Act of 1965 (41 U.S.C. 351(a)) is amended by striking out ", as defined herein,";

(b) section 2(b) of the Service Contract Act of 1965 (41 U.S.C. 351(b)) is amended by striking out "as defined herein".

SEC. 2. Section (a)(5) of the Service Contract Act of 1965 (41 U.S.C. 351(a)(5)) is amended by inserting immediately after "section 5341" the following: "or section 5332".

SEC. 3. Section 8(b) of the Service Contract Act of 1965 (41 U.S.C. 357(b)) is amended to read as follows:

"(b) The term 'service employee' means any person engaged in the performance of a contract entered into by the United States and not exempted under section 7, whether negotiated or advertised, the principal purpose of which is to furnish services in the United States (other than any person employed in a bona fide executive, administrative, or professional capacity, as those terms are defined in part 541 of title 29, Code of Federal Regulations, as of July 30, 1976, and any subsequent revision of those regulations); and shall include all such persons regardless of any contractual relationship that may be alleged to exist between a contractor or subcontractor and such persons.".

The SPEAKER pro tempore. Is a second demanded?

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

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

There was no objection.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey (Mr. THOMPSON).

Mr. THOMPSON. Mr. Speaker, I rise in support of H.R. 15246, a bill to amend the Service Contract Act of 1965 by making it clear that both blue collar and white collar employees engaged in the performance of government service contracts, other than bona fide executive, administrative, and professional employees, are to be considered service employees for purposes of the Service Contract Act. This bill was reported unanimously by the Committee on Education and labor on September 8, and enjoys bipartisan support on the committee as well as the endorsement of the administration.

The Service Contract Act was enacted in 1965 to provide labor standards protections for employees engaged in the performance of Government service contracts. The act provides that such employees must be paid at least the prevailing wages and fringe benefits paid for such employees in the locality, and that they must be protected from unsafe working conditions.

The Subcommittee on Labor-Management Relations, which I have the privilege to chair, has conducted numerous hearings in the past 3 years to oversee the functioning of the Service Contract Act. These hearings and two recent court decisions convinced the subcommittee of the need for the legislation before us today.

The U.S. district court in Delaware, In *Descomp* v. *Sampson*, 377 F. Supp. 254, held that white collar employees are not within the scope of coverage of the Service Contract Act. More recently, a U.S. district court in Florida, in *Federal Electric Corporation* v. *Dunlop*, F. Supp. , also held that white collar employees are excluded from coverage. These decisions exclude employees such as clerical personnel, office machine operators, technicians, persons engaged in data processing and others from the labor standards protections provided by the Service Contract Act.

In the hearings held before the Subcommittee on Labor-Management Relations in July of this year, Members of Congress, representatives of organized labor and officials of the Department of Labor uniformly testified that coverage of white collar workers is integral to the remedial purposes of the Service Contract Act.

The Department of Labor has consistently included both blue collar and white collar employees engaged in the performance of Government service contracts, other than bona fide executive, administrative, and professional employees, within the definition of service employee for purposes of the act.

Under H.R. 15246 this practice will be continued and the protections of the act will be restored to white collar workers in those places where the courts have ruled that they are excluded from coverage.

During our oversight hearings the subcommittee also heard testimony about the inequities professionals have suffered by virtue of their exclusion from coverage under existing Department of Labor regulations. By maintaining this exclusion in the bill I do not want to convey the impression that the exemption of professionals from protective labor legislation is a practice the subcommittee approves of. I believe that professional workers are in need of some protections. The time remaining in this Congress does not permit a thorough study of this situation in order to determine appropriate remedies. However, the subcommittee intends to address this issue at the first opportunity in the 95th Congress.

H.R. 15246 can thus be summarized very briefly. It is a status quo bill to clarify the act and insure that the decent standards the Service Contract Act has brought to the service contract field will be available to workers engaged in the performance of government service contracts, regardless of whether they are white collar or blue collar workers.

This bill enjoys bipartisan support and the support of the administration. I believe it will go a long way to insure the financial security of service workers and their families, and I urge my colleagues to support it.

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

Mr. THOMPSON. I yield to the distinguished chairman of the committee.

Mr. PERKINS. Mr. Speaker, I wish to take this time to compliment the distinguished gentleman from New Jersey (Mr. THOMPSON), who chairs the Subcommittee on Labor-Management Relations, for his diligent work and oversight on many subject matters dealing with labor-management relations, and especially in connection with the oversight dealing with the Service Contract Act of 1965. The gentleman from New Jersey has done a tremendous job and deserves the compliments of all the Members of this Chamber for his outstanding service to this Congress in labor-management areas.

Mr. THOMPSON. Mr. Speaker, I thank my distinguished committee chairman.

Mr. Speaker, I would like to call the attention of the Members of the House to the fact that the original authors and sponsors of the service contract legislation, which has meant so much to the service contract workers in the virtually innumerable Federal, military, and other installations, were our colleague, the gentleman from Michigan (Mr. O'HARA), and the late Senator from Michigan, Senator Pat McNamara.

Mr. PERKINS. Mr. Speaker, I rise in support of the bill H.R. 15246, which makes it clear that all employees working under Government service contracts whether "blue collar" or "white collar," are covered by the provisions of the Service Contract Act of 1965.

I want to take this opportunity to commend the chairman of the Subcommittee on Labor-Management Relations for his thorough and continuing exer-

cise of the subcommittee's oversight responsibilities, particularly with respect to the Service Contract Act of 1965.

H.R. 15246 clarifies the scope of the term "service employee," and will eliminate the uncertainty with respect to the coverage of "white collar" workers created by two recent court decisions.

The bill does this in two ways: First it makes clear the obligation of the Secretary of Labor to give due consideration to the general schedule—"white collar"—rates as well as Wage Board—"blue collar"—rates when issuing wage determinations under the act.

Second, the bill defines the term "service employee" as being "any person engaged in the performance of a contract" under the act, with certain exclusions. Bona fide executive, administrative and professional employees are excluded from coverage by present departmental regulations. H.R. 15246 maintains this exclusion and does not alter the status quo with respect to any employees presently covered.

By clarifying the term "service employee" the bill will enable several thousand workers engaged in the performance of Government service contracts to continue to enjoy the labor standards protections of the Service Contract Act.

Once again, I commend the gentleman from New Jersey and the entire subcommittee for their diligent efforts on behalf of the working men and women of this country.

I urge adoption of H.R. 15246.

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

Mr. THOMPSON. I yield to the gentleman from Florida.

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

I certainly would like to add my compliments to the chairman of the subcommittee and to the entire subcommittee for the job they have done on this most important bill.

Mr. Speaker, I might add that the gentleman in the well is very modest because he has himself been one of the leaders over the years in the service contract field. He spearheaded the 72 amendments to the Service Contract Act; presently he has a bill regarding professionals, which under the Service Contract Act will be the subject of hearings next year. Professionals need help. They should be included under certain circumstances. I am a cosponsor of this bill and intend to fight to get it passed.

Mr. Speaker, for those of us who come from areas in the States, that include military and space centers a recent court decision created chaos. It overturned what all believed was the law. It took protection away from an established 100,000 to 500,000 people nationwide.

Mr. Speaker, the gentleman from New Jersey (Mr. THOMPSON) pointed out, this is a bipartisan bill. The administration is for it, the Department of Labor is for it and the Congress is for it.

Mr. Speaker, we are trying to restore the status quo, and overturn the court decision. I just want again to compliment the gentleman from New Jersey (Mr. THOMPSON) for putting this bill together in a short period of time and for getting it through under extremely difficult circumstances.

Mr. THOMPSON. Mr. Speaker, I thank the gentleman from Florida (Mr. FREY) very much.

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

Mr. Speaker, I take this time to express my agreement with the statements which were just made by the able gentleman from New Jersey (Mr. THOMPSON), our subcommittee chairman.

Court decisions sometimes cut favorably and other times cut unfavorably. If decisions cut our way, we do not mind it, even if it stretches a bit. However, if it cuts against us, we do not like it.

Mr. Speaker, I do not think that is the case here. The court decision very clearly ran against the intent of the subcommittee, the intent of the Committee on Education and Labor, and the intent of the Congress when we passed the original bill.

Mr. Speaker, I would call my colleagues' attention to the fact that on page 4 of the committee report it is stated that there is no cost attached to this bill. It is simply a matter of equity and justice.

Mr. Speaker, the minority agrees completely with the report. The report was written in a cooperative effort by both the majority and the minority, with full accord reached on the views of Members on both sides of the aisle.

Mr. Speaker, I would like, for the purpose of legislative history, to have several questions directed to my friend, the able chairman of the subcommittee. In fact, I have several questions which are just for the purpose of the legislative record.

This is my first question:

To confirm the points made in the committee report (94–1571), the bill and the report simply state that our disagreement with the Descomp and Federal Electric court decisions is to the extent that those decisions adopted a rule which per se excluded the so-called white collar worker from coverage.

Is that the gentleman's understanding?

Mr. THOMPSON. Mr. Speaker, if the gentleman will yield, that is exactly correct.

Mr. ASHBROOK. Then, Mr. Speaker, it is the per se exclusion of such white collar workers that amounts to the "narrow construction" referred to in the report—page 2?

Mr. THOMPSON. Mr. Speaker, the gentleman, surprisingly, is correct once more.

Mr. ASHBROOK. Mr. Speaker, perhaps I had better not go any further because that is a slightly better average than I usually have, but I will take a chance and ask a third question.

Mr. Speaker, the amendments to sections 2 and 8 of the act are not to eliminate the definition of "service employee" but to make clear that white collar workers might also be service employees, and such an employee is a person who is actually engaged in the performance of the service contract?

Is that the gentleman's understanding?

Mr. THOMPSON. Mr. Speaker, amazingly, the gentleman is exactly correct for the third time.

Mr. ASHBROOK. Mr. Speaker, I will stretch my luck once more by asking this question:

Finally, Mr. Speaker, the amendments specifically incorporate the necessary references to the Classification Act in order that due consideration be given general schedule wage rates as those rates are affected or determined by such factors as job content, qualifications, length of service and competence?

Mr. THOMPSON. Mr. Speaker, the gentleman from Ohio again is correct. May I thank the gentleman and congratulate him.

Mr. ASHBROOK. Mr. Speaker, I think I will quite while I am ahead and I thank the gentleman from New Jersey.

Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. FREY).

Mr. FREY. Mr. Speaker, I enthusiastically add my support for the passage of H.R. 15246 and urge my colleagues to adopt this legislation.

Let me emphasize at the outset that H.R. 15246 is clarifying legislation to the Service Contract Act of 1965. It was ordered reported unanimously, by voice vote, by the Committee on Education and Labor on September 8, 1976, and it has received the endorsement of the Department of Labor and the administration.

The purpose of H.R. 15246 is to clarify the coverage provisions of the Service Contract Act by making it clear that so-called white collar Government service employees are integral to, and a part of, the remedial purposes of the act.

As my colleagues are aware, the Service Contract Act was enacted in 1965 to provide labor standards for employees engaged in the performance of Government service contracts. Among other things, the act provides that these employees must be paid at least the prevailing wages and fringe benefits paid for other employees in a particular locality, and, importantly, it prohibits contractors from taking advantage of Government contract recompetitions to undercut the wages and fringe benefits which have been paid to service workers. Current estimates of the Department of Labor—which administers the Service Contract Act—show that between 350,000 and 500,000 contract employees have benefited from the protection afforded by the act.

Unfortunately, it must be noted that uncertainty and instability have been created in the Government service industry as a result of two adverse U.S. district court decisions—one in Delaware in 1974 and another in my own district in Florida just recently on March 30, 1976. Both of these cases held that the present statutory definition of "service employee" is limited to those persons working in jobs which would be classified "blue collar" if performed in the Federal Civil Service. In other words, workers falling within the traditional "white collar" classifications—for example, technicians and clerical employees, et cetera—were deemed not to be within the scope of the Service Contract Act.

The direct and sudden effect of these decisions has been to put in jeopardy many thousands of service workers across the country who now find they may not be entitled to the protection of the Service Contract Act. Put more concretely, the Department of Labor, in a letter on September 16, 1976, to Chairman PERKINS of the House Committee on Education and Labor, indicated that an interpretation consistent with the two court opinions would exclude between 70,000 and 100,000 service workers on a nationwide basis. As the Department further notes, this exclusion would jeopardize about one out of every five service workers, based on the Labor Department's total employment estimates for service contracts.

It is also important to realize that, although the Department of Labor has filed an appeal on the Forida court decision, the question concerning the definition of "service employee" promises to take a long time to resolve—so much time, in fact, that chaos in the service industry will occur if something is not done now.

My own district in Florida is a good case in point. There are 9,000 Government service contract employees who work at the Cape Canaveral complex along Florida's "Space Coast" in Brevard County, an area which I have represented since 1969. Following the adverse U.S. district court decision on March 30 in Florida, some 3,000 of these workers faced the prospect of losing their protection under the Service Contract Act.

Moreover, the situation at Cape Canaveral demonstrates the urgent need for enactment of this legislation because millions of dollars of space contracts will be put up for recompetition at Cape Canaveral in just a few months. Unless the Congress acts right now, some 3,000 service workers in my area alone will soon be subject to the whims of the Government service contracting industry.

The plain fact of the matter is that the prevailing uncertainty and unfairness in the service industry must be brought to an end. This bill simply reaffirms the policy which, in the past, everybody agreed was the policy. We already know that the Department of Labor has consistently interpreted the Service Contract Act to include workers in white-collar job classifications. Moreover, the Congress has supported the Labor Department's interpretation of the act as a result of oversight hearings held by the House Subcommittee on Labor-Management Relations in 1974 and 1975.

Again this year the subcommittee reaffirmed the Labor Department's interpretation of "service employee" under the act. On July 19 and 20 it held additional oversight hearings, at which time the subcommittee received extensive testimony from labor groups, the Department of Labor, professional employees and other interested parties. The subcommittee also had before it for consideration a bill which I had introduced on May 10, 1976—H.R. 13661—to reverse and nullify adverse court decisions.

As a result, the subcommittee concluded that it was necessary to take legislative action to clarify the Service Contract Act's coverage provisions as they could affect white-collar employees engaged in the performance of Government service contracts. The effort is reflected in H.R. 15246 which is before the House today for consideration.

Mr. Speaker, my colleagues should be aware of the fact that, although H.R. 15246 makes it clear that both "blue collar" and "white collar" employees engaged in the performance of service contracts are provided coverage under the act, other categories of employees—namely, executive, administrative, and professional—are exempted. However, I would note that the unique problems affecting especially the professional category of service workers were aired during the hearings on the present bill in July.

Unfortunately, there was not enough time to fully examine these problems but it is my understanding that Chairman THOMPSON of the Labor-Management Relations Subcommittee has made a commitment to fully examine coverage for professional employees in our next session. I applaud Mr. THOMPSON for his efforts because professional service workers are certainly entitled to the decent standards envisioned by the Service Contract Act.

I would also observe that this group of employees have never been protected by the Service Contract Act. As a general matter, this would seem to be a wise policy since these employees, by virtue of their education, skills, or other qualifications, appear to be well equipped to fend for themselves on matters pertaining to salaries, fringe benefits, job security, et cetera. However, in my own area in Brevard County, Fla., an ugly situation has arisen as a result of reductions in the space program.

Specifically, I am talking about a large group of professional service employees—engineers, analysts, mathematicians, et cetera with advanced degrees—who have been the victims of wage undercutting by employers who have taken advantage of the labor market conditions on the "space coast."

So, I think it's a myth that professional service employees necessarily receive high wages. In fact, just the reverse can and does happen—both in my own area and in other parts of the country. Therefore, I am delighted that this problem area will be closely examined early next year, and I might add that I am cosponsoring legislation—along with Chairman THOMPSON and Mr. CORMAN—which would extend the Service Contract Act protection to professional employees.

In summary, Mr. Speaker, I have outlined for my colleagues a serious problem which deserves immediate attention and action. H.R. 15246 addresses this problem and I urge my colleagues to enact this legislation.

Mr. FORD of Michigan. Mr. Speaker, I rise in support of H.R. 15246.

This bill will clarify the scope of the term "service employee" as defined in section 8(b) of the Service Contract Act of 1965. It is necessary because of two U.S. district court decisions in Descomp against Sampson and Federal Electric Corporation against Dunlop.

These decisions cast doubts about whether "white collar" workers are covered by the Service Contract Act. I think the decisions are dead wrong, and we have a very simple bill here today which will remove those doubts.

H.R. 15246 simply makes it clear that both "blue collar" and "white collar" employees remain within the coverage of the Act and insures that all of these employees will enjoy the labor standards protections of the act.

I would like to make my colleagues aware that this legislation is supported by the AFL–CIO as well as the following labor organizations:

The Laborer's International Union of North America.

The Service Employees International Union.

The International Brotherhood of Electrical Workers.

International Association of Machinists.

The National Maritime Committee of the AFL–CIO.

Transport Workers Union of America.

International Brotherhood of Teamsters.

I urge the adoption of H.R. 15246.

Mr. BIAGGI. Mr. Speaker, I rise in support of this legislation and am proud to be one of its original cosponsors. We are making some necessary amendments to the Service Contract Act which, for 11 years, has been a protector of the wage and safety rights of employees engaged in the performance of Government service contracts.

These amendments are designed to extend the protections guaranteed under the act to most categories of so-called white collar Government service employees. Obviously, high level executive, administrative, and professional employees are excluded from coverage.

Throughout its history questions have been raised as to whether the act was designed to include white-collar employees. It is clear that it was the intention of Congress when it passed the law, to include the white-collar workers we are today providing for in this bill. Hopefully passage of this legislation will clarify this matter once and for all.

I am pleased to have been a member of the Subcommittee on Labor-Management Relations which drew up this legislation. I commend Chairman THOMPSON of the subcommittee for his efforts and urge the full support of this bill by my colleagues today.

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

GENERAL LEAVE

Mr. THOMPSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the subject of the bill presently under consideration, H.R. 15246.

The SPEAKER pro tempore (Mr. MCFALL). Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. THOMPSON) that the House suspend the rules and pass the bill H.R. 15246.

Mr. ASHBROOK. Mr. Speaker, I know that this will come as a surprise, but on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3 of rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

IMPLEMENTING INTERNATIONAL CONVENTIONS AGAINST TERRORISM

Mr. HUNGATE. Mr. Speaker, I move to suspend the rules and pass the bill H.R. 15552, to amend title 18, Under United States Code, to implement the "Convention To Prevent and Punish the Acts of Terrorism Taking the Form of Crimes Against Persons and Related Extortion That Are of International Significance" and the "Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents", and for other purposes.

The Clerk read as follows:

H.R. 15552

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 "Act for the Prevention and Punishment of Crimes Against Internationally Protected Persons".

SEC. 2. Section 1116 of title 18, United States Code, is amended to read as follows:

"§ 1116. Murder or manslaughter of foreign officials, official guests, or internationally protected persons

"(a) Whoever kills or attempts to kill a foreign official, official guest, or internationally protected person shall be punished as provided under sections 1111, 1112, and 1113 of this title, except that any such person who is found guilty of murder in the first degree shall be sentenced to imprisonment for life, and any such person who is found guilty of attempted murder shall be imprisoned for not more than twenty years.

"(b) For the purposes of this section:

"(1) 'Family' includes (a) a spouse, parent, brother or sister, child, or person to whom the foreign official or internationally protected person stands in loco parentis, or (b) any other person living in his household and related to the foreign official or internationally protected person by blood or marriage.

"(2) 'Foreign government' means the government of a foreign country, irrespective of recognition by the United States.

"(3) 'Foreign official' means—

"(A) a Chief of State or the political equivalent, President, Vice President, Prime Minister, Ambassador, Foreign Minister, or other officer of Cabinet rank or above of a foreign government or the chief executive officer of an international organization, or any person who has previously served in such capacity, and any member of his family, while in the United States; and

"(B) any person of a foreign nationality who is duly notified to the United States as an officer or employee of a foreign government or international organization, and who is in the United States on official business, and any member of his family whose presence in the United States is in connection with the presence of such officer or employee.

"(4) 'Internationally protected person' means—

"(A) a Chief of State or the political equivalent, head of government, or Foreign Minister whenever such person is in a country other than his own and any member of his family accompanying him; or

"(B) any other representative, officer, employee, or agent of the United States Government, a foreign government, or international organization who at the time and place concerned is entitled pursuant to international law to special protection against attack upon his person, freedom, or dignity, and any member of his family then forming part of his household.

"(5) 'International organization' means a public international organization designated as such pursuant to section 1 of the International Organizations Immunities Act (22 U.S.C. 288).

"(6) 'Official guest' means a citizen or national of a foreign country present in the United States as an official guest of the Government of the United States pursuant to designation as such by the Secretary of State.

"(c) If the victim of an offense under subsection (a) is an internationally protected person, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(34) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301 (34)).

"(d) In the course of enforcement of this section and any other sections prohibiting a conspiracy or attempt to violate this section, the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.".

SEC. 3. The analysis at the beginning of chapter 51 of title 18, United States Code, relating to section 1116 is amended to read as follows:

"1116. Murder or manslaughter of foreign officials, official guests, or internationally protected persons.".

SEC. 4. Section 1201 of title 18, United States Code, is amended as follows:

(a) by deleting subsection (a)(4) and inserting in lieu thereof the following:

"(4) the person is a foreign official, an internationally protected person, or an official guest as those terms are defined in section 1116(b) of this title,"; and

(b) by adding at the end thereof new subsections (d), (e), and (f) as follows:

"(d) Whoever attempts to violate subsection (a)(4) shall be punished by imprisonment for not more than twenty years.

"(e) If the victim of an offense under subsection (a) is an internationally protected person, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(34) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(34)).

"(f) In the course of enforcement of subsection (a)(4) and any other sections prohibiting a conspiracy or attempt to violate subsection (a)(4), the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.".

SEC. 5. Section 112 of title 18, United States Code, is amended to read as follows:

"§ 112. Protection of foreign officials, official guests, and internationally protected persons

"(a) Whoever assaults, strikes, wounds, imprisons, or offers violence to a foreign official, official guest, or internationally protected person or makes any other violent attack upon the person or liberty of such person, or, if likely to endanger his person or liberty, makes a violent attack upon his official premises, private accommodation, or means of transport or attempts to commit any of the foregoing shall be fined not more than $5,000 or imprisoned not more than three years, or both. Whoever in the commission of any such act uses a deadly or dangerous weapon shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

"(b) Whoever willfully—

"(1) intimidates, coerces, threatens, or harasses a foreign official or an official guest or obstructs a foreign official in the performance of his duties;

"(2) attempts to intimidate, coerce, threaten, or harass a foreign official or an official guest or obstruct a foreign official in the performance of his duties; or

"(3) within the United States but outside the District of Columbia and within one hundred feet of any building or premises in whole or in part owned, used, or occupied for official business or for diplomatic, consular, or residential purposes by—

"(A) a foreign government, including such use as a mission to an international organization;

"(B) an international organization;

"(C) a foreign official; or

"(D) an official guest;

congregates with two or more other persons with intent to violate any other provision of this section;

shall be fined not more than $500 or imprisoned not more than six months, or both.

"(c) For the purpose of this section 'foreign government', 'foreign official', 'internationally protected person', 'international organization', and 'official guest' shall have the same meanings as those provided in section 1116 (b) of this title.

"(d) Nothing contained in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the first amendment to the Constitution of the United States.

"(e) If the victim of an offense under subsection (a) is an internationally protected person, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(34) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(34)).

"(f) In the course of enforcement of subsection (a) and any other sections prohibiting a conspiracy or attempt to violate subsection (a), the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary, notwithstanding.".

SEC. 6. The analysis at the beginning of chapter 51 of title 18, United States Code, relating to section 112 is amended to read as follows:

"112. Protection of foreign officials, official guests, and internationally protected persons.".

SEC. 7. Section 970 of title 18, United States Code, is amended:

(a) by relettering subsection "(b)" as subsection "(c)" and amending the subsection to read as follows:

"(c) For the purpose of this section 'foreign government', 'foreign official,' 'international organization,' and 'official guest' shall have the same meanings as those provided in section 1116(b) of this title."; and

(b) by inserting a new subsection "(b)" as follows:

"(b) Whoever, willfully with intent to intimidate, coerce, threaten, or haress—

"(1) forcibly thrusts any part of himself or any object within or upon that portion of any building or premises located within the United States, which portion is used or occupied for official business or for diplomatic, consular, or residential purposes by—

"(A) a foreign government, including such use as a mission to an international organization;

"(B) an international organization;

"(C) a foreign official; or

"(D) an official guest; or

"(2) refuses to depart from such portion of such building or premises after a request—

"(A) by an employee of a foreign government or of an international organization, if such employee is authorized to make such request by the senior official of the unit of such government or organization which occupies such portion of such building or premises;

"(B) by a foreign official or any member of the foreign official's staff who is authorized by the foreign official to make such a request;

"(C) by an official guest or any member of the official guest's staff who is authorized by the official guest to make such request; or

"(D) by any person present having law enforcement powers;

shall be fined not more than $500 or imprisoned not more than six months, or both.".

SEC. 8. Chapter 41 of title 18, United States Code, is amended by adding a new section 878 as follows:

"§ 878. Threats and extortion against foreign officials, official guests, or internationally protected persons

"(a) Whoever knowingly and willfully threatens to violate section 112, 1116, or 1201 by killing, kidnaping, or assaulting a foreign official, official guest, or internationally protected person shall be fined not more than $5,000 or imprisoned not more than five years, or both, except that imprisonment for a threatened assault shall not exceed three years.

"(b) Whoever in connection with any violation of subsection (a) or actual violation of section 112, 1116, or 1201 makes any extortionate demand shall be fined not more than $20,000 or imprisoned not more than twenty years, or both.

"(c) For the purpose of this section 'foreign official', 'internationally protected person', and 'official guest' shall have the same meanings as those provided in section 1116(a) of this title.

"(d) If the victim of an offense under subsection (a) is an internationally protected person, the United States may exercise jurisdiction over the offense if the alleged offender is present within the United States, irrespective of the place where the offense was committed or the nationality of the victim or the alleged offender. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 101(34) of the Federal Aviation Act of 1958, as amended (49 U.S.C. 1301(34)).".

SEC. 9. The analysis of chapter 41 of title 18, United States Code, is amended by inserting at the end thereof the following new item:

"878. Threat and extortion against foreign officials, official guests, and internationally protected persons.".

SEC. 10. Nothing contained in this Act shall be construed to indicate an intent on the part of Congress to occupy the field in which its provisions operate to the exclusion of the laws of any State, Commonwealth, territory, possession, or the District of Columbia, on the same subject matter, nor to relieve any person of any obligation imposed by any law of any State, Commonwealth, territory, possession, or the District of Columbia, including the obligation of all persons having official law enforcement powers to take appropriate action, such as effecting arrests, for Federal as well as non-Federal violations.

SEC. 11. Section 11 of title 18, United States Code, is amended by inserting after the word "title" the words "except in sections 112, 878, 970, 1116, and 1201".

The SPEAKER pro tempore. Is a second demanded?

Ms. HOLTZMAN. Mr. Speaker. I demand a second.

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

The SPEAKER pro tempore. Is the gentleman from California opposed to the bill?

Mr. WIGGINS. No, Mr. Speaker, I am not.

The SPEAKER pro tempore. Is the gentlewoman from New York opposed to the bill?

Ms. HOLTZMAN. Mr. Speaker, I am opposed to the bill.

The SPEAKER pro tempore. The gentlewoman from New York qualifies.

Without objection, a second will be considered as ordered.

There was no objection.

The SPEAKER pro tempore. The gentleman from Missouri (Mr. HUNGATE) and the gentlewoman from New York (Ms. HOLTZMAN) will be recognized for 20 minutes each.

The Chair recognizes the gentleman from Missouri.

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

Mr. Speaker, I shall yield in due course appropriate time to the gentleman from California (Mr. WIGGINS).

Mr. Speaker, I rise in support of the legislation.

Recent tragic events involving American diplomatic officials in Lebanon, as well as other similar incidents over the past 2 years in Cyprus, Argentina, and Greece—all underscore the need for concerted international efforts to curb and deter terrorist acts directed at diplomats. The Organization of American States and the United Nations, with the active support and encouragement of the U.S. Government, have drafted Conventions to deal with such terrorist acts.

Enough countries have ratified the OAS Convention so that it presently is in force among the parties. The U.N. Convention has been ratified by several countries—including the Soviet Union, Hungary, and Czechoslovakia—and is lacking only six ratifications to enter into force. The State Department expects new initiatives at the United Nations next month in order to secure the ratifications necessary to bring the U.N. Convention into force.

The United States signed the OAS Convention on February 2, 1971, and the Senate gave its advice and consent to ratification on June 12, 1972. The United States signed the United Nations Convention on December 28, 1973, and the Senate gave its advice and consent to ratification on October 28, 1975.

Even though it has signed both treaties, and the Senate has advised and consented to the ratification of both, the United States has not yet become a party to either the OAS or the U.N. Convention. The United States has withheld depositing the instruments of ratification until our Government could assure other countries that our federal law enabled us to meet all of our treaty obligations.

Present Federal law, however, needs to be amended if our Government is to be able to give such an assurance. This legislation makes the changes necessary to enable our Government to meet its treaty obligations. Its enactment, therefore, is necessary if the United States is to become a party to the terrorism Conventions and maintain a strong position of leadership in the international community on the issue of terrorism.

Both the OAS and the UN Conventions seek to safeguard "internationally protected persons" from certain crimes. The Conventions define the term "internationally protected person" to include:

(A) a Head of State, including any member of a collegial body performing the functions of a Head of State under the constitution of the State concerned, a Head of Government or a Minister for Foreign Affairs, whenever any such person is in a foreign state, as well as members of his family who accompany him; and

(B) any representative or official of a State or any official or other agent of an international organization of an intergovernmental character who, at the time when and in the place where a crime against him, his official premises, his private accommodation or his means of transport is committed, is entitled pursuant to international law to special protection from any attack on his person, freedom or dignity, as well as members of his family forming part of his household.

The Conventions apply when one of these persons is the victim of murder, kidnaping, assault, a threat or attempt to commit murder, kidnaping or assault, and extortion in connection with murder, kidnaping or assault. A party to either Convention is obligated to take certain action whenever it finds within its territory someone who has committed one of these offenses against an internationally protected person. The party must either extradite the offender to another party or try him under its own criminal laws.

For example, country A is a party to the Convention. A citizen of country A kills the American Ambassador to his country. The offender then flees from country A to the United States and is apprehended here. If the United States were a party to the Conventions, it would be obligated either to extradite the offender to country A or to try him under U.S. law. The United States would have complete discretion to decide which course of action it wanted to take.

It should be noted that, in some cir-

cumstances, the United States may have to exercise extraterritorial criminal jurisdiction; that is, try someone for an act committed outside of the territory of the United States. This would occur in the example I just gave if the United States were to choose to try the offender, since the murder would have taken place in another country.

H.R. 15552 makes changes in title 18 of the United States Code that are necessary to enable the United States fully to meet its treaty obligations. For example, present title 18 of the United States Code contains no attempted kidnaping offense. This legislation amends title 18 to establish such an offense when the victim is an internationally protected person, a foreign official, or an official guest of the United States.

As I mentioned, the principal purpose of the legislation is to enable the United States to carry out its obligations under both the OAS and the U.N. Conventions. Some parts of the bill, however, make other changes. For example, section 112 (b) of title 18, United States Code, makes it criminally punishable if someone, within 100 feet of a building used by a foreign government:

(1) Parades, pickets, displays any flag, banner, sign, placard, or device, or utters any word, phrase, sound or noise, for the purpose of intimidating, coercing, threatening, or harassing any foreign official or obstructing him in the performance of his duties, or (2) congregates with two or more persons with the intent to perform any of the aforesaid acts.

The committee believes that this provision raises serious constitutional questions because it seems to cover conduct and speech that are constitutionally protected. Therefore, the language of section 112(b) was redrafted. The committee is of the opinion that its new language is not on its face constitutionally objectionable on first amendment grounds.

Mr. Speaker, the passage of this legislation is necessary if the United States is to be a leader on the matter of terrorism in the international community. We have spoken out forcefully against terrorism in international forums, especially after the recent tragic incident in Lebanon. Unless we become a party to these conventions, our good faith and sincerity with regard to curbing terrorism are open to question. Enactment of this legislation will enable the United States to become a party to the conventions and to be a leader in the international effort to combat terrorism.

Ms. HOLTZMAN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, I find it awkward to disagree with the gentleman from Missouri, whose leadership on the Criminal Justice Subcommittee I have long admired and respected. I also generally agree with the basic purpose of this bill, which is to implement two treaties dealing with the protection of foreign diplomats. It is quite clear, however, that in the process of trying to achieve this unobjectionable goal, the bill seriously infringes on the constitutionally protected rights of American citizens without any need to do so.

Let me be specific. The treaties we are talking about simply require that the United States enact legislation to insure that the following crimes against diplomats would be punished: murder, kidnaping and assault, threats or attempts to commit these acts, and extortion in connection with murder, kidnaping or assault.

Nothing in these conventions requires us to prevent American citizens from peaceably speaking out individually or with others in opposition to the actions of foreign governments.

I am sure each Member of the House has constituents who have peacefully and in good conscience objected to various actions of foreign governments, such as the governments of the Soviet Union, South Africa, Saudi Arabia, India, or China. Yet under this bill if Americans stand within a 100 feet of a foreign embassy or the United Nations, silently, peacefully, and quietly in a vigil of protest, they would be committing a crime.

None of us, I hope, wants to see that happen. Under the Constitution everyone is entitled peaceably to express his or her concerns about governmental policy, including the policies of foreign governments.

Mr. Speaker, I would tell my colleagues of the House, that there is no excuse to proceed with this legislation which would prevent groups of three or more Americans from congregating to object to foreign policy by standing in front of foreign embassies or the U.N.

In addition, the bill is so vaguely drawn that it would subject Americans to possible arrest for similar actions that are peaceable and legal, that in no way threaten foreign officials or hinder the conduct of foreign affairs. For example, one of the sections of this bill would make it a crime for any American to walk into a foreign-owned airline office, whether it is the airline office of the government of South Africa, Iran, or the U.S.S.R., if he had an intention to harass those people in the office. Let us say he never expresses that intention but he just walks into the airline office and walks out. Under this bill, he has committed a crime.

I do not see what purpose is served by subjecting any Americans to a penalty for simply walking peaceably and quietly into and out of, the office of a foreign government's airline.

In addition, the bill is drafted so that a policeman who arrests the Ambassador's chauffeur, let us say, for drunken driving or subjects the chauffeur to questioning on the spot, might conceivably be guilty of obstructing a foreign official in the performance of his duty, since the term "foreign official" includes all employees of the foreign official. The policeman would be committing a crime.

Take the case of a store manager who stops an Embassy cook for questioning about shoplifting.

The SPEAKER pro tempore. The time of the gentlewoman from New York (Ms. HOLTZMAN) has expired.

Ms. HOLTZMAN. Mr. Speaker, I yield myself 2 additional minutes.

Mr. Speaker, that purely innocent action would subject the store manager to the possibility of arrest and conviction for a Federal offense.

I say to my colleagues here in the House that the basic purposes of this bill, which are to strengthen the protection regarding kidnaping, assaults, threats, attempted murder, and attempted kidnapping of foreign officials are good and worthy provisions and ought to be enacted, but as this bill is drafted, we cannot enact them without at the same time subjecting Americans to unconstitutional and unconscionable jeopardy for peaceful, sincere protests, which in no way harm any foreign officials.

If anybody says this legislation is needed so quickly that we must jeopardize our citizens' constitutional rights, I would point out to the Members of this House that the first treaty under consideration here was signed by the United States in 1971 and ratified in 1972 and nothing has happened since then for almost 6 years.

The second treaty was signed in 1973 and adopted in 1975. The urgency for enacting this legislation, which at the same time seriously infringes on American constitutional rights, is not proven. This bill should not come up under suspension, a procedure which precludes us from amending this bill to protect the constitutional rights of our citizens.

Mr. HUNGATE. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. WIGGINS).

Mr. WIGGINS. Mr. Speaker, the pending legislation is strongly supported by the administration. It is needed by this country in order to lend credibility to its position that the world community should act strongly against the vice of international terrorism. The treaty is pending. If the United States fails to implement that treaty by amending its domestic laws we, of course, will lose considerable credibility in urging other countries to do likewise.

Mr. Speaker, this bill, for purposes of analysis, could be considered in two parts. One part implements the treaty. With respect to that part, there appears to be no opposition.

The second part of the bill amends existing title 18 provisions dealing with conduct which coerces, harasses, or obstructs internationally protected persons in the performance of their duties. It is that section which raises the objection of our colleague, the gentlewoman from New York (Ms. HOLTZMAN).

Now, Mr. Speaker, please understand that we are not enacting new law in this field. If this bill is to be sacrificed because of the opposition of the gentlewoman from New York (Ms. HOLTZMAN) and others, then we do not have the condition of no law on the subject; but rather, we revert to the existing law.

Well, what is the existing law? In the District of Columbia since 1938 we have prohibited congregating within 500 feet of certain diplomatic premises. We have prohibited all manner of conduct within 500 feet of such premises. That language, the D.C. Code, has been tested on constitutional grounds and has been found to be constitutional.

The present proposal is much more modest, much more carefully drawn than the D.C. Code. In addition to that, the present law, enacted in 1972, Mr. Speaker, to which we would return if

this bill were defeated, extended the D.C. provisions to elsewhere in our country and prohibited certain conduct within 100 feet of protected premises. That law is also loosely drawn. It does not inject as a requisite element the proof that the conduct be done willfully with the intent of harassing a diplomatically protected person.

If we defeat this bill, we return to that weaker law, and so wisdom would suggest that we not pass up this opportunity to move forward to improve existing law.

Now, the contention has been made that these amendments, and presumptively the existing law, punishes simple acts innocently performed if there is a requisite intent. Well now, ladies and gentlemen, that is not true, unless the defendant himself wishes to supply the necessary elements of proof. For example, it has been said that if someone enters into an airline office with the intent to harass and walks out, he may be guilty of the offense.

Who is going to try him for that offense, and how is it to be proved? The burden is on the prosecution, and certainly the innocent entry and exit of an airline office has proven nothing. Intent is a common element of proof in criminal prosecutions, and must be proved by objective factors and not by the subjective intent of the defendant, unless he wishes to admit it. Now, that kind of innocent conduct is not prohibited.

I wish the Members would vote on this bill on pragmatic terms. It is better than present law. It should not be faulted because it may not be perfect, because a no vote returns to an even less perfect statute. It should be supported because it is an important element of United States diplomatic endeavor abroad to bring international terrorism under control. I certainly urge my colleagues to support the bill.

The SPEAKER pro tempore (Mr. McFALL). The time of the gentleman from California has expired.

Mr. HUNGATE. Mr. Speaker, I yield 1 additional minute to the gentleman from California.

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

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

Mr. ECKHARDT. Mr. Speaker, I am just trying to find out what is meant on page 7 of the bill, "* * * congregates with two or more other persons with intent to violate any other provision of this section;"

Does that mean that the only overt act that need be done is to congregate? Usually, when we define a crime, something has to come of it, but here apparently nothing need come of it but merely the congregation of several people.

Then, I would assume one could bring in testimony that Joe Doak told Jim Smith that he intended to engage in certain violence at this place. No violence ever occurs; he merely congregated, and intent is proved by some statement he made at an earlier time. Would that be enough?

Mr. WIGGINS. The quick answer to the gentleman's question is that the language he quoted is in present law, which has been tested by a court of considerable dignity, the Court of Appeals of the District of Columbia, and found to be constitutional. It does require proof of objective actions indicative of the intent.

Mr. Speaker, this bill implements internally two conventions, to which the United States is a signatory, directed at the problem of international terrorism.

Pursuant to these conventions, H.R. 15552 extends the scope of specific U.S. laws on murder, kidnaping, and assault so as to include internationally protected persons. It also grants extraterritorial jurisdiction to U.S. courts over these crimes when committed against internationally protected persons. Among those protected are representatives of the United States, a foreign government, or an international organization who are entitled "at the time and place concerned" to special protection pursuant to international law. Chiefs of State and foreign ministers are also protected under certain circumstances, This extraterritorial jurisdiction has already been extended by the Congress to aircraft piracy (Public Law 93-366) and comports with the traditional treatment of piracy itself (18 U.S.C. 1651).

From earliest times, international law has imposed an obligation upon nations to insure the dignity and safety of diplomats within their boundaries. In the United States, this responsibility was recognized even prior to the adoption of the Constitution in the case of *Republica* v. *DeLongchamps*, 1 Dallas 111 (Pa. 1784).

Diplomats are particularly vulnerable targets of terrorism and nations must squarely assume their responsibilities in order to safeguard the diplomatic process itself. This country should be especially receptive to an effort such as this since five American diplomats have been murdered within the past 2 years, and seven officials who would qualify as internationally protected persons have been kidnaped. A country so often victimized should be a leader in eradicating this form of terrorism.

Since we reap even as we sow, we must extend to diplomats and diplomatic premises here the same protections we seek for our envoys abroad. This is a responsibility for which we are liable under international law as a nation and which therefore is most appropriately a subject of Federal jurisdiction. Consequently, section 7 of H.R. 15552 adds to 18 U.S.C. 970 a subsection safeguarding diplomatic and consular premises from what amounts to criminal trespass.

If this new section could not pass constitutional muster, then few criminal trespass statutes could, for it is narrowly drafted to require an offender act not only willfully but also with a specific intent. As any lawyer knows, intent must be proven by objective facts and is an element of the offensive to be proven by the prosecutor.

H.R. 15552 additionally revises existing Federal law relating to the picketing of diplomatic premises, 18 U.S.C. 112. Although based upon a District of Columbia Code provision—D.C. Code 22-1115—that has repeatedly been upheld, *Frend* v. *U.S.*, 108 F.2d 691 (1938), cert. den., 306 U.S 640; *Jewish Defense League* v. *Walter Washington*, 347 F. Supp. 1300 (1972) and itself cited with approval in *Zaimi* v. *U.S.* 476 F.2d 511 (1973), the existing law is dramatically improved by H.R. 15552. By deleting a laundry list of prohibited conduct, the bill obviates first amendment questions while sacrificing no legitimate diplomatic protection. We should not let pass an opportunity such as this to improve existing law.

There is no constitutional right to coerce, intimidate, harass, or obstruct foreign officials. The prohibition in the bill against congregating within 100 feet of certain buildings requires a defendant do so with a specific intent which must be proven by objective facts by the prosecutor.

This is narrower than the District of Columbia Code provision which has been upheld by a long line of judicial precedents and which prohibits congregating within 500 feet of an embassy without requiring the prosecution show any intent. As was stated by a unanimous Circuit Court of Appeals for the District of Columbia in Frend against United States—concurred in by later U.S. Chief Justice Fred Vinson:

> These are reasonable and proper restrictions. In them there is no abridgement of the right of speech or of assembly or of any constitutional right of the citizen. It has never been considered that the right of the public to use the streets is unlimited or that it may be exercised in defiance of the laws of the United States or the States. On the contrary it has always been considered that a municipality may control and regulate the use of the streets in the general goods; and this has often been held to include the preventing of loud noises, shooting of guns, assembling of crowds, and the routing of parades. The control or prohibition of any of these things cannot be regarded as interfering with the constitutional right of assembly or of speech. 100 F. 2d at 693.

For these reasons, Mr. Speaker, I support the passage of H.R. 15552.

Mr. HUNGATE. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. McCLORY).

Mr. McCLORY. Mr. Speaker, I think we ought to point out that in that same section also there is language on page 8 which states:

> Nothing contained in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the first amendment to the Constitution of the United States.

In other words, in the application and construction of this language, first amendment rights are not to be violated.

Mr. Speaker, I rise in strong support of H.R. 15552.

This bill results from efforts by the United States and other countries to protect diplomats from an increasing wave of international terrorism. Just as we prod other nations to discharge their responsibilities, we must set an example by affording diplomats here the protections against physical harm, intimidation, and harassment which international law requires.

Even primitive societies recognized the necessity of protecting emissaries between tribes from harm or abuse in order to negotiate peace or facilitate commerce.

In the United States, recognition of the special duty owed diplomats predates the Constitution. In 1784 in the case of *Respublica* v. *De Longchamps*, 1 Dallas 111, Chief Justice McKean of the Pennsylvania Supreme Court stated the law clearly:

The person of a public minister is sacred and inviolable. Whoever offers any violence to him, not only affronts the sovereign he represents, but also hurts the common safety and well-being of nations—he is guilty of a crime against the whole world.

All the reasons, which establish the independency and inviolability of the person of a minister, apply likewise to secure the immunities of his house. It is to be defended from all outrage; it is under a peculiar protection of the laws; to invade its freedom, is a crime against the state and all other nations. 1 Dallas at 116–117.

Can we lecture the world on the protection of diplomats while not taking steps to safeguard diplomats here against coercion, harassment, and intimidation? Can we object to criminal trespass to our diplomatic missions abroad while not taking steps to prevent such conduct here?

The answer is, of course, no; and I urge the passage of H.R. 15552.

Ms. HOLTZMAN. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, in response to the gentleman from Illinois, we should not pass legislation saying that we hope it is constitutional. Vague legislation like this puts a person at his or her peril for innocent conduct such as in standing outside of embassies in silent protest against various actions of foreign countries. Vague and overly broad statutes have a chilling effect on peaceable protest. We clearly have a duty in this Congress to write statutes which plainly state what is criminal. A person is entitled to know what action he or she can legitimately engage in without fear of arrest. It is intolerable for us to require a person to be arrested and vindicate his or her rights in the Supreme Court when we know here and now that some of the conduct purportedly forbidden by this statute—such as congregating, obstructing, thrusting, harassing—is constitutional in the first place. A vague bill like this should not be brought up on the Suspension Calendar where amendment is not possible.

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

Mr. EDWARDS of California. I thank the gentlewoman for yielding.

Mr. Speaker, I compliment the gentlewoman from New York (Ms. HOLTZMAN) for her leadership in illustrating to the House and the Committee on the Judiciary, in her usual excellent fashion, the problems with this bill.

Mr. Speaker, I remind my colleagues who were here at the beginning of the Vietnam war how this section got into the U.S. Criminal Code, section 112 of title 18, and the big fight we had on the floor of this House at that time.

This original legislation was enacted so that peaceful protest against the war in Vietnam could be made a Federal crime, and it was. Unfortunately, the high emotions of those days prevented our defeating the bill, but to legislate in this delicate area right now, I think, is a mistake. I think we can certainly comply with the international situations that we have and deal with international terrorism without new legislation limiting peaceful protest.

Mr. Speaker, I urge a "no" vote on the resolution.

Ms HOLTZMAN. Mr. Speaker, I yield 3 minutes to the gentleman from Ohio (Mr. KINDNESS).

Mr. KINDNESS. I thank the gentlewoman from New York for yielding this time.

Mr. Speaker, I rise in opposition to the bill for the very reasons that have been cited by the gentlewoman from New York. It is hard to believe, perhaps, that some of the construction of this language that has been discussed would actually be employed. It is not difficult from the application of commonsense, however, to see that the bill is not drafted so as to be considered a carefully drafted bill dealing with constitutional rights.

It says, on page 7:

Whoever wilfully . . . harasses . . . or obstructs a foreign official . . . attempts to . . . harass . . . or obstruct a foreign official . . . or . . . within one hundred feet of any building or premises . . . used . . . for diplomatic, consular, or residential purposes by . . . a foreign official or an official guest, congregates with two or more other persons with intent to (harass or obstruct) shall be fined not more than $500 or imprisoned not more than 6 months, or both.

The current law provides a stiffer penalty. Why is there a step-down in this case? Obviously, we have some problems with the construction of this language or there would not have been inserted on page 8, subparagraph (d), which says:

Nothing contained in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the 1st Amendment of the Constitution of the United States.

There is a substantial question. This should be very carefully drafted. It may be unbelievable that some of these things could be violations of the law, sections as discussed by the gentlewoman from New York a few moments ago, but it was unbelievable also that there would be such harassment, intimidation, imprisonment, and mass slaughter of Jewish people in Nazi Germany 40 years ago too. Forty years ago it was unbelievable that the U.S. Government would have its hands so deeply as it does into the pockets of U.S. citizens, or imposing on the lives of Americans as deeply as it does. But it is here, and it is with us today.

I think there is need for action on legislation such as we have before us, but I think there is no excuse for drafting legislation in such a manner as to put in question constitutional rights of U.S. citizens. Some would say prosecution would be impossible under some of these sections, with the kind of fact situations that we have been discussing. But what is the excuse for legislating in such a manner as to raise such questions? Why could not this bill come up, not under the suspension process, the Suspension Calendar, but rather in the ordinary manner, where care can be given and attention can be given so as to draft it so that it will be acceptable?

Ms. HOLTZMAN. Mr. Speaker, I yield 2 minutes to the gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, I have a question I would like to ask of the gentlewoman from New York. This troubles me, and I understand this is new language contained on page 10 of the bill. I am not so much troubled by item 1, contained on page 9, where a person forcibly thrusts any part of himself or any object within premises which are used for the purposes therein designated.

But it does trouble me that even though a person may be peaceably in such premises, if an official guest on those premises has authorized some member of his staff to call upon an American citizen to leave, no matter how unreasonable the request may be and no matter how lacking in consideration, courtesy, or restraint the deputy of a foreign guest may be, the person who is refusing to leave, although perhaps he was insulted and manhandled, then becomes guilty of an offense which would result in a $500 fine or imprisonment for not more than 6 months, or both.

Ms. HOLTZMAN. Mr. Speaker, the gentleman from Texas (Mr. ECKHARDT) makes a very good point, especially because the bill covers, for instance, an airline office owned by a foreign government. Let us take the case of an employee of a foreign government's airline office who somehow is annoyed at perfectly lawful conduct by an American who is trying to get a ticket problem resolved, and he says to the American: "You must leave" and receives the answer: "No, I want to get this ticket problem straightened out." The American can then get arrested under this bill.

I will also tell the gentleman that the language in the first section on page 9 is also not free from vagueness and ambiguity, Under this section a person could commit a crime merely by walking into the airline office of a foreign government and walking out peaceably if he had an intention to harass which was never made explicit. I believe that vagueness also creates an unfortunate situation.

Mr. ECKHARDT. Mr. Speaker, that is to me a bad feature, and then, too, the person might have come in without any intent to harass at all but just to get an airline ticket validated, and somebody does not understand what he is saying, so there is a little bit of a fuss and the customer subjects himself for a fine and imprisonment if he takes action which may be construed as a threat or harassment.

Ms. HOLTZMAN. Mr. Speaker, the gentleman makes a good point.

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

Mr. HUNGATE. Mr. Speaker, may I inquire, how much time I have remaining?

The SPEAKER pro tempore (Mr. MCFALL). The gentleman from Missouri (Mr. HUNGATE) has 7 minutes remaining, and the gentlewoman from New York (Ms. HOLTZMAN) has 6 minutes remaining.

Mr. HUNGATE. Mr. Speaker, I yield 2 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, I rise in strong support of this legislation to implement certain international conventions against terrorism.

Both the United Nations and the Organization of American States have drafted conventions designed to deal with terrorist acts directed at diplomats. These conventions deserve our support and participation. In fact, this legislation is necessary if we are to discharge our obligations under the conventions.

While neither of the conventions can guarantee against acts of violence, I believe we must do everything possible to reduce such terrorism in view of the outrages perpetrated against Americans in recent years. Within just the last 2 years, five U.S. diplomats have been brutally murdered, seven U.S. officials were abducted, an officer of the U.S. Information Agency was wounded, and two U.S. Air Force officers attached to an embassy were ambushed and killed.

I am deeply concerned over the failure of some nations to punish terrorists who commit serious crimes against diplomats. Both of the conventions that this legislation will implement have the effect of amending existing extradition treaties, between the states party to the conventions, so as to include offenses specified as extraditable offenses.

I believe these conventions will be helpful in deterring terrorism and that our action here today will demonstrate the United States is not going to tolerate such acts either here at home or against our representatives serving overseas.

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

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

Mr. McCLORY. Mr. Speaker, one thing we are recognizing in this legislation is that people in the diplomatic corps and official representatives of foreign governments are entitled to special immunity and special protection. That is traditional. It has existed since the most primitive civilization, and not to recognize that, it seems to me, is quite inconsistent with our modern civilized society.

I think the strained interpretation which the objectors to this legislation are endeavoring to put on it is indeed an exaggeration of what is intended. I believe that the reason for placing this paragraph in the bill, assuring that in the interpretation and construction of the language Americans will be assured that their first amendment rights will be maintained, is an attempt to overcome these strained arguments that are being made against this much needed legislation.

Mr. Speaker, this legislation is needed not only to protect foreign representatives in this country but likewise to protect Americans who are being terrorized in foreign countries. These are our own citizens and we want them afforded the same protections this bill grants foreign representatives here.

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

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

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

I have just one parting shot. If we have some concerns about this legislation, I ask the Members to please look at the present law. I ask them to look at what we are amending, and if we have concerns about what this legislation says, we must doubly have great concerns and grave concerns about the present law.

There is no doubt that this improves the present law. We, incidentally, are not adding new language of a saving nature that we do not intend to violate the Constitution. That has been in the statute since 1972.

Ms. HOLTZMAN. Mr. Speaker, I yield myself 1 additional minute.

Mr. Speaker, the present law is execrable. But one cannot reasonably argue there is any excuse to pile one constitutionally void provision on top of another constitutionally void provision.

This bill should be brought up in the ordinary course, not under suspension of the rules, so that the serious constitutional arguments that my colleagues and I have raised could be solved properly and the bill properly amended.

Mr. Speaker, there is no reason that this cannot be done, and I would, therefore, urge that the bill be defeated on suspension so that it can be brought up in the ordinary course and the unconstitutional provisions eliminated.

Mr. HUNGATE. Mr. Speaker, I yield myself 2 additional minutes.

First, I would like to ask if anyone thinks that on this issue with respect to which we have debated first amendment rights, this bill is worse than what now exists. I do not believe there is anyone in the House who would rise to assert that point.

Mr. Speaker, it has been said that the perfect is the enemy of the good. I think there is a lot of merit to that. Some also say, "Since you cannot feed everybody; therefore, we won't feed anybody."

Mr. Speaker, I do not think that sort of reasoning is what we should follow here.

The gentleman from California (Mr. WIGGINS) has pointed out that the hortatory language that we should not violate the first amendment is already in the law and that this is not a change since you can read it in the present statute.

The statement that we would be punishing people for congregating is not quite accurate. At least, we have qualified it to require willfully.

Mr. Speaker, as to whether we are piling one unconstitutional provision on another, the court, as I understood my colleague, the gentleman from California, the court has already determined the statute to be constitutional.

Ms. HOLTZMAN. Mr. Speaker, if the gentleman will yield.

First, I would disagree with the gentleman from Missouri that nothing in the bill is worse than the law that now exists. Although section 112 of title 18 may be minimally improved by this bill, section 970 is made much worse. Section 970, in present law, penalizes only damage or destruction of property and does not include the vague language of this bill condemning "forcible thrusts" with intent to harass or refusal to depart from foreign airline or tourist offices upon request of one of their employees.

Second, the court, as I understand it—and perhaps the gentleman from California (Mr. WIGGINS) can correct me if I am wrong—did not uphold the "congregating" provision specifically as constitutional. Mr. Speaker, I do not think that a provision simply penalizing the congregation of people, without any overt act, could be held to be constitutional.

Mr. WIGGINS. Mr. Speaker, if the gentleman will yield, this is the law under title 22, section 1115, which is the D.C. Code; but I assure the Members that the first amendment is alive and well in the District of Columbia as well as elsewhere.

The Court of Appeals in the District of Columbia has indeed sustained the constitutionality of the D.C. Code, which is worse, in my opinion, in its terms than what is contained in this bill.

Mr. HUNGATE. Mr. Speaker, to continue, the committee approved this bill 23 to 5.

What is the urgency? The urgency is that the United Nations is going to meet next week. The Secretary of State is going to be there.

I do not believe that anyone will say that the present bill is worse than what we have right now on civil rights or on the first amendment.

Mr. Speaker, if we do not pass this bill, we are going to take a drubbing in New York next week in the United Nations, especially from all of the countries trying to reduce terrorism, who have already deposited this convention.

Mr. Speaker, the State Department supports this bill; the Justice Department supports it; and the administration supports it.

I do not argue that it is perfect, but I assure the Members that we need it, and it is better than what now exists in the law.

Therefore, Mr. Speaker, I would urge that the bill be passed.

It has been asserted that this legislation will make it a crime to walk in and out of a foreign government's airline office.

I can assure my colleagues that this would not occur. The relevant provisions require intimidation, coercion, threats, harassment, or obstruction of the performance of official duties. Simply walking in and out of an office does not, in and of itself, constitute an intimidation, a coercion, a threat, or an obstruction of official duties.

It has been asserted that a police officer arresting an embassy chauffeur for drunken driving has violated Federal law if this legislation is enacted.

I assure my colleagues that this is not so. If this assertion were true—and it is not—then a police officer would be guilty of kidnaping every time the officer arrested someone for anything and took the person to jail. To begin with, then, a police officer is privileged to arrest people and deprive them of their liberty when he is authorized by warrant or has reasonable grounds to believe that they have violated the law. This legislation does nothing to change that authority of the police.

The legislation, moreover, requires that the defendant must have "willfully" intimidated, coerced, threatened, or harassed the internationally protected person. The term "willfully" as used in the legislation refers to acts done voluntarily, intentionally, and with the specific intent to do something the law forbids—in other words, with a bad purpose. E. Devitt & C. Blackmar, Federal Jury Practice and Instructions section 16.13 (1970). See also the committee report at page 6, footnote 10. A police officer who lawfully arrests someone does not have the requisite bad purpose. The officer's purpose, rather, is a good purpose to apprehend lawbreakers so that they can be brought to justice.

It should be kept in mind that in amending section 112(b) and 970(b) and in creating section 878(a) of title 18, United States Code, the legislation requires that the prosecution prove beyond a reasonable doubt that a defendant acted with a specific intent. To show a specific intent, the prosecution must prove more than that the defendant had a general intent to do the act, it must prove that the defendant knowingly did the act purposely intending to violate the law. See E. Devitt & C. Blackmar, *Federal Jury Practice and Instructions* section 13.03 (1970).

The legislation amends section 112(b) of title 18, United States Code, to require that the prosecution prove that a defendant "willfully" intimidated, coerced, threatened, harassed or obstructed the official duties of a foreign official. The term "willfully" is also used in sections 970(b) and 878(a) of title 18, United States Code. The use of this term means that the prosecution must prove beyond a reasonable doubt that the defendant acted voluntarily, intentionally and with the specific intent to do something the law forbids—that is to say, with a bad purpose to disobey or to disregard the law. E. Devitt & C. Blackmar, *Federal Jury Practice and Instructions* section 16.13 (1970): See *Screws* v. *United States*, 325 U.S. 91 (1945); *Hartzel* v. *United States*, 322 U.S. 680 (1944); *United States* v. *Murdock*, 290 U.S. 389 (1933); *Felton* v. *United States*, 96 U.S. 699 (1877).

In order to show this specific intent, the prosecution must prove what was in the defendant's mind when he acted. As Judge Devitt and Professor Blackmar write in their treatise, *Federal Jury Practice and Instructions* (section 13:06):

> Intent ordinarily may not be proved directly, because there is no way of fathoming or scrutinizing the operations of the human mind.

A person's intent must be inferred from all of the facts surrounding what took place.

We have been offered examples of the bad results that this legislation allegedly will bring about. We have been told, for example, that the legislation makes it criminal for someone to walk into the ticket office of a foreign government's airline, say nothing, and turn around and walk out. I can assure my colleagues that this is neither the intent of the legislation nor its result. I do not see how it is possible to infer an intent to intimidate, coerce, threaten, or harass from the act of walking into an office, saying and doing nothing, and then leaving. I doubt that such a case would ever be brought, but if a prosecutor were foolish enough to bring it, I have little doubt that a Federal judge would dismiss the case before it ever got to the jury. It would be a different matter if, during the course of walking in and out, the person were to throw a bomb. Then there could be little doubt that the defendant intended to intimidate, coerce, threaten, or harass. But that is not the example offered. In short, then, the requirement that the prosecution prove a specific intent, and prove it beyond a reasonable doubt, protects such innocent conduct as entering the office of a foreign government's airline, saying nothing, and then walking out.

Mr. McDONALD. Mr. Speaker, while I am voting for H.R. 15552, I must explain that I feel that this bill is totally inadequate. A number of my colleagues have justifiably criticized this bill from a first amendment viewpoint. But, I consider it worth voting for only as a small step in attempting to cope with the serious problem of terrorism.

The bill under discussion only deals with terrorism against foreign diplomats. It does not deal with most terrorist acts. Modern terrorism can be defined as a violent or military attack on the civilian or noncombatant element of the population, for the purpose of intimidating a government or populace, to achieve political or military objectives.

The bill in no way copes with this major problem. It is a cosmetic approach which pretends that this Congress is cognizant of the terrorist problem. In fact the only effective antiterrorist bill proposed in this Congress is H.R. 1577 which was introduced by Congressman JOHN ASHBROOK. That bill has never been reported out of the Judiciary Committee, in fact no hearings have ever been held on it. The Justice Department, under Attorney General Edward Levi, has failed to provide the Judiciary Committee with its comments on the bill. The Ashbrook bill would prevent foreign terrorists from entering the United States, would penalize American citizens who receive terrorist training abroad, and would prevent the raising of funds in the United States for terrorist operations. That is the bill we should be considering today.

The bill before us is pursuant to a U.N. convention against terrorism aimed at diplomats. As the majority of the members of the United Nations favor terrorism against civilians in South Africa, Rhodesia, and Chile, they cannot be expected to pass an effective measure against terrorism. Many of the U.N. members also favor terrorism in the Middle East. The Soviet Union, its satellites, Red China, and Communist Cuba all provide material and logistical support to terrorists throughout the world.

This bill before us will have little effect on the worldwide problem of terrorism promoted and organized by the Communists.

Mr. GILMAN. Mr. Speaker, some of the most despicable and heinous crimes against innocent men, women, and children have been committed by terrorists.

This country must take stronger steps in conjunction with other nations to deny a safe haven to terrorists and to establish sanctions against states which aid them, harbor them, or fail to prosecute or extradite them. I have long supported measures to put a stop to international terrorism and have recently introduced legislation, House Concurrent Resolution 697, directed at that goal. The bill before us, H.R. 15552, is a positive step in that direction.

Unless we can protect those fundamental lines of government communication, terrorism will continue to threaten the very foundation of international relations. The impact of these acts are magnified as governments are forced to stand aside, appearing helpless or heartless and unable to protect their own officials and citizens.

Just this morning, terrorism raised its ugly head once again in this very city, with the senseless bombing murders of a former Chilean Ambassador to this country and two innocent Americans that were with him.

We must fulfill those obligations toward foreign officials to whom we have extended our hospitality. As President Filmore stated in his annual message to Congress on December 2, 1851:

> Ministers and consuls of foreign nations are the means and agents of communication between us and those nations, and it is of the utmost importance that while residing in the country they should feel a perfect security so long as they faithfully discharge their respective duties and are guilty of no violation of our laws. This is the admitted law of nations and no country has a deeper interest in maintaining it than the United States . . . What is due to our own public functionaries residing in foreign nations is exactly the measure of what is due to the functionaries of other governments residing here.
>
> As in war, the bearers of flags of truce are sacred, or else wars would be interminable, so in peace ambassadors, public ministers, and consuls, charged with friendly national intercourse, are objects of especial respect and protection, each according to rights belonging to his rank and station.

This statement, over 100 years old, is of even more importance in an ever-increasing interdependent world.

While I do share some of the concerns expressed in the debate about some provisions in this legislation, its motives are laudable and I urge my colleagues to provide the needed authority for the United States to discharge its obligations under the OAS and U.N. antiterrorist conventions.

Mr. HUNGATE. Mr. Speaker, the purpose of H.R. 15552 is to implement the U.N. and OAS Conventions on terrorism. It amends title 18 of the United States Code in several respects. The opponents of the bill have raised some questions about some of the provisions of the legislation. In the interests of a full and complete legislative history of the bill, I am responding to these questions in some detail.

The legislation amends 18 U.S.C. 112 by deleting present subsection (c). As noted in the committee report—page 6, note 9—the language of subsection (c) "raises serious constitutional questions because it appears to include within its

purview conduct and speech protected by the first amendment. "The legislation replaces the provisions of current subsection (c) with new language in subsection (b)—specifically with the language in subsection (b)(3). The new language, in the opinion of the committee, is not on its face constitutionally objectionable on first amendment grounds.

It has been argued that the language of 18 U.S.C. 112(b), as amended by this bill, would make it criminally punishable for someone to congregate peaceably with others if that person's intent is to harass a foreign official. The legislation intends no such result, and that result cannot be reached under any reasonable construction of section 112(b). The sanction of 18 U.S.C. 112(b)(3) would apply only if the conduct involved actually created an imminent likelihood that the prohibited intimidation, coercion, threat, harassment or obstruction would occur *Cf. Grayned* v. *City of Rockford*, 408 U.S. 104 (1972). Thus, it would not be a violation of this statute for three or more persons to conduct a silent vigil near a foreign mission to protest that country's policies.

It should be noted that in any prosecution under 18 U.S.C. 112(b)(3), the Government would face a nearly insurmountable task in trying to prove the specific intent to intimidate, coerce, threaten, harass, or obstruct—absent an admission of such intent or additional evidence of conduct indicating such an intent—such as preparation to throw missiles.

The legislation uses the term "harassment" in amending 18 U.S.C. 112, 970, and 878. It has been argued that this term is vague. As used in this legislation, however, it has a clear meaning. "Harassment" includes only that conduct which a reasonable person would perceive as having no legitimate purpose and which is unduly alarming, intimidating, or otherwise calculated to create undue disturbance of the victim. The term would, of course, include conduct known by the person who engaged in it to create an undue disturbance of the victim because of the victim's special sensitivity to such conduct. See Senate report No. 92–1105.

Booing or heckling a speaker is not "harassment" within the meaning of this legislation. A person who addresses the public must reasonably expect that others may contemporaneously express their dissent. A speaker should neither be alarmed, intimidated, nor otherwise unduly disturbed by such activity. The crude or rough expression of opinion that is mere political hyperbole and protected by the first amendment, is not "harassment" within the meaning of the legislation.

The legislation amends 18 U.S.C. 970 to provide criminal sanctions for trespasses on premises owned or occupied for official business by a foreign government, an international organization, a foreign official, or an official guest. The trespass can occur in two ways: first, when someone enters the premises without permission, 18 U.S.C. 970(b)(1); and second, when someone who entered with permission refuses to leave the premises after the permission is revoked, 18 U.S.C. 970 (b)(2).

In amending section 970(b), the legislation does not make all trespasses unlawful. The trespass must be done willfully—with the specific intent to intimidate, coerce, threaten, or harass. Further, when the trespass is an entry without permission—18 U.S.C. 970(b)(1)—the entry must be forcible. Thus, a person would not violate 18 U.S.C. 970(b)(1) by merely walking into the public area of an office of an airline that is owned by a foreign government—even if the requisite specific intent could be proved—which is unlikely.

The legislation adds a new section—878—to title 18 of the United States Code. That section punishes threats and extortion directed at foreign officials, official guests, and internationally protected persons. Subsection (a) provides criminal sanctions for "whoever knowingly and willfully threatens to violate section 112, 116, or 1201 of title 18 by killing, kidnaping or assaulting a foreign official, official guest, or internationally protected persons."

The phrase "by killing, kidnaping, or assaulting" refers to the nature of the threat—"I'm going to kill you"—and not to the means by which the threat is communicated. Thus, for example, the statute does not require that a threat to violate 18 U.S.C. 112 be communicated by killing, kidnaping, or assaulting a foreign official, official guest, or internationally protected person. Rather, the statute requires that the threat to violate 18 U.S.C. 112, however communicated, be a threat to assault. It should be noted that 18 U.S.C. 112 prohibits conduct other than assaults. However, this legislation, in establishing 18 U.S.C. 878, only makes punishable those threats to violate 18 U.S.C. 112 which are threats to assault.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. HUNGATE) that the House suspend the rules and pass the bill H.R. 15552.

The question was taken.

Ms. HOLTZMAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3 of rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. HUNGATE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 15552, just under consideration.

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

There was no objection.

URGING PRESIDENT NOT TO EXTEND DIPLOMATIC OR OTHER RECOGNITION TO THE TRANSKEI TERRITORY

Mr. SOLARZ. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1509) urging the President not to extend diplomatic or other recognition to the Transkei Territory.

The Clerk read as follows:

H. RES. 1509

Whereas the Government of the Republic of South Africa intends to declare the territory of the Transkei independent on October 26, 1976; and

Whereas the Transkei is one of the ten homelands or bantustans in South Africa, to which all blacks of the country are assigned on the basis of ethnic origin; and

Whereas the establishment of homelands or bantustans is the cornerstone of the universally condemned system of separate development called apartheid; and

Whereas under apartheid, the black population of South Africa, which constitutes 70 per centum of the total population, is to be assigned citizenship in bantustans, which constitute only 13 per centum of the land area of the country; and

Whereas the land assigned to the bantustans is far from areas of industrial or mineral wealth within South Africa; and

Whereas the South African Government intends to deprive blacks living in white areas of South Africa, even if those blacks continue to work and live there, of their South African citizenship once their tribal homelands are made independent; and

Whereas no referendum of the Transkei's population has been held in order to determine if the people assigned to the Transkei want independence; and

Whereas leading members of the opposition party in the Transkei who oppose independence have recently been arrested; and

Whereas the United Nations General Assembly voted overwhelmingly (100 to 0, with 8 abstentions) in November of 1975 to call "upon all Governments and organizations not to deal with any institutions or authorities of the bantustans or to accord any form of recognition to them"; and

Whereas the Organization of African Unity reaffirmed in July 1976 its appeal to all States "not to accord recognition to any bantustan, in particular, the Transkei whose so-called independence is scheduled for the 26 October 1976"; and

Whereas recognition of the Transkei by the United States would be widely regarded as endorsement of or acquiescence in the concept and practice of apartheid, and seriously alienate many governments of Africa and the world: Now, therefore, be it

Resolved, That it is the sense of the House of Representatives that the President should not extend diplomatic or other recognition to the Transkei territory.

The SPEAKER pro tempore. Is a second demanded?

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

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

There was no objection.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLARZ) and the gentleman from California (Mr. KETCHUM) are recognized for 20 minutes each.

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

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

Mr. Speaker, this resolution comes before us at a critical moment in the relationship between our own country and the countries in southern Africa.

It embodies and expresses the sense of the House that the President should not extend diplomatic or other recognition to the Transkei Territory when it re-

ceives its so-called independence on October 26 of this year.

What is the Transkei Territory, and perhaps more importantly, what is the homelands policy on which it is based?

The homelands policy, of which the forthcoming independence of the Transkei Territory is the first fruition, is the major ideological prop in the whole intellectual and political foundation of apartheid. It calls for the establishment of 10 tribal homelands for each of the major tribal groupings within South Africa. It provides that all of the blacks within South Africa will ultimately become citizens, not of South Africa, but of each of the tribal homelands to which they have been assigned.

Far removed from the areas of industrial and mineral wealth within South Africa, these tribal homelands constitute only 13 percent of the territory of South Africa, even though the blacks constitute 70 percent of the population of South Africa.

Perhaps worst of all, Mr. Speaker, the Government of South Africa has declared that once each of the tribal homelands receives its independence, the members of the tribe assigned to the homeland that becomes independent will lose their citizenship in South Africa and will presumably at that point become citizens of the tribal homeland to which they have been assigned.

The reason this is so centrally related to the policy of apartheid itself is that it enables the Government of South Africa to contend that the reason the blacks in South Africa have no political and very few social and economic rights is that they are really not citizens of South Africa but are, rather, citizens of the tribal homelands to which they have been assigned. As a consequence, the South African Government argues that the blacks, even though they constitute the great majority of the population within the territory of South Africa, are only visitors in their own country. And as visitors to South Africa, the argument goes, they are presumably not entitled to the right to vote and to participate in the affairs of their own government.

Mr. Speaker, if the South African blacks, on their own volition, had determined that their opportunities for a good life would be better served as citizens of the tribal homelands rather than as citizens of an integrated South Africa, I would say that was their decision to make and that we would be obligated to respect it.

But the fact of the matter is that there has never been a referendum conducted on this question. The blacks living in the Transkei, the first of the homelands scheduled to receive its independence, have not been given an opportunity to freely vote to determine whether they want to be independent. Certainly the majority of the Xhosas, the people for whom the Transkei is being established, who do not even live in the Transkei, who live in South Africa itself, have never been given an opportunity to freely determine in a referendum whether they want to become citizens of the Transkei.

The fact of the matter is that under the homelands policy, once the Transkei receives its independence on October 26, the majority of the Xhosas, who have never lived in the Transkei, who have never been to the Transkei, who were born in South Africa, who have lived in South Africa all of their lives, whose labor has built up the economy of South Africa, will be deprived of their citizenship in South Africa whether they want to give up that citizenship or not. That is the explicit policy of the South African Government. I say that it is inequitable and it is unfair. The fact is that if a referendum were held among the Xhosa people not only in the Transkei, but outside of the Transkei, a great majority of them would vote against the independence of the Transkei.

Mr. DENT. Madam Speaker, will the gentleman yield at that point?

Mr. SOLARZ. I will yield to the gentleman from Pennsylvania later on in the debate.

Mr. DENT. Is the gentleman handling the time on this debate?

Mr. SOLARZ. Yes, I am.

Mr. DENT. Will the gentleman see that I get some time later?

Mr. SOLARZ. I will.

The fact is that most of the Xhosa people consider themselves citizens of South Africa, a country where they were born, where they have lived all of their lives, a country which they have worked to develop, and they want the fruits of citizenship in South Africa, not the alleged benefits of citizenship in a homeland hundreds of miles from where they live, where they have never been and have no intention of going.

The fact is that the homelands policy has been universally condemned by the United Nations. In 1975 they had a vote, and by a vote of 100 to 0 with 8 abstentions, the United Nations unanimously called upon all of the countries of the world not to provide recognition in any way whatsoever to the Transkei. It has been unanimously condemned by the Organization of African Unity as well.

I want to suggest to my colleagues on the committee that if we extended diplomatic recognition to the Transkei, it would be seen as an implicit endorsement of the policy of apartheid which has been universally condemned throughout the world, and which even our own Secretary of State has recently said is incompatible with any notion of human dignity.

Secretary Kissinger is currently engaged in South Africa in some very critical and signficant negotiations. The possibility of a racial confrontation and a great power confrontation hangs in the balance. All of us without exception hope that he will be successful in that effort. But I want to suggest that it would be a moral mistake and diplomatic disaster of incalculable proportions if we sold out the interests of 18 million South African blacks in order to preserve the position of 270,000 Rhodesian whites.

A number of Members have suggested that this resolution constitutes interference in the international affairs of South Africa. Nothing could be further from the truth. What South Africa wants to do is its business, but whether we extend diplomatic recognition to an artificially created territory is our business.

The purpose of this resolution is to express the sense of the House that we ought not to legitimate this effort by conferring the advantages of American diplomatic recognition on it. A number of Members have suggested that this might prejudice the possibility for the success of Secretary Kissinger's mission. Let me say quite frankly that I find it difficult to conceive of a set of circumstances under which the President of the United States would make the incredible mistake of conferring recognition on the Transkei. Consequently, if that assessment is correct and this resolution is adopted, it will not embarrass the Secretary of State in any way. He has already said he is against apartheid, and the Department of State has already indicated that it would not do anything to objectively shore up apartheid. But if there is even a remote possibility that the President is considering the possibility of conferring diplomatic recognition on the Transkei—which I assume he will not—then I would suggest to my colleagues that the adoption of this resolution is more important than ever. To the extent that the adoption of this resolution by the House might reinforce the President's determination not to extend diplomatic recognition to the Transkei, or might dissuade him from doing so if he was thinking of it, I think it would be a major service to our own Nation, since American diplomatic recognition of the Transkei would completely alienate the rest of Africa, would completely isolate us from our allies in Western Europe and in Asia, and would say to the entire world that the United States of America sees nothing wrong with this universally condemned system of apartheid.

Consequently, it seems to me that there is every reason to support this resolution and to make it clear that the U.S. House of Representatives will have nothing whatsoever to do with this artificially created Transkei homeland which is being imposed on the Xhosa people, for which their consent has never been solicited, and which is designed to enable the South African Government to justify their continued oppression of the great majority of South African blacks who have never been to these homelands and have no intention of going there.

Mr. KETCHUM. Madam Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. CRANE).

Mr. CRANE. Madam Speaker, I thank my distinguished colleague for yielding to me in this important debate.

It seems to me there are a number of very valid reasons why this resolution should be rejected under any circumstances but particularly at this time.

First. Secretary of State Henry Kissinger is presently involved in delicate negotiations in Africa which requires the United States to keep the good will of the Government of South Africa. This is the only way the United States can exercise its influence as an intermediary in this crisis situation. A rejection of the steps South Africa has been willing to

take to grant independence of the Transkei would seriously jeopardize the U.S. role in Africa.

Second. After recognizing every independent Black African state, the United States will be reversing its previous policy. The denial of recognition to the Transkei would be a major insult to the black leadership of the Transkei who have worked hard to bring about independence for their people.

Third. The refusal to recognize the Transkei would be interpreted as an attempt by the United States to interfere in the internal affairs of an African state and is bound to increase tension on the African continent.

Fourth. A rejection of the Transkei would be the rejection of a black nation which has sought independence through diplomatic negotiations and peaceful means, rather than violent revolution. Refusal to grant diplomatic recognition would appear to be a setback for the moderate black leaders seeking a settlement of the problems of Africa by peaceful methods.

Now let us examine the particulars of this resolution, which will reveal the distortions contained therein:

1. Whereas the Government of the Republic of South Africa intends to declare the territory of the Transkei independent on October 26, 1976; and

False: The government of South Africa intends to recognize Transkeian independence. It is the Transkeian government, however, who will declare its own independence.

2. Whereas the Transkei is one of the ten homelands or bantustans in South Africa, to which all blacks of the country are assigned on the basis of ethnic origin; and

False: Blacks are not "assigned" to homelands any more than Italian nationals are "assigned" to Italy. The Xhosa people for example, have lived in the Transkei for more than 250 years. They were the original settlers of the region. Unlike American policies toward the Indians (where whole tribes were forcibly removed to remote reservations, the South African government is granting de jure recognition to a de facto nation.

3. Whereas the establishment of homelands or bantustans is the cornerstone of the universally condemned system of separate development called apartheid; and

False: The term "apartheid," is indeed condemned by most of the world (including the South African government), not so much for what it means, but what it implies to many observers. It is manifestly absurd to suggest, however, that "separate development" is universally rejected. Eritrian nationalists, Quebeqois, Scottish separatists, Kurdish revolutionaries, and Puerto Rican successionists to name but a few believe fervently in the cause of freedom for their own national groups. That the South African government is recognizing the concept of Black Nationhood and granting the Xhosa people independence peacefully makes the cause no less moral.

4. Whereas under apartheid, the black population of South Africa, which constitutes 70 per centum of the total population, is to be assigned citizenship in bantustans, which constitute only 13 per centum of the land area of the country; and

False: First, Blacks are not "assigned" citizenship in homelands by the South African government, but may be regarded as citizens of the Transkei for example by the Transkeian government on the basis of the circumstances of their birth, just as Americans are regarded as citizens by our government. Second, the implication that the homelands were "assigned" to the Xhosa people is ridiculous. The Xhosa chose this land themselves. The Transkei, which covers an area larger than 22 U.N. member states, is located in one of the most fertile regions of Africa. Much of the balance of South Africa is as arid as Nevada. To compare the Transkei with an area of equal size in the Orange free state would be as absurd as equating the farming potential of Iowa to that of Utah.

5. Whereas the land assigned to the bantustans is far from areas of industrial or mineral wealth within South Africa; and

False: Not only are most homelands immediately adjacent to major industrial areas, they contain enormous mineral wealth, conservatively estimated at more than $200 billion. Further, industrial development of the homelands themselves is more intense than all but a fraction of other Black African countries.

6. Whereas the South African Government intends to deprive blacks living in white areas of South Africa, even if those blacks continue to work and live there, of their South African citizenship once their tribal homelands are made independent; and

False: The South African government intends to negotiate treaties with the Transkeian government regarding the citizenship of Transkeian nationals living outside the newly independent Transkei.

7. Whereas no referendum of the Transkei's population has been held in order to determine if the people assigned to the Transkei want independence; and

False: Freely contested elections have been held in the Transkei in 1963, 1968 and 1973. The Transkei National Independence Party has prevailed each time on a platform committed to total independence from South Africa.

8. Whereas leading members of the opposition party in the Transkei who oppose independence have recently been arrested; and

False: The Opposition Party of the Transkei (The New Democratic Party) freely contests all elections, and has won seven seats in the Transkeian Parliament. None of its leaders have been arrested. The only arrests in the Transkei with political overtones have been the detention of certain leaders of a radical splinter group which has refused to participate in elections and has publicly advocated violent overthrow of the Transkeian government. Transkeian officials, not the South African government ordered these arrests.

9. Whereas the United Nations General Assembly voted overwhelmingly (100 to 0, with 8 abstentions) in November of 1975 to call "upon the Governments and organizations not to deal with any institutions or authorities of the bantustans or to accord any form of recognition to them"; and

True: The U.N. adopted the anti-Transkei resolution shortly after condemning Israel, recognizing the PLO, and voting support for African terrorists.

10. Whereas the Organization of African Unity raffirmed in July 1976 its appeal to all States "not to accord recognition to any bantustan, in particular, the Transkei whose so-called independence is scheduled for the 26 October 1976"; and

True: The OAU, composed of 44 one-party states and military dictatorships was appalled because a Black African country could actually achieve independence peacefully while still maintaining a democratic form of government.

11. Whereas recognition of the Transkei by the United States would be widely regarded as endorsement of or acquiescence in the concept and practice of apartheid, and seriously alienate many governments of Africa and the world:

False: Recognition of the Transkei would reaffirm the basic American principle of freedom. The United States should be on record as supporting the right of the Xhosa people to govern themselves. This country should reaffirm the concept we adopted 200 years ago; the right of any nation to be free of colonialism and exploitation. Recognition of the Transkei would represent such a stand.

Mr. SOLARZ. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. DENT).

Mr. DENT. Madam Speaker, again we are demonstrating that we have a penchant for picking up trouble that we need not ask for. I heard the remarks made that this is something new, that we are settling these African tribes in their homelands. Does anyone remember what happened to the American Indian tribes that were isolated, not in their homelands, they were taken from their homelands and they were set out according to the formula that has now been described by the former Speaker on our side as being the formula for the Transkei. It is not the same. The Xhosa tribes in Transkei will stay there, the Indian tribes were moved away, far away.

This independent movement has been moving for years along the very lines designed by mutual agreement between the Transkei Government and South Africa.

The Indians in this Nation are still living on reservations far from their natural homes, isolated both as to language and schooling. No occupation was ever taught them. They are still living there. If there had been, instead of a Tallyrand, a Kissinger, would we have had our independence today? I doubt it.

We were breaking the rule in the first revolution away from the mother country and it succeeded. We know, of course, that the French were taking advantage of our institutional fight with Great Britain to help their own cause, but they did help us to win our independence, how can we in good conscience vote against independence for Transkei.

How are we to say that these tribal lands ought not to be given to the tribes that grew and lived on them? Certainly, there are hundreds of thousands of Transkeis living away from Transkei.

However these former residents will be given their status after independence, October 26, by Transkei rules, regulations, and law.

To presume the action will be for or against citizenship in Transkei is to confuse this House.

The SPEAKER pro tempore (Ms. JORDAN). The time of the gentleman from Pennsylvania has expired.

Mr. SOLARZ. Madam Speaker, I wish I could give more time to the gentleman, but I cannot.

Mr. KETCHUM. Madam Speaker, I yield 2 additional minutes to the gentleman.

Mr. DENT. Madam Speaker, I thank the gentleman.

It is impossible to answer all the charges made, but for this Congress, and I would gamble that at least 90 percent of us do not even know where the Transkei is, know nothing of its history, know nothing of its semi-independence for centuries, living in this land for 250 years. Now we are talking about demanding giving the right to those not living in the

Transkei to vote in the referendums. No, they did not vote in the referendums, because they do not live in the Transkei. If people live in New York, they cannot vote in Pennsylvania. This is true in any federation of states. That is what the sponsors are complaining about while objecting to forcing the nonresidents to move into the new nation.

Madam Speaker, I do not harbor the apartheid philosophy. I am opposed to it, very much opposed, because in our own way we have had a little of it in our own country, not only with the Indians, but with the emigrants that came here, growing up in an atmosphere of apartheid. Who are we to say before this nation even becomes independent that it shall not be recognized. The U.N. has condemned Israel, which we did not approve; recognize the PLO, which we did not approve? The same U.N. voted against recognizing the Transkei after the citizens voted in three referendums for this type of independence.

Now, why all of a sudden an action of the U.N., which is in my eyes in disrepute with the United States in our feelings and attitude toward other people, we are going to take their mandate? What motivated that mandate? Why have not they spoken before it comes at this late date, approximately a month before independence comes to this country, which I repeat voted on three separate occasions overwhelmingly for this type of independence, a nation that has been built in conjunction with the South African Government, a nation that will have the same money values, be tied together in all free trade between them, free exchange of peoples and free exchange of goods?

This nation is better prepared and has a greater potential for democratic government, agricultural growth, and industrial production than any African nation except Rhodesia.

There can be no reasonable case made for our legislative interference in many countries least of all in the internal affairs between both Africa and Transkei.

In my studied opinion the United States would not have become independent in 1776 if the U.N. was in existence.

Madam Speaker, I am compelled to set the record straight. The statements made by the sponsor in the whereas clauses must be answered from the record of the situation:

1. Whereas the Government of the Republic of South Africa intends to declare the territory of the Transkei independent on October 26, 1976; and

False: The government of South Africa intends to recognize Transkeian independence. It is the Transkeian government, however, who will declare its own independence.

2. Whereas the Transkei is one of the ten homelands or bantustans in South Africa, to which all blacks of the country are assigned on the basis of ethnic origin; and

False: Blacks are not "assigned" to homelands any more than Italian nationals are "assigned" to Italy. The Xhosa people for example, have lived in the Transkei for more than 250 years. They were the original settlers of the region. Unlike American policies toward the Indians (where whole tribes were forcibly removed to remote reservations, the South African government is granting dejure recognition to a de facto nation.

3. Whereas the establishment of homelands or bantustans is the cornerstone of the universally condemned system of separate development called apartheid; and

False: The term "apartheid," is indeed condemned by most of the world (including the South African government), not so much for what it means, but what it implies to many observers. It is manifestly absurd to suggest, however, that "separate development" is universally rejected. Eritrian nationalists, Quebequois, Scottish separatists, Kundish revolutionaries, and Puerto Rican successionists to name but a few believe fervently in the cause of freedom for their own national groups. That the South African government is recognizing the concept of Black Nationhood and granting the Xhosa people independence peacefully makes the cause no less moral.

4. Whereas under apartheid, the black population of South Africa, which constitutes 70 per centum of the total population, is to be assigned citizenship in bantustans, which constitute only 13 per centum of the land area of the country; and

False: First, Blacks are not "assigned" citizenship in homelands by the South African government, but may be regarded as citizens of the Transkei for example by the Transkeian government on the basis of the circumstances of their birth, just as Americans are regarded as citizens by our government. Second, the implication that the homelands were "assigned" to the Xhosa people is ridiculous. The Xhosa chose this land themselves. The Transkei, which covers an area larger than 22 U.N. member states, is located in one of the most fertile regions of Africa. Much of the balance of South Africa is as arid as Nevada. To compare the Transkei with an area of equal size in the Orange free state would be as absurd as equating the farming potential of Iowa to that of Utah.

5. Whereas the land assigned to the bantustans is far from areas of industrial or mineral wealth within South Africa; and

False: Not only are most homelands immediately adjacent to major industrial areas, they contain enormous mineral wealth, conservatively estimated at more than $200 billion. Further, industrial development of the homelands themselves is more intense than all but a fraction of other Black African countries.

6. Whereas the South African Government intends to deprive blacks living in white areas of South Africa, even if those blacks continue to work and live there, of their South African citizenship once their tribal homelands are made indepenent; and

False: The South African government intends to negotiate treaties with the Transkeian government regarding the citizenship of Transkeian nationals living outside the newly independent Transkei.

7. Whereas no referendum of the Transkei's population has been held in order to determine if the people assigned to the Transkei want independence; and

False: Freely contested elections have been held in Transkei in 1963, 1968 and 1973. The Transkei National Independence Party has prevailed each time on a platform committed to total independence from South Africa.

8. Whereas leading members of the opposition party in the Transkei who oppose independence have recently been arrested; and

False: The Opposition Party of the Transkei (The New Democratic Party) freely contests all elections, and has won seven seats in the Transkeian Parliament. None of its leaders have been arrested. The only arrests in the Transkei with political overtones has been the detention of certain leaders of a radical splinter group which has refused to participate in elections and has publicly advocated violent overthrow of the Transkeian government. Transkeian officials, not the South African government ordered these arrests.

9. Whereas the United Nations General Assembly voted overwhelmingly (100 to 0, with 8 abstentions in November of 1975 to call "upon the Governments and organizations not to deal with any institutions or authorities of the bantustans or to accord any form of recognition to them"; and

True: The U.N. adopted the anti-Transkei resolution shortly after condemning Israel, recognizing the PLO, and voting support for African terrorists.

10. Whereas the Organization of African Unity reaffirmed in July 1976 its appeal to all States "not to accord recognition to any bantustan, in particular, the Transkei whose so-called independence is scheduled for the 26 October 1976"; and

True: The OAU, composed of 44 one-party states and military dictatorships was appalled a Black African country could actually achieve independence peacefully while still maintaining a democratic form of government.

11. Whereas recognition of the Transkei by the United States would be widely regarded as endorsement of or acquiescence in the concept and practice of apartheid, and seriously alienate many governments of Africa and the world:

False: Recognition of the Transkei would reaffirm the basic American principle of freedom. The United States should be on record as supporting the right of the Xhosa people to govern themselves. This country should reaffirm the concept we adopted 200 years ago; the right of any nation to be free of colonialist exploitation. Recognition of the Transkei would represent such a stand.

Mr. SOLARZ. Madam Speaker, I yield 4 minutes to the distinguished gentleman from Michigan (Mr. DIGGS).

Mr. DIGGS. Madam Speaker, I wish to associate myself with the explanation of this resolution so ably presented this afternoon by the gentleman from New York. However, it is unfortunate that the same arguments are being applied to this resolution as have been applied to debates in this Chamber on the question of Rhodesia and other parts of southern Africa. The same arguments seem to fit a pattern that reflects a point of view that under our edict of free speech, obviously we can enunciate, but in terms of its credibility and accuracy are just so far from the actual facts that it is almost ludicrous.

I think that perhaps the best example of it was to see, word for word, the public relations piece put out by the South Africa Embassy read a few moments ago from the well of this House. Although the gentleman has that kind of prerogative, I am suggesting that we need to look at this matter in a much more objective form.

I think we ought to start, Madam Speaker, by trying once again to clarify the uniqueness of South African society, because everytime we get into one of these debates people talk about the Indians on reservations and about Italians, and talk about every other group in the world and how they have developed independence and how they have nurtured the peculiarities that bring them together, without recognizing that what we are talking about in South Africa is a completely different, unique kind of society; the only society in the

world, if you please, that is based on the factor of race and racial separation.

I think further, Madam Speaker, that we ought to test the credibility of this whole proposition by asking ourselves, What do other homeland leaders say? This is, as the gentleman from New York indicated, just the first of a series of so-called separate development propositions that are about to be tried in the South African experiment. Outside of the Chief of the Transkei, who controls the territory that is referred to in this resolution, there is only one other homeland leader who favors separate development; but all the rest besides those two are completely opposed to the whole concept. So, they can bring in public relations explanations from the South African Embassy if they wish, but the fact of the matter is that this proposition not only has been rejected by almost every organized group outside of South Africa and in every international forum, but within the country itself. This alone should be convincing enough but when added to the persuasive arguments by the gentleman from New York, Mr. SOLARZ, is overwhelming. Finally, Madam Speaker, defeat of this resolution or less than a strong majority vote would be interpreted beyond these shores as an endorsement of the racist apartheid concept with all its unwanted diplomatic pitfalls, the implications of which is something frightening to contemplate as Secretary Kissinger is in the middle of such sensitive negotiations. I urge support of the resolution.

Mr. KETCHUM. Madam Speaker, I yield 5 minutes to the gentleman from California (Mr. BURGENER).

Mr. BURGENER. I thank the gentleman for yielding.

Madam Speaker, I realize that we have very strong feelings on this issue, and I would indeed plead for tolerance. I know that those on the other side of this issue feel deeply about it. But on October 26, of this year, a new nation will be born, and the new nation is black and it is in the southern part of Africa. Whether that is good or bad or somewhere in between, it is a fact of life.

It would seem to me that this measure is ill-advised and, if not ill-advised, at least premature.

I did have the privilege of going to this country last year, with a few of my colleagues, and I went to the Transkei, I went to Umtata. I met with Kaiser Matanzima, and his counterpart, the leader of the opposition. Indeed, one visit makes no one an expert on anything, but one gains certain impressions and I would like to briefly relate mine.

I am convinced that this nation wants independence. I am convinced, more importantly, perhaps, that it is prepared for independence. In the field of politics and government and medicine and industry, the people of the Transkei have been trained by South Africans to be competent to take over the task of self-government; and that is important because I think regardless of how we feel about this new nation, I do not think any of us want it to fail.

But I just feel that it would be a gratuitous insult before this nation gets started, before it has any record of performance, good or bad, to suggest that we are not going to recognize it. It would be far better to do nothing, in my judgment, and permit a little bit of time to pass, give this fledgling nation a chance. They want independence, they are prepared for independence, and, in my judgment—and I know there are those who differ—this is not a vote for apartheid. I think it is unrelated, even though I recognize there are those who differ strongly. But I respectfully submit, Madam Speaker, that this is certainly not a subject for the Suspension Calendar.

Mr. KETCHUM. Madam Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Madam Speaker, it seems to me that this resolution is really unnecessary and an example of the kind of bureaucratic paperwork that is increasingly bogging down the work of the congressional committees and the House itself.

It took me only one telephone call earlier today to the Department of State to determine that the administration has no plans for extending diplomatic recognition to the Transkei Territory.

Instead, the proponents have gone to the time and expense of having the full International Relations Committee consider the matter, prepare and print a committee report, and now consume the time of the House which has an extremely full calendar.

I would also remind the House that the Secretary of State is now engaged, in behalf of the President, in extremely delicate negotiations in southern Africa and that this is no time for the Congress to gratuitously intervene in the situation. None of us here have a real notion of how the results of the Secretary's negotiations may affect future attitudes in southern Africa or in the United Nations toward the question of recognition or nonrecognition in this situation.

For these reasons, I think this resolution is not only unnecessary, but unwise and at this time it does not serve a practical purpose. The President has no intention whatsoever of extending diplomatic recognition to the Transkei.

Mr. KETCHUM. Madam Speaker, I yield myself 7 minutes.

Madam Speaker, I, too, like the gentleman from California (Mr. BURGENER), visited South Africa 2 years ago in January and shared the same experiences that he did.

We talk about a referendum. Can anyone remember a referendum on Hungary or Czechoslovakia when the Russian tanks rolled?

Should we now knock off all diplomatic relations with Red China and the Soviet Union? I think not. I do not think any Member here would agree that we should.

Why do we bring up a resolution such as this at such an inopportune time? I cannot answer that question. It seems to me to be a presumptuous and outrageous resolution, interfering once more with the rights of a legally constituted government—in fact, in this case, interfering with the rights of two governments.

Chief Minister Kaiser Matanzima, who is the paramount chief of the Xhosas, endorses the Transkeian independence. And who is Chief Kaiser Matanzima? He is the paramount chief of the Xhosas, the leader of the Xhosas people, and he speaks for the Xhosas people, just the same as Buthelezi, who is the paramount chief of the Zulu nation and who descends, I must presume, from Shaka Zulu is the leader of the Zulus, Shaka Zulu, the greatest African leader ever, ruled some 200 years ago, and by virtue of that succession Buthelezi is the paramount chief of the Zulus. Is was indicated before these tribal homelands were the homelands of these peoples, and that has been true for years and years.

We talk about outside nations and other African nations disagreeing. We talk in the resolution or in the report about fratricide. Has no Member in this Chamber ever heard of Idi Amin of Uganda? He has no opposition. Why does he have no opposition? He just took the other tribes out, lined them up against the wall, and shot them all.

This transition is peaceful. This transition is in the spirit of actions of the South African Government in conjunction with Chief Kaiser Matanzima, leader of the Transkei, who decides what those people want.

It is not our right to deny them recognition and deny them the right to do what they want to do.

In the resolution and in the report it is indicated that the Transkei—which means "across the Kai River"—is far removed from industrial centers, and I suppose one could presume that because it is difficult to travel in some parts of South Africa. However, it is not all that far from Durban.

Yet my own observation—and I am a farmer—is that this nation could well become the breadbasket of all of Africa, given the help that it is being given by the South African Government.

If we agree to this resolution, we in my opinion make two more countries angry at the United States by interfering in their affairs. We make both South Africa and the Transkei angry, and they are both friendly to the United States.

Madam Speaker, turning down this resolution would in no way be an endorsement of apartheid, and anyone who makes that statement make it in total arrogance.

Mr. BIESTER. Madam Speaker, will the gentleman yield?

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

Mr. BIESTER. Madam Speaker, the gentleman referred to the homelands, and the gentleman has been in the Transkei and seen these homelands. I was also in the Republic of South Africa, and I was in Soweto. I saw homes, I saw the places and the homes in which the workers who may be attached to Transkei or who may be attached to other homelands presently live.

Many live in dormitories, in small bunks, and they live with a coal stove; they are packed together for months on end. Then they go back sometimes, and sometimes they stay for a whole year. That is the home of many young men who work in South Africa and who happen to be black.

Madam Speaker, the issue, it seems to me, is not the Transkei. The issue is the totality of the relationships that all the people in South Africa, black, white, colored, Asian, British, Afrikaans, and all the rest, have with one another.

I am not one of those, and the gentleman from California knows this, who gratuitously criticizes at every juncture the difficulties that are occurring in South Africa because certainly I have tried to understand the circumstances of the past in that presently unfortunate part of the world, but I do think we have to recognize that if the U.S. Government puts its stamp of approval of recognition on the existence of this so-called independent State of Transkei, we would be, in fact, certifying, to that limited degree, the perpetuation of a system of apartheid, an expression of the system of apartheid, which I must say would be a terrible blot on the conscience of this House.

Mr. KETCHUM. Madam Speaker, I thank the gentleman from Pennsylvania for his comments. I would point out to the gentleman that just yesterday, as a matter of fact the last act this body took yesterday on suspensions, was one in which we requested the Soviet Union, through diplomatic channels, because we recognize them, to release from persecution a Baptist minister in that country. Without recognition, Madam Speaker, I submit we have no channels of communication which I know the gentleman from Pennsylvania would like us to have.

Mr. SOLARZ. Madam Speaker, I yield 2 minutes to the distinguished gentlewoman from California (Mrs. BURKE).

Mrs. BURKE of California. Madam Speaker, I wish the transition in South Africa was peaceful. However, the fact is it is not peaceful. Because it is true the people of the homelands do live in Soweto and they know that they will not become citizens of South Africa the country in which they live. It does not make any difference where blacks are born in South Africa, the difference is where their heritage originated.

So in Soweto when we have violence and we have people rioting, that is what is happening as the Transkei receives its alleged independence. The Bantustanization is simply a method of avoiding total majority and to maintain apartheid, this is the answer of South Africa. I do not believe that our Government has any intention of recognizing Transkei or the Bantustans, but the South Africa Government is making every effort to get this Congress, Members from all over the United States to give dignity to a country that does not represent anyone. The greatest tragedy this world would face would be the superimposing of the cold war and a race war in Africa.

That is the reason that I say we must adopt this resolution and say the United States as a representative of the free world will never accept less than full democracy for all countries of the world.

Mr. SOLARZ. Madam Speaker, I yield 2 minutes to the distinguished gentleman from Georgia (Mr. YOUNG).

Mr. YOUNG of Georgia. Madam Speaker, I think the best thing we can do to help the efforts of Secretary Kissinger in southern Africa right now is to pass this resolution. Secretary Kissinger has received, I think, a surprising amount of acceptance, both in South Africa, and from the front-line nations of black Africa, but there is still a great deal of suspicion.

The reason I think Ian Smith is willing to try a negotiated settlement and majority rule in 2 years is that he knows that when the rainy season comes he faces a potential blood bath.

Regardless of what one thinks about Africa in general, I would like to remind them that the nation of Mozambique bordering on South Africa has refused the Soviet Union the right to have a naval base. The front line nations around South Africa have made every effort to keep the Cubans out. They do not want war, and the possibilities of any kind of rational transition, since it can no longer be peaceful now, depend on the Congress saying forthrightly that we support majority rule and will not support these schemes to avoid majority rule and give the impression of independence and freedom where there is none.

The people of South Africa really themselves have had nothing to say about this. I frankly think that Chief Minister Kaiser Matanzima is running a very nice game on the Government of South Africa. I do not think he intends to be independent, I do not think he intends to be locked out of all the resources and the riches of South Africa.

However, for us to recognize Transkei independence gives it an international stature which I think is not in the best interests of the United States.

I would urge, Madam Speaker, that we adopt this resolution because I think it supports the negotiations which the Secretary of State now has under way in the frontline black nations surrounding South Africa.

Mr. SOLARZ. Madam Speaker, I yield myself 1 additional minute.

Madam Speaker, the major flaw in the homelands policy, with which this resolution deals, is this: if the Xhosa people, the majority of whom do not live in the Transkei, have never been to the Transkei, and have no intention of going to the Transkei, were given the option of choosing either citizenship in the Transkei or citizenship in South Africa once the Transkei becomes independent, it might not be so objectionable. But on October 26, once the Transkei becomes independent, the South African Government intends to strip the Xhosa people, even if they do not live in the Transkei, of their South African citizenship.

Consequently, if we extend diplomatic recognition to the Transkei Territory, we will be legitimizing a policy which says to millions of black South Africans that, even though they were born in South Africa, have worked in South Africa, and want to remain in South Africa, they will lose their South African citizenship once their tribal homeland becomes independent.

Madam Speaker, I think that would be a diplomatic disaster of incalculable proportions and this resolution is designed to prevent it.

Mr. KETCHUM. Madam Speaker, I yield myself 2 additional minutes.

Madam Speaker, I certainly do not decry the reasons given by many of the proponents of this resolution as to why they support it. I know that some of them have, indeed, been to South Africa, and than many of the rest of them have not.

I cannot agree, however, that the so-called scheme, the homeland scheme of South Africa, can be decried by this body because we have enough problems of our own that we have not been able to solve without criticizing those of another country.

Madam Speaker, I cannot read Matanzima's mind as to whether he truly wants independence or whether he does not. He has indicated that he does. There will be a certain amount of dependence on South Africa. Indeed, the Nation of Botswana is supported by South Africa, and it is not part of South Africa.

Madam Speaker, in closing, I simply would ask the body to turn down this resolution. Let us not give over once again to interfering in the policies of a friendly foreign nation.

Mr. McDONALD. Madam Speaker, will the gentleman yield?

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

Mr. McDONALD. Madam Speaker, I rise in opposition to this resolution. It is the height of hypocrisy for this deliberative body to recommend to the President of the United States that he not extend recognition to the Transkei, because we disagree with the social and political organization of the Republic of South Africa. How can we send such a message while at the same time recognizing nations such as the Soviet Union and moving toward recognition of Communist China which have butchered tens upon tens of millions and kept the security of the world in a shaky state for decades. If we are going to adopt a purely moral stance, then I would say it would make more sense to amend the resolution to include withdrawing recognition of every Communist nation in the world and see what the proponents of this resolution would say; then we could see who is consistent. Let us withdraw recognition of every Communist country and then we might show some consistency. We might then adopt a truly moral stance.

Naturally, Members of Congress can be courageous on a vote of this nature. South Africa is not a threat to the United States. But where are these same Members when a matter affecting the Soviet Union comes up? "Oh, we can't increase tensions," they say. "We must consider the threat of nuclear war," they say. This is not only selective morality—it is selective cowardice. I personally feel badly enough that our Secretary of State is busying himself in Africa while the cause of freedom and Western civilization is fading on every front. Let us not put forth another example of selective morality—or cowardice.

Further, if we read the New York Times, one would think that the Congress had learned enough about attempting to impose American standards on other nations during the long Vietnam struggle, but here we are again taking the same route. My hope is that this body will vote down this poorly conceived resolution.

Mr. RANGEL. Madam Speaker, I rise in strong support of the House Resolution 1509 being offered today by the gentleman from New York (Mr. SOLARZ). It is essential that our Government recognize that we have a responsibility in the international arena to begin to lend our support to the struggling liberation movements in South Africa. By adopting this resolution, we would be stating in quite explicit terms our intention not to take any action which would assist South Africa in her attempt to further the abhorrent policies of apartheid.

At first glance, it might appear that the idea of giving the black population in South Africa their own separate homeland would be appealing. There are those who will argue that granting independence to these black-ruled regions indicates South Africa's realization that blacks must be granted self-determination. I suggest most vehemently that this is not the case.

South Africa has announced its intentions to create 10 separate homelands to which all blacks in the nation would be assigned based on ethnic origin. One does not have to go back in history too far to find this same type of deplorable solution being offered by Hitler during his reign of terror and the establishment of concentration camps.

This proposed settlement to the racial strife currently ongoing in South Africa must be denounced by all people of the world as just another indication by the South African Government that they do not intend to deal positively with the black majority within their borders. In condemning this proposed action, the United Nations General Assembly Special Political Committee saw this effort as one designed primarily to consolidate the inhuman policies of apartheid and to perpetuate white minority domination.

The United States has neglected the continent of Africa for too long. It is essential that we as a nation support the liberation movements on that continent, just as the other nations supported our move 200 years ago. House Resolution 1509 gives us an excellent opportunity to state clearly that the United States will not be a party to this further denial of human rights by the South African Government. I urge my colleagues to vote for this resolution.

Mr. BINGHAM. Madam Speaker, I rise in support of House Resolution 1509, a resolution which urges the President not to extend diplomatic or other recognition to the Transkei Territory. The Transkei Territory is slated to become "independent" on October 26, 1976, by a decree of the South African Government. This is the first of 10 homelands or bantusalands to which the regime intends to give full "independence." Eventually, the 70 percent of South Africans who are black would no longer be citizens of South Africa, but of their assigned homelands.

True self-determination for the majority of South Africans is certainly a desirable and necessary goal, but the present policy is merely an attempt to grant a phony "independence" to South African blacks which will set in historical concrete the rule of the minority white government. Black South Africans will lose their South African citizenship but continue to work and live in South Africa, no longer as citizens, but as visitors in a country where they have lived and worked all their lives. The "homelands" constitute only 13 percent of the entire area of South Africa, and do not include most of the rich and productive areas of the country. They will be almost entirely dependent on Pretoria in economic terms; thus their freedom is a complete sham.

In the past months Secretary of State Kissinger has at long last moved U.S. policy in southern Africa toward a much more aggressive commitment to majority rule in this troubled area. At this very moment he is engaged in sensitive talks with the political leadership, both black and white, of the region.

I can only hope for a swift resolution which will lead to real independence for Namibia and an avoidance of a bloody civil war in Rhodesia. The problem of apartheid in South Africa offers no possibility of quick solution, even though there have been some recent signs of a new realism on the part of Prime Minister Vorster. The creation of the Transkei will accomplish nothing, save to turn back the clock. If Secretary Kissinger means what he says, if his Lusaka statement represents a real evolution of American thought with regard to southern Africa, then the United States will remain consistent with that policy by refusing to recognize and thus give credibility to any of the "independent" homelands. I urge the Congress to lend its voice to the stated American policy of supporting majority rule in southern Africa.

Finally, I would like to compliment the distinguished sponsor of this resolution, my colleague from New York, Representative STEPHEN SOLARZ. In his first term in Congress, he has become one of the most productive members of the International Relations Committee. His interests are far ranging, his judgment excellent, and his articulation of the issues clear and well reasoned. He is a pleasure to work with, and a real asset to our committee.

Ms. COLLINS of Illinois. Madam Speaker, I rise in support of House Resolution 1509 the resolution on the recognition of the Transkei Territory. As you and my colleagues know this resolution urges the President to withhold U.S. recognition from the Transkei Territory which is scheduled to get its independence on October 26, 1976.

It is important to withhold recognition for several reasons. To begin, the formation of the territory within the nation of South Africa is little more than a South African attempt to continue its apartheid policy of segregation in yet another manner. Those who are familiar with the situation in South Africa are nearly unanimous in their condemnation of the homeland policy that creates these separate and unequal territories within this majority controlled state.

If the United States or any other nation encourages the use of small land tracts to segregate blacks in South African society we will continue to see the isolation of the majority population to small parcels of their native land. The racial domination by a minority of the population will continue to govern the majority of the land mass, and racism will continue to crush human dignity in that region of the world.

I need not remind my colleagues that the land assigned to the blacks under the homelands policy is not choice real estate. It is not the land where development has occurred often at the cost of native exploitation. It is barren and totally undeveloped. It is a known fact that this gratuitous act of the racist government of South Africa has been undertaken without so much as a little consultation with the black population who have repeatedly let it be known that they do not want to be segregated.

To endorse this separatist policy is to depart from one that attempts to advance majority rule. It is to shun the issues of political and racial equality.

It is of special importance that the Congress take some initiatives in the issues affecting southern African for without a clear delineation of our position in this matter we may all be the unhappy recipients of a shuttle diplomacy bargain we do not like or, worst, faced with yet another international crisis affecting us all.

I respectfully urge my colleagues to join me in support of this resolution, House Resolution 1509.

Ms. ABZUG. Madam Speaker, I rise in support of House Resolution 1509.

The United States should not extend diplomatic recognition to apartheid. Yet this would be the ultimate significance of granting diplomatic recognition to the Transkei Territory in South Africa.

The world has rightly condemned the cruel system of apartheid, which condemns the black majority of South Africa to perpetual political, economic, and human inferiority to the benefit of the white minority. However, the response of South Africa to its deepening international isolation has been not to dismantle this unjust system but rather to repackage it as "separate development."

As the cornerstone or "separate development," the homelands policy—under which the Transkei is to become "independent"—is also the embodiment of apartheid. South Africa is attempting to prove to the world that it can accomodate black demands for independence and self-rule. But as this resolution makes clear, Transkei independence would produce neither real independence nor real self-rule.

We must not grant the homelands policy the legitimacy sought by South Africa. We must not give apartheid diplomatic acceptance.

Unfortunately, the State Department thus far has refused to give a definitive

answer regarding American diplomatic recognition of the Transkei. No definite policy has emerged. And one of the most unfortunate aspects of shuttle diplomacy is that Dr. Kissinger rarely shuttles to Congress until the very end of the process.

It is possible to imagine conditions under which Dr. Kissinger might be tempted to use recognition of the Transkei as a carrot in his negotiations with South Africa. In exchange for the considerable political benefits of international recognition of the Transkei, Mr. Vorster might use his influence to achieve a negotiated settlement in Rhodesia and Namimbia. An arrangement of this sort is at least within the realm of possibility.

That is why Congress must use this opportunity to express its opposition to apartheid and to the homelands policy.

Ms. HOLTZMAN. Madam Speaker; I rise in support of House Resolution 1509, a resolution urging the President to withhold diplomatic recognition from the Transkei territory, a portion of South Africa which will soon be split off as a "tribal homeland."

South Africa has designated approximately 13 percent of its area as tribal homelands to which black persons in the country are assigned. South Africa intends to make these tribal homelands independent and in the process to strip the black persons assigned to those countries of their South African citizenship. Thus South Africa plans to denaturalize the 70 percent of its population who are nonwhite.

The "tribal homeland" policy is the new face which apartheid presents to the world, demonstrating, in reality, South Africa's old commitment to preserving the system.

If the homelands become independent, the black people who built the cities of Capetown and Johannesburg and created the wealth of South Africa by their toil in mines and fields, will become alien migrant laborers in their own country. Now, many black South Africans must live in squalid dormitories on the fringes of South African cities, while their families remain far away in the tribal homelands, controlled by a highly refined pass system which weakens family ties by allowing little movements, even to visit close relatives.

The United States has for too long turned its back on Africa and failed actively to oppose the repressive white regimes of South Africa and Rhodesia. Now, when white South Africa faces particular pressure to abandon apartheid, we should do nothing further to encourage the present regime to believe that, in the long term, apartheid can survive. We should firmly and finally announce our opposition to the perpetuation of white minority rule. I therefore support this resolution.

The SPEAKER pro tempore (Ms. JORDAN). The question is on the motion offered by the gentleman from New York (Mr. SOLARZ) that the House suspend the rules and agree to the resolution (H. Res. 1509).

The question was taken.

Mr. KETCHUM. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3 of rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SOLARZ. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the resolution just under consideration.

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

There was no objection.

INTERNATIONAL INVESTMENT SURVEY ACT OF 1976

Mr. SOLARZ. Madam Speaker, I move to suspend the rules and pass the Senate bill (S. 2839) to supplement the authority of the President and various Federal agencies to collect regular and periodic information on international investment, and for other purposes, as amended.

The Clerk read as follows:

S. 2839

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "International Investment Survey Act of 1976".

FINDINGS AND PURPOSE

SEC. 2. (a) The Congress finds and declares that—

(1) the United States Government is presently authorized to collect limited amounts of information on United States investment abroad and foreign investment in the United States;

(2) international investment has increased rapidly within recent years;

(3) such investment significantly affects the economies of the United States and other nations;

(4) international efforts to obtain information on the activities of multinational enterprises and other international investors have accelerated recently;

(5) the potential consequences of international investment cannot be evaluated accurately because the United States Government lacks sufficient information on such investment and its actual or possible effects on the national security, commerce, employment, inflation, general welfare, and foreign policy of the United States;

(6) accurate and comprehensive information on international investment is needed by the Congress to develop an informed United States policy on such investment; and

(7) existing estimates of international investment, collected under existing legal authority, are limited in scope and are based on outdated statistical bases, reports, and information which are insufficient for policy formulation and decisionmaking.

(b) It is therefore the purpose of this Act to provide clear and unambiguous authority for the President to collect information on international investment and to provide analyses of such information to the Congress, the executive agencies, and the general public. It is the intent of the Congress that information which is collected from the public under this Act be obtained with a minimum burden on business and other respondents and with no unnecessary duplication of effort, consistent with the national interest in obtaining comprehensive and reliable information on international investment.

(c) Nothing in this Act is intended to restrain or deter foreign investment in the United States or United States investment abroad.

DEFINITIONS

SEC. 3. As used in this Act, the term—

(1) "United States", when used in a geographic sense, means the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Canal Zone, and all territories and possessions of the United States;

(2) "foreign", when used in a geographic sense, means that which is situated outside the United States or which belongs to or is characteristic of a country other than the United States;

(3) "person" means any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a State or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency);

(4) "United States person" means any person resident in the United States or subject to the jurisdiction of the United States;

(5) "foreign person" means any person resident outside the United States or subject to the jurisdiction of a country other than the United States;

(6) "business enterprise" means any organization, association, branch, or venture which exists for profit-making purposes or to otherwise secure economic advantage, and any ownership of any real estate;

(7) "parent" means a person of one country who, directly or indirectly, owns or controls 10 per centum or more of the voting stock of an incorporated business enterprise, or an equivalent ownership interest in an unincorporated business enterprise, which is located outside that country;

(8) "affiliate" means a business enterprise located in one country which is directly or indirectly owned or controlled by a person of another country to the extent of 10 per centum or more of its voting stock for an incorporated business or an equivalent interest for an unincorporated business, including a branch;

(9) "international investment" means (A) the ownership or control, directly or directly, by contractual commitment or otherwise, by foreign persons of any interest in property in the United States, or of stock, other securities, or short- and long-term debt obligations of a United States person, and (B) the ownership or control, directly or indirectly, by contractual commitment or otherwise, by United States persons of any interest in property outside the United States, or of stock, other securities, or short- and long-term debt obligations of a foreign person;

(10) "direct investment" means the ownership or control, directly or indirectly, by one person of 10 per centum or more of the voting securities of an incorporated business enterprise or an equivalent interest in an unincorporated business enterprise; and

(11) "portfolio investment" means any international investment which is not direct investment.

AUTHORITY AND DUTIES

SEC. 4. (a) The President shall, to the extent he deems necessary and feasible—

(1) conduct a regular data collection pro-

gram to secure current information on international capital flows and other information related to international investment, including (but not limited to such information as may be necessary for computing and analyzing the United States balance of payments, the employment and taxes of United States parents and affiliates, and the international investment position of the United States;

(2) conduct such studies and surveys as may be necessary to prepare reports in a timely manner on specific aspects of international investment which may have significant implications for the economic welfare and national security of the United States;

(3) study the adequacy of information, disclosure, and reporting requirements and procedures relating to international investment; recommend necessary improvements in information recording, collection, and retrieval and in statistical analysis and presentation relating to international investment; and report periodically to the Committees on Foreign Relations and Commerce of the Senate and the Committee on International Relations of the House of Representatives on national and international developments with respect to laws and regulations affecting international investment; and

(4) publish for the use of the general public and United States Government agencies periodic, regular, and comprehensive statistical information collected pursuant to this subsection and to the benchmark surveys conducted pursuant to subsections (b) and (c).

(b) With respect to the United States direct investment abroad and foreign direct investment in the United States, the President shall conduct a comprehensive benchmark survey at least once every five years and, for such purpose, shall, among other things and to the extent he determines necessary and feasible—

(1) identify the location, nature, and magnitude of, and changes in total investment by any parent in each of its affiliates and the financial transactions between any parent and each of its affiliates;

(2) obtain (A) information on the balance sheets of parents and affiliates and related financial data, (B) income statements, including the gross sales by primary line of business (with as much product line detail as is necessary and feasible) of parents and affiliates in each country in which they have significant operations, and (C) related information regarding trade between a parent and each of its affiliates and between each parent or affiliate and any other person;

(3) collect employment data showing both the number of United States and foreign employees of each parent and affiliate and the levels of compensation, by country, industry, and skill level;

(4) obtain information on tax payments by parents and affiliates by country; and

(5) determine, by industry and country, the total dollar amount of research and development expenditures by each parent and affiliate, payments or other compensation for the transfer of technology between parents and their affiliates, and payments or other compensation received by parents or affiliates from the transfer of technology to other persons.

(c) (1) The President shall conduct a comprehensive benchmark survey of foreign portfolio investment in the United States at least once every five years and, for such purposes, shall (among other things and to the extent he determines necessary and feasible) determine the magnitude and aggregate value of portfolio investment, form of investments, types of investors, nationality of investors and recorded residence of foreign private holders, diversification of holdings by economic sector, and holders of record.

(2) In addition to the benchmark surveys conducted pursuant to paragraph (1), the President shall conduct a benchmark survey of United States portfolio investment abroad and, for such purpose, shall (among other things and to the extent he determines necessary and feasible) determine the magnitude and aggregate value of portfolio investment, form of investments, types of investors, nationality of investors and recorded residence of private holders, diversification of holdings by economic sector, and holders of record. The President shall complete such survey not later than the end of the five-year period beginning on the date of enactment of this Act. After completion of such survey, the President shall report to the Congress on the feasibility and desirability of conducting, on a periodic basis, additional benchmark surveys of United States portfolio investment abroad. If he determines that such additional benchmark surveys are feasible and desirable, he may conduct such surveys.

(d) The President shall conduct a study of the feasibility of establishing a system to monitor foreign direct investment in agricultural, rural, and urban real property, including the feasibility of establishing a nationwide multipurpose land data system, and shall submit his findings and conclusions to the Congress not later than two years after the enactment of this Act.

(e) Activities shall be conducted so that information obtained pursuant to this Act shall be timely and useful in the development of policy with respect to international investment. Reporting and recordkeeping requirements imposed under this Act shall be designed in order to minimize costs to the extent feasible, consistent with effective enforcement and the compilation of information required by this Act. Reporting, recordkeeping, and documentation requirements shall be periodically reviewed and revised in the light of developments in the field of information technology.

(f) In collecting information under this Act, the President shall give due regard to the costs incurred by persons supplying such information, as well as to the costs incurred by the Government, and shall insure that the information collected is only in such detail as is necessary to fulfill the stated purposes for which the information is being gathered.

RULES AND REGULATIONS; ACCESS TO INFORMATION

SEC. 5. (a) The authorities and responsibilities under this Act may be exercised through such rules and regulations as may be necessary to carry out the purposes of this Act.

(b) Rules or regulations issued pursuant to this Act may require any person subject to the jurisdiction of the United States—

(1) to maintain a complete record of any information (including journals or other books of original entry, minute books, stock transfer records, lists of shareholders, or financial statements) which is essential to carrying out the international investment surveys and studies to be conducted under this Act; and

(2) to furnish, under oath, any report containing information which is determined to be necessary to carry out the international investment surveys and studies conducted under this Act.

(c) Access to information obtained under subsection (b)(2) of this section shall be available only to officials or employees designated to perform functions under this Act, including consultants and persons working on contracts awarded pursuant to this Act. Subject to the limitation of paragraph (1) of this subsection, the President may authorize the exchange between agencies or officials designated by him of information furnished by any person under this Act as he deems necessary to carry out the purposes of this Act. Nothing in this section shall be construed to require any Federal agency to disclose to any official exercising authority under this Act any information or report collected under legal authority other than this Act where disclosure is prohibited by law. Information collected pursuant to subsection (b)(2) may be used only—

(1) for analytical or statistical purposes within the United States Government; or

(2) for the purpose of a proceeding under subsection (d) of this section or under section 6 (b) or (c).

No official or employee designated to perform functions under this Act, including consultants and persons working on contracts awarded pursuant to this Act, may publish or make available to any other person any information collected pursuant to subsection (b)(2) in a manner that the person who furnished the information can be specifically identified except as provided in this section. No person can compel the submission or disclosure of any report or constituent part thereof collected pursuant to this Act, or any copy of such report or constituent part thereof, without the prior written consent of the person who maintained or furnished such report under subsection (b) and without prior written consent of the customer, where the person who maintained or furnished such report included information identifiable as being derived from the records of such customer.

(d) Any person who willfully violates subsection (c) shall, upon conviction, be fined not more than $10,000, in addition to any other penalty imposed by law.

ENFORCEMENT

SEC. 6. (a) Whoever fails to furnish any information required under this Act, whether required to be furnished in the form of a report or otherwise, or to comply with any rule, regulation, order, or instruction promulgated under this Act, may be subject to a civil penalty not exceeding $10,000 in a proceeding brought under subsection (b) of this section.

(b) Whenever it appears that any person has failed to furnish any information required under this Act, whether required to be furnished in the form of a report or otherwise, or has failed to comply with any rule, regulation, order, or instruction promulgated under this Act, a civil action may be brought in an appropriate district court of the United States, or the appropriate United States court of any territory or other place subject to the jurisdiction of the United States, and such court may enter a restraining order or a permanent or temporary injunction commanding such person to furnish such information or to comply with such rule, regulation, order, or instruction, as the case may be, or impose the civil penalty provided in subsection (a) of this section, or both.

(c) Whoever willfully fails to submit any information required under this Act, whether required to be furnished in the form of a report or otherwise, or willfully violates any rule, regulation, order, or instruction promulgated under this Act, upon conviction, shall be fined not more than $10,000 and, if an individual, may be imprisoned for not more than one year, or both, and any officer, director, employee, or agent of any corporation who knowingly participates in such violation, upon conviction, may be punished by a like fine, imprisonment, or both.

USE OF EXPERTS AND ADMINISTRATIVE SUPPORT SERVICES

SEC. 7. (a) Any official designated by the President to carry out this Act may procure the temporary or intermittent services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code. Persons so employed shall receive compensation at a rate not in excess of the maximum amount payable un-

der such section. While away from his home or regular place of business and engaged in the performance of services in conjunction with the provisions of this Act, any such person may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703(b) of title 5, United States Code, for persons in the Government service employed intermittently.

(b) Any official designated by the President to carry out this Act may use, on a reimbursable basis when appropriate (as determined by the President), the available services, equipment, personnel, and facilities of any agency or instrumentality of the United States Government.

CONSULTATIONS AND REVIEWS

SEC. 8. (a) Officials performing functions pursuant to this Act shall secure balanced, diverse, and responsible views from qualified persons representing business, organized labor, and the academic community and may, where appropriate, create such independent public advisory committees as are necessary to carry out the purposes of this Act.

(b) It shall be the responsibility of the Council on International Economic Policy to review the results of any studies and surveys conducted pursuant to this Act and report annually to the Committee on International Relations of the House of Representatives and the appropriate committees of the Senate on any trends or developments which may have national policy implications and which in the Council's opinion warrant the review of the respective committees.

AUTHORIZATIONS OF APPROPRIATIONS

SEC. 9. To carry out this Act, there is authorized to be appropriated $1,000,000 for the fiscal year ending September 30, 1978, and $1,000,000 for the fiscal year ending September 30, 1979.

The SPEAKER pro tempore. Is a second demanded?

Mr. WHALEN. Madam Speaker, I demand a second.

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

There was no objection.

The SPEAKER pro tempore. The gentleman from New York (Mr. SOLARZ) will be recognized for 20 minutes and the gentleman from Ohio (Mr. WHALEN) will be recognized for 20 minutes.

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

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

Madam Speaker, this bill was brought to the floor under the wise and able leadership of the distinguished gentleman from Pennsylvania (Mr. NIX), the chairman of the Subcommittee on International Economic Policy of the full Committee on International Relations, who had been expected to manage the consideration of this legislation on the floor today. Unfortunately, the gentleman from Pennsylvania's wife passed away the other day. The distinguished gentleman from Pennsylvania for very obvious reasons, therefore, was unable to be with us either yesterday when we thought the bill would originally come up or today when it is actually before us. I was asked by him to handle this legislation for the majority side in his absence. I know he would have very much have liked to have been with us. I think the consideration of this legislation is a tribute, among other things, to his effective leadership as the chairman of that subcommittee, and I truly regret not only that he has lost his wife of many years but that he also could not be with us today to see this bill pass the House, as I am sure it will. Be that as it may, I should like to take this opportunity to say a few words about this legislation.

S. 2839 was a bill that received support, interestingly enough, not only from business but from labor as well, from the Federal agencies that have jurisdictions over its subject matter, and it also has very broad-based bipartisan support within the House. The purposes of the bill are as follows:

First, to collect regular data on international investment and to publish such data;

Second, to collect and publish benchmark surveys on foreign direct investment in the United States and on U.S. direct investment abroad at least once every 5 years;

Third, to collect and publish a benchmark survey on U.S. portfolio investment abroad within the next 5 years and thereafter if the President of the United States finds such study to be feasible and necessary;

Fourth, to have the President of the United States initiate studies to test the feasibility of establishing a system to monitor foreign direct investment in agricultural, rural, and urban real property, and the feasibility of establishing a nationwide multipurpose land data system, and to have him submit his findings and conclusions to the Congress not later than 2 years after the enactment of the bill.

S. 2839 does not authorize appropriations during the transition quarter or for fiscal year 1977. For the fiscal years 1978 and 1979 the bill authorizes the appropriation of $1 million for each fiscal year. This legislation is necessary because present statutory authority to collect this kind of data simply is inadequate. A major source of the present statutory authority is contained in 22 U.S.C. 286(f), the so-called Bretton Woods enabling legislation. This legislation has as its primary purpose the collection of data on balance-of-payments questions for use by the International Monetary Fund, but the Bretton Woods legislation can no longer meet the diverse and ever-increasing need for information on international investment. For example, one of our most pressing needs today is to obtain data bearing on any cause-and-effect relationship between investment abroad by U.S. based companies and unemployment in our domestic economy. I would say that with an unemployment rate approaching almost 8 percent there is a greater need of this kind of analysis than ever before. The last benchmark survey taken on U.S. direct investment abroad, for the benefit of the historians in the House, was in 1966. A sample survey was taken in 1970. Our direct investment abroad has increased well over 100 percent since the last benchmark survey in 1966.

Today it is over $120 billion. Foreign investment in the United States is well over $21 billion. Therefore, of the money spent in fiscal years 1977 and 1978 pursuant to this legislation, only $2 million will be necessary and useful to industry and Government which has vastly more at stake.

I urge support of S. 2839, which has been supported by a voice vote in the U.S. Senate and in the Committee on International Relations of the House itself.

I want to conclude simply by saying that given the billions of dollars at stake and given the necessity for accurate and updated information as a basis for prudent and rational domestic and international economic policy, it seems to me that it would be in the interest of the Nation for us to proceed in the effort to systematically collect this data which, in the absence of this important legislation, we would lack the statutory ability to do.

Madam Speaker, I reserve the balance of my time.

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

Madam Speaker, I rise in support of the bill S. 2839.

In discussing this legislation I would like to touch on three points:

First. I believe that a brief background concerning this legislation is in order.

Second. I would like to outline the status of the investment study legislation at the present time.

Third. I would like to touch on the major provisions of the bill which we are now considering.

First, with respect to the origins of this legislation, Members may recall that in 1974, as a result of the economic activities of the Japanese in the United States and as a consequence of investment of petrodollars by OPEC nations, many of our constituents became concerned about the impact of these investments upon our domestic economy and social structure. Responding to these concerns, the International Economic Policy Subcommittee developed a bill which became known as the Investment Study Act of 1974. In this legislation we, in effect, commissioned the Treasury Department to survey portfolio investment by foreigners in the United States and the Commerce Department to survey foreign direct investment in the United States.

Perhaps those who were here in 1974 may recall that when this measure was considered on the House floor, due to the urgency of the problem, an amendment was offered by the distinguished gentleman from Pennsylvania (Mr. DENT), which accelerated the reporting date of this study. This amendment was adopted. The bill subsequently was passed by the House and by the other body and signed by the President.

Second, where are we today? As the distinguished gentleman from New York (Mr. SOLARZ) has just pointed out, the authority of the Investment Study Act of 1974 has expired. The Treasury Department and the Commerce Department have issued the results of their studies. The Senate Foreign Relations Committee and the Subcommittee on International Economic Policy held hearings earlier this year to determine where we go from here. Witnesses testified in both bodies that it was desirable

to continue this study. It was agreed further that it should be made a two-way survey, that we should not only continue to study foreign investment in the United States but that we also should survey U.S. investment abroad.

Madam Speaker, despite this general agreement, three specific points of difference rose. In the Senate it was felt that the frequency of these surveys should be 10 years. Legislation introduced by our distinguished colleagues, the gentleman from New York (Mr. GILMAN) and the gentleman from Pennsylvania (Mr. BIESTER) called for 5-year studies.

The second point of difference concerned who should conduct these studies. The other body believed that they should be conducted by the various departments within the executive branch, as had been done in previous legislation. On the other hand, the Gilman-Biester bill called for the Council on International Economic Policy to undertake this study.

A third point was raised with respect to the extent of the two-way survey. A witness testifying on behalf of the AFL-CIO raised the point that it would be valuable both to labor, as well as to industry, to know the impact on domestic employment of foreign investment in this country as well as U.S. investment abroad.

Finally, Madam Speaker, what is contained in this measure, S. 2839, which we are now considering? As I suggested, it calls for a two-way study of foreign investment in the United States, U.S. private investment abroad. The study is to be conducted on a 5-year rather than on the 10-year basis originally specified in the Senate bill. This is due, as the gentleman from New York pointed out, to the rapidity of change in the investment picture both here and abroad.

Second, the responsibility for undertaking the study is vested in the President, rather than in CIEP. It was felt by our subcommittee that the Commission on International Economic Policy was just not equipped to undertake and administer a study of this magnitude. The President, of course, can call upon the various resources in the executive branch to assist him in this undertaking. There is, however, an amendment incorporated in the Senate bill that calls for a CIEP analysis upon the conclusion of the executive branch study.

Third, we have also included in section 4 of this measure a requirement that the impact of investment upon domestic employment be assessed as a part of this study.

Madam Speaker, I urge adoption of S. 2839 by my colleagues. As has been pointed out by the gentleman from New York (Mr. SOLARZ), this is supported by representatives of both labor and industry. The changes to S. 2839 adopted by our subcommittee have been worked out in consultation with Members of the other body. In view of the continued growth of foreign investment in the United States and American investments abroad, it is vitally important that the surveys commenced in 1974 be continued and expanded.

Mr. DERWINSKI. Madam Speaker, will the gentleman yield?

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

Mr. DERWINSKI. Madam Speaker, I have to ask, as a necessary question, do we not already have this information?

Mr. WHALEN. No, we do not have this information beyond 1975.

Mr. DERWINSKI. Madam Speaker, if the gentleman will yield further, is it not adding to the paper requirements?

Mr. WHALEN. As I indicated in my earlier remarks, the Treasury and Commerce Departments have concluded the benchmark survey mandated by the 1974 Investment Study Act. But the situation changes daily. It is a dynamic situation and what we are doing here is to continue this study over a period of years. The information we have now is going to be updated as a result of this measure if it becomes law.

Madam Speaker, I reserve the balance of my time.

Mr. SOLARZ. Madam Speaker, we have no further requests for time, so I yield back the balance of my time.

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

Mr. GILMAN. Madam Speaker, I rise in support of S. 2839 "to supplement the authority of the President and various Federal agencies to collect regular and periodic information on international investment."

As a member of the Subcommittee on Foreign Economic Policy of the then Foreign Affairs Committee in the 93d Congress, I joined with other members of the subcommittee in sponsoring the Foreign Investment Study Act of 1973. This legislation, which resulted in the first realistic picture of foreign investment in this country, demonstrated the usefulness of collecting this information and the inaccuracy of previous estimating methods.

One of the benefits of that benchmark survey was to dispel the false rumors of harmful Japanese investments and to monitor the influx of vast amounts of petrodollars entering this country.

With today's rapid changes in the domestic and international economic pictures, we should maintain the ability to effectively deal with similar such questions in the future and be able to use this information to protect the national interest. We can no longer afford to make important decisions based on our instincts and inaccurate data. We must provide a mechanism for the permanent collection of data on foreign investment—both inward and outward.

S. 2839 requires the President to institute regular and comprehensive data collection programs. The collection of such data concerning foreign direct and portfolio investment in the United States and U.S. direct investment abroad shall be done at least once every 5 years. The collection of U.S. portfolio investment abroad is also required, but at the President's discretion after an initial "benchmark survey." The data collected from such programs will be published on a regular and periodic basis.

With the passage of S. 2839, the data that it produces will allow us to more effectively deal with future problems that effect our economy such as balance of payments and impacts on the American job market.

As an original cosponsor of H.R. 13684, now before us under the Senate title of S. 2839, I urge my colleagues to join in support of this legislation to provide the Executive with permanent authority for the collection of this needed data.

Mr. AUCOIN. Madam Speaker, on September 8 hearings were held by the Merchant Marine Committee to examine the impact of joint business ventures on the newly enacted 200-mile fisheries zone. The hearings were called at my request following news reports that a Bellingham, Wash., fish processing firm had formed a joint venture with a Soviet Government agency for the purpose of processing hake. The report triggered immediate speculation that such ventures between foreign states and U.S. firms may have the effect of circumventing the restrictions on foreign fishing which Congress painstakingly built into the new law.

What was immediately clear at these hearings was the dismaying lack of information which agency representatives had on foreign investment in the U.S. fishing industry—information which our committee needs to accurately assess the impact of these ventures on our fishing industry and on the 200 mile law.

If this legislation is enacted I will ask the President to make the collection of foreign investment data as it affects the U.S. fishing industry a priority. Only in this way can we hope to enforce the 200-mile fisheries zone as Congress intended when it passed this landmark legislation last March.

Mr. WHALEN. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. SOLARZ) that the House suspend the rules and pass the Senate bill (S. 2839), as amended.

The question was taken.

Mr. SYMMS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this vote will be postponed.

GENERAL LEAVE

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

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

There was no objection.

CALL OF THE HOUSE

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

The SPEAKER pro tempore. Evidently a quorum is not present.

Without objection, a call of the House is ordered.

There was no objection.

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

[Roll No. 774]

Anderson, Ill.	Harsha	O'Hara
Andrews, N.C.	Hayes, Ind.	Pattison, N.Y.
Annunzio	Hébert	Pickle
Armstrong	Heinz	Pike
Ashley	Helstoski	Pressler
Badillo	Henderson	Rees
Beard, Tenn.	Hinshaw	Riegle
Bedell	Holland	Rodino
Biouin	Holtzman	Roybal
Boggs	Jacobs	Ruppe
Bolling	Jarman	Santini
Brodhead	Jenrette	Scheuer
Burton, John	Johnson, Colo.	Schneebeli
Butler	Jones, Ala.	Shuster
Carney	Karth	Stanton, James V.
Cederberg	Keys	Steelman
Clancy	Landrum	Steiger, Ariz.
Conyers	McCollister	Stephens
Dellums	McCormack	Stuckey
Derrick	Mathis	Thompson
Derwinski	Matsunaga	Ullman
Drinan	Meeds	Vander Veen
Edwards, Ala.	Melcher	Wiggins
Esch	Miller, Calif.	Wilson, Bob
Eshleman	Mink	Wilson, C. H.
Evins, Tenn.	Montgomery	Wilson, Tex.
Fish	Mosher	Wylie
Fithian	Murphy, N.Y.	
Green	Neal	
Haley	Nix	

The SPEAKER pro tempore (Mr. McFALL). On this rollcall 343 Members have recorded their presence by electronic device, a quorum.

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

RIGHT TO FOOD RESOLUTION

Mr. DIGGS. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 737) expressing the sense of the Congress that every person throughout the world has a right to a nutritionally adequate diet and that the United States should increase substantially its assistance for self-help development among the world's poorest people, as amended.

The Clerk read as follows:

H. CON. RES. 737

Whereas in this Bicentennial Year, we reaffirm our national commitment to the inalienable right of all to life, liberty, and the pursuit of happiness, none of which can be realized without food to adequately sustain and nourish life, and we recall that the right to food and freedom from hunger was set forth in the Universal Declaration of Human Rights and in the World Food Conference Declaration of 1974; and

Whereas American agriculture, *which encourages individual initiative and efficiency in the production, processing, and distribution of food,* has been and is a major source for alleviating malnutrition and famine throughout the world; and

Whereas the report entitled "The Assessment of the World Food Situation", prepared for the 1974 World Food Conference, estimated that four hundred and sixty million persons, almost half of them young children, are malnourished; and

Whereas nearly half of the human race lives on diets seriously deficient in proteins or other essential nutrients; and

Whereas most of this hunger and malnutrition is suffered by the poor in developing countries whose poverty prevents them from obtaining adequate food; and

Whereas the demand for food is accelerating and the unprecedented growth in population will add a billion persons to the world's population in less than fifteen years; and

Whereas the Food and Agriculture Organization, and other recognized authorities, currently estimate that by 1985 the developing countries will experience an annual food deficit of eighty-five million tons, and the World Food Conference called for rational population policies to help achieve a desirable balance between population and food supply; and

Whereas it is in the interest of the United States and all nations to overcome food shortages which cause human suffering and generate economic and political instability; and

Whereas the United States proposed, and all nations at the World Food Conference of 1974 accepted, the bold objective "that within a decade no child will go to bed hungry, that no family will fear for its next day's bread, and that no human being's future and capacities will be stunted by malnutrition"; and

Whereas the international community has repeatedly urged the industrialized nations to increase their official development assistance; and

Whereas the elimination of global hunger and malnutrition cannot succeed without expanded self-help efforts by the developing countries that concentrate on means to increase food production and expand processing and distribution systems: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of Congress that—

(1) the United States reaffirms the right of every person in this country and throughout the world to food and a nutritionally adequate diet; and

(2) the need to combat hunger shall be a fundamental point of reference in the formulation and implementation of United States policy in all areas which bear on hunger, including international trade, monetary arrangements, and foreign assistance; and

(3) in the United States, we should seek to improve food assistance programs for all those who are in need, to insure that all eligible recipients have the opportunity to receive a nutritionally adequate diet; and

(4) the United States should increase substantially its assistance for self-help development among the world's poorest, people, especially in countries seriously affected by hunger and malnutrition, with particular emphasis on increasing food production and encouraging improved food distribution and more equitable patterns of economic growth; and such assistance, in order to be effective, should be coordinated with expanded efforts by international organizations, donor nations, and the recipient countries to provide a nutritionally adequate diet for all; and

(5) the President is requested to provide to the Congress not later than April 1, 1977, a five-year projection of United States international assistance levels consistent with the objectives set forth in this resolution.

The SPEAKER pro tempore. Is a second demanded?

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

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Michigan (Mr. DIGGS) and the gentleman from New York (Mr. GILMAN) are recognized for 20 minutes each.

The Chair recognizes the gentleman from Michigan (Mr. DIGGS).

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

Mr. Speaker, House Concurrent Resolution 737 expresses concern about the continuing problems of world and domestic hunger and malnutrition.

In 1973 and 1974 the world witnessed death by starvation of some tens of thousands of people in the Sahel and Bangladesh. These African and Asian victims of drought and civil war dramatized the situation in the international community with respect to the whole basic problem of world hunger.

Mr. Speaker, the World Food Conference convened in November of 1974 in Rome to outline a series of corrective measures. At that meeting Secretary Kissinger set forth a challenge that "within a decade no child will go to bed hungry, that no family will fear for its next day's bread, and that no human being's future and capacities will be stunted by malnutrition."

During the 2 years since the World Food Conference—the nations of the globe have come together to establish the International Fund for Agricultural Development. This Congress was instrumental in spurring on this process through its appropriation of some $200 million for the contribution of the United States to this effort. This body authorized and appropriated that:

—the global flow of official development assistance and multilateral contributions for agricultural development in foreign nations was increased from some $2.1 billion in 1973 to approximately $5 billion in 1975.

—industrialized countries have taken steps to expand their grain production.

So, Mr. Speaker, this resolution really should be seen as a continuation of the efforts by this body and other institutions to arrest world hunger.

This resolution expresses the sense of the Congress that the right of every person to food at home and abroad is reaffirmed, that the need to combat hunger shall be given high priority in the formulation and implementation of U.S. policy in all areas which bear on hunger, and that we seek to improve domestic food assistance programs for those who are in need, to insure that all recipients receive an adequate diet.

It is further the sense of the Congress that this country substantially increase its assistance for self-help development.

I think it is important to underscore that point, Mr. Speaker: this resolution stresses self-help development among the world's poorest people, with particular emphasis on increasing food production and encouraging more equitable patterns of economic growth.

The President is requested to provide to the Congress not later than April 1 of next year, a 5-year projection of our Government's international assistance levels consistent with the objectives set forth in this resolution.

Mr. Speaker, the initial resolution from which this concurrent resolution, House Concurrent Resolution 737, comes, was introduced by the gentleman from Minnesota (Mr. FRASER) and was supported by 52 other Members of the House. This resolution is a bipartisan effort. It

is the culmination of wide consultation with representatives of both parties, not only in the Committee on International Relations but also—since the bill was originally jointly referred to the Committee on Agriculture—there was consultation with the gentleman from Washington, Chairman FOLEY, and the ranking minority member, the gentleman from Virginia (Mr. WAMPLER).

I might add with emphasis that the resolution, as amended, has the support of the administration.

Mr. Speaker, approximately 460 million persons in the world most of them women and children, are malnourished, and it is generally recognized that unless the nations of the world work to alleviate this problem, we are going to face a major world food disaster by 1985. Most authorities agree that there will be a net food shortfall in the developing countries of some 85 million tons by 1985. Despite these grim statistics, the minimum food aid target of 10 million tons set forth at the World Food Conference has not yet reached its objective in 1976. Only half of the target of some 1 million tons of fertilizer for the most seriously affected countries was met in 1975–76. Increased food production in the developing countries remains a distant hope, and although the total flow of resources to agriculture has increased, this increase has been eroded by inflation. Our country with its vast grain supply and superior agricultural technology is particularly well placed to assist in what really must be an international effort to combat world hunger, involving not only the public sector but also the private sector. It is important that we approach this on a collective basis.

I think that the Congress can be proud of its record of accomplishments in appropriating funds that have been aimed at increasing food aid and expanding food production in developing countries.

Finally, Mr. Speaker, I think it is important to stress that "Bread for the World," which is a private Christian citizens' movement, has been a driving force behind this resolution. Many of us here in the Congress have been the recipients of its advice in connection with this general subject, and I think that this recognition of its participation in this effort really extends to all in the religious community and others who have given their support.

So, Mr. Speaker, this resolution, I believe, represents an important effort, a bipartisan effort, a public-private effort to focus more serious attention on the problems of hunger in the world. This revised resolution—which is really not as strong as I would like to have seen it and other principal sponsors of this proposal would like to have seen it—does represent give and take in the classic processes of the legislative branch of our Government. It reflects a consensus, and at the same time represents a commitment and a step that is most important in this whole operation.

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

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

Mr. BAUMAN. I appreciate the gentleman's yielding.

I have read very closely the language of the resolving clause in this resolution. It seems to me to express a very pious hope as to what may happen internationally insofar as nutritional needs are concerned. But could the gentleman tell me what specific obligation this expression of the sense of the Congress places upon the American people in the way of providing assistance abroad? Does it in fact commit us to x number of billions of dollars or tons of food? And in what way, if so?

Mr. DIGGS. No; it does not. We carefully discussed this particular matter in our hearings, with international legal counsel and with other people.

This is a sense-of-Congress resolution. It does not carry the force of a commitment such as the gentleman is suggesting. In that way the resolution has a moral force behind it, but no binding legal obligation.

As a matter of fact in the additional views by the gentleman from Pennsylvania (Mr. BIESTER) in the committee report, the gentleman states that the resolution is a general statement of principles, "completely lacking obligation."

So the resolution is only a sense-of-Congress resolution, and internationally, it certainly does not meet the international criteria for the kind of commitment that I think is implicit in the gentleman's question.

Mr. BAUMAN. Mr. Speaker, I thank the gentleman. Will the gentleman yield further?

Mr. DIGGS. I would be delighted to answer further a little later on, if the gentleman could withhold.

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

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

Mr. Speaker, I am pleased to join with my colleague, the gentleman from Michigan (Mr. DIGGS) in support of House Concurrent Resolution 737. This resolution represents the culmination of an extensive bipartisan effort in the greatest tradition of compromise to focus the attention of the entire Congress on problems of hunger and malnutrition in this country and around the world.

House Concurrent Resolution 737 expresses the critical nature of the food shortages throughout the globe and the devastating effects of hunger and malnutrition. In recalling the bold objectives set forth by the United States at the World Food Conference "that within a decade no child will go to bed hungry, that no family will fear for its next day's bread, and that no human being's future and capacities will be stunted by malnutrition." This resolution reaffirms our national commitment to assist all nations of the world in overcoming the famine and food shortages that have plagued mankind since the beginning of time.

More importantly, perhaps, House Concurrent Resolution 737 follows the lead of this Congress past actions in setting forth "new directions" in development assistance by recognizing the fact that, "the elimination of global hunger and malnutrition cannot succeed without expanded self-help efforts by the developing countries" themselves.

With the passage of House Concurrent Resolution 737, the Congress reaffirms the right of every person throughout the world to food and a nutritionally adequate diet. By reaffirming that right, we pledge to assist all persons in this country who are in need and to keep in mind the worldwide fight against hunger when formulating U.S. policy. We also recognize the need to increase our assistance for self-help development.

The recognition of a "right to food" does not commit or obligate the United States to feed the world. It does, however, draw attention to the fact that every person at home and abroad needs food to sustain and nourish life. As derived from this Nation's founding principles of life, liberty, and the pursuit of happiness, House Concurrent Resolution 737 stresses the need for self-help development to enable the world's hungry to feed themselves.

This resolution, which has the full support of the executive branch, is not all things to all people, but is a realistic statement of our concern in this Congress and this country of the need to "overcome food shortages which cause human suffering and great economic and political instability."

As a cosponsor of House Concurrent Resolution 737, I urge my colleagues to support this statement of humanitarian concern.

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

Mr. GILMAN. I am pleased to yield to the gentleman from Maryland.

Mr. BAUMAN. Mr. Speaker, the resolution suggests that the United States has an obligation to maintain standards of nutrition for every person in the world. Does the gentleman, or the authors of this resolution, suggest there is any way that the U.S. agricultural community can possibly provide for the 4 billion people of the world their nutritional needs without substantially lowering our standard of living in this country?

Mr. GILMAN. It is not the intention of the resolution to serve as any guarantee. The resolution does not obligate the United States to feed the world; rather, it authorizes self-help development to enable the hungry of the world to feed themselves.

Mr. BAUMAN. Mr. Speaker, if the gentleman will yield further on that very point, it seems to me that the evidence is immense that the economic systems which have had the most trouble providing food for their people and, indeed, providing all amenities for their people, have been those where the political and economic policies discourage food production and private enterprise.

I wonder if the committee considered at all in writing the resolution the obligation of those in other countries to meet these needs?

Mr. GILMAN. Mr. Speaker, the gentleman's observation is well taken. In fact, that proposition is set forth in the dissenting views accompanying the committee report on this measure, noting that in those countries where there is

such a planned economy, they have the least productivity.

Of course, it is the intent of this proposal to try to encourage self-help among the developing nations in the most productive manner and not in the manner, as the gentleman has suggested, where a planned economy has throttled production.

Mr. BAUMAN. Mr. Speaker, I thank the gentleman. It is most difficult to quarrel with the expressed intentions of the sponsors of this resolution. However, a careful reading of its provisions suggests that it is not just an expression of humanitarian hope, but perhaps a blank check commitment to use the resources of the American people in order to feed the world. That sounds laudable, but the resolution specifically calls on the executive branch to formulate a policy which would "increase substantially" the amounts of food and assistance we will provide to every person in the world. At the same time the resolution says very little of the obligation of other nations to assist those in need or, indeed, to assist themselves.

I am most reluctant in my support of a resolution which gives prior congressional approval of such broad scope. Our primary obligation is to feed the American people and to take care of their needs before all others. We also have an obligation to permit our farmers to sell their products abroad and at home for a fair price and a just rate of return for their labors. This resolution may suggest that food is a cheap commodity which should be distributed at will to those who need it regardless of their own desire to help themselves.

I include at this point in my remarks an article written by the editor of the Prairie Farmer, James C. Thomson, which was reprinted in the record of Havre de Grace, Md.

A RIGHT TO FOOD?

(By James C. Thomson)

Does everyone have the right to a supply of food? In the United States, the question is almost academic. Food-stamp eligibility already has been extended to strikers in labor disputes.

Some Congressmen see food guarantees as a right not only of the people of the United States but also of the rest of the world. They suggest that the right to food should not be considered charity but justice. A right-to-food resolution has just introduced into the Congress by Senator Mark O. Hatfield, Oregon Republican, and Representative Donald M. Fraser, Minnesota Democrat. More than two dozen prominent religious leaders have endorsed the idea. It is difficult to argue the issue. The advocates wear halos. They enjoy their humanitarianism and it doesn't cost very much. The critic is made to feel like Ebenezer Scrooge and the enemy of hungry widows and orphans.

The suggestion itself is degrading to American farmers. It assumes that they are obliged to produce a cheap necessity to which everyone is entitled for little or nothing. Things for which we pay little or nothing are valued in the same light.

The fact is that the United States cannot guarantee the world's rapidly increasing four billion people an adequate diet or a standard of living near our level. Any such effort would mean a serious reduction in our own living standards.

Most frustrating in any such discussion with politicians and religious leaders is their woeful lack of understanding of the economies of agriculture and the food industry. The nations with the greatest food scarcity problems, including the Soviet Union, are those whose political and economic policies discourage food production.

In the developing countries, food prices are set at low levels ostensibly to curb economic unrest by assuring large urban populations, that they will eat cheaply. Unhappily, low prices paid to farmers are a signal to them that less food is wanted and so they tend to produce less.

The price-selling practice seemed logical to the pharaoh of Egypt in 6000 B.C. It was tried by the Roman emperor Diocletian in A.D. 300. It was tried by the American Colonies and by President Nixon. All discarded the idea as impractical, because the result is lower production, higher prices and a flourishing black market for those who can afford high prices.

The result is that farmers produce little, earn little, invest little, and therefore can not get bank credit. The result is that they can feed few more than their own families.

Take Peru. It is a potential Garden of Eden, but most of its farm people earn less that $1,000 a year. Peru is about ten times the size of Illinois. A third of it has a climate like California.

There is in Peru another unstable dimension. It plans to take over about 10 million acres from larger farmers to cut up into smaller, less-productive farms. More than seven million acres have been taken already. This has frightened farmers into even less production and greater stagnation.

Farmers have virtually no social standing in South America. This compounds the problems. When United States specialists point out pitfalls in these policies, they are told to mind their own business.

Guaranteeing food supplies for countries such as Peru with three times the birth rate of the United States would encourage even greater expansion of Peru's population.

It would also discourage Peru's farmers even further. More likely it would continue the status quo. Our well-meaning but economically naive politicians and clergy could do more to help solve the basic problem by calling for the reforms needed to unshackle foreign farmers and encourage them to produce food in abundance. When farmers earn little or nothing, they will produce little or nothing.

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

Mr. GILMAN. I yield to the gentleman from Missouri.

Mr. ICHORD. Mr. Speaker, on page 4 of the resolution at the beginning of the page it is stated that the United States should increase substantially its assistance for self-help development among the world's poorest people, and so forth.

Then in the last paragraph, paragraph 5, it says that the President is requested to provide a 5-year projection of U.S. international assistance levels consistent with the objectives set forth in this resolution.

Does the distinguished gentleman anticipate that this will cost our Nation any more in foreign aid?

Mr. GILMAN. Mr. Speaker, I am going to refer the gentleman's question to the sponsor of that amendment, the gentleman from Minnesota (Mr. FRASER), who proposed that amendment to the bill.

Mr. FRASER. Mr. Speaker, if the gentleman will yield, let me explain that the amendment as found in paragraph 5 came as a substitute to a proposal to commit the United States to an aid level of 1 percent of our gross national product, which is the target that has been established by international conferences. It did not seem feasible to commit the United States to that level at that point; so as a substitute, we asked the President to make a 5-year projection to the extent possible and the report makes clear there will be a number of contingencies in that matter. The 5-year projection is for the kind of aid level that the administration believes that the United States can maintain in relation to the problems of world hunger.

Mr. GILMAN. Mr. Speaker, I withdraw my time and yield 5 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, the resolution before us, House Concurrent Resolution 737, very graphically points out the serious levels of hunger and malnutrition that exists in the world today. These conditions have persisted despite massive food aid and development programs by this Nation and increased international awareness.

As the resolution suggests, if present conditions persist unabated, the developing countries will experience growing food deficits by 1985. The cumulative effect of these food deficits in a world already facing hunger and malnutrition would be tragic.

The resolution recalls the objectives set forth at the World Food Conference.

House Concurrent Resolution 737 seeks to express the sense of Congress that we should "substantially" increase our assistance and make the need to combat world hunger a fundamental point of reference in the formulation and implementation of U.S. policy. These policy directives are aimed at the central theme of the resolution, that "the United States reaffirms the right of every person in this country and throughout the world to food and a nutritionally adequate diet."

I support the admirable goals of this resolution to eliminate global hunger and malnutrition and will probably support its passage. I am, however, concerned that we must not promise more than we can deliver.

While the passage of the resolution will not constitute a new law or guarantee any specific performance, it will be interpreted as the policy of the United States. The establishment of a universal "right to food" is a grave matter that raises serious questions, as to its effect not only on this country but the entire world.

The cause of food deficits are much more complex than the simple lack of food supplies. The United States has little or no control over many of these problems and should not assume a role it could not execute and responsibilities it cannot fulfill.

Of equal importance is the need to stress in this resolution that the final solution to the world's food problems depends primarily on the actions taken by the governments of those countries in need. The United States can only provide a fraction of the resources needed and none of the political will required.

Many of the developing nations have adopted policies that discourage full and efficient production. Even though these countries possess the natural require-

ments to feed their own people, they have failed to liberate their farms and farmers from the rigid controls of government master plans. We need to point out the connection between America's great harvests and the considerable freedom and incentives that U.S. farmers enjoy through the free enterprise system.

Instead of pointing an accusing finger at the United States for not doing enough when in fact we have continued to lead the world in the fight against hunger, we should point out the reasons why other countries that have favorable climatic conditions and potential consistently fail to reach their goals.

We recognize, as stated in the resolution, that the elimination of global hunger and malnutrition cannot succeed without expanded self-help efforts by the developing countries. Therefore, we owe it to the developing world to point out the differences between the state agricultural planning systems of the Communist and Socialist states and the free enterprise system that we enjoy.

The Eastern European nations and the Soviet Union have consistently faced food shortages as a result of the failure of their much acclaimed "5-year plans." While this system has failed to produce sufficient food supplies for their own people, let alone contribute to the relief of global hunger, the Communists and Socialist states continue to blame bad harvests on the weather and on everything other than the effects of state planning. It is these very effects that have required the Soviet Union, the world's leading agricultural exporter before World War I, to purchase vast amounts of U.S. grain.

The United States, on the other hand, with its free enterprise system, enjoys vast food abundance, largely because of the incentives the system provides. This has enabled it to not only feed the Nation and add substantially to our balance of payments through exports, but to provide billions in humanitarian food aid abroad.

The answer to the food crisis lies not in the straitjackets of government regulation and control through state planning organizations, but in our encouraging other nations to follow the U.S. example. This is the greatest gift we can give to the developing world.

The food policy statements of the United States are of tremendous importance throughout the world as the largest producer and exporter of basic foodstuffs. We cannot guarantee good harvests, nor can we guarantee that other governments will follow these policies needed to improve food production and distribution systems. We must take great care not to promise more than we can deliver and unduly raise the expectations of the world's hungry. Clearly, the United States alone cannot feasibly try to feed all the world's undernourished.

As the producer of nearly 75 percent of all exportable grains, this Nation has long been helping to feed a large portion of the world's population through commercial channels. In addition, the humanitarian traditions of this Nation in aiding the victims of disasters such as floods and famines is one unmatched throughout the world. It is in this great tradition that we should do everything we reasonably can to ameliorate hunger and prevent starvation anywhere in the world.

Mr. Speaker, I would like to address myself to a few points.

The nobility of thought behind the resolution is something we do not quarrel with, but the problem is the practicality, or I should say the lack of practicality. If we look at some of the figures, and I admit that I am not an agricultural expert, I am amazed that the Committee on Agriculture saw fit to pass up a legitimate review of this measure; but that, I understand, was something worked out behind the scenes.

The facts are that at the present time the United States is the producer of nearly 75 percent of all exportable grains. Now, if there is not sufficient food either available or properly distributed, and we already are exporting 75 percent of the exportable grains, who fills the gap; do we? If so, how do we do it? Do we subsidize our farmers to encourage growth and mark all that for export?

What do we do to our commercial export markets? Is there a priority between distributing the exportable grain for humanitarian purposes, or do we meet our commercial obligations first? These are all questions that automatically come up.

Another question is, why is it that the United States is this tremendous source of supply? There are many other countries in the world with equally good climatic conditions. Prior to World War I, what is now the Soviet Union, Imperial Russia, was the breadbasket of Europe. Why are they not producing for export now? Is it the economic and political system. The nations of the Third World, the so-called developing nations, instead of meeting annually and demanding more and more from the United States, ought to say to the so-called socialistic, or Communist countries, "If you comrades changed your system and gave your people some incentive, maybe you could produce enough to help us."

The United States, which has a far better record for humanitarian response in times of need than the rest of the world combined, is damned for not doing enough. Yet, when there was a drought in the Sahel, where did most of the aid come from? The United States. When there was an earthquake in Guatemala, a typhoon in Bangladesh, an earthquake in Turkey, who rushed in the aid? The United States. Who supplied the foodstuffs? The United States. Who gets the credit? Not the United States.

We are now a major exporter of food grains. When we have a bad crop year, our own considerations may require that we carefully control exports. This resolution was handled by the Committee on International Relations, and the responsibility of the Committee on Agriculture was evidently abdicated. Because we are in an era where Earl Butz is damned as much as anyone on the scene, and perhaps free enterprise is a no-no to some of the members of the Agriculture Committee, they did not want to admit that it is the present American agricultural incentive system if adopted that would give their people some economic incentive to produce and this might be the simplest way to attack the food shortage.

I suggest that with the American economic incentive, and with good climatic conditions, there is no reason in the world why Eastern Europe, the Soviet Union, and Western Europe should not be producing far more than they are now. I support this resolution, but I think it is time to set the record straight. The United States has nothing to be ashamed of; it has nothing to apologize for. We have done far more than we will ever get credit for in a humanitarian, consistent fashion. I think this resolution misses that point.

Mr. GILMAN. Mr. Speaker, I yield 4 minutes to the gentleman from Iowa (Mr. GRASSLEY).

Mr. GRASSLEY. Mr. Speaker, I rise in support of this resolution although somewhat as reluctantly as the gentleman from Illinois (Mr. DERWINSKI), because I believe that it is necessary to demonstrate this Nation's willingness to help solve the world's greatest, most pressing problem, that of hunger. But, it is particularly heartening to me to note that the drafters of this resolution were sensible enough, as compared to the original draft, to realize that the United States alone cannot eliminate malnutrition. Rather, those countries in which hunger and malnutrition are a critical problem must make an all-out effort on their own to increase their production of food as well as the distribution and processing of food.

Much food is wasted, for instance, just because nations that have hunger problems do not have adequate storage or transportation facilities.

Clearly the United States must assist these nations in developing their own internal resources so that they can become less dependent upon others. In addition, one point above all else has to be demonstrated, and it can be demonstrated through this resolution; that is, when it comes to producing food, the free enterprise system comes out way ahead of all other systems. Independent studies done, for instance, by the General Accounting Office, which were published last November, in 1975, and by researchers in my own Iowa State University, say that one of the greatest problems with the world hunger situation is that 80 percent of underdeveloped nations have disincentives in the form of public policy to the full production of food. And hopefully, through this resolution those disincentives can be eliminated.

The producers of food must be allowed to make a reasonable profit, and their agricultural activities must not be dictated by bureaucrats who live hundreds or thousands of miles away. The best fertilizer for the full production of food is individual initiative and hard work; and the worst is dogmatic preaching and centralized control of production decisions.

I believe the United States can take an active role in seeing that the hungry are fed by demonstrating that the free enterprise system is the way to accomplish this end. But I also believe that it has to be done within a concept of a balanced budget. In other words, I feel it is

wrong for us to pass these highfalutin resolutions and then put off to future generations 25 years down the road the paying of the bill. I think it also gives us ample opportunity to demonstrate that there are two ways to accomplish this. We can do it like was just done in Cambodia, drive the people from the cities into the sparse areas and make them produce food, as serfs, or we can do it like we do in the United States, produce to the maximum because of our free market system. We can do it like they do in the U.S.S.R., and have everything produced on state farms, where two-thirds of it is produced in that manner and one-third in individual Russian gardens and backyards, or, as we do in the United States. The Russians can expand their own backyard and increase their production of food because of the free market incentives which are lacking in their state or collective farming operations.

I am for this resolution because it gives us the opportunity to export that which I think we are the best at exporting, our heritage of American freedom, and we can export this to solve the world's greatest problem, that of hunger.

Mr. GILMAN. Mr. Speaker, I yield 3 minutes to the gentlewoman from New Jersey (Mrs. FENWICK).

Mrs. FENWICK. Mr. Speaker, I rise neither in support of, nor in opposition to, this resolution.

I would like to speak not for 3 minutes, but perhaps for 1 or 2 minutes, about those people whom I admire, and about what I think is important about the subject we are discussing here today.

If it is possible for the United States, enjoying the bounty it does and the surplus harvest it does, not to remember the starving of the world, something terrible has happened to this country. If we cannot recognize a duty to share, when God has blessed us with so much, we become diminished in our vision and in our capacity to understand what is going on in this world.

Mr. Speaker, I would like to say how much I admire the churches and the people who have joined "Bread for the World," who have tried to arouse the conscience of the Nation; and, even more important, the people who write me every day, who twice a week, every week, give up all meat and expensive food and send that money for food for the starving.

Mr. Speaker, these are personal, individual, humble, human sacrifices coming out of what they know is right. This is what is important here, this duty to share what we have and not to forget others who are lost and left behind and starving.

Mr. GILMAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DIGGS. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. SIMON).

Mr. SIMON. Mr. Speaker, I will say to my colleagues in the House that I wish I had the eloquence of my colleague, the gentlewoman from New Jersey (Mrs. FENWICK). Since I do not, I will make a few points less eloquently.

One is that we are not talking fundamentally about something new. It is not only that recent Presidents and Secretaries of State have enunciated basically what we are asking Congress to enunciate, but 200 years ago some people met in Philadelphia and said: "All men"—they would say today, "All men and women"—"are created equal, and they are endowed by their Creator with certain unalienable Rights, that among these are Life. * * *"

We cannot talk about the right to life without talking about the right to food. We are not creating a right; we are acknowledging what I believe all human beings recognize as a right, and we are giving ourselves a little vision.

If we read the CONGRESSIONAL RECORD, if we listen to the debates here, and if we listen to what goes on and listen to the conversations in the dining room, we would hardly guess, if we did not know it, that the dominant issue for the balance of this century is the struggle between food and population.

Here today we are hitting on that fundamental issue. We are not suggesting that the United States must export all this food. I think it is important that we read the committee report to see what is suggested.

Incidentally, I wish to commend the chairman of the subcommittee, the gentleman from Michigan (Mr. DIGGS), the gentleman from Minnesota (Mr. FRASER), and the gentleman from New York (Mr. GILMAN), for their leadership in this matter.

Mr. Speaker, the committee report reads:

> The Right to Food Resolution does not commit this country to feed the world, nor is it a food aid proposal. On the contrary, it stresses the importance of enabling the hungry of the world to feed themselves through self-help development.

Like every other Member here, I hope that my children and any generations that may come will live in a world of peace and stability. But we cannot talk about peace without talking about economic justice, and that is really what this resolution discusses. We are talking about hope for others and a sense of direction for ourselves.

Mr. Speaker, I commend the resolution and urge the Members to vote for it.

CALL OF THE HOUSE

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

The SPEAKER pro tempore (Mr. LONG of Maryland). Evidently a quorum is not present.

Without objection, a call of the House is ordered.

There was no objection.

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

[Roll No. 775]

Adams	Breckinridge	Dingell
Anderson, Ill.	Brinkley	Drinan
Andrews, N.C.	Chisholm	du Pont
Annunzio	Clancy	Emery
Armstrong	Conlan	Esch
Ashley	Conyers	Eshleman
Badillo	D'Amours	Evins, Tenn.
Beard, Tenn.	Dellums	Fascell
Blouin	Derrick	Fish
Bolling	Derwinski	Fithian
Ford, Mich.	Mathis	Rosenthal
Frey	Matsunaga	Sarbanes
Gaydos	Meeds	Scheuer
Giaimo	Metcalfe	Schneebeli
Green	Mikva	Shipley
Haley	Milford	Shuster
Hébert	Miller, Calif.	Sisk
Heinz	Minish	Stanton, James V.
Helstoski	Mink	Steed
Henderson	Montgomery	Steelman
Hinshaw	Murphy, N.Y.	Steiger, Ariz.
Holt	Nix	Stephens
Horton	O'Hara	Stuckey
Hyde	O'Neill	Tsongas
Jarman	Passman	Udall
Jenrette	Patterson, Calif.	Wilson, Bob
Jones, Ala.	Pepper	Wilson, C. H.
Jones, N.C.	Pike	Wilson, Tex.
Jones, Okla.	Pressler	Wright
Kemp	Pritchard	Wydler
Landrum	Randall	Wylie
Leggett	Reuss	Zablocki
Lloyd, Calif.	Richmond	Zeferetti
McCollister	Riegle	
McCormack	Rodino	
McFall		

The SPEAKER. On this rollcall 326 Members have recorded their presence by electronic device, a quorum.

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

Mr. DIGGS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. LAGOMARSINO).

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

Mr. Speaker, I rise in support of House Concurrent Resolution 737, the right to food resolution. I commend the committee for improving the legislation so as to remove some provisions which some of us found to be troublesome.

It was our intention, as the gentleman from Illinois (Mr. DERWINSKI) pointed out, to offer an amendment concerning the state agricultural systems of Communist and Socialist countries. It seems to me that if there is a right to food, as indeed there must be as an essential part of the right to life, as the gentleman from Illinois pointed out so eloquently a few moments ago, that right should be fulfilled and satisfied by the countries in which the people live. The gentleman from Illinois (Mr. DERWINSKI) pointed out in his comments that much of the food shortage problem today is caused by the policies and the dogmatic regulations of those countries with their 5-year plans, their reliance on unrealistic central planning.

The fact is that many, if not most, of these countries have simply failed to do the job.

The United States on the other hand, through its free enterprise system enjoys vast food abundance, largely because of the incentives it provides. We are thus able to feed our people, add substantially to our balance of payments through food exports, but also to provide billions in overseas humanitarian food aid.

I support the goal of this resolution to eliminate global hunger and malnutrition, and especially the recognition that this will require expanded self-help efforts by the developing countries themselves.

As the producer of nearly 75 percent of all exportable grains, the United States has long been helping to feed a large portion of the world's people. Also, the humanitarian traditions of this Nation in assisting the victims of floods, earthquakes, and famines are unmatched in

the world. In this great tradition, we should do everything we reasonably and responsibly can to ease hunger and prevent starvation throughout the world.

Mr. BROOMFIELD. Mr. Speaker, I rise in support of House Concurrent Resolution 737, the right to food resolution. I have long felt that the increasing congressional involvement in foreign affairs should focus on long-range, evolving issues of foreign policy. On many of these issues—food, access to commodities, Law of the Sea and Outer Space are but some examples—there is ample room for creative congressional input in the foreign policy process.

There can be no doubt that, in the coming decade, food will become an increasingly important issue in foreign policy; there is widespread agreement that—sooner or later—the international community will have a full-fledged food crisis on its hands. The possible consequences of widespread starvation, malnutrition, and a breakdown in stability are not pleasant to contemplate. A good year, a good harvest from time to time, should not divert our attention from the issue of food; it is a problem that will be with us until such time as the nations of the world can find a way to work together and achieve a balance between population growth and agricultural output.

The legislation before us will not solve the coming food crisis, but it is at least a welcome affirmation of our determination to do our share in addressing this problem. It is acceptable to the administration and it emphasizes the importance of self-help and increased agricultural production in developing nations.

I urge a vote in favor of House Concurrent Resolution 737.

Mr. BINGHAM. Mr. Speaker, I rise in support of House Concurrent Resolution 737, the so-called right-to-food resolution. This is a resolution which has been the product of several months of difficult negotiation. The term "right to food" has been removed from the House resolution, since some suggested that the United States would be making a commitment which it was not ready, or willing, to keep. As it stands at the moment, this resolution is pretty well bereft of any wording that would offend, or frighten, anyone. It avoids mentioning the fact that the Organization for Economic Development and Cooperation, which is made up of 21 industrialized nations, set as a goal seven-tenths of 1 percent of the GNP of advanced nations which should be set aside for official development assistance.

I think we should put aside such timidity, and, as the Senate has done in Senate Concurrent Resolution 138, reaffirm the "right of every person to food" and make mention of the seven-tenths of 1 percent target. This would put the Congress of the United States more clearly on record as recognizing the awesome dimensions of the world food crisis, and our responsibility on all levels to augment and streamline our assistance. We have done much in the past, but, if prognostications are correct, we will have to do much more in the future. America and the other industrialized nations, even if they should attain this percentage goal, can only succeed with the cooperation and dedication of the less developed countries, and this necessity is pointed out in the resolution. Congressman FRASER's amendment, which asks the President to provide, by April 1, 1977, a "5-year projection of U.S. international assistance levels," is a welcome addition to the House resolution. It will give AID an opportunity to assess future needs, and the Congress the occasion to view our development aid in a longer perspective.

In December of 1975, 265 Members voted for the International Development and Food Assistance Act of 1975, which authorized over 2 fiscal years $1.5 billion for the provision of overseas distribution and production of agricultural commodities and rural development. Thus, the Congress is firmly on record with a clear message that it is aware of the dimensions of the world food crisis and is committed to America's responsibility, as a rich and powerful nation, to use all means available to head off an eventual catastrophe. This resolution is another example of that continuing commitment, and I hope that it will encourage the administration to develop not merely ad hoc measures, but instead a long term and comprehensive plan to deal with this pressing problem.

Mr. BIAGGI. Mr. Speaker, I wish to indicate my support for House Concurrent Resolution 737, the "right to food" resolution. I feel its passage will definitely place the United States as the preeminent leader in the area of world hunger control.

The world community can no longer overlook the startling fact that more than 460 million persons today are suffering from varying degrees of malnutrition. The causes of world hunger are many and include natural disasters, such as droughts which have ravaged areas in Africa and Europe. In addition, the lack of advanced agricultural and technological capabilities have hindered many nations in providing enough food for all of their citizens.

House Concurrent Resolution 737 makes it a national statement of policy that every person throughout the world has the right to food and a nutritionally sound diet. It also emphasizes the fact that the United States, by virtue of its position as the most advanced agricultural Nation in the world, should increase its contributions to the cause of alleviating world hunger and promoting self-help development among the world's poorest nations and peoples.

On this latter point, I am pleased to see this resolution recognize the fact that the long-term amelioration of world hunger will not be achieved merely by doling out large sums of money each year to nations for increased food supplies. An appropriate amount of our funds and energies in this area should be devoted toward providing nations with the know-how to feed their citizenry.

The resolution also recognizes that there are still far too many in this Nation who suffer from the problems of malnutrition. In many respects, our agricultural export policies in recent years have been overly concerned with political realities at the expense of human needs. The U.S. farming community has enjoyed plentiful harvests in such basic staples as grain. Yet certain ill-founded agreements such as the now infamous Russian wheat deal, contributed to shortages within our own Nation. I am pleased that this resolution indicates that humanitarian and not political concerns will dictate where and to whom our food assistance will be directed.

It is obvious from the wide support which this resolution enjoys that many in this Nation are concerned with the problems of world hunger. This support comes from all sectors of our society. I recall a conversation I had with the popular entertainer Harry Chapin in my office about world hunger problems. His concern and commitment are shared by a great many people in this Nation, and are impressive.

I applaud the committee and especially Mr. DIGGS for their work on behalf of this resolution. Our Nation in the past has been a leader in the fight against world hunger. But with the problem intensifying, so too must our commitment. We are saying in this resolution that we, who enjoy plentiful amounts of food are not ignorant of the millions of people in this world who are starving. This resolution is an important statement of policy and is consistent with our Nation's traditional assistance to humanitarian causes. I urge its support today.

Mr. RIEGLE. Mr. Speaker, the International Relations Committee has reported out a resolution (H. Con. Res. 737) that expresses the sense of the Congress that each person in the United States and the entire world has the right to a proper and nutritious diet. In addition the bill states that the United States should assist the poorer nations in self-help development projects with an emphasis on food production. I strongly support this resolution and am convinced we must act now and with a sense of urgency to solve this problem.

While traveling around my district and the State of Michigan, I have seen firsthand the economic hardship and despair of people living on an inadequate diet. In addition, as a member of the Appropriations Subcommittee on Foreign Operations for 6 years, I was an early supporter of the Food for Peace program. The United States is the "breadbasket" of the world and we have an obligation to help people in other countries. Rather than fueling the worldwide arms race we should use more of our resources to feed the hungry people throughout the world.

The United States has historically been a leader in giving food assistance. To make future contributions that are responsive to world needs, we must do several things. We must replace Secretary of Agriculture Earl Butz with someone more sensitive to the situation facing the starving around the world and here at home. We need to adjust our agricultural policies to remove all remaining acreage limitations so that every farmer can make an all out effort to produce

to maximum capacity. And we must share our advanced agricultural know how and expertise so that developing countries will be able to increase their agricultural output. If these actions are taken and Members of Congress and the American public continue to voice their support for helping the hungry nations, I feel sure we can meet this challenge and do our share to prevent starvation in the future.

Mr. DRINAN. Mr. Speaker, I am pleased to rise in support of House Concurrent Resolution 737, the right-to-food resolution. This resolution constitutes a reaffirmation and strengthening of the principles accepted by the United States and other participating nations at the World Food Conference in Rome in 1974. At that time, the United States proposed and the conference adopted a fundamental objective stating that:

Within a decade no child will go to bed hungry, that no family will fear for its next day's bread, and that no human being's future and capacities will be stunted by malnutrition.

One-fifth of that decade has now passed, Mr. Speaker, but we are no closer to fulfilling that historic pledge. World food aid did increase during 1975–76 to 9 million tons, but that amount was still 1 million tons shy of the goal set a year earlier. Even more significantly, only half of the 1 million tons of fertilizer aid targeted for developing nations was actually contributed in the past year. Harvests were generally excellent throughout the world in both 1975 and 1976, yet world food stocks increased only slightly over their dangerously depleted levels of 1974. World fertilizer production continues to lag behind demand.

Meanwhile, the population of the developing nations continues to rise at a rapid rate. Each day the need for adequate nourishment grows more acute. Each day, thousands of human beings die of starvation and diseases brought on by malnutrition. Many climatologists and meterologists are predicting that the world is entering a period to be characterized by severe local droughts and overall poor growing conditions. All of these alarming facts make prompt and effective action essential if we are to stave off massive worldwide famine in the years ahead.

The right-to-food resolution, which I have cosponsored, does not in itself provide the solution to that enormous and critical problem. As I noted in testifying before the International Relations Subcommittee on International Resources, Food, and Energy on June 24th, "the right-to-food resolution is merely an expression of opinion by the Congress; its enactment will not in itself prevent a single person from starving." Yet, as an indication of our determination and commitment to confront this universal problem, House Concurrent Resolution 737 is an important first step.

With the passage of this resolution here today, we will join the Senate in demonstrating to the developing nations throughout the world that the United States is not going to abandon them as they seek a means of feeding their people. As the resolution states, we must increase our level of food assistance to the most seriously affected countries. We must also accelerate our efforts to join with other food exporters in establishing an international food reserve. Our scientists and engineers must expand their research to discover better fertilizers and more efficient forms of land management to help increase worldwide food production. We should also continue to provide our technological and practical expertise to developing nations seeking to improve family planning among their people. The passage of the Right-to-Food Resolution does none of these things, but it creates an impetus for all of them.

Mr. Speaker, I am pleased to note that both the House and Senate committees which considered this resolution credit the organization, Bread for the World, with formulating the right-to-food concept and actively promoting its adoption by the Congress. Bread for the World is an interdenominational Christian citizens movement working to alleviate world hunger. I am privileged to serve as a member of the board of directors of Bread for the World. At this point, I would like to insert for the benefit of my colleagues a working statement of policy on the right to food prepared by that organization:

THE RIGHT TO FOOD

A WORKING STATEMENT OF POLICY BY BREAD FOR THE WORLD

Our response to the hunger crisis springs from God's love for all people. By creating us and redeeming us through Jesus Christ, he has given us a love that will not turn aside from those who lack daily bread. The human wholeness of all of us—the well-fed as well as the starving—is at stake.

As Christians we affirm the right to food: the right of every man, woman, and child on earth to a nutritionally adequate diet. This right is grounded in the value God places on human life and in the belief that "the earth is the Lord's and the fulness thereof." Because other considerations, including the importance of work, flow from these, we cannot rest until the fruit of God's earth is shared in a way that befits his human family.

Today hundreds of millions suffer from acute hunger. Emergency food aid is imperative. For this reason Bread for the World supports the work of church and other agencies in alleviating hunger, and urges increased support for them. However, the problem is far too massive for private agencies alone. The resources that governments command must also be used if food is to reach people in most areas of famine and end starvation.

But emergency aid is not enough. We need to think in terms of *long-range strategies* that deal with the causes of hunger. These causes include poverty, illiteracy, lack of health services, technical inadequacy, rapid growth of population, and unemployment, to name some of the more serious. Church relief agencies have increasingly sponsored development projects that address these problems. But again, although there are small models of excellence on the part of those agencies, the extent of hunger makes large-scale government assistance essential.

Hunger is also rooted in privileges that may, in securing wealth for some, perpetuate the poverty of others. Because they reflect sinful human nature and are usually sanctioned by custom and law, these privileges are often the most obstinate causes of hunger. The rich can resist taxes that could generate jobs for the poor. Landless peasants may be forced to work for a few pennies an hour. Tenant farmers are often kept in perpetual debt. The powerful, with privileges to protect, can use repression to prevent change.

The problem of privileges for some at the cost of hunger for others applies not only to persons and groups within a country, but also to nations. Because the United States earns more than twice the income of the entire poor world, U.S. Christians need to be especially alert to the possibility that our privileges may come at high cost to others.

The policies of the U.S. government are especially crucial regarding world hunger. Our nation can lead countless persons out of hunger or lock them into despair and death. Citizen impact on U.S. policies is, therefore, our most important tool in the struggle against hunger.

In affirming the right to food, Bread for the World seeks:

1. *An end to hunger in the United States.* It supports:

A. a floor of economic decency under every U.S. citizen through measures such as a minimum income and guaranteed employment;

B. steps to improve existing programs, such as (1) food stamps; (2) school lunches; and (3) nutritional assistance for especially vulnerable persons, along with steps to enroll in these programs all who qualify; and

C. a national nutrition policy that enables every citizen to get an acceptably nutritious diet.

2. *A U.S. food policy committed to world food security and rural development, as proposed by the World Food Conference.*

The United States clearly shoulders a special responsibility regarding global food needs. Our country controls most of the world's grain exports. U.S. commercial farm export earnings *from poor countries alone* jumped from $1.6 billion in 1972 to $6.6 billion in 1974—an increase double the amount of our entire development assistance to those countries. While this happened, U.S. food assistance declined sharply. We now need to respond in a way that reflects the more generous U.S. tradition of two decades following World War II.

The World Food Conference charted the necessary path to world food security under a World Food Council that would coordinate both emergency relief efforts and long-range rural development. Bread for the World supports:

A. U.S. participation in a world food reserve progarm, with reserves under national control;

B. an increase in U.S. food assistance, especially the grant portion, to at least the level of a tithe (ten percent) of this country's food exports, as our share toward the establishment of a grain reserve with an initial world target of 10 million tons;

C. a substantial increase in the amount of food made available to the UN World Food Program and to voluntary agencies for distribution abroad;

D. humanitarian, not political, use of food assistance, with assistance channeled through, or in cooperation with, international agencies;

E. a fair return to the U.S. farmer for his production, with curbs against windfall profits and special measures to assist family farmers; just wages for farm workers; and

F. full U.S. participation in the International Fund for Agricultural Development, along with other steps that would promote rural development in the poor countries. Such development would, among other things, enable them to produce or secure adequate supplies of fertilizer and energy, and accelerate research relating to food production there.

3. *The reform and expansion of U.S. development assistance.*

The United States currently ranks near the bottom of Development Assistance Committee nations, when assistance is measured as a percentage of GNP. By official (and somewhat exaggerated) figures, U.S. develop-

ment assistance to poor countries amounts to one-fifth of 1 percent of our GNP. We can do better than that. What is true for the United States is true for all countries: "To whom much has been given, much will be required." Further, the *quality* of assistance is crucial. Assistance should deliver self-help opportunities primarily to those living in hunger and poverty, especially the rural poor. It should be aimed at developing self-reliance, not dependency on the part of the recipient nations and people. And rather than imposing capital-intensive western technologies on those countries, assistance should make possible the development of locally appropriate technologies, usually geared to small-scale, labor-intensive methods. Bread for the World therefore supports:

A. a U.S. contribution, in proportion to our share of the world's income, to the International Fund for Agricultural Development as a major attempt to increase the food production capactiy and living standards of impoverished rural families;

B. rapid movement toward the 1-percent-of-GNP assistance goal;

C. the "untying" of assistance. Economic strings that put burdens on recipient nations should be cut;

D. honest accounting of U.S. assistance. Loans are counted as grants in aid figures. Either repayments from previous loans should be subtracted, or only a percentage of loans counted, because they are made on below-market terms;

E. channeling of development assistance through international and transnational agencies, where possible, without precluding the expansion of bilateral assistance; and

F. adoption, with other donor and recipient nations, of an internationally agreed set of standards on the basis of which the amount of development assistance would be determined. These standards should include: (a) need; (b) evidence that development is occurring among the masses of poor people; (c) willingess of leaders to institute basic reforms, such as land reform, tax reform, and anti-corruption measures, in order to reduce the disparity between rich and poor within a country; (d) de-emphasis on military spending; and (e) efforts to secure human rights.

4. *The separation of development assistance from all forms of military assistance.*

Most U.S. aid is either military assistance or assistance in which political and military considerations are uppermost. This mixing of humanitarian assistance with military and political aid gives the public an exaggerated impression of real U.S. aid to hungry and poverty-ridden countries. Bread for the World therefore proposes legislation to sever completely the connection between humanitarian development assistance and military and political assistance.

5. *Trade preferences for the poorest countries.*

Trade is not perceived by the public as a "hunger" issue, but trade, even more than aid, vitally affects hungry people. In the past poor countries have been compelled to export their raw materials at bargain prices, and import high-priced manufactured products. The terms of such trade have progressively deteriorated over the past two decades. Recent, food, fertilizer, and oil price hikes have left the 40 poorest countries, representing a billion people, in a desperate position. For them in particular trade opportunities are more important than ever. Bread for the World therefore supports the following positions, which are partly embodied in the Trade Act of 1974:

A. the lowering of trade barriers such as tariffs and quotas, especially on semi-processed and finished products. It has been estimated that these barriers cost U.S. consumers $10 to $15 billion a year;

B. special trade preferences for the poorest countries. These countries need markets for their products, if they are to work their way out of hunger; and

C. greatly increased planning for economic adjustment, including assistance for adversely affected U.S. workers and industries. Without this, U.S. laborers are made to bear an unfair burden and are increasingly pitted against hungry people.

6. *Reduced military spending.*

U.S. defense spending alone exceeds the total annual income of the poorest billion people on earth, the truly hungry children of God. Our thinking begins with them. During his presidential years, Dwight D. Eisenhower said, "Every gun that is made, every warship launched, every rocket fired signifies, in the final sense, a theft from those who hunger and are not fed, those who are cold and are not clothed." Bread for the World supports:

A. greater U.S. initiative in pressing for arms limitation agreements and mutual cutbacks in existing arms as well as greater public access to information surrounding negotiations;

B. curtailment of the sale of arms, if possible by international agreement; and

C. adoption of a U.S. defense budget that would reduce military spending. For example, a 10 percent reduction could provide $9 billion for financing long-range measures against hunger.

7. *Study and appropriate control of multinational corporations, with particular attention to agribusiness.*

Multinationals are playing an increasingly influential global role. They transcend national boundaries and often bring jobs and needed development opportunities to poor countries. But they create empires that are not accountable to host countries and often impose a type of development that reinforces inequalities and, consequently, the problem of hunger, as well. Bread for the World therefore supports:

A. the principle that each country has the right to determine its own path to human and social development, including legitimate control over outside investments;

B. efforts to study and analyze the role of multinational corporations, especially as they relate positively or negatively to the problem of hunger;

C. national and international measures that seek fair means of accountability on the part of such companies; and

D. special examination of the role of corporate farming, with a view toward adequate safeguards for low-income consumers and small family farm holders.

8. *Efforts to deal with the population growth rate.*

Rapid population growth is putting great pressure on the world's food supply and on the capacity of countries to absorb the increase into their economies. Population growth will not be effectively curbed if it is dealt with in isolation, but only if placed in the context of total development needs. For example, hungry people usually have large families, in part because surviving sons provide security in old age. Only where social and economic gains include the poor, and where the rate of infant mortality begins to approximate that of the affluent nations, do people feel secure enough to limit family size. Bread for the World therefore supports:

A. greatly expanded U.S. efforts to enable the poor of the world to work their way out of hunger and poverty;

B. additional U.S. assistance for health programs abroad aimed at reducing infant mortality and increasing health security;

C. additional support for research to develop family planning methods that are dependable, inexpensive, simple, safe, and morally acceptable to all; and

D. efforts to modify our own consumption, which strains the carrying capacity of the earth no less than population increases.

9. *Christian patterns of living.*

The growing scarcity of several key resources—grain, fuel, and fertilizer in particular—that directly affect the food supply has prompted many to reassess their habits of consumption. This country, with 6 percent of the world's population, consumes one-third or more of the world's marketed resources. On the average each person in the United States buys about 4.5 times more grain—most of it indirectly as meat and dairy products, along with alcohol and pet food—than persons in poor countries do. There is often no direct connection between our using less and others having more. Nevertheless there are important psychological, symbolic, and spiritual values in reexamining our patterns of consumption. Bread for the World invites Christians to:

A. remember that along with changes in habits of consumption we have to change government policies, without which lifestyle modifications do little more than give us a misleading sense of accomplishment;

B. reconsider our personal spending and consuming, with a view toward living more simply and less materialistically;

C. reconsider a way of life in which billions of dollars are spent annually to make us crave, and in turn spend countless additional billions on products we do not need, and which in fact often harm us—all this while sisters and brothers perish for lack of bread.

These things we seek because we affirm for others a right that we enjoy: the right to food. We seek to extend to all this God-given right in obedience to Christ who has called us to follow him in loving our neighbor as ourselves.

Mr. BAUCUS. Mr. Speaker, I would like to comment on House Concurrent Resolution 737, the right to food resolution, which expresses the sense of Congress "that every person throughout the world has a right to a nutritionally adequate diet."

Since the right to food resolution was first introduced last September, I have been contacted by nearly 400 residents of my district expressing their wholehearted support of this measure. I share my constituents' concern for those in our world who suffer from hunger, and hope that the House of Representatives will act favorably on this resolution.

It is hard for many of us in the United States to fully comprehend the magnitude of the world hunger problems. The official "assessment of the world food situation" for the World Food Conference of 1974 estimated that there were at least 460 million malnourished people in the world. This figure is even more staggering when we realize that that number represents more than twice the total population of the United States.

Unless drastic remedial measures are undertaken now, the rapid increase in the world population will only serve to amplify the present hunger problem. We cannot afford this as food is an absolute necessity for physical and psychological well-being. The ability of children to experience the normal growth and development cycle which leads them into healthy adulthood may be severely retarded where food supplies are unavailable for extended periods of time. In addition, nutritional deficiencies are the root of many diseases which drain the vitality from hundreds of millions of people annually. There are too many concerns in

our world which require human assistance and ingenuity for us to allow even a single person to suffer reduced productivity, alertness, and endurance as the result of an inadequate diet.

We in the United States frequently experience surplus amounts of the commodities which are most needed by the hungry people of the world. This is particularly true in the areas of wheat and feed grain products. In 1975, the United States exported over $584 million of these products for food aid programs, my own State of Montana contributing over 6 percent of this total.

The passage of this measure should bring about an increase in the amount of grain products which we export through the increase of such aid programs and should prove to be a great help to our farmers here who have been plagued with falling prices and increasing surpluses. I can think of no better way in which to utilize surplus commodities than to direct them to the people of the world who can use them and need them the most. And, if aggressively followed up, this proposal may stimulate improved agricultural productivity.

House Concurrent Resolution 737 does not commit the United States to provide food for all of the hungry people of the world. Rather, it is a statement of concern about this disturbing problem, and a commitment to investigate ways in which we can be of assistance. The right to food resolution is in full accord with the U.S. proposal, which was accepted by the World Food Conference of 1974, which stated that:

> Within a decade, no child will go to bed hungry, that no family will fear for its next day's bread, and that no human being's future and capacities will be stunted by malnutrition.

House Concurrent Resolution 737 will move us one step closer to that goal.

I am asking that my colleagues indicate their concern and willingness to help the hungry people in this world by voting in favor of the right to food resolution, and hope that the passage of this resoltuion will help us to reduce this tragic worldwide human suffering.

Mr. BOLAND. Mr. Speaker, I rise in support of House Concurrent Resolution 737. I have long felt that food production must be a major determinant of this Nation's domestic and foreign policy. Not only must we insure that people are fed now, we must insure that they are fed in the future. This two-pronged goal requires that we closely examine the present diet of the world, recognize the problems that now exist, and take the necessary steps to correct those problems.

I am most appalled by the waste we are talking about here, Mr. Speaker—the waste of lives and resources that result when people do not have adequate nourishment. A proper and nutritious diet for everyone is not an easy task to accomplish. But it is a goal to which we can and we must aspire. By passing this resolution, we are articulating that goal. I believe many Members of this House have long been aware of this goal and have acted accordingly. House concurrent resolution merely puts into words the sense which the Congress has already displayed. I urge the adoption of this resolution.

Mr. FRASER. Mr. Speaker, as the original House sponsor of the right to food resolution, I am pleased to rise in support of House Concurrent Resolution 737.

The resolution before us is very similar to the original right to food resolution, House concurrent Resolution 393. It expresses the sense of Congress that: First, every person throughout the world has the right to food and a nutritionally adequate diet; second, the need to combat hunger should become a fundamental point of reference in the formulation and implementation of U.S. policy in all areas which bear on hunger; third, the United States should seek to improve domestic food assistance programs for Americans in need; fourth, the United States should increase substantially its assistance for self-help development among the world's poorest people with particular emphasis on increasing food production and encouraging improved food distribution and more equitable patterns of economic growth; and fifth, the President is requested to provide Congress by April 1, 1977, a 5-year projection of U.S. international assistance levels consistent with the resolution's objectives.

When our office introduced the resolution last September, we had little idea of the immense interest it would generate. Most congressional offices can testify to the enormous volume of letters, calls, and telegrams which followed its introduction. This support was translated into substantial congressional interest—more than 50 offices cosponsored the resolution and almost 200 others have called our office to request information.

The gentleman from Michigan (Mr. DIGGS) and his staff deserve a great deal of credit for the initiative shown in conducting 4 days of hearings, reporting the resolution to the full committee, and bringing it quickly to the House floor. Without their diligence, the resolution would have probably died quietly.

Appreciation must also be expressed to the members of Bread for the World, an interdenominational Christian citizen's movement concerned with public policy and hunger. It was Bread for the World who approached our and Senator HATFIELD's office last year with the idea of introducing a resolution on the right to food. And, it was Bread for the World who spent considerable time and energy in encouraging persons from all religious faiths to communicate their support for the resolution to Members of Congress.

The resolution has not been free from criticism. A column which appeared in the September 13 New York Times reflects some of the most frequently raised concerns. Written by James C. Thomson of the Illinois Prairie Farmer, the column states that a congressional reaffirmation of every person's right to food would place on U.S. farmers an obligation "to produce a cheap necessity to which everyone is entitled for little or nothing." Mr. Thomson also argues that the resolution would commit this country to "guarantee the world's rapidly increasing 4 billion people an adequate diet or standard of living near our level." This line of reasoning makes two common, but fallacious, assumptions.

First, it assumes that the resolution is a food "handout" proposal. Mr. Thomson and others point out the need for developing nations to undertake indigenous efforts to increase economic growth rates and per capita purchasing power. Supporters of the resolution fully agree. The resolution should not be interpreted as emphasizing short-term food relief at the expense of self-help development. Hunger is simply the most visible manifestation of underlying social and economic powerlessness—poverty.

People with adequate financial wherewithal do not suffer from hunger. To attack hunger and malnutrition at the root, it is therefore necessary to secure more equitable patterns of income and resource distribution. In turn, this will require strategies that involve developing nations' small farmers and landless laborers in production and job opportunities.

The resolution explicitly recognizes this; in the fourth resolved paragraph it calls upon the United States to—

> . . . increase substantially its assistance for self-help development among the world's poorest people, especially in countries seriously affected by hunger and malnutrition, with particular emphasis on increasing food production and encouraging improved food distribution and more equitable patterns of economic growth.

Congress has broken important ground in targeting development assistance on the poorest segments of the poor nations. The "new directions" policy of the 1973 Foreign Assistance Act mandated a shift away from large-scale capital transfers and toward assistance in areas that directly affect the lives of the poor majorities; the International Development and Food Assistance Act of 1975 attempted to strengthen and institutionalize the new directions thrusts. Viewed in this context, the resolution would provide momentum toward meeting the policy objectives of current programs.

Second, Thomson's line of reasoning assumes that the resolution seeks to place the United States in the position of being the food supplier of last resort. The congressional acknowledgement of a right to food does attempt to insure that efforts to combat hunger will be given fundamental consideration in the formulation and implementation of U.S. policy. It does not, however, impose any binding obligations on the United States in international or domestic law or alter the nature of existent commitments. Instead, it proposes guidelines for future policy and promulgates our intention to continue to engage in efforts that will contribute to the emergence of an international order in which no one goes hungry.

Although the resolution calls upon the United States to increase substantially its assistance for self-help development, it does not call for the meeting of specific target levels within a certain time. I understand the reasons for not including the kind of target included in the original resolution, but I would like to address briefly the problem of our current level of development assistance.

In the current issue of Scientific Amer-

ican, W. David Hopper of Ottawa's International Development Research Center notes that the U.S. projected official development assistance for 1977 is approximately 0.22 percent of our GNP. This compares with 0.31 percent in 1970 and the more than 2.5 percent contributed at the time of the Marshall Plan. When viewed in conjunction with the United Nations target for official development assistance of 0.7 percent, this figure suggests that while our Nation's humanitarian impulses remain strong, our attitudes toward development aid have become blurred and distorted.

To argue that the state of our economy precludes increases in resource commitments is to fail to properly account, in both moral and practical terms, the cost of continued human misery and suffering. Morally, to turn away from the ravages of malnutrition and starvation is to foresake the responsibilities we share as members of the human family. Practically, the cost of increased effort must be balanced against the long-term prospect of living in an interdependent world; expanded and restricted commitments to help food-poor nations' development efforts would contribute to a less tension-filled atmosphere for international dialog and negotiations.

The need to increase assistance levels must fit within a comprehensive effort to restructure and strengthen our ties to developing nations. This effort will demand that we make serious and sustained attempts to create new mechanisms with which to manage the global food economy. Too often, developed nations have failed to implement their rhetoric with program initiatives; we have too frequently been reluctant to take the courageous and difficult steps away from the old regime and toward a system of management based upon new imperatives and sensibilities. Moral leadership is desperately needed. We must be more sensitive to the imperatives of an emerging international humanism; policies which are based on a humanitarian concern for people's economic and social needs must come to take their rightful place at the center of our Nation's decisionmaking process.

The resolution alone cannot achieve this. But if followed by decisions reinforcing its philosophical orientation, it could contribute to the development of assumptions and approaches which will seek to insure that the world of 25 years hence will not be torn by widespread strife, instability, and human misery.

I urge my colleagues to support the resolution.

The SPEAKER. The question is on the motion offered by the gentleman from Michigan (Mr. DIGGS) that the House suspend the rules and pass the concurrent resolution (H. Con. Res. 737), as amended.

Mr. LAGOMARSINO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 3 of rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. DIGGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Concurrent Resolution 737.

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

There was no objection.

VETERANS DISABILITY COMPENSATION AND SURVIVOR BENEFITS ACT OF 1976

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 14299) to amend title 38, United States Code, to increase the rates of disability compensation for disabled veterans; to increase the rates of dependency and indemnity compensation for their survivors; and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

Strike out all after the enacting clause and insert: That this Act may be cited as the "Veterans Disability Compensation and Survivor Benefits Act of 1976".

TITLE I—VETERANS DISABILITY COMPENSATION

SEC. 101. (a) Section 314 of title 38, United States Code, is amended—

(1) by striking out in subsection (a) "$35" and inserting in lieu thereof "$38";

(2) by striking out in subsection (b) "$65" and inserting in lieu thereof "$70";

(3) by striking out in subsection (c) "$98" and inserting in lieu thereof "$106";

(4) by striking out in subsection (d) "$134" and inserting in lieu thereof "$145";

(5) by striking out in subsection (e) "$188" and inserting in lieu thereof "$203";

(6) by striking out in subsection (f) "$236" and inserting in lieu thereof "$255";

(7) by striking out in subsection (g) "$280" and inserting in lieu thereof "$302";

(8) by striking out in subsection (h) "$324" and inserting in lieu thereof "$350";

(9) by striking out in subsection (i) "$364" and inserting in lieu thereof "$393";

(10) by striking out in subsection (j) "$655" and inserting in lieu thereof "$707";

(11) by striking out in subsection (k) "$52" and "$814" and "$1,139" each time they appear and inserting in lieu thereof "$56" and "$879" and "$1,231", respectively;

(12) by striking out in subsection (l) "$814" and inserting in lieu thereof "$879";

(13) by striking out in subsection (m) "$896" and inserting in lieu thereof "$968";

(14) by striking out in subsection (n) "$1,018" and inserting in lieu thereof "$1,099";

(15) by striking out in subsection (o) and (p) "$1,139" each time it appears and inserting in lieu thereof "$1,231";

(16) by striking out in subsection (r) "$489" and inserting in lieu thereof "$528"; and

(17) by striking out in subsection (s) "$732" and inserting in lieu thereof "$791".

(b) The Administrator of Veterans' Affairs may adjust administratively, consistent with the increases authorized by this section, the rates of disability compensation payable to persons within the purview of section 10 of Public Law 85-857 who are not in receipt of compensation payable pursuant to chapter 11 of title 38, United States Code.

SEC. 102. Section 315(1) of title 38, United States Code, is amended—

(1) by striking out in subparagraph (A) "$40" and inserting in lieu thereof "$43";

(2) by striking out in subparagraph (B) "$67" and inserting in lieu thereof "$72";

(3) by striking out in subparagraph (C) "$85" and inserting in lieu thereof "$92";

(4) by striking out in subparagraph (D) "$105" and "$19" and inserting in lieu thereof "$113" and "$21", respectively;

(5) by striking out in subparagraph (E) "$26" and inserting in lieu thereof "$28";

(6) by striking out in subparagraph (F) "$45" and inserting in lieu thereof "$49";

(7) by striking out in subparagraph (G) "$67" and "$19" and inserting in lieu thereof "$72" and "$21", respectively;

(8) by striking out in subparagraph (H) "$32" and inserting in lieu thereof "$35" and by striking out in such subparagraph after the semicolon "and";

(9) by striking out in subparagraph (I) "$61" and inserting in lieu thereof "$66"; and

(10) by redesignating subparagraph (I) as subparagraph (J) and inserting the new subparagraph (I) as follows:

"(I) notwithstanding the other provisions of this subsection, the monthly payable amount on account of a spouse who is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person, shall be $78 for a totally disabled veteran and proportionate amounts for partially disabled veterans in accordance with paragraph (2) of this subsection; and".

TITLE II—SURVIVORS DEPENDENCY AND INDEMNITY COMPENSATION

SEC. 201. Section 411 of title 38, United States Code, is amended to read as follows:

"§ 411. Dependency and indemnity compensation to a surviving spouse

"(a) Dependency and indemnity compensation shall be paid to a surviving spouse, based on the pay grade of the person upon whose death entitlement is predicated, at monthly rates set forth in the following table:

"Pay grade	Monthly rate
E-1	$260
E-2	268
E-3	275
E-4	292
E-5	300
E-6	307
E-7	322
E-8	340
E-9	[1] 355
W-1	328
W-2	341
W-3	352
W-4	372
O-1	328
O-2	340
O-3	364
O-4	384
O-5	423
O-6	476
O-7	516
O-8	565
O-9	607
O-10	[2] 664

"[1] If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by sec. 402 of this title, the surviving spouse's rate shall be $382.

"[2] If the veteran served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, or Commandant

of the Marine Corps, at the applicable time designated by sec. 402 of this title, the surviving spouse's rate shall be $712.

"(b) If there is a surviving spouse with one or more children below the age of eighteen of a deceased veteran, the dependency and indemnity compensation paid monthly to the surviving spouse shall be increased by $31 for each such child.

"(c) The monthly rate of dependency and indemnity compensation payable to a surviving spouse shall be increased by $78 if the spouse is (1) a patient in a nursing home or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.".

SEC. 202. Section 413 of title 38, United States Code, is amended to read as follows:

"Whenever there is no surviving spouse of a deceased veteran entitled to dependency and idemnity compensation, dependency and indemnity compensation shall be paid in equal shares to the children of the deceased veteran at the following monthly rates:

"(1) one child, $131;

"(2) two children, $189;

"(3) three children, $243; and

"(4) more than three children, $243, plus $49 for each child in excess of three.".

SEC. 203. Section 414 of title 38, United States Code, is amended—

(1) by striking out in subsection (a) "$72" and inserting in lieu thereof "$78";

(2) by striking out in subsection (b) "$121" and inserting in lieu thereof "$131"; and

(3) by striking out in subsection (c) "$62" and inserting in lieu thereof "$67".

SEC. 204. (a) The Administrator shall carry out a thorough and detailed study of the dependency and indemnity compensation program authorized under chapter 13 of this title and of its beneficiaries to measure and evaluate the adequacy of benefits provided under this program and to determine whether, or to what exent, benefits should be based on the military pay grade of the person upon whose death entitlement is predicated.

(b) The report of such study shall include such full statistical data as may be obtained concerning surviving spouses and dependents in receipt of dependency and indemnity compensation other than under section 415 of title 38, United States Code, and in each instance the data shall include a breakdown of the distribution of the surviving spouses and dependents amongst the pay grade levels set forth in section 411(a) of title 38, United States Code. Data concerning such surviving spouses and dependents shall include (1) full statistical information concerning the number and ages of surviving spouses and dependents, the number of surviving spouses that remarry, the number of surviving spouses with dependents, and the number of surviving spouses in receipt of aid and attendance; (2) full statistical information concerning the number of suriving spouses and the number of dependents in receipt of old-age, survivors, and disability insurance (OASDI) cash benefits and the amount and type thereof, the number of surviving spouses and the number of dependents in receipt of other Federal or State assistance and the amount and type thereof, the number of surviving spouses in receipt of State survivor benefits and the amount and type thereof to include a breakdown by State, and the number of surviving spouses who work and their earnings therefrom; (3) full statistical information concerning the educational attainment of the survivor's deceased spouse; and (4) full statistical information concerning those surviving spouses whose veteran spouse was in receipt of disability compensation pursuant to chapter 11 of title 38, prior to death and the rating of disability thereof.

(c) The report together with such comments and recommendations by the Administrator for improving the program as are appropriate shall be submitted to the Congress and the President not later than October 1, 1977.

TITLE III—OTHER DISABLED VETERANS PROGRAM IMPROVEMENTS

SEC. 301. Section 362 of title 38, United States Code, is amended by striking out "$175" and inserting in lieu thereof "$190".

SEC. 302. Section 806 of title 38, United States Code, is amended by striking out in subsection (c) "$30,000," and inserting in lieu thereof "$40,000,".

SEC. 303. Section 1901 of title 38, United States Code, is amended—

(1) by striking out in paragraph (1) before the colon at the end of clause (A) "during World War II or thereafter" and inserting in lieu thereof "on or after September 16, 1940"; and

(2) by striking out in paragraph (1) before the period at the end of clause (B) "during World War II or thereafter" and inserting in lieu thereof "on or after September 16, 1940".

SEC. 304. (a) Chapter 23 of title 38, United States Code, is amended by adding at the end thereof the following new section:

"§ 908. Transportation of deceased veteran to a national cemetery

"Where a veteran dies as the result of a service-connected disability, or is in receipt of (but for the receipt of retirement pay or pension under this title would have been entitled to) disability compensation, the Administrator may pay, in addition to any amount paid pursuant to section 902 or 907 of this title, the cost of transportation of the deceased veteran for burial in a national cemetery. Such payment shall not exceed the cost of transportation to the national cemetery nearest the veteran's last place of residence in which burial space is available.".

(b) The table of sections at the beginning of such chapter is amended by adding at the end thereof the following:

"908. Transportation of deceased veterans to national cemetery.".

TITLE IV—MISCELLANEOUS AND TECHNICAL AMENDMENTS AND EFFECTIVE DATE PROVISIONS

SEC. 401. Chapter 11 of title 38, United States Code, is amended—

(1) by striking out in the table of sections at the beginning of such chapter 11

"356. Minimum rating for arrested tuberculosis.";

(2) by striking out in paragraph (3) of section 301 "Leprosy" and inserting in lieu thereof "Hansen's disease";

(3) by striking out in paragraph (4) of section 301 "Leprosy", and by inserting in paragraph (4) of such section "Hansen's disease" between "Filiariasis" and "Leishmaniasis, including kala-azar";

(4) by striking out in clause (o) of section 314 "in combination with total blindness with 5/200 visual acuity or less,"; and

(5) by striking out in clause (r) of section 314 "3203(f)" and inserting in lieu thereof "3203(e)".

SEC. 402. Section 3012(b) of title 38, United States Code, is amended—

(1) by inserting in clause (2) "annulment," immediately before "divorce" each time it appears; and

(2) by striking out in clause (9) "his" and inserting in lieu thereof "the beneficiary's".

SEC. 403. (a) The Administrator of Veterans' Affairs shall conduct a scientific study to determine if there is a causal relationship between the amputation of an extremity and the subsequent development of cardiovascular disorders.

(b) The report of the study shall include (1) a comprehensive review and professional analysis of the literature covering other such studies conducted or underway of such relationship; and (2) an analysis of statistically valid samples of disability claims of veterans having service-connected extremity amputation matched by age, sex and war period with nonamputee veterans.

(c) The report, together with such comments and recommendations as the Administrator deems appropriate, shall be submitted to the Speaker of the House and the President of the Senate not later than June 30, 1977.

SEC. 404. Chapter 11 of title 38, United States Code, is further amended—

(1) by striking out in clauses (A) and (B) of section 301(2) "him" and inserting in lieu thereof "such veteran";

(2) by striking out in section 302(a) "widow of a veteran under this chapter unless she was married to him" and inserting in lieu thereof "surviving spouse of a veteran under this chapter unless such surviving spouse was married to such veteran";

(3) by striking out in section 302(b) "widow" each time it appears and inserting in lieu thereof "surviving spouse";

(4) by striking out in the catchline of section 302 "widows" and inserting in lieu thereof "surviving spouses";

(5) by striking out in the table of sections at the beginning of such chapter 11.

"302. Special provisions relating to widows." and inserting in lieu thereof

"302. Special provisions relating to surviving spouses.";

(6) by striking out in clauses (m) and (o) of section 314 "him" and inserting in lieu thereof "such veteran";

(7) by striking out in section 314(p) ", in his discretion,";

(8) by striking out in clauses (r) and (s) of section 314 "he" and "his" each time they appear and inserting in lieu thereof "such veteran" and "such veteran's", respectively;

(9) by striking out in clauses (A), (B), (C), (D), (E), (F), and (G) of section 315(1) "wife" each time it appears and inserting in lieu thereof "spouse";

(10) by striking out in section 315(1)(H) "mother or father, either or both dependent upon him" and inserting in lieu thereof "parent dependent upon such veteran";

(11) by striking out in section 315(2) "his";

(12) by striking out in section 321 "widow" and inserting in lieu thereof "spouse";

(13) by striking out in paragraphs (1) and (2) of section 322(a) "Widow" and inserting in lieu thereof "Surviving spouse";

(14) by striking out in paragraphs (3), (4), and (5) of section 322(a) "widow" and inserting in lieu thereof "surviving spouse";

(15) by striking out in section 322(a)(6) "mother or father" and inserting in lieu thereof "parent";

(16) by striking out in section 322(a)(7) "Dependent mother and father" and inserting in lieu thereof "Both dependent parents";

(17) by striking out in section 322(b) "widow" and inserting in lieu thereof "surviving spouse";

(18) by striking out in section 341 "widow" and inserting in lieu thereof "spouse";

(19) by striking out in section 351 "him", and by striking out in such section "his" and inserting in lieu thereof "such veteran's";

(20) by striking out in section 354(a) "his" and "he" each time they appear and inserting in lieu thereof "such veteran's" and "such veteran", respectively;

(21) by striking out in section 358 ", in his discretion,", and by striking out in such section "his wife" and "a wife" and inserting in lieu thereof "such veteran's spouse" and "such spouse", respectively;

(22) by striking out in section 360 "his" each time it appears and inserting in lieu thereof "such veteran's";

(23) by striking out in section 361 "his"

and inserting in lieu thereof "such former member's"; and

(24) by striking out in section 362 "he" and inserting in lieu thereof "the Administrator".

SEC. 405. Chapter 13 of title 38, United States Code, is amended—

(1) by striking out in subsections (a) and (b) of section 402 "his" and "he" each time they appear and inserting in lieu thereof "such veteran's" and "such veteran", respectively;

(2) by striking out in subsections (c) and (d) of section 402 "he" and "his widow" and inserting in lieu thereof "such veteran" and "such veteran's surviving spouse", respectively;

(3) by striking out in section 402(e) "his" and "he" each time they appear and inserting in lieu thereof "such person's" and "such person", respectively;

(4) by striking out in section 404 "widow", "she", and "him", and inserting in lieu thereof "surviving spouse", "such surviving spouse", and "such veteran", respectively;

(5) by striking out in the catchline of section 404 "widows" and inserting in lieu thereof "surviving spouses";

(6) by striking out in the table of sections at the beginning of such chapter 13

"404. Special provisions relating to widows."

and inserting in lieu thereof

"404. Special provisions relating to surviving spouses.";

(7) by striking out in subsections (a) and (b) of section 410 "his widow", "widow", "he", and "his" and inserting in lieu thereof "such veteran's surviving spouse", "surviving spouse", "such veteran", and "such veteran's" respectively;

(8) by striking out in the table of sections at the beginning of such chapter 13

"411. Dependency and indemnity compensation to a widow."

and inserting in lieu thereof

"411. Dependency and indemnity compensation to a surviving spouse.";

(9) by striking out in subsections (a) and (b) of section 412 "his", "he", and "widow" each time they appear and inserting in lieu thereof "such veteran's", "such veteran", and "surviving spouse", respectively;

(10) by striking out in subsections (a), (b), and (c) of section 414 "him", "woman", "widow", and "her deceased husband" each time they appear and inserting in lieu thereof "such child", "person", "surviving spouse", and "such person's deceased spouse", respectively;

(11) by striking out in paragraphs (1) and (2) of section 416(a) "widow" and "his" and inserting in lieu thereof "surviving spouse" and "such person's", respectively;

(12) by striking out in section 416(b)(1) "widow" and "her" and inserting in lieu thereof "surviving spouse" and "such surviving spouse", respectively;

(13) by striking out in section 416(c) "him" and inserting in lieu thereof "such child";

(14) by striking out in section 416(d) "him" each time it appears and inserting in lieu thereof "such parent";

(15) by striking out in section 416(e)(1) "he" and "his" and inserting in lieu thereof "such person" and "such beneficiary's", respectively;

(16) by striking out in section 416(e)(3) "his" and "he" and inserting in lieu thereof "such child's" and "the Administrator", respectively;

(17) by striking out in section 421 "him" and inserting in lieu thereof "the Administrator";

(18) by striking out in section 422(a) "his" and "him" and inserting in lieu thereof "such veteran's" and "such Secretary", respectively; and

(19) by striking out in section 423 "him" and "he" each time they appear and inserting in lieu thereof "the Administrator".

SEC. 406. The provisions of this Act shall become effective on October 1, 1976.

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

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I wonder if the gentleman could explain the purpose of this request?

Mr. ROBERTS. Mr. Speaker, I appreciate the gentleman yielding in order that I might expalin.

Mr. Speaker, on June 21, without a dissenting vote, the House passed H.R. 14299, which would provide much needed increases in the monthly compensation payments made to veterans who received disabilities as a result of service-connected injury or disease. Among other things, the bill provided an 8-percent increase in rates effective October 1, 1977.

The amended bill is the same as the bill passed by the House except for the following additional provisions.

First. It would increase the annual clothing allowance to $190, an amount $3 more than the House-passed bill.

Second. It would extend the entitlement to an automobile allowance and needed adaptive equipment to eligible veterans who served after September 16, 1940.

Third. It would increase from $30,000 to $40,000 the mortgage protection life insurance available for certain seriously disabled veterans who qualify for VA assistance with specially adapted housing.

Fourth. It would authorize the VA to pay the cost of transporting the remains of deceased, service-disabled veterans to a national cemetery for burial.

Fifth. It would direct the Administrator to conduct a study of dependency and indemnity compensation to determine the adequacy of such program.

Sixth. It would also provide for various technical amendments to title 38, including elimination of unnecessary gender references.

The amendments are not very costly, less than $2 million.

The total fiscal year 1977 cost of the bill, as amended, is approximately $388.7 million and is within the committee's allocation.

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

Mr. MONTGOMERY. Mr. Speaker, I rise in support of H.R. 14299, as amended. I concur with the remarks of our distinguished chairman, the gentleman from Texas (Mr. ROBERTS). This bill contains essentially the same provisions as the bill passed by the House on June 21 with no dissenting vote. The bill would provide much needed increases in the monthly compensation payments made to veterans who received disabilities in the service of our country. It would provide, as well, needed increases in the dependency and indemnity—DIC—payments made to the widows and children of those veterans who have died because of service-connected injury or disease.

Their payments were last increased by Public Law 94-71, effective August 1, 1975. From that time until the end of July this year the Consumer Price Index has gone from 162.3 to 171.1 which is a 5.4-percent increase. The increases this bill provides would be effective for the month of October 1976, but would not be reflected in checks received by veterans and their survivors until the first of November. For this reason, you can see the 8-percent increase the bill offers is essential if these people who have given so much to keep our land free and strong are not to suffer the pinch of inflation.

Mr. Speaker, the House-passed bill would provide several important improvements. They are:

First, an 8-percent cost-of-living increase in disability compensation for the service-connected disabled veteran and in DIC for widows and children of veterans who die of a service-connected disability.

Second, an 8-percent rate increase in the special compensation payments usually known as statutory awards for those with the most severely disabling conditions, including amputations.

Third, an increase in the annual clothing allowance for veterans who suffer disabilities requiring the wearing or use of orthopedic or prosthetic devices which wear out or tear the clothing from the present $175 to $187.

Fourth, an increase from the present $72 to $78 in the monthly additional payment to widows who are so disabled as to require the regular aid and attendance of another person.

Fifth, a provision new to the law which would provide an additional monthly compensation payment to each service-connected veteran rated 50 percent or more disabled having a spouse who is a patient in a nursing home or is so helpless as to need regular aid and attendance.

Sixth, a scientific study by the Administrator of Veterans Affairs to determine if there is a causal relationship between amputation of an extremity and the subsequent development of cardiovascular disease.

Seventh, an extension of the present end-of-the-year rule for benefit reductions and terminations required when marriages are terminated by death or divorce to marriage terminations by annulment.

The Senate amendments to the bill do not extend to a change in any of these provisions but one. The Senate-passed bill would increase the annual clothing allowance to $190, an amount $3 more than the House-provided increase. This change does not conflict with the beneficial intention of the bill and is not, in my opinion, excessive. I support the change.

The Senate-passed bill would also provide:

First, an extension of the entitling criteria now governing the grant of automobile allowances and needed adaptive equipment. Currently, this benefit is available to veterans who have lost or lost the use of an extremity or who are blind because of disability incurred in service during World War II or thereafter. This bill would include those with service disabilities incurred on or after

September 16, 1940. That is a date recognized in other benefit areas such as home loans and for entitlement to World War II readjustment benefits. It was the effective date of the Selective Service Act of 1940.

I am advised that there are a number of very seriously disabled veterans who will benefit, particularly from the expertise the Veterans' Administration has acquired in the special adaptive equipment of automobiles for the seriously handicapped.

Second, an increase from $30,000 to $40,000 in the Veterans' Administration mortgage protection life insurance available for certain seriously disabled veterans who qualify for VA assistance with specially adapted housing.

Third, Veterans' Administration payment for the cost of transporting the remains of deceased, service-disabled veterans to a national cemetery for burial.

Fourth, certain technical amendments to title 38, United States Code, including elimination of unnecessary gender references.

Fifth, a provision requiring the Administrator to conduct a study of the benefit program providing dependency and indemnity compensation, with particular attention to the propriety of relating the amount of such benefits to the former pay grade of the deceased veteran.

The cost of the mortgage protection life insurance amendment has been estimated at $67,500 for fiscal year 1977. We have fiscal year 1977 estimates of $760,000 on the automobile amendment and $500,000 on the transportation provision. These amounts are not substantial and are within subcommittee budget allocations.

The total fiscal year 1977 cost of the bill as amended is approximately $388.7 million.

I hope you give your unanimous support to these needed compensation payment increases.

Mr. HAMMERSCHMIDT. Mr. Speaker, I support the gentleman's motion to concur with the Senate amendments to H.R. 14299, the Veterans Disability Compensation and Survivor Benefits Act of 1976.

The basic purpose of H.R. 14299 is to protect disabled veterans' and their survivors' purchasing power. The measure grants an 8-percent increase effective October 1, 1976, in rates of compensation payable to veterans for service-connected disabilities and in the rates of dependency and indemnity compensation payable to widows and children of veterans who died of service-connected causes.

As I stated when this measure initially passed the House on June 21 of this year, the 8-percent increase is dictated by the rising cost of living.

The Senate amendments offer minor additions and changes which I support. One amendment is to increase from $175 to $190 the annual clothing allowance for severely disabled veterans. This modest increase, justified by upward adjustments in the consumer price index, mainly affects veterans who wear prosthetic appliances.

A second amendment increases from $30,000 to $40,000 Veterans' Administration mortgage protection life insurance afforded certain seriously disabled veterans who are eligible for adaptive housing. This increase, justified by the $42,500 to $50,000 average cost of such housing, is expected to be required by approximately 450 veterans per year during the next 5 years.

A third amendment extends eligibility for Veterans' Administration automobile and adaptive equipment to certain pre-World War II disabled veterans. This provision is applicable to an estimated 200 eligible veterans who served between September 16, 1940, when the first federalized National Guard units entered active duty, and December 7, 1941, when the Second World War was declared.

A fourth amendment authorizes Veterans' Administration payment for the cost of transportation to a national cemetery for the burial of the remains of deceased disabled veterans. The payment would not exceed the transportation cost from the veteran's last place of residence to the nearest national cemetery which has available burial space.

Mr. Speaker, I shall vote "aye" for H.R. 14299, with its Senate amendments. I believe that the provisions of this bill reflect our commitment to service-connected disabled veterans and their survivors. I urge my colleagues to join me in approving this legislation.

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

There was no objection.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. ROBERTS. Mr. Speaker, I ask unanimous consent to revise and extend my remarks and that all Members may have 5 legislative days in which to revise and extend their remarks and to include extraneous matter on the Senate amendment to the bill, H.R. 14299, just concurred in.

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

There was no objection.

AMENDMENTS TO FEDERAL AVIATION ACT OF 1958

Mr. ANDERSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 15026) to amend the Federal Aviation Act of 1958 to authorize reduced fare transportation on space-available basis for elderly persons, young persons, and handicapped persons, as amended.

The Clerk read as follows:

H.R. 15026

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 403(b)(1) of the Federal Aviation Act of 1958 (49 U.S.C. 1373(b)(1)) is amended by striking out "to ministers of religion on a space available basis." and inserting in lieu thereof "on a space-available basis to any minister of religion, any person who is sixty years of age or older, and to any handicapped person and any attendant required by such handicapped person. For the purposes of this subsection, the term 'handicapped person' means any person who has severely impaired vision or hearing, and any other physically or mentally handicapped person as defined by the Board.".

(b) Within six months after the date of enactment of this Act, the Board shall study and report to Congress on the feasibility and economic impact of air carriers and foreign air carriers providing reduced-rate transportation on a space-available basis to persons twenty-one years of age or younger.

SEC. 2. Section 401(d) of the Federal Aviation Act of 1958 (49 U.S.C. 1371(d)) is amended by adding at the end thereof the following new paragraph:

"(4)(A) Notwithstanding any other provision of this Act, any citizen of the United States who undertakes, within the State of California, the carriage of persons or property as a common carrier for compensation or hire with aircraft capable of carrying thirty or more persons pursuant to authority granted by the Public Utilities Commission of such State is authorized—

"(i) to establish service for persons and property which includes transportation by such citizen over its routes in California and transportation by an air carrier or foreign air carrier in air transportation; and

"(ii) subject to the requirements of section 412 of this title, to enter into an agreement with any air carrier or foreign air carrier for the establishment of joint fares, rates, and services for such through service.

"(B) The joint fares or rates established under clause (ii) of subparagraph (A) of this paragraph shall be the lowest of—

"(i) the sum of the applicable fare or rate for service in California approved by such Public Utilities Commission and the applicable fare or rate for that part of the through service provided by the air carrier or foreign air carrier;

"(ii) a joint fare or rate established and filed in accordance with section 403 of this Act; or

"(iii) a joint fare or rate established by the Board in accordance with section 1002 of this Act.".

SEC. 3. Section 401(o)(2) of the Federal Aviation Act of 1958 (94 U.S.C. 1371(o)(2)) is amended by striking out "no air carrier certificated under subsection (a) of this section is" and inserting in lieu thereof "there are not at least two air carriers certificated under subsection (a) of this section which are".

The SPEAKER. Is a second demanded?

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

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

There was no objection.

The SPEAKER. The gentleman from California (Mr. ANDERSON) and the gentleman from Kentucky (Mr. SNYDER) will each be recognized for 20 minutes.

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

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

Mr. Speaker, the bill, H.R. 15026, is designed to increase the availability of air service for the elderly and handicapped, to improve air service for passengers using intrastate air carriers in California, and to increase the cost effectiveness of DOD's contracts for air transportation.

The bill would permit CAB to approve reduced air fares on a standby basis for persons 60 years of age or older and for the handicapped, and would require CAB to study the economic feasibility of reduced fares for youth.

These provisions of H.R. 15026 would

make air transportation more widely available to the public. Every citizen needs the mobility which air transportation affords. Unfortunately, however, inflation has placed air transportation well beyond the reach of many consumers. The problem is particularly severe for the elderly and the handicapped. Members of these groups tend to have below-average incomes and, in many cases they are particularly dependent upon public transportation because they are unable to drive private automobiles.

The fares now charged for air transportation tend to exclude the elderly, and the handicapped. For example, a survey by United Airlines showed that only 5 percent of its passengers were 65 years of age or over, while persons in this age bracket make up 10 percent of the general population. This disparity is largely attributable to the low income levels of many of the elderly. For example, in 1973 the median income for elderly households in 1973 was under $4,600, compared to the national average of $10,500. Similar problems are faced by the handicapped.

An excellent report on the transportation needs of our senior citizens has been issued by the Subcommittee on Federal, State, and Community Services of the Select Committee on Aging, under the chairmanship of Congressman SPARK M. MATSUNAGA. The report points out that a number of Federal programs, such as the urban mass transportation program, include special provisions designed to make transportation more widely available to the elderly. In air transportation there are no programs of this nature, and under existing law the Civil Aeronautics Board is limited in its ability to authorize reduced fare transportation for deserving groups. As a consequence, there are no reduced fare programs currently in effect for the elderly.

Chairman MATSUNAGA's report also suggests that well-designed reduced-fare programs for the elderly have been highly successful. For example:

> Inter-island carriers in Hawaii . . . instituted a half-acre for persons aged 65 and over in 1967, which remained in effect until 1974. During that time one of the carriers, Hawaiian Airlines, reported a 340-percent increase in the number of senior citizens taking advantage of the fare reduction. Moreover, since the seniors were accommodated on a space-available basis, the half-fares charged more than covered the extra costs of carrying them, and returned substantial increased revenues to the carriers.

The report recommends that Congress "reaffirm the power of the Civil Aeronautics Board to permit discount standby air fares for the elderly."

H.R. 15026 is designed to meet these needs, and to insure that similar reduced fare standby service will be available for the handicapped.

H.R. 15026 should also result in improved air service for those members of the traveling public who use intrastate air carriers in California. Under present law, intrastate carriers are not permitted to offer through ticketing and baggage service for passengers who connect with interstate carriers. For example, Pacific Southwest Airlines, an intrastate air carrier, is the only carrier now serving Long Beach. If a passenger wishes to travel on PSA to San Francisco and then connect to Western Airlines to travel to Seattle, the passenger must purchase separate tickets from PSA and Western, and he must transfer his own baggage at San Francisco.

H.R. 15026 would permit PSA and Western to enter into an agreement which would permit the Long Beach-Seattle passenger to purchase a single ticket at a joint fare. The agreement could also provide that the two airlines would provide baggage transfer service.

Finally, H.R. 15026 includes a provision designed to increase the cost effectiveness of Department of Defense contracts for air transportation.

Section 401 of the Federal Aviation Act of 1958 requires that certain airlift services required by Department of Defense be provided exclusively by United States certificated air carriers. H.R. 15026 establishes an exception to the requirement and permits DOD to contract with non-certificated carriers if there are not at least two certificated carriers capable and willing of providing needed service. This provision will encourage competitive bidding for transportation contracts. Thereby sole-source procurement will be avoided and costs to the Government will be reduced.

Mr. Speaker, I urge passage of H.R. 15026.

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

Mr. ANDERSON of California. Mr. Speaker, I yield to the gentleman.

Mr. ADDABBO. Mr. Speaker, in this Congress I sponsored a measure to provide half-fare air transportation for disabled veterans. I had introduced a similar measure in the previous Congress as well. The intent of that bill is embodied in this bill, H.R. 15026, which has been jointly offered by the chairman of the subcommittee and cosponsored by members of that Committee on Aviation, Public Works, and Transportation. This bill, in fact, goes further authorizing the CAB for discounted airfares for the handicapped and elderly consumers.

In essence, the principle is the same—utilizing space that all airlines have on many flights to provide an opportunity for groups of citizens whose income levels ordinarily do not allow them the luxury of flying.

There is precedent to this, since the Congress has made it a part of Federal mass transit law that reduced fares be made available to the elderly and handicapped. I believe that designation by Congress was a proper one which ought to now be extended to the operation of the Nation's airlines as well.

A year ago when I was preparing the background for introduction of my bill, I wrote to a number of airlines to gage their views on the proposed legislation. As I recall the airlines generally offered no specific objections to the bill except to state that they would prefer to offer discount rates across the board, rather than to specific groups of potential consumers. I can understand that reluctance. Rates which apply only to specific groups of consumers mean that specifications for eligibility must be determined and means of producing personal eligibility must be agreed to, and implemented.

However, I believe the problems of doing so are not so considerable as to offset to the consumer the benefits. Too often, the special discount tickets offered by the airlines simply could not be used by either the elderly or the handicapped, simply because they may not be able to travel within certain hours or upon designated days.

I must add that while I have considerable sympathy for the problems encountered by the airlines in most cases, I believe the public good to be derived from discounted tickets for the elderly and handicapped far overshadows any potential problems that might surface from implementation of the program.

All of us serving in this body are only too aware of what the Nation's economic upheavals in recent years have done to those who must live on fixed incomes. There is not a day that passes that one of us does not receive a letter from a citizen who simply cannot cope with the problems of trying to make a few dollars stretch to cover all the price increases he has encountered.

In the bill before you today, we have the opportunity to provide some relief for at least some of the people who have been hit hardest by inflation over the last few years. We ought to gladly move to help those persons who have been disabled through military service. We can help those who have been disabled through disease or injury. We ought to extend relief to retired persons who generally have the time and desire to travel but all too often no longer have the money to do so.

The need has long existed. I believe the time has finally come to bring these changes into being and I urge support of H.R. 15026 as pertains to the elderly and handicapped.

Mr. Speaker, on page 2, section (b), there is a study to be made within the next 6 months relative to reduced-rate transportation on a space-available basis to persons 21 years of age or younger. Is this just for students or all persons under 21?

Mr. ANDERSON of California. All persons 21 years of age or younger.

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

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

Mr. Speaker, I would like to emphasize that the aviation subcommittee carefully weighed the question of authorizing reduced air fares for the elderly, handicapped, and youth. Our hearings disclosed a variety of viewpoints, but we concluded that there is ample justification for authorizing reduced air fares for the elderly and handicapped. As for reduced fares for those under 21, substantive questions remain unanswered, so we thought it best to mandate a 6-month study by the Civil Aeronautics Board. The bill before us contains these provisions, and we recommend it to our colleagues for their favorable consideration. I believe we have a special incentive to move in this area because upwards of 45 percent of available airline seats go unoccupied—on the average—and it would

benefit those of our citizens who are most in need of a break in the cost of their air transportation.

In addition, Mr. Speaker, we included two provisions in the bill which bear upon other subjects. The first would permit intrastate air carriers in California to interline both baggage and tickets—thereby enabling passengers who plan to continue their trips aboard interstate air carriers to check their baggage and purchase their tickets all the way through. This seems to be an entirely reasonable proposal—affording us the opportunity to test the interline concept in California, the most highly developed intrastate air transportation market in the Nation.

The second amends the provision in the recently enacted Airport and Airway Development Act Amendments of 1976 which imposes certain requirements in connection with the procurement of heavy airlift services by the Department of Defense. The amendment simply stipulates that any air carrier may contract to provide such service unless at least two certificated carriers are available. This corrects an inherent flaw in the original provision which appeared to sanction sole-source procurement—and it should limit the costs to the Government of procuring such service.

Mr. Speaker, I hope we can pass this bill promptly. There appears to be a strong chance that we can get it through the Congress this year because I know for a fact that there is strong support for reduced fares in the other body.

Mr. Speaker, I know of no opposition to the legislation.

Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I rise in support of H.R. 15026, authorizing reduced airfares on a space-available basis for persons who are 60 years or older and for the handicapped. This measure is parallel to H.R. 9957, a measure that I cosponsored during the 93d Congress, which provided for reduced airfare for individuals who are age 65 or older.

Mr. Speaker, the increased cost of air transportation has placed this mode of transportation beyond the reach of many of our senior citizens on fixed incomes and our handicapped. In 1973, there were nearly 30 million persons—or 14 percent of the total U.S. population—who were 60 years of age or older. This measure will provide some transportation assistance to these overburdened citizens. Accordingly, Mr. Speaker, I urge my colleagues to support this worthy legislation.

Mr. SNYDER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. BURGENER).

Mr. BURGENER. Mr. Speaker, it is a pleasure to rise in support of H.R. 15026, a bill which would not only benefit our elderly and handicapped citizens but would benefit all air travelers.

I have supported the concept of reduced air fares on a space available basis for senior handicapped citizens since I began my service here in the Congress. I have cosponsored legislation toward this end and I am delighted that this bill is finally coming to final consideration here today.

This House should be aware that, in our tremendously mobile society, many of our citizens have children and close relatives living in widely separated areas of the country. With the fares allowed under this bill, more of our citizens would be able to visit relatives and enjoy the experience of travel.

I would remind my colleagues that the cost of a full-fare ticket includes the expected revenue loss from vacant seats. I believe that the airlines should be encouraged to adopt programs that will hold these losses to a minimum, especially when the policy extends the opportunity to travel to many who would otherwise be unable to visit family and friends in distant places.

Additional provisions of this bill would allow intrastate air carriers in my home State of California to offer through ticket and baggage service in cooperation with interstate and foreign lines.

Thus, the net effect of this bill would be less expensive and improved air service for all citizens and I urge my colleagues to suspend the rules and pass this bill.

Mr. SNYDER. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. DON H. CLAUSEN).

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in support of legislation which would authorize reduced air fare transportation on a space-available basis for elderly persons and handicapped persons, would mandate a study on the economic feasibility of reduced air fares for our young people, and would permit California intrastate air carriers to offer through-ticket and baggage service in cooperation with interstate and foreign lines.

Proposals for reduced air fare have been before the Congress for many years. As you may remember, the other body has passed such bills, but they invariably have died in the House. I, for one, have been working for the enactment of such legislation for years and am pleased to see that through the hard work of our Public Works and Transportation Committee Chairman Hon. BOB JONES we are able to bring this measure to the full House for consideration.

We are discussing here a rather simple proposition. We are saying to the airlines that they may provide air transportation at reduced rates to those over 65 and those who are handicapped. This is permissive legislation. It does not mandate that reduced fares shall be granted. Nor does it mandate the amount of any reduced fare which is offered. And it leaves to the Civil Aeronautics Board the definition of "handicapped" for purposes of this legislation.

Mr. Speaker, I firmly believe this is a reasonable and responsible approach to this legislation. It allows the CAB flexibility to set the rates according to the current market pressures and allows our airlines a method by which they can fill otherwise empty seats. In fact, an average 45 percent of the seats on major airlines go unoccupied. The experience in Hawaii, where intrastate airlines offer reduced rates to senior citizens has been an overwhelming success. While Hawaiian Airlines' overall traffic grew by about 80 percent between 1968 and 1973, senior citizen fare traffic grew 338 percent, or more than four times faster than the overall growth rate. These reduced rates generated more than $250,000 for Hawaiian Airlines, of which only about $70,000—less than 30 percent—was needed to meet the actual additional costs of carrying the senior citizen passengers. More than $180,000, or some 70 percent, was available to offset overhead costs as well.

This new rate structure will allow these senior citizens, many who must live on limited fixed incomes and are deprived of the opportunity to travel, a new mobility. It will help the handicapped who, as a group, do not have anywhere near the earning capacity of those not similarly afflicted. Except for a relatively few they cannot operate motor vehicles and must depend solely on public transportation or stay at home. We have charted the way for the handicapped in the Urban Mass Transit Act and I am convinced that we must move in this direction in the case of air transportation.

Finally, Mr. Speaker, this measure before us today will begin a new experiment in through-ticket and baggage service in California. This service, which will serve as an example to other State air traffic, will greatly aid in the convenience of the traveling public by allowing them to check their baggage through and purchase their ticket through intrastate and interstate airlines.

In sum, Mr. Speaker, I support this legislation and hope that my colleagues will do the same.

Mr. SNYDER. Mr. Speaker, I have no further requests for time. I reserve the balance of my time.

Mr. ANDERSON of California. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. JOHNSON).

Mr. JOHNSON of California. Mr. Speaker, I rise in support of H.R. 15026. In addition to benefiting the elderly and the handicapped, the bill will help provide improve air service for those members of the traveling public who use intrastate air carriers.

The intrastate air carriers such as Pacific Southwest Airlines and Air California, are now providing valuable service to the traveling public. In some markets, intrastate carriers provide the only service, and in other markets they provide important competitive service. The intrastate carriers operate modern jet and turboprop equipment, and frequently provide service at fares below those generally offered by interstate carriers.

Because the intrastate carriers do not hold authority from the CAB, they are unable to offer through ticketing and baggage service for passengers who wish to connect from an intrastate carrier to an interstate carrier. Passengers wishing to connect to an intrastate carrier must purchase a separate ticket, generally at the airport.

Two of the intrastate carriers previous

ly applied to the CAB for authority to enter into interline agreements, but the Board denied their application.

Our amendment would allow intrastate carriers operating within the State of California to offer through-ticketing and baggage service in cooperation with interstate airlines. The scope of the authority awarded by the amendment is very limited. The intrastate air carriers would not gain authority to serve any new cities. All they would be allowed to do is to offer through-ticketing and baggage service for passengers who are connecting to an interstate airline. The amendment also includes provisions which will prevent the intrastate carriers from using their new authority to raise fares above the level established by the California Public Utility Commission.

Mr. Speaker, I urge the House to suspend the ruling and pass H.R. 15026.

Mr. ANDERSON of California. Mr. Speaker, I yield 1 minute to the gentleman from Florida (Mr. LEHMAN).

Mr. LEHMAN. Mr. Speaker, I rise in support of H.R. 15026, the bill now before us, which would authorize reduced-fare air transportation on a space-available basis for the elderly and the handicapped. Such fares have long been available to ministers of religion, and it is now time that we extend them to these needy groups. Not only will reduced air fares remove a barrier to mobility which many elderly and handicapped persons now face, but they will permit airlines to lessen operating losses by filling empty seats.

However, my main concern today is section 2 of the bill. I fully support the concept of interlining, and believe that it will lead to greatly improved service for those passengers who travel routes served by intrastate carriers. The ability to book in advance on a flight offered by an intrastate airline, to use one ticket and to have baggage checked through should reduce some of the inconvenience of changing airlines. And, since some intrastates often fly their routes more frequently than the larger interstate carriers, it should be possible for the traveler to significantly reduce his time in transit.

H.R. 15026 as reported provides that California intrastates may interline with interstate carriers. I would like to point out that Florida, too, has an active intrastate airline, and that air passengers in Florida, too, would benefit from interlining. Although Florida is not included in the provisions of section 2, I would hope that the Subcommittee on Aviation and the Committee on Public Works would be willing to give Florida's inclusion early consideration in the next Congress.

Mr. ANDERSON of California. Mr. Speaker, will the gentleman yield?

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

Mr. ANDERSON of California. Mr. Speaker, I thank the gentleman from Florida for yielding to me. I am familiar with the situation in Florida, and I agree with my friend that this provision could be beneficial to his State. While the situation in the two States is not identical, I feel that we should press for the inclusion of the State of Florida.

Mr. LEHMAN. I thank the gentleman for his comment.

In any case, this is a good bill, and I urge my colleagues to support its passage.

Mr. ANDERSON of California. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. FARY).

Mr. FARY. Mr. Speaker, I rise in support of H.R. 15026. Travel can be a broadening and enriching experience, especially for elderly and handicapped persons whose lives are confined by low incomes and a lack of mobility. Added opportunities for air travel will be especially welcome for elderly and handicapped persons who would find it difficut to withstand the extensive times involved in long distance surface travel. Finally, we know that reduced standby fares can work—as evidenced by successful experiments in Hawaii and Canada, fully discussed in the committee report.

Mr. BOB WILSON. Mr. Speaker, on behalf of the elderly and handicapped citizens of our Nation I rise in support of H.R. 15026, "reduced fare transportation for the elderly and handicapped persons."

The Subcommittee on Federal, State, and Community Services of the House Select Committee on Aging, of which I am ranking minority member, recently recommended in its report the need for this type of legislation to relieve one of the many problems relative to the transportation needs of our deserving elderly population. Adequate transportation is central to all other services, such as nutrition, health care, and other programs. Without adequate transportation, our older citizens are oftentimes forced to live in isolation and loneliness.

The subcommittee emphasized in its study the need for passage of legislation which would reaffirm the power of the Civil Aeronautics Board to permit the airlines to offer reduced standby fares for the elderly during nonpeak travel-times, thus enabling them to fill an otherwise empty seat. This legislation envisions no expenditure of funds by the Federal Government and would work very much to the advantage of both senior citizens and the transportation industry. With reduced fares, many elderly people would be able to stretch their finances and visit distant loved ones.

Once families lived in close proximity throughout their lives; however, this is no longer the case in our present highly mobile, transient society. Today families are dispersed from coast to coast, separated by thousands of miles.

Due to our severly eroded economy, the elderly have barely enough income to provide for the mere essentials of life. For example, in 1973 the median income for the elderly households was under $4,600 compared to the national average of $10,500. This, when compounded by the increase in inflation of 82 percent over the past 9 years, leaves little doubt as to why the elderly find it difficult to manage to pay the present fares now charged for air transportation.

A survey by a major airline showed that only 5 percent of its passengers were 65 years of age or older; yet senior citizens account for over 10 percent of our general population. This legislation will allow standby fares for persons 60 and over by letting airlines provide discounts sufficient to attract these customers who would otherwise not be able to afford air fare. At the same time, since standby travel is less convenient, customers who were previously willing and able to pay the full fare for air travel will continue to do so. Older persons as a group are particularly suited to standby travel because their schedules can be flexible. Without deadlines to meet, they can plan their travel for times when airlines are least crowded and they are most likely to get a seat. They can afford to be flexible in their planning because they have no 2-week limit to their vacations, no set time by which they must return home.

The Civil Aeronautics Board has been limited in its ability to authorize reduced fare transportation for this very deserving group. Reduced fares were in operation in Hawaii from 1967 to 1974 when they were abandoned to avoid a lengthy challenge by the Civil Aeronautics Board as "unduly discriminatory." During its operation, the reduced fare program was quite successful, and the air carrier experienced an enormous increase in senior citizen customers who utilized the otherwise empty seats. Cost considerations are complex and in the final analysis the responsibility for this, and the decision on cost-effectiveness, will rest solely with the airlines themselves. I urge the passage of H.R. 15026 to permit the Civil Aeronautics Board to allow the airlines to provide discount standby fares for the elderly and handicapped.

This legislation would be a major step in relieving the terrible feelings of desolation and abandonment which beset so many elderly and handicapped.

Retirement should be the "golden years" when one can relax and enjoy the fruits of a lifetime of toil. We are always talking and asking "what needs to be done to help our elderly population." Well, here is one answer—the time has come to stop talking and asking and start doing.

During the last Congress, the Senate approved legislation authorizing reduced air fares for the elderly and handicapped. I introduced a companion bill, but, unfortunately, we did not get anywhere in the House. The time is ripe and I urge the Members of the House to lend their full support by passing this worthwhile piece of legislation.

Mrs. MINK. Mr. Speaker, I rise in support of H.R. 15026 which calls for amendments to the Federal Aviation Act of 1958. I am especially pleased to see that legislation of this nature has been called up for consideration by the Members of this body for I, too, introduced similar legislation in the form of H.R. 4917 which included the same basic provisions as contained in the bill before us today.

It was not so very long ago that travel

by air was used on only limited occasions by most Americans. Today, however, air transportation has become an important, often used, form of social mobility. Indeed, in some instances, such as those found in the State of Hawaii, air travel has become a necessity.

This is particularly true of the elderly and the handicapped whose age or handicap precludes other forms of transportation. Elimination of the discount for the elderly and for the handicapped has severely restricted the mobility of these people. For these two groups of people, access to this service, at reasonable cost, is a necessity if they are to be included in the mainstream of American life.

The rising cost of air transportation, since the elimination of discount rates, has been a particularly severe blow to the elderly and the handicapped. These groups tend to have below average incomes and above average cost of living. Because they more often live on a fixed income, they have been among the hardest hit by inflation.

Mr. Speaker, the economic question is perhaps most forcefully stated in the figures which show that of those persons over the age of 65 years of age living in Hawaii, 82 percent live on incomes of less than $5,000 annually, very close to the poverty line. Needless to say, in an area where the cost of living is already recognized as being extremely high, every dollar these people spend must be spent with the greatest care. The same case can be made for the handicapped, whose particular disability often requires special and costly medical care.

Both Hawaiian and Aloha Airlines canceled their respective versions of the discount program in 1974, as a result of a decision by the Civil Aeronautics Board, and touched off one of the most intensive public reactions which I have encountered in my many years in public service. Many thousands of individuals had benefited from discount fares in the 7 years of their existence in Hawaii. As the committee report pointed out, during the 7 years that Hawaiian Airlines offered reduced standby fares for senior citizens, "the carrier's senior citizen traffic grew 340 percent while its overall traffic was growing at a rate of only 80 percent."

Certainly, this is ample testimony to the importance of air travel as a means of social mobility in contemporary America. Air travel is no longer a luxury reserved for few occasions, but rather a much used form of transportation which everyone should have an opportunity to make use of.

Mr. JONES of Alabama. Mr. Speaker, I rise in support of H.R. 15026. The bill will make air transportation more accessible to the elderly and the handicapped, by filling airplane seats which would otherwise remain empty. The bill will also eliminate the unnecessary inconveniences suffered by passengers using intrastate carriers, who under present regulations must buy separate tickets and carry their own baggage if they wish to connect to an interstate carrier. Finally the bill should improve the cost efficiency of Department of Defense contracts for air transportation by reducing sole source procurement.

Mr. DODD. Mr. Speaker, the House today can take another important step forward to protect the civil rights and promote the well-being of two often forgotten segments of our population—the elderly and those who are physically or mentally handicapped.

We can do this by approving an important piece of legislation before us today, H.R. 15026—a bill authorizing reduced air fares, on a space available basis, for the 18 million handicapped and elderly in this country.

I urge all my colleagues in the House to vote for this measure.

Mr. Speaker, the elderly and the handicapped of this country face problems many of us rarely recognize. Because of age or handicap, they often are unfairly limited in the amount of traveling they can do, or the amount of income they might earn.

This measure before us seeks to deal with this problem, and remove these unfortunate restrictions on the lives of so many Americans.

By allowing the elderly and the handicapped to pay reduced air fares, when seating space is available, we will enable them to greatly expand their travel opportunities, as well as allow them to stretch their budgets.

I think all of us can recognize what such increased travel and budget flexibility can mean to people whose lives too often are closed in unjustly. It can mean lives of added enjoyment and fulfillment, as well as possibly increasing their opportunities to earn a better living through expanded business contacts and markets.

Mr. Speaker, this action also is not a new idea, so we are not upsetting the operations of our major airlines or creating an undue financial burden for them.

To demonstrate this, I would point out that Hawaiian Air Lines offered reduced standby fares for the elderly for 7 years, from 1967 to 1973. While this fare was in effect, the carrier's senior citizen traffic grew 340 percent while its overall traffic was growing only 80 percent.

In Canada, reduced fares for the elderly have been offered by domestic airlines for the past 8 years. Since the carriers have offered these discount fares voluntarily, I think it is reasonable to infer that the fares have been economically successful.

As a member of the House Judiciary Civil Rights Subcommittee, and the author of legislation to prohibit job and housing discrimination against the mentally and physically handicapped, I have become particularly aware of the hardships faced by the disabled of this Nation, Mr. Speaker.

This legislation is a positive effort to ameliorate these hardships, not only for the handicapped, but also for the elderly, and I think it should be approved overwhelmingly by this House.

Mr. ALEXANDER. Mr. Speaker, I am pleased to have had a part in bringing about consideration today of this legislation to improve the ability of our Nation's elderly and handicapped citizens to travel as they need and want through the provision of reduced air fares.

No groups have been hit any harder by inflation than the elderly and the handicapped. This is particularly true of our senior citizens who are living on fixed incomes that barely meet the basic needs for survival. In addition, in view of the attitude some commercial air carriers have taken toward providing services to handicapped persons the provision in this bill to allow reduced fares for persons traveling as attendants or companions of those who have vision, hearing, or other physical or mental handicaps is especially important.

As a sponsor of reduced fare legislation for our senior citizens I was disappointed when the House failed to follow the Senate's lead in the 93d Congress in approving provisions to allow the Civil Aeronautics Board to approve lower air travel costs for our elderly.

Allowing, as this bill does, airlines to charge senior citizens less, on a space available basis will serve a twofold purpose:

First. It will give scores of older Americans the opportunity to travel and visit friends and relatives from whom they have been separated by the ever-wider distances in our mobile society and for health purposes; and

Second. It will help fill seats on airline flights which would otherwise go empty, thereby increasing the income to the airlines and helping forestall future rate increases to all passengers.

A recent Select Committee on Aging study of the transportation problems of the elderly cites an airline survey which shows that roughly 5 percent of its passengers are 65 and older, compared to the 10 percent our older Americans constitute of the total population of the Nation.

I believe sheer economics explains why such a small percentage of the Nation's elderly travel by air.

The State of Arkansas has the second largest percentage of residents 65 and older. Aside from inadequate income and the high cost of medical care, I believe that their lack of mobility is the chief concern of our elderly.

By passing this legislation, the Congress can help to keep our senior citizens in the mainstream of American life by extending to them the convenience and comfort of travel by air. I am convinced that many of our elderly have both the desire and the time to travel, if only they could afford it.

Mrs. PETTIS. Mr. Speaker, several years ago when my late husband introduced legislation—which I have subsequently reintroduced—to grant reduced air fares to the elderly, he received numerous letters from senior citizens across the United States in support of such legislation. Among all of these letters, Mr. Speaker, one stands out in my mind as the most succinct and telling reason for passage of a similar measure today before the House.

Wrote Mrs. Lucy Kelley of Skyforest, Calif.:

Senior Citizens have limited incomes . . . and unlimited time. The opportunity to travel, or visit friends and relations is now available . . . but the cost is prohibitive in comparison to their low income. Thus a reduction in cost will enable them to do and see more, while bringing added revenue not only to the airlines but to every area they visit.

In various European Countries this courtesy is extended not only by airlines, but by hotels, eating establishments, local transportation and many other services. Yet the United States has just begun to make life more beautiful and interesting by giving this help to their Senior Citizens.

Mr. Speaker, the bill which we are considering today would indicate this Congress' willingness to provide persons 60 years of age or older, as well as the handicapped, a means to travel economically. I urge my colleagues not to deny our older Americans this chance.

Mr. ANDERSON of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SNYDER. Mr. Speaker, I yield back the balance of my time.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. ANDERSON) that the House suspend the rules and pass the bill H.R. 15026, as amended.

Mr. ASHBROOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this vote will be postponed.

GENERAL LEAVE

Mr. ANDERSON of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just considered, H.R. 15026.

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

There was no objection.

AIRCRAFT REGISTRATION

Mr. ANDERSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3647) to amend the Federal Aviation Act of 1958 to permit aliens holding permanent residence visas to register aircraft in the United States, and for other purposes, as amended.

The Clerk read as follows:

H.R. 3647

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 501(b)(1) of the Federal Aviation Act of 1958 (49 U.S.C. 1401(b)) is amended to read as follows:

"(1) It is owned by a citizen of the United States or an individual citizen of a foreign country who has been lawfully admitted for permanent residence in the United States and such aircraft is not registered under the laws of any foreign country; or".

The SPEAKER. Is a second demanded?

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

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

There was no objection.

The SPEAKER. The gentleman from California (Mr. ANDERSON) and the gentleman from Kentucky (Mr. SNYDER) will be recognized for 20 minutes each.

The Chair recognizes the gentleman from California.

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

Mr. Speaker, the purpose of H.R. 3647, as reported, is to permit citizens of foreign countries who have been lawfully admitted for permanent residence in the United States to register aircraft in the United States.

Under present law persons not citizens of the United States cannot register aircraft in the United States. The Federal Aviation Act of 1958 makes it unlawful for any person to operate or navigate any aircraft eligible for registration if such aircraft is not registered by its owner, or to operate or navigate within the United States any aircraft not eligible for registration. The law limits eligibility to: First, those aircraft owned by a citizen of the United States; second, those aircraft not registered under the laws of any foreign country; and third, those aircraft of the Federal Government, or of a State, territory, or possession of the United States, or the District of Columbia, or of a political subdivision thereof.

A foreign national can own and operate an aircraft within the United States provided it is registered in another country and provided that person complies with any permits, orders or regulations issued by the Civil Aeronautics Board pursuant to the Federal Aviation Act of 1958. This has not been a satisfactory solution for permanent residents of the United States who wish to base their aircraft here because the aircraft must be maintained in accordance with the airworthiness requirements of the country of registry, including periodic maintenance and inspection. It is often difficult, if not impractical, for a foreign national to contract with qualified mechanics and repair stations in the United States in order to meet the particular requirements of the country of registry.

With respect to airman licensing there is no parallel problem. A foreign national can obtain a U.S. pilot license and a Federal Communications Commission permit to operate the radio transmitters aboard aircraft. The anomaly of the present law is that a foreign national can legally fly a U.S. registered aircraft in the United States, but he or she is prevented from owning an aircraft of U.S. registry.

As reported, the bill would extend the eligibility to register aircraft in the United States to citizens of foreign countries who have been lawfully admitted for permanent residence in the United States, provided, as is the present case, the aircraft is not registered under the laws of any foreign country. If a foreign national loses his or her status as a resident alien, the aircraft would no longer be eligible for registration, thus subjecting the certificate of registration to suspension or revocation by the Secretary of Transportation as provided by law.

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

Mr. Speaker, the pending bill simply would permit aliens who have been admitted to the United States for permanent residence to register their aircraft with the Federal Aviation Administration—much as they now register their automobiles with the States in which they reside. I might mention that aliens can and do obtain U.S. pilot licenses from FAA and they can and do obtain licenses for aircraft radio transmitters from the Federal Communications Commission.

In our hearings on this legislation, the witness who appeared in behalf of the Aircraft Owners and Pilots Association noted:

An alien can legally fly a U.S.-registered aircraft in the United States, but he can't own one.

He also observed that the present prohibition "seems to be more an accident of legislative history than any real national interest." Based on the record we have compiled, I would agree that this is an accurate characterization of the situation—and I know of no reason for opposing the bill.

Mr. Speaker, the Aviation Subcommittee broadened the original language of the legislation to include any alien admitted to the United States for permanent residence—not just aliens from signatory nations to the Convention on International Civil Aviation. This action was entirely consistent with the initial concept and, in fact, strengthens the bill, in my view.

A corollary benefit of the legislation—perhaps the most important of all—would be the enhancement of aviation safety. If an aircraft operating in the United States is registered in a foreign country, it is not subject to U.S. airworthiness requirements. Inasmuch as foreign airworthiness standards may be less stringent than ours and/or compliance therewith more difficult in this country, safety no doubt is being compromised. U.S. registration would correct this problem because all affected aircraft thereby would become subject to U.S. safety requirements.

Mr. Speaker, I wish to commend our colleague Mr. GOLDWATER, for bringing this situation to our attention—and I take this opportunity to recognize his leadership in seeking a legislative remedy. I urge my colleagues to support this worthy proposal.

Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. GOLDWATER), the author of the legislation.

Mr. GOLDWATER. Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, the present prohibition seems to be more of an accident of leg-

islation than any real national interest. Currently, aliens are prohibited from registering aircraft in the United States under section 501(b) of the Federal Aviation Act. Therefore, they are prohibited from owning registered aircraft. Even though they are able to obtain a radio license from the Federal Communications Commission and a pilot's license from the Federal Aviation Administration, they are not able to register an aircraft in the United States.

Mr. Speaker, this legislation simply would permit aliens admitted for permanent residence to register aircraft in the United States, provided such aircraft is not registered in a foreign country.

Again, it is just a quirk in the law and one which needs to be corrected. I urge support of the legislation.

Mr. JONES of Alabama. Mr. Speaker, I rise in support of H.R. 3647, a bill which will permit citizens of foreign countries who have been lawfully admitted for permanent residence in the United States to register aircraft in the United States.

The law prohibiting foreign nationals to register aircraft in the United States has been on the books since the Air Commerce Act of 1926, when aviation was in its infancy. I believe it can no longer be justified to deny individuals the right to register aircraft in the United States solely on the grounds of alienage, and I support this measure because it ends this outmoded restriction.

This bill does not open the U.S. aircraft registry to all, however—it contains several wise safeguards. First, it is limited in applicability to individuals, not companies. Second, the bill will only allow those foreign nationals who have been lawfully admitted for permanent residence in the United States to register aircraft. Third, it continues in effect the existing prohibition of dual registration consistent with our treaty obligations. Finally, the bill provides a means for the Secretary of Transportation to revoke a certificate of registration of a foreign national who has lost his or her status as a resident alien.

Mr. ANDERSON of California. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SNYDER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. ANDERSON) that the House suspend the rules and pass the bill (H.R. 3647), as amended.

The question was taken.

Mr. ASHBROOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on the motion will be postponed.

GENERAL LEAVE

Mr. ANDERSON of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill H.R. 3647, just considered.

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

There was no objection.

TIME REQUIREMENTS FOR CAB APPLICATIONS

Mr. ANDERSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12484), to amend the Federal Aviation Act of 1958, to provide for expedited consideration by the Civil Aeronautics Board of applications for certificates of public convenience and necessity, as amended.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 401(c) of the Federal Aviation Act of 1958 (49 U.S.C. 1371(a)) is amended by—

(1) striking out the center heading "NOTICE OF APPLICATION" and inserting in lieu thereof "APPLICATION PROCEDURE";

(2) inserting "(1)" immediately after "(c)";

(3) striking out the last sentence of such section and inserting in lieu thereof the following: "Unless the Board determines that the public interest requires that such application be dismissed within the time requirements set forth in the rules prescribed pursuant to paragraph (2)(A) of this subsection or the application requests authority to engage in foreign air transportation, the application shall be set for a public hearing and shall be decided by the Board within the time requirements for categories of cases and classes of applications set forth in such rules."; and

(4) adding at the end thereof the following new paragraph:

"(2)(A) Within 6 months after the date of enactment of this paragraph, the Board shall in accordance with chapter 5 of title 5, United States Code, prescribe rules which establish time periods within the Board will (A) issue an order dismissing an application for a certificate on the basis that the public interest requires such dismissal, and

"(B) Any order of dismissal made pursuant to this section shall be deemed a final order subject to judicial review as prescribed in section 1006 of this Act.".

(b)(1) The amendments made by subsections (a)(1), (2), and (4) shall take effect upon the date of enactment of this section.

(2) The amendment made by subsection (a)(3) shall take effect six months after the date of enactment of this section.

(c) That portion of the table of contents contained in the first section of such Act which appears under the side heading

"Sec. 401. Certificate of public convenience and necessity."

is amended by striking out

"(c) Notice of application."

and inserting in lieu thereof

"(c) Application procedure.".

The SPEAKER. Is a second demanded?

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

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

There was no objection.

The SPEAKER. The gentleman from California (Mr. ANDERSON) will be recognized for 20 minutes, and the gentleman from Kentucky (Mr. SNYDER) will be recognized for 20 minutes.

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

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

Mr. Speaker, H.R. 12484 is designed to improve the procedures which the Civil Aeronautics Board uses to consider applications for certificates of public convenience and necessity. The Aviation Subcommittee has held extensive hearings on regulatory reform and at these hearings there was general agreement by all parties, including the CAB, that there is a great need for expediting the CAB's procedures.

The CAB's dilatory procedures have been used to inhibit the authorization of additional competition. For example, the Board took no action for 6 years on a 1967 application by World Airways to provide transcontinental service at a one way fare of $75. The application was eventually dismissed as "stale." In the early 1970's the Board imposed a "route moratorium" in which it refused to hold hearings on any new route applications. Because there was never a decision on the merits of these applications, the moratorium policy could not be reviewed in the courts.

To remedy these inadequate procedures, H.R. 12484 requires the CAB to establish deadlines for deciding its cases. The bill also requires CAB to issue a decision on all applications. The Board must either dismiss the application on the merits, or set it for hearing. A dismissal order would be reviewable in the courts.

H.R. 12484 does not establish specific time limits but leaves the CAB flexibility to establish differing time limits for different classes of cases. However, as reflected in the commitee report, we believe that one year would be more than adequate for the CAB to decide any but the most complex cases.

We also expect the Board's rules to include provisions as to the steps which will be taken if the Board fails to meet its deadlines. One possibility is that the rules will provide that if the Board fails to meet a deadline the decision of the Board's administrative law judge will become final.

I also note that the committee eliminated an "escape clause" from H.R. 12484, which would have permitted the Board to extend its time limits in any case in which the Board found such extension to be in the public interest. We believe that a clause of this nature could render procedural reform virtually meaningless, and we expect that the rules adopted by the Board will not include a broad escape clause.

Mr. Speaker, I urge passage of this needed legislation.

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

Mr. Speaker, I rise in support of this legislation.

Mr. Speaker, I fully concur with the remarks of the gentleman from California regarding the need to require the Civil Aeronautics Board to develop a schedule of time limits for Board action. Our lengthy hearings on airline deregu-

lation disclosed, among other things, that the Board over the years has not rendered prompt and timely decisions in all too many instances. In fact, delay seems to have been the rule rather than the exception. In this important sense, the Board has not been responsive to its mandate and to the needs of the air transportation industry. As has been said many times and in many contexts: "Justice delayed is justice denied."

Examples from my own community are the Louisville-Washington service investigation (docket 21318) which was instituted by the Board exactly 7 years ago, Allegheny's Louisville-Memphis application (docket 24088) which was filed in 1971 and which the Board asked Allegheny to update 17 months ago, and Ozark's Louisville-Nashville application (docket 27828) which the Board held would be treated as a motion for an expedited hearing 15 months ago. The Louisville route investigation (docket 28253) has been pending for a year.

Mr. Speaker, I see no reason for spending much time on this bill. It simply requires CAB to develop a time schedule for acting on the various matters presented to it for action—and a 6-month deadline is established for developing such a schedule. Hopefully, our colleagues will agree that enactment of this legislation will serve to expedite CAB procedures—and I trust this is a goal which all of us favor.

Mr. JONES of Alabama. Mr. Speaker, I rise in support of H.R. 12484. There is no excuse for the CAB's practice of allowing certificate applications to remain inactive until they are dismissed as "stale." There is no reason for the extensive amounts of time now required for the CAB to complete those cases which are set for hearing. H.R. 12484 will give the CAB an opportunity to adopt its own regulations to improve the situation. If the Board's performance is unsatisfactory, we can pass additional legislation imposing specific time limits.

Mr. ANDERSON of California. Mr. Speaker, I yield myself 1 minute. Mr. Chairman, I thank my colleague, the gentleman from Kentucky (Mr. SNYDER), for his remarks, and I want to compliment the ranking minority member of the Aviation Subcommittee for the time, effort, and great expertise he brought in working on these bills. He is an expert and has a firsthand, intimate knowledge of the important issues addressed by these aviation bills.

Mr. JONES of Alabama. Mr. Speaker, before we take leave of the various aviation bills that have just been considered and passed, I certainly think it would be in order for me as chairman of the Committee on Public Works and Transportation to commend the distinguished gentleman from California (Mr. ANDERSON) and the distinguished gentleman from Kentucky (Mr. SNYDER) and the members of the Aviation Subcommittee, inasmuch as they have been wholly and totally dedicated to their examinations of the propositions that have been placed before us and that have been considered today.

To me this is a very rewarding and satisfying exhibition of what can be accomplished by Members who are earnest in their efforts and who apply themselves and who bring forward important and significant legislation for the better building of a greater Republic. They are to be commended, and it is a wholesome day for all of us in the House of Representatives to witness efforts such as have been exhibited here today.

Mr. SNYDER. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. ANDERSON) that the House suspend the rules and pass the bill H.R. 12484, as amended.

The question was taken.

Mr. ROUSSELOT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to the provisions of clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. ANDERSON of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 12484, the bill just under consideration.

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

There was no objection.

ADMINISTRATIVE RULEMAKING REFORM ACT OF 1976

Mr. FLOWERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 12048) amending title 5 of the United States Code to improve agency rulemaking by expanding the opportunities for public participation, by creating procedures for congressional review of agency rules, and by expanding judicial review, and for other purposes, as amended.

The Clerk read as follows:

H.R. 12048

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 "Administrative Rule Making Reform Act of 1976".

SEC. 2. (a) Section 551 of title 5, United States Code, is amended as follows:

(1) Amend paragraph (4) of such section to read as follows:

"(4) 'rule' means the whole or a part of an agency statement of general applicability designed to implement, interpret, or prescribe law or policy or to describe the organization, procedure, or practice requirements of an agency and includes any amendment, revision, or repeal of such a statement;".

(2) Insert immediately after paragraph (4) of such section the following new paragraphs:

"(5) 'emergency rule' means a rule which is temporarily effective without the expiration of the otherwise specified periods of time for public notice and comment and which was duly promulgated by an agency pursuant to a finding that delay in the effective date would—

"(A) seriously injure an important public interest,

"(B) substantially frustrate legislative policies, or

"(C) seriously damage a person or class of persons without serving any important public interest;

"(6) 'ratemaking and cognate proceedings' means agency process for the approval or prescription for the future of rates, wages, corporate or financial structure, or reorganizations thereof, prices, facilities, appliances, services, or allowances therefor, or of valuations, costs, accounting, or practices bearing on any of the foregoing;".

(3) Redesignate paragraphs (5) through (13) as paragraphs (7) through (15), respectively.

(b) Section 556(d) is amended by striking out "rule making or" in the last sentence thereof and inserting in lieu thereof "ratemaking and cognate proceedings, rule making, or".

(c) Section 557(b) is amended by striking out "rule making or" in the fourth sentence thereof and inserting in lieu thereof "ratemaking and cognate proceedings, rule making, or".

SEC. 3. Section 553 of title 5, United States Code, is amended to read as follows:

"§ 553. Rule making

"(a) This section applies, according to the provisions thereof, except to the extent that there is involved—

"(1) a matter pertaining to a military or foreign affairs function of the United States that is (A) specifically authorized under criteria established by Executive order to be kept secret in the interest of the national defense or foreign policy and (B) in fact properly classified pursuant to such Executive order; or

"(2) a matter relating to agency management or personnel.

"(b)(1)(A) Except as provided in subparagraph (B), general notice of proposed rule making shall be published in the Federal Register. In addition agencies shall make a reasonable attempt to inform those likely to be affected by the proposed rule making or, if the group is large, representative members thereof of the pendency of the proceeding; and agencies shall send copies of the notice of proposed rule making to all persons requesting such notice.

"(B) If all persons affected by the proposed rule making are named and either personally served or otherwise have actual notice thereof in accordance with law, published notice in the Federal Register may be omitted.

"(2) The notice shall include—

"(A) a statement of the time, place, and nature of public rulemaking proceedings and the projected effective date of rules;

"(B) a brief statement of the purpose of the proposed rule making, and a reference to the legal authority under which the rule will be proposed;

"(C) a description of the subjects with which the rule making will deal and major issues it will raise;

"(D) the text of a proposed rule, if available, except that the agency may omit the proposed text in its initial notice of rule making, if, prior to the adoption of a rule, the agency publishes and distributes (as provided in paragraph (1) of this subsection) the text of the proposed rule, a reference to the initial notice, and a statement of the time, place, and nature of the public proceedings for the consideration of the text of the proposed rule; and

"(E) a list of the technical, theoretical and empirical studies, if any, on which the agency intends to rely in the rulemaking proceeding and a statement of where this

material may be inspected or copies thereof may be obtained.

"(3) Unless notice and opportunity to public comment are otherwise required by statute, this subsection and paragraphs (1), (2), and (3) of subsection (c) do not apply—

"(A) to rules of agency organization, practice, or procedure; or

"(B) when the agency finds that—

"(i) public notice and comment are unnecessary due to the routine nature or the insignificant impact of the proposed rule, or

"(ii) emergency rules should be promulgated.

An agency which finds that a rule is within an exception specified in subparagraph (A) or (B) of this paragraph shall publish in the document promulgating such rule that finding and a brief statement of reasons therefor.

"(4) The requirements of this subsection shall not preclude an agency from—

"(A) inviting persons representing different points of view to submit.

"(B) creating an advisory committee to report, or

"(C) using other such devices to obtain suggestions regarding the content of proposed rules prior to notice of rule making.

"(c)(1) The agency shall give interested persons not less than 45 days after the notice required by subsection (b) to participate in the rule making. The agency may extend this period of time if it appears that such period is too short to permit diligent, interested persons to prepare comments or if the agency determines that other circumstances justify an extension.

"(2) The agency shall receive written statements on each proposed rule. The agency may hold hearings on a proposed rule to receive oral presentations. Any such hearing shall be conducted in such a manner, for such duration, and at such places and times as the agency shall direct. The head of the agency, one or more of the members of the body which comprises the agency, or one or more agency employees assigned the responsibility of recommending changes in the proposed rule shall preside at any such hearing.

"(3) If the agency determines that there is a significant controversy over a factual issue the resolution of which will materially affect the substance of the rule, the agency shall utilize a procedure for resolution of that issue which will permit different points of view to be adequately presented, will provide for agency objectivity in such resolution, and will not unduly delay the rule making. Not later than the date on which the rule is promulgated, the agency shall state its resolution of the issue and the reasons therefor.

"(4) The agency shall maintain a file of each rulemaking proceeding. The file shall include—

"(A) the notice of proposed rule making required by subsection (b) and any supplemental notice;

"(B) all relevant material and all material which the agency by law is required to retain on file in connection with the rule making;

"(C) the rule and statements required of the agency in formulating the rule; and

"(D) copies of petitions for exceptions to, amendments of, or repeal of a rule.

This file shall be available to the courts and the Congress in connection with review of the rule, and to the public as provided by law.

"(d)(1) After consideration of all relevant material, the agency shall adopt such rule as it deems appropriate, incorporating therein a concise statement of (A) the purpose of the rule, (B) the legal authority for the rule, and (C) any other statements required by law. In addition, at the time a rule is adopted, the agency shall place in the rulemaking file a statement setting forth the primary considerations interposed by persons outside the agency in opposition to the rule as adopted, together with brief explanations of the reasons for rejecting those considerations.

"(2) When rule making is required to be conducted in compliance with subsections (a) and (b), an agency may not adopt a rule substantially different from the proposed rule, unless (A) interested persons were apprised of such potential differences during the period for public participation and were afforded an opportunity to comment upon them, or (B) the agency gives notice as required by subsection (b)(2)(D) with respect to such revised rule and receives comments on such differences.

"(e) Unless a longer period of time is required by law or provided in the rule—

"(1) a rule may become effective immediately if it—

"(A) grants or recognizes an exemption to or relieves a restriction from a rule, or

"(B) is exempt from public notice and comment under subsection (b)(3) of this section; and

"(2) a rule which is subject to disapproval or reconsideration pursuant to chapter 6 of this title shall not take effect except as provided in sections 602(a) and 603(b) of such chapter.

"(f) At the time of promulgation of an emergency rule the agency shall commence rulemaking proceedings in accordance with the subsections (b), (c), and (d), except that the period for public comment shall be limited to 60 days unless the agency determines that an additional 30 days are necessary to enable diligent, interested persons to participate. Within 30 days after the close of the period for public comment, the agency shall issue a final rule to take effect as provided in subsection (c). Unless earlier withdrawn or set aside by court action, an emergency rule shall expire 210 days after its promulgation or upon the effective date of the final rule, whichever occurs first.

"(g) When rules are required by statute to be made on the record after opportunity for agency hearing, section 556 and 557 of this title apply to significant issues of fact in dispute instead of subsections (b), (c), and (d) of this section.

"(h) Each agency shall give an interested person the right to petition for the issuance, amendment, or repeal of a rule.

"(i) Unless a rule is adopted in conformity with this section, or is within an exception to the provisions of this section, no person shall be required to resort to or be adversely affected by such a rule, nor may such a rule be admitted into evidence or considered in any agency proceeding, or any judicial review of such proceeding, except that this shall not prevent a person from interposing such a rule as a defense to an agency proceeding or to a criminal prosecution, or from seeking agency or judicial review of such rule.".

SEC. 4. (a) Title 5 of the United States Code is amended by inserting immediately after chapter 5 the following new chapter:

"Chapter 6—CONGRESSIONAL REVIEW OF AGENCY RULE MAKING

"Sec.
"601. Definitions.
"602. Resolution of disapproval.
"603. Resolution for reconsideration.
"604. Effect on statutory time limits.
"605. Computation of calendar days of continuous session of Congress.
"606. Procedure for consideration of resolutions.
"607. Effect on judicial review.
"608. Administrative Conference study .

"§ 601. Definitions

"The definitions set forth in section 551 to this title shall apply to this chapter except that—

"(1) those functions excluded from the definition of the term 'agency' by paragraph (1)(H) of such section are included in such definition for purposes of this chapter;

"(2) the terms 'rule', and 'emergency rule' shall not include—

"(A) rules of agency organization, practice, and procedure,

"(B) rules relating to agency management and personnel,

"(C) rules granting or recognizing an exception or relieving a restriction, or

"(D) rules adopted without public notice and comment pursuant to a valid agency finding that such notice and comment were unnecessary due to the routine nature or insignificant impact of the rule; and

"(3) the term 'promulgation' means filing with the Office of the Federal Register for publication.

"§ 602. Resolution of disapproval

"(a)(1) Simultaneously with promulgation or repromulgation of any rule, including an emergency rule, the agency shall transmit a copy thereof to the Secretary of the Senate and the Clerk of the House of Representatives. Except as provided in paragraph (2), rules other than emergency rules shall not become effective, if—

"(A) within 90 calendar days of continuous session of Congress after the date of promulgation, both Houses of Congress adopt a concurrent resolution, the matter after the resolving clause of which is as follows: 'That Congress disapproves the rule promulgated by dealing with the matter of , which rule was transmitted to Congress on .', the first blank being filled with the name of the agency issuing the rule, the second blank being filled with the title of the rule and such further description as may be necessary to identify it, and the third being filled with the date of transmittal of the rule to Congress; or

"(B) within 60 calendar days of continuous session of Congress after the date of promulgation, one House of Congress adopts such a concurrent resolution and transmits such resolution to the other House, and such resolution is not disapproved by such other House within 30 calendar days of continuous session of Congress after such transmittal.

"(2) If at the end of 60 calendar days, of continuous session of Congress after the date of promulgation of a rule, other than an emergency rule, no committee of either House of Congress has reported or been discharged from further consideration of a concurrent resolution disapproving the rule, and neither House has adopted such a resolution, the rule may go into effect immediately. If, within such 60 calendar days, such a committee has reported or been discharged from further consideration of such a resolution, or either House has adopted such a resolution, the rule may go into effect not sooner than 90 calendar days of continuous session of Congress after its promulgation unless disapproved as provided in paragraph (1).

"(b)(1) An agency may not promulgate a new rule or an emergency rule identical to one disapproved pursuant to this section unless a statute is adopted affecting the agency's powers with respect to the subject matter of the rule.

"(2) If an agency proposes a new rule dealing with the same subject matter as a disapproved rule, the agency shall comply with the procedures required for the issuance of a new rule, except that if less than 12 months have passed since the date of such disapproval, such procedures may be limited to changes in the rule.

"§ 603. Resolution for reconsideration

"(a) Either House of Congress may adopt a resolution directing agency reconsideration of a rule other than an emergency rule. The matter after the resolving clause of such a resolution shall be as follows: 'That the directs to reconsider its rule dealing with the matter of which rule is found

at .' (or, if a new rule, 'was transmitted to Congress on .'), the first blank being filled with the House of Congress adopting the resolution, the second blank being filled with the name of the agency issuing the rule, the third blank being filled with the title of the rule and such further description as may be necessary to identify it, and the fourth blank being filled with the citation to the rule in the agency records or, if it is a new rule, the date on which it was transmitted to Congress.

"(b)(1) If a resolution for reconsideration of a rule, other than an emergency rule, is adopted by either House within 90 calendar days of continuous session of Congress after the date the rule was promulgated, the rule shall not go into effect. The agency shall reconsider the rule and within 60 days either withdraw or repromulgate the rule with such changes and with such public participation as the agency determines appropriate. If the agency takes no action within 60 days such rules shall lapse. If promulgated, the rule shall be subject to congressional review and go into effect as provided in this chapter.

"(2) If at the end of 60 calendar days of continuous session of Congress after the date of promulgation of a rule, other than an emergency rule, no committee of either House of Congress has reported or been discharged from further consideration of a resolution of reconsideration of a rule, the rule may go into effect at the end of such period. If, within such 60 calendar days, such a committee has reported or been discharged from further consideration of such a resolution, the rule may go into effect not sooner than 90 calendar days of continuous session of Congress after its promulgation.

"(c) One hundred eighty days after passage of a resolution for reconsideration with respect to a rule which has taken effect, the rule shall lapse unless repromulgated by the agency. Unless excepted by subsection 553(a) of this title, the agency shall, not less than 60 days prior to repromulgating such a rule, give notice of a proceeding to consider its repromulgation. The notice and proceeding shall comply with subsections (b) and (c) of section 553 of this title, except that the provisions of paragraph 553(b)(3) shall not be available to the agency and the agency shall hold a hearing for oral presentations. Rules repromulgated pursuant to this subsection within 180 days of the passage of the resolution for reconsideration shall take effect as provided in section 602(a); and during the period for congressional review provided in that section the reconsidered rule may remain in effect.

"(d) A concurrent resolution of disapproval supersedes a resolution for reconsideration of the same rule or part thereof.

"§ 604. Effect on statutory time limits

"If a resolution of Congress disapproves or directs reconsideration of a rule which was being promulgated subject to a statutory time limit for rulemaking, the adoption of the resolution shall not relieve the agency of its responsibility for adopting a rule, but any statutory time limit shall apply to such renewed rulemaking only from the date on which the resolution was adopted.

"§ 605. Computation of calendar days of continuous session of Congress

"For the purposes of this chapter—

"(1) continuity of session is broken only by an adjournment sine die; and

"(2) the days on which either House is not in session because of an adjournment of more than 3 days to a day certain are excluded in the computation of calendar days of continuous session.

"§ 606. Procedure for consideration of resolutions

"(a) The provisions of this section are enacted by Congress—

"(1) as an exercise of the rulemaking power of the Senate and the House of Representatives, respectively, and as such they are deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of resolutions described by sections 602 and 603 of this title; and they supersede other rules only to the extent that they are inconsistent therewith; and

"(2) with full recognition of the constitutional right of either House to change the rules (so far as relating to the procedure of that House) at any time, in the same manner and to the same extent as in the case of any other rule of that House.

"(b)(1) Resolutions of disapproval and resolutions for reconsideration of a rule shall, upon introduction or receipt from the other House of Congress be immediately referred by the presiding officer of the Senate or of the House of Representatives to the standing committee having oversight and legislative responsibility with respect to the promulgating agency in accordance with the rules of the respective House; and such resolutions shall not be referred to any other committee.

"(2) If a committee to which is referred a resolution which has not been adopted by the other House of Congress does not report out such resolution—

"(A) within 45 calendar days of continuous session of Congress after referral, in the case of a resolution to disapprove or to require reconsideration of a rule pursuant to section 602(a) or 603(b); or

"(B) within 90 calendar days of continuous session of Congress after referral, in the case of a resolution to require reconsideration of a rule pursuant to section 603(c),

it shall be in order to move to discharge such committee from further consideration of such resolution.

"(3) If a committee to which is referred a resolution which has been adopted by the other House of Congress does not report out such resolution within 15 calendar days of continuous session of Congress after referral, in the case of a resolution to disapprove a rule pursuant to section 602(a), it shall be in order to move to discharge such committee from further consideration of such resolution.

"(4) Such motion to discharge must be supported by one-fifth of the Members of the House of Congress involved, and is highly privileged in the House and privileged in the Senate (except that it may not be made after the committee has reported a resolution of disapproval or for reconsideration with respect to the same rule); and debate thereon shall be limited to not more than 1 hour, the time to be divided in the House equally between those favoring and those opposing the motion to discharge and to be divided in the Senate equally between, and controlled by, the majority leader and the minority leader or their designees. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(c)(1) Except as provided in paragraphs (2) and (3) of this subsection, consideration of a resolution of disapproval or for reconsideration shall be in accord with the rules of the Senate and of the House of Representatives, respectively.

"(2) When a committee has reported or has been discharged from further consideration of a resolution with respect to a rule, it shall be in order at any time thereafter (even though a previous motion to the same effect has been disagreed to) to move to proceed to the consideration of the resolution. The motion is highly privileged and is not debatable. An amendment to the motion is not in order, and it is not in order to move to reconsider the vote by which the motion is agreed to or disagreed to.

"(3) Debate on the resolution shall be limited to not more than two hours, which shall be divided equally between those favoring and those opposing the resolution. A motion further to limit debate is not debatable. An amendment to or motion to recommit the resolution is not in order and it is not in order to move to reconsider the vote by which the resolution is agreed or disagreed to.

"§ 607. Effect on judicial review

"Congressional inaction on or rejection of a resolution of disapproval or of a resolution for reconsideration shall not be deemed an expression of approval of such rule.

"§ 608. Administrative Conference study

"The Administrative Conference of the United States shall undertake a study of congressional review of agency rules under sections 601 to 606 and its effect on agency rule making and report its findings to Congress on or before July 1, 1982. The sum of $200,000 is authorized to be appropriated for such study.".

(b) The table of chapters for part I of title 5 is amended by inserting immediately after

"5—Administrative Procedure..... 501"

the following:

"6—Congressional Review of Agency Rule Making..... 601".

(c) The provisions of chapter 6 of title 5, United States Code, shall, for the duration of the period during which such chapter is in effect (as provided in section 6 of this Act), supersede any other provisions of law governing procedures for congressional review of agency rules to the extent such other provisions are inconsistent with such chapter.

SEC. 5. Section 706 of title 5, United States Code, is amended—

(1) by inserting "553(c)(3) or" after "section" in clause (E) of paragraph (2), and by striking out "or" at the end of such clause;

(2) by striking out the period at the end of clause (F) of paragraph (2) and inserting in lieu thereof "; or"; and

(3) by inserting immediately after clause (F) of paragraph (2) the following new clause:

"(G) unwarranted by material in the rulemaking file when and to the extent an agency rule is not covered by clause (E) hereof, and a rulemaking file is required by section 553(c)(4) of this title or similar provision of law.".

SEC. 6. (a) This Act shall become effective at the beginning of the first session of the Ninety-fifth Congress.

(b) Section 4 of this Act shall lapse at the adjournment sine die of the Ninety-seventh Congress unless renewed prior thereto.

The SPEAKER. Is a second demanded?

Mr. STEIGER of Wisconsin. Mr. Speaker, I demand a second.

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

There was no objection.

The SPEAKER. The gentleman from Alabama (Mr. FLOWERS) and the gentlemen from Wisconsin (Mr. STEIGER) are recognized for 20 minutes each.

The Chair recognizes the gentleman from Alabama (Mr. FLOWERS).

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

Mr. Speaker, the bill H.R. 12048 provides for congressional review of the regulations issued by Federal departments and agencies. The provisions of a new

chapter added to title 5 of the United States Code by this bill would permit the Congress to disapprove proposed regulations by passing a concurrent resolution. The new chapter would also make it possible for either House of the Congress to require an agency or department to reconsider proposed or existing regulations by passing a resolution directing such reconsideration. In order to relate these procedures to the rulemaking procedures of the Administrative Procedure Act as now set out in title 5, conforming and related amendments are made to sections governing administrative procedure and judicial review in title 5 of the United States Code.

CONGRESSIONAL REVIEW OF ADMINISTRATIVE RULEMAKING

The provisions for congressional review of agency regulations provided for by the bill in new chapter 6 to be added to title 5 of the United States Code, will provide the Congress with an effective means for supervising rule making. The authority to make such rules is based upon congressional enactments. Agency activity in connection with the formulation of those rules and their application are subject to congressional oversight. Since the rules elaborate upon the content, meaning, and application of statutes, the Congress has a vital interest in the basic policies given force and interpretation therein. Possibly because the complexities of our day require that Government have the flexibility to meet varied demands and problems, the courts have upheld regulations based upon statutory interpretations involving broad delegations of legislative authority. This situation requires that the Congress have a practical means to dispprove regultions or to require their reconsideration in a deliberate and reasonable manner.

The review of regulations contemplated by this bill would not involve examinations of all of the aspects and technicalities of rulemaking as followed by the departments and agencies. Rather the provisions of this bill are intended to provide the Congress with the means, give force to basic policy, and to place ultimate limits upon discretionary authority as exercised by agencies in the rulemaking process. The responsible supervision that these provisions would make possible is clearly the responsibility of the elected representatives of the people.

The multitude of rules and regulations issued by Federal departments and agencies have an increasing impact and effect upon our citizens. Repeatedly at the hearings on this legislation, witnesses testified as to the extent Federal regulations affect average citizens and impose a considerable degree of governmental interference in their lives.

While public notice and comment rulemaking procedures under the Administrative Procedure Act have proven their value and utility in the 30 years which have passed since enactment of that act, it is also true that the rulemaking process is in effect an independent aspect of Government activity in the sense that the President cannot veto the final rule nor basic law. This practical independence led one writer to characterize administrative activity as a "fourth branch of government." On the other hand, the very volume of regulations was pointed out by some hearing witnesses as the basis for a conclusion that the Congress could not adequately monitor or evaluate this Government activity. The committee feels that this would be a questionable interpretation of congressional function and responsibility. It would also be a startling interpretation if it did not proceed from a misconception of those functions and responsibilities, for it would infer an inability on the part of Congress to monitor and exercise appropriate legislative oversight and control over administrative power.

The standing committees of the Congress have the experience and competence to perform functions required under the bill H.R. 12048. In new section 606(b)(1) the bill provides that resolutions are to be referred to such committees. It is provided that they are to be referred "to the standing committee having oversight and legislation responsibility with respect to the promulgating agency."

This committee would be best suited to exercise the necessary review because the subject matter is directly related to its normal legislative work, and the procedures of the bill should provide for more effective oversight. The provisions are carefully drafted so that the normal public notice and comment rulemaking are followed in accordance with the Administrative Procedure Act and other applicable law prior to promulgation of the rule and congressional review.

It should also be recognized that the type of supervision contemplated by this bill can only be performed by the Congress. The executive branch cannot because the President cannot veto administrative rules. Judicial review, particularly as provided for in the Administrative Procedures Act (5 U.S.C. 706), is a separate matter. The courts cannot initiate action, but must await the filing of suit, and then must proceed case by case subject to the relatively limited basis followed in administrative review matters. However, most importantly, judicial review would normally not extend to substantive policy considerations as would congressional consideration. Because the procedures provided by this bill would give the Congress the ability to monitor agency rules from the standpoint of its responsibility for legislative policy and the means for congressional action to safeguard against administrative excesses. This need for continuing oversight and vigilance was expressed by Prof. Kenneth Culp Davis when he stated that in our form of government the safeguard against tyranny in government rests in "legislative supervision of administrative action.". Thus, it is intended that realistic congressional oversight over agency rulemakng as implemented by the procedures of this bill will serve to guard against irresponsible action and the ominous prospect of erosion of our freedoms.

With the procedures provided in this bill, the Congress would have available this ability or reserve authority to take timely and yet constitutionally appropriate action to either require reconsideration of a rule or to disapprove proposed rules when the form and content of such rules are found unsatisfactory, inappropriate or in conflict with basic policy. Such a rule could be disapproved by concurrent resolution under a procedure involving both House, or either House could require that an agency reconsider a rule and thereby reevaluate its provisions. In either event following congressional action the actual rulemaking process would be conducted by the agency concerned and the new or revised rule would be the product of administrative action of the agency. As was pointed out at the hearings, many regulations would not provoke a congressional response involving the consideration of such resolutions. In fact, such consideration would probably be relatively infrequent. It may also be observed that the existence of effective means for congressional review of rules should provide for an increased degree of cooperation and understanding between the Congress and administrative agencies because of the necessary exchange of information and views that such a review would entail.

The subcommittee heard from a number of witnesses on the constitutional implications in a procedure for congressional review of rulemaking as provided for in H.R. 12048. The following excerpt, from a statement by Prof. Nathaniel E. Gonzansky and Prof. Frank P. Samford of the Law School of Emory University, serves to emphasize the limited scope and basic purpose of a disapproval procedure:

> This seems to be a simple proposal for preventing abuses of the administrative process. It does not seek to strip the agencies of their power but, rather, implicitly recognizes that a modern government would find it very difficult to operate without administrative agencies exercising discretionary authority. Instead, it provides for a modest congressional input into the process. A House of Congress could not on its own amend, modify, or mandate administrative rules; it could onl veto a rule and, that, only by means of a resolution passed by the full House or Senate. One would not anticipate that this power would be exercised frequently, although the possibility of its exercise would operate to constrain the agencies in certain instances. If one believes that administrators should be subject to some control by elected officials, this influence can only be regarded as salutary.

The objections made to the congressional review features based on the limited view of the constitution fail to take into account current realities of administrative law and practice. The Supreme Court in the recent case of Buckley against Valeo noted that the framers of the Constitution viewed the separation of powers as a check against tyranny, but significantly, the Court further stated:

> But they likewise saw that a hermetic sealing off of the three branches of Government from one another would preclude the establishment of a nation capable of governing itself effectively.

The argument that congressional review and possible disapproval of agency regulations somehow assigns executive or judicial functions to the legislative branch of Government really requires an assumption that all govern-

mental acts must be classified as executive, legislative, or judicial and reserved only to the branch of Government having that specific responsibility. This does not square with the realities of practice and procedure of administrative agencies, for these agencies clearly perform functions that are executive, judicial, and legislative in character.

This, then, is what is intended by the congressional review provisions contained in this bill. The aim is not to eliminate the executive discretion necessary to carry into effect the policies of the laws enacted by Congress, but it is intended to be a practical means to control such exercise as manifested in rulemaking to the degree that the agencies be required to submit regulations to the Congress for review and possible disapproval.

The procedures for congressional review of agency regulations provided in H.R. 12048 are intended to apply in light of modern realities. First of all the review relates to rulemaking, that aspect of administrative procedure that is obviously legislative in character and the activity most involved with the definition of policy. The determination made in rulemaking could be made in the first instance by Congress itself. Since this power has been delegated to administrators by Congress it would be anomalous if the Congress were prevented from exercising the limited oversight and option to disapprove regulations contemplated by this bill. This is quite a different thing than the exercise of a recognized executive function. This does not involve an attempt to dictate content or to participate in rulemaking procedures. The congressional review would occur after completion of statutory rulemaking procedures, and the only action which could be taken would be for the Congress to disapprove a proposed rule by concurrent resolution or for a single House to require an agency to reconsider a rule and repromulgate the rule following the same statutory rulemaking procedures. Thus the administrative functions associated with rulemaking are separate from the limited right of review accorded Congress by this bill.

The concurring opinion of Justice White in the case of Buckley against Valeo commented upon the procedure for congressional review of regulations as provided in section 316(c) of the amended Federal Election Campaign Act of 1971 (2 U.S.C. sec. 438(c)). The provisions of that statute provided for disapproval of a proposed rule by one House of Congress, and Justice White held that otherwise valid regulatory power of a properly created independent agency is not rendered constitutionally infirm, as violative of the President's veto power by a statutory provision subjecting agency regulations to disapproval by either House of Congress.

DEFINITION OF RULE AS PROPOSED IN THE BILL

Section 2 of the bill provides for a change in the definition of "rule" as contained in the Administrative Procedure Act provisions of section 551 of title 5 of the United States Code.

Subsection (a) of section 2 amends the definition of "rule" to exclude agency statements of particular applicability. That is, statements applicable to named or similarly specified parties, and to delete that part of the definition which classifies any agency approval or prescription for the future rates, wages, corporate structures, and so forth as a rule. On the other hand, all actions of particular applicability would be classified as "orders" and the process of taking such actions as "adjudication." The change in the language of this definition is based upon the recommendation of the American Bar Association originally approved by that organization in 1970. In 1973, this recommendation was also approved by the administrative conference. As it was noted in the American Bar Association comment accompanying the recommended change, the present definition of "rule" in section 551 has the effect of including within the "rulemaking" category those governmental functions which historically were considered legislative in nature.

Experience under the Administrative Procedure Act since its enactment in 1946 with the present definition of rule and rulemaking, has shown that the distinction between rulemaking and adjudication based on a concept which divides administrative proceedings according to government functions which were historically legislative or judicial in nature is not appropriate where both functions are commonly performed by a single administrative agency. A more useful distinction would be that provided in this bill which makes the distinction between proceedings having general applicability and those which do not. Proceedings having general applicability are those in which the members of the public affected can be described as a class but cannot be identified because the proceedings deal with future members of the class rather than with present or past members of a class. In all other administrative proceedings, it is possible to identify all of the members of the public affected. They are either named in a proceeding of particular applicability or they represent the past or present members of a class who can be so identified. The revised definition in the amendment added by this bill will provide for a distinction based upon this functional distinction between proceedings.

EMERGENCY RULES

Section 2(a)(2) of the bill in amended section 551 provides for a new paragraph (5) defining "emergency rule." This provides for rule of temporary effectiveness which may be promulgated without being subject to the normal periods for public notice and comment when an agency finds that a delay in putting the rule into effect would—

First, seriously injure an important public interest;

Second, substantially frustrate legislative policies; or

Third, seriously damage a person or class of persons without serving any important public interest;

An emergency rule would, therefore, be available to agencies in situations fitting the above criteria and where the emergency rule would be in effect while normal procedures are followed for notice and comment rulemaking and congressional review of a proposed rule.

AMENDMENTS TO SECTION 553 OF TITLE 5 OF THE UNITED STATES CODE

The bill H.R. 12048 provides for a series of amendments to section 553 of title 5 which is the section of the Administrative Procedure Act which governs rulemaking. The section provides for public notice of proposed rulemaking and for participation by the public in that rulemaking through the submission of written comments, the amendments added by this bill are intended to increase the opportunity for public participation in rulemaking and to make necessary changes in the section to conform its provisions to those of new chapter 6 of title 5 on congressional review of rulemaking also provided for in the bill.

AMENDMENTS OF THE EXEMPTIONS APPLICABLE TO MILITARY FOREIGN AFFAIRS FUNCTIONS

Subsection (a) of section 553 of title 5 provides exemptions to the rulemaking provisions of the section. The first exemption in section 553(a)(1) is for "a military or foreign affairs function of the United States." In 1970 the American Bar Association recommended that the exemption be revised so that normal notice and comment rulemaking procedures would apply except as to "rulemaking which is specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy." The administrative conference, in a recommendation adopted December 18, 1973, recommended the elimination of the present categorical exemption from general procedural requirements relating to rulemaking. In its place it was recommended that where rulemaking involves matters in which the usual procedures are inappropriate because of a need for secrecy in the interest of national defense of foreign policy, that rulemaking should be exempted on the same basis now applied in the freedom of information provision, 5 U.S.C. 552 (b)(1).

The administrative conference recommendation was that section 553(a) should be amended to contain an exemption for rulemaking involving matters specifically required by Executive order to be kept secret in the interest of national defense or foreign policy. The language of the bill follows this suggestion with the addition that the matter is "specifically authorized under criteria established" by Executive order to be kept secret as above. The bill also adds an additional requirement that the matter be "in fact properly classified pursuant to such Executive order". Accordingly, the bill would exempt:

(1) a matter pertaining to a military or foreign affairs function of the United States that is (A) specifically authorized under criteria established by Executive order to be kept secret in the interest of the national defense or foreign policy and (B) in fact properly classified pursuant to such Executive order; or

Section 552(b)(1) referred to above contains provisions added by the Freedom of Information Act in 1967, as further amended in 1974 by Public Law 93-502. Thus, the language of the amendment provided for in this bill is con-

sistent with these earlier amendments to the Administrative Procedure Act.

ELIMINATION OF THE EXEMPTIONS FOR MATTERS RELATING TO PUBLIC PROPERTY, LOANS, GRANTS, BENEFITS, AND CONTRACTS

The bill would eliminate the present rulemaking exceptions for public property, loans, grants, benefits, or contracts now contained in section 553(a)(2) of title 5. Here again the purpose is to provide increased public participation in the rulemaking process under the proven procedures for public notice and comment under the Administrative Procedure Act.

In 1941, prior to the enactment of the Administrative Procedure Act, the Attorney General's Committee on Administrative Procedure concluded that the rulemaking processes of Federal agencies should be adopted to give persons adequate opportunity to present their views. That committee in its report viewed public participation in the rulemaking process as essential in order to permit administrative agencies to inform themselves and to afford adequate safeguards to private interests.

It was further pointed out that public participation assists agencies in rulemaking in that it is a means for obtaining "the information, facts and probabilities which are necessary to fair and intelligent action." This committee has concluded that 30 years of experience under the Administrative Procedure Act have proven the wisdom and practicality of this principle and that the time notice and comment procedures to matters relating to public property, loans, grants, benefits, and contracts.

In a recommendation adopted on October 22, 1969, the administrative conference recommended the elimination of these exemptions. It was pointed out that rules relating to these subjects may bear heavily on nongovernmental interests.

As has been noted, the provisions in sections 1 and 2 of the bill, H.R. 12048, include provisions similar to those included in the bill, H.R. 10194. The provisions in section 3 in providing for the revision of section 553 provide for the revision of the exception concerning military and foreign affairs functions and the elimination of the categorical exceptions for public loans, grants, benefits, and contracts. At the hearing on that bill held on December 4, 1975, Mr. Richard Berg, executive secretary of the administrative conference, stated that the two proposals implemented in the bill H.R. 10194 were those on which there is entire agreement between the American Bar Association and the administrative conference. He noted that the bill would delete entirely these so-called proprietary exemptions.

The deletion of exemptions for loans, grants, and contracts will make it possible for affected individuals and organizations to participate in notice and comment rulemaking as provided for in this section and therefore be given the opportunity for a voice and meaningful input in the formulation of regulations. It is relevant to note the specific point raised in the testimony of the witness representing the American Bar Association at the hearing on H.R. 10194 on December 4, 1975, as regards Defense Department procurement regulations. The prepared statement of Mr. William Warfield Ross of the administrative law section of that association included the following observation:

One of the current exceptions permits agencies to omit notice and comment on rules relating to "public property, loans, grants, benefits, or contracts." The ABA proposal would eliminate this so-called "proprietary exemption."

Under the present exemption, the Defense Department promulgates bidding procedures for billions of dollars of contracts without providing contractors or anyone else an opportunity to comment. The result is that rules are sometimes adopted which are either unfair or unworkable or both because they do not take account of relevant matters not known to the issuing agency. There is nothing inherently secret about these procedures and there is, therefore, every reason to subject them to public comment just like other agency rules.

OTHER AMENDMENTS TO SECTION 553 RELATIVE TO PUBLIC NOTICE AND COMMENT IN RULEMAKING

The provisions of section 553(b) presently provide that general notice of proposed rulemaking shall be published in the Federal Register unless they are personally served or have actual notice. This language is retained in revised 553(b)(1), but the revised language includes an additional requirement which is intended to alert persons likely to be affected to the fact that the procedures for proposed rulemaking have been initiated. The revised language requires agencies, in addition to giving the statutory notice, to make a reasonable attempt to inform those likely to be affected by the proposed rulemaking. In the case of large groups, the requirement is to inform representative members of the proceeding. Agencies could utilize available publications such as trade journals or financial newspapers where appropriate. It could be that the sending of news releases would serve to perform this function.

The notice requirements now set forth in section 553(b) is substantially retained in revised section 553(b)(2) with additional requirements which are intended to better inform the public concerning the proposed rulemaking. In addition to the present requirement of a statement of the time, place, and nature of the rulemaking proceedings, the projected effective date of the rules is to be included. A new requirement of a brief statement of the purpose of the proposed rule is included along with the existing provisions for a reference to the legal authority for the proposed rule. In order to give the public a better understanding of the scope and content of the rulemaking proceeding, there would be a description of the subjects with which the rulemaking will deal and the major issues it will raise.

At the hearings in October and November of last year, there were some comments that persons commenting on rulemaking proceedings had at times encountered difficulty in commenting on the substance of a particular rule because of a lack of clarity concerning the content of the rule or because its ultimate provisions were quite different from those expected in the course of the comment proceeding. New section 553b(2)2(D) deals with the problem by requiring that the notice include the text of the proposed rule, if available. If omitted the text would be subsequently made known through a subsequent notice.

Some commentators have noted the difficulties encountered in some rulemaking proceedings where the nature of the subject matter is such that the agency will place considerable reliance on technical, theoretical, or empirical studies. Thus, it is assumed that in the notice stage of the rulemaking process, the public will be aware of important advice received from experts, and of the critical experimental and methodological techniques on which the agency intends to rely. Thus the agency should not rely on any research methods or data not presented to interested parties for comment and criticism.

The exceptions to subsection (b) of present 553 are presently found in that subsection as follows:

> Except when notice or hearing is required by statute, this subsection does not apply—
> (A) to interpretative rules, general statements of policy, or rules of agency organization, procedure, or practice; or
> (B) when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rules issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.

The exceptions to the notice and comment procedures in the revised section are set out in new section 553(b)(3). It is there provided that, except as otherwise required by statute, subsection (b) and paragraphs (1) notice, (2) comment, and (3) factual determinations, of subsection (c) do not apply to the enumerated subjects. The present exception for rules of agency organization, procedure, or practice is retained. However, the exceptions for "interpretative rules" and "general statements of policy" are not contained in the revised language.

Similarly, the language of (B) in the present subsection has been revised to eliminate the so-called good cause exception. In its place is a more limited exception which would permit an agency to omit notice and comment when it finds that notice and comment are unnecessary due to the routine nature or the insignificant impact of the proposed rule. The other exception provided is a new one and relates to emergency rules when an agency finds that they should be promulgated. It should be noted that while some instances be utilized in lieu of the present "good cause" exception, notice and comment would be required in connection with the proposed rule which would be required to be promulgated to replace the emergency rule—see revised section 553(f) as contained in the bill. In paragraph 4 of subsection (b), it is made clear that agencies are free to invite suggestions as to the content of proposed rules prior to notice of rulemaking.

Subsection (c) of section 553 is revised to provide, in four subparagraphs, the requirements concerning the public comment stage of the rulemaking process,

and there is included a specific requirement for a rulemaking file. Subparagraph (1) provides for a period of not less than 45 days after notice to participate in the rulemaking. This period actually increases the minimum period for such participation which is now based on the provision in the Federal Register Act, 44 U.S.C. 1501–1511 which provides for a minimum period of 15 days.

Paragraph (2) of subsection (c) provides for written statements much as in present subsection (c). Provision is made for oral presentation with more detail than in the present statute as to the authority of agencies to hold hearings for that purpose. It is further stated that the head of an agency, one or more of the members of the body which comprises the agency or "one or more agency employees assigned the responsibility of recommending changes in the proposed rule shall preside at any such hearing."

As has been indicated above, subparagraph (3) of new subsection (c) concerns resolution of factual issues. It is provided that when an agency determines that there is a significant controversy over a factual issue which will have a material effect on the substance of the rule, it shall use an appropriate procedure for the resolution of that issue. The language of the paragraph is consistent with the flexibility of informal rulemaking in that the agency is to select a procedure for that resolution which will permit adequate presentation of differing points of view, provide for agency objectivity and shall not unduly delay the rulemaking.

New paragraph (4) of revised subsection (c) provides that the agency maintain a file of each rulemaking proceeding. The file must include the notice of the proposed rulemaking and any supplemental notice, all comments received in connection with it, and transcripts of hearings or supplemental proceedings on controverted views of fact. Also included would be studies, reports or the material considered by the agency in formulating the rule, and other material deemed relevant or required by law. The file would contain the rule and statements required by the agency in formulating the rule. Finally, the file would contain copies of petitions for exceptions to, amendments of, or repeal of a rule. This file would be available to the courts and the Congress in reviewing the rule, and to the public as provided by law.

New subsection (d) of revised section 553 contains additional requirements to inform the public concerning adopted rules. The new subsection restates the present requirement of present subsection 553 (c) that an agency incorporate in an adopted rule a statement of the basis and purpose of the rule. The new subsection (d) covers this subject by requiring a statement of the purpose of the rule, the legal authority for the rule, and any other statements required by law. When the rule is adopted, the agency is to place a statement in the rulemaking file which sets forth the primary considerations asserted by persons outside the agency in opposition to the rule as adopted together with brief explanations of the reasons for their rejections.

New subection (d) (2) would bar adoption of a rule "substantially different" from the proposed rule unless interested persons were apprised of the differences and given an opportunity to comment, or the agency gives notice as provided in section 553(b) (2) (D) concerning notice including text of a proposed rule and receives comments and the differences from the original proposed rule. At the hearing on October 29, 1975, it was pointed out that it was possible for a rule to be adopted which was substantially different from the proposed rule upon which comments were received. Procedures permitting comment on the substance of all proposed rules would more nearly assure fairness and protect the rights of the public which is fundamental to the process of informal rulemaking. It is felt the provisions of subsection (d) (2) will accomplish this purpose.

New subsection (c) is a revision of present subsection (d) now providing exceptions to the present 30-day minimum delay in effect date of rules. The revised subsection (c) would provide for immediate effectiveness for rules granting or recognizing an exemption or relieving a restriction. It would also provide for immediate effectiveness for rules of agency organization, practice or procedure and rules which are of "routine nature" or have "insignificant impact." Emergency rules as defined in new paragraph (5) added by the bill to section 551 of title 5, could also be made effective immediately. As to other rules, the effective date would be governed by sections 602(a) and 603(b) in new chapter 6 on congressional review of rulemaking added to title 5 of the bill.

Subsection (f) concerns the commencement of rulemaking procedures upon issuance of an emergency rule. There is a limit of 60 days for public comment with provision for an additional 30 days if found necessary. The rule is then to be issued within 30 days. Unless earlier withdrawn, an emergency rule will expire upon the effective date of the final rule or after 210 days, whichever occurs first.

Subsection (g) provides that when rules by statute are required to be made on the record after hearing, sections 556 and 557 are to apply to significant issues of fact in dispute, instead of subsections (b), (c), and (d) of revised section 553. Present subsection (c) has similar language but does not have the reference to "significant issues of fact in dispute." This provision means that the more formal hearing procedures of section 556 are to apply in this manner as are the provisions of section 557 to hearings governed by the other section.

Subsection (h) is essentially a restatement of present subsection (g) requiring each agency to give interested persons the right to petition for a rule's issuance, amendment or repeal.

Subsection (i) provides language somewhat similar to that found in the Federal Register Act (44 U.S.C. 1507) and the Freedom of Information Act (5 U.S.C. 552) as to the effect of a rule which fails to comply with the section. The language of the subsection would provide that unless falling within an exception, a rule not adopted in conformity with section 553 cannot be admitted into evidence or considered in any agency proceeding, or in any judicial review of that proceeding, nor would any person be required to resort to or be adversely affected by such a rule. However these provisions are not to be interpreted as preventing a person from interposing such a rule as a defense to an agency proceeding or to a criminal prosecution, or from seeking agency or judicial review of the rule.

The provisions of this bill will provide the Congress with the means to disapprove regulations or to direct their reconsideration and this will be of logical and valuable assistance to the Congress in exercising oversight over administrative activity. However it is even more important to recognize that these provisions will give the Members of Congress the means to discharge their constitutional responsibility as the elected Representatives of the people to define the content and effect of laws of the Nation.

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

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

Mr. SEIBERLING. Mr. Speaker, could the gentleman tell me how many rules and regulations annually would be subject to the review provisions of this bill on the basis of past performance?

Mr. FLOWERS. Mr. Speaker, I would say to the gentleman from Ohio that there is no way of knowing annually. There would be literally thousands of rules and regulations that would be subject—and the key and actionable word here is "subject"—to the review mechanisms of this bill. They would not necessarily be reviewed, but they would be subject to review.

All of these rules and regulations should be reviewed to some degree by the various committees of the House of Representatives.

This bill would not in any wise affect the jurisdiction of the committees of the House and the Senate. The committees which would naturally have jurisdiction of the subject matter would continue to have jurisdiction and review of the rules promulgated and which would be subject to review hereunder.

Mr. SEIBERLING. Mr. Speaker, if the gentleman would yield further, could the gentleman tell me whether any study has been made as to how many rules and regulations each committee might have to review each year or have submitted to it for review?

Mr. FLOWERS. There is no way of telling. This is one of the things, I would say to the gentleman from Ohio, that really prompted us to act in this field. I know the gentleman from Ohio finds fault with the legislation for the same reasons I myself think it is necessary. So we are really at loggerheads here.

There have been some 10,000 pages of rules and regulations promulgated from about a 9-month period in 1975. That is one of the things that I think calls out

so loudly and clearly for this kind of legislation. The agencies, the departments and the executive branch are literally drowning us in rules and regulations in my judgment and in the considered judgment of those who support this legislation. They would be not so apt to attempt to drown us or snow us under in this way if this legislation were in place.

I think it gives the Congress, the House, and the Senate an additional tool, and a much needed tool to regulate the regulators. You know, this is doing what we say we are going to do when we speak of exercising oversight and we can do it in this way. The people who are for this are people who are the gentleman's constituents and my constituents. I dare say if you have been out in the hustings in this election year that one of the things the people in your district are concerned about and complaining about are the great morass of rules and regulations that are confronting them day in and day out, week in and week out, and year in and year out, which are put into effect by bureaucrats who are not responsible to the people. We have talked about doing something about it, this vote today is going to be evidence of whether we want to do something about it or not.

Mr. SEIBERLING. Mr. Speaker, would the gentleman yield further?

Mr. FLOWERS. Yes.

Mr. SEIBERLING. Under the bill, as I understand it, 20 percent of the membership of either body could discharge a committee of a particular rule or regulation that was within its jurisdiction and bring it to the floor for review. Has any study been made as to how many such rules might be expected to reach the floor under this type of procedure during a particular session?

Mr. FLOWERS. No, I do not know how we could make a study. I will say to the gentleman from Ohio that I think one of the very fine features of this legislation is that it is for a time certain. The legislation would come to an end in three Congresses, or 6 years. During that period of time there is authorized a sum of money for the administrative conference to study the effects of the legislation, that legislation would make it possible to study actual experiences, it would create a laboratory, so to speak. If we find it is not working we would not renew it. There is no way to study what might result from procedures for discharge by 20 percent of the Members. The only logical thing we can do is try it and see how it works.

In my judgment, Mr. Speaker, congressional oversight over administrative regulation now is not working very well. This process will give us a chance to act. I think it is important for this House to firmly set forth in that direction.

Mr. SEIBERLING. If I could ask one more question, does the legislative history of this bill give any indication as to the extent to which the staff of one of our committees, for example, with respect a particular rule submitted by an agency under this bill, would review the entire hearing record that that agency developed as the basis for promulgating its rule? Or would they just sweep that aside and start over again, without studying the agency hearing record? Is there anything in the committee report or the bill that requires a complete review of the entire record before the agency?

Mr. FLOWERS. I will say to the gentleman, utilization of this authority will be like in considering legislation. Some committees do a more thorough job than others. I do not think we can dictate to any standing committee of the House the extent of staff work they must employ on any given matter, whether it is a rulemaking review or legislation. It gives the same latitude to committees that they have now in considering legislation. It is contemplated that committee chairmen, subcommittee chairmen, members of the committee, and their staff members will be thorough and they will be fair, and that is all. It is not contemplated by this Member as one of the sponsors of the legislation and managing it here on the floor, that every rule that is promulgated would necessarily be reviewed. Committees might use a spot check mechanism. They will certainly have certain matters flagged to their attention by aggrieved parties, so to speak, but it is not also contemplated that we would have a rerun or a rehash of all of the intricate rulemaking hearings and consideration that we have in the agencies. Congress is clearly not set up to do that; have no fear of that.

Mr. SEIBERLING. Would the gentleman yield for just one final question?

Mr. FLOWERS. I yield to the gentleman for one final question.

Mr. SEIBERLING. My final question is this: If, as the gentleman says, the great majority of the agency rules will probably not be challenged by the Congress under this procedure and within the time constraints set forth in the bill, does that mean that thereafter the agency rules will be deemed to have been approved by Congress, and that Congress will then have assumed the responsibility, political and legislative, for those particular pieces of rulemaking?

Mr. FLOWERS. Clearly not. The bill clearly states on page 20, section 607, line 4:

> Congressional inaction on or rejection of a resolution of disapproval or of a resolution for reconsideration shall not be deemed an expression of approval of such rule.

Mr. SEIBERLING. If the gentleman would yield further, as a practical matter, will our constituents not hold us responsible because they will say we had the opportunity to veto the rule and we did not do so?

Mr. FLOWERS. I think the gentleman has hit upon the real rationale behind this rule. We in the Congress pass myriad laws and pieces of legislation that go on the books, and we invest the agencies with all of this vast power to make rules and regulations, and then we stand back and say when our constituents are aggrieved or oppressed by various rules and regulations, "Hey, it's not me. We didn't mean that. We passed this well-meaning legislation, and we intended for those people out there in the Occupational Health and Safety Administration or EPA or the Department of Justice, or wherever the case may be, to do exactly what we meant, and they did not do it." The gentleman knows the responsibility is laid right at our feet where it ought to be anyway. This is in effect making us more responsible, and I think it is a part of reassuming congressional oversight that we have just begun in this Congress, and I think this carries it a giant step forward.

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

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

Mr. KINDNESS. I thank the gentleman for yielding.

Mr. Speaker, as Members of Congress, we have all heard the frustrated complaints of our constituents—businessmen, farmers, senior citizens, educators, persons in the health professions—concerning various unreasonable or unrealistic bureaucratic regulations. As legislators, we recognize that all too often the intent of the laws we enact is altered, or even distorted, when the regulations implementing those laws are issued. This bill represents an effort by Congress to right that wrong. Through H.R. 12048 we can regain control over an aspect of the legislative process that we have thoughtlessly delegated and ignored.

Early in the 94th Congress I joined in cosponsoring Congressman DEL CLAWSON's version of the "Legislative Veto" (H.R. 8231). The Clawson bill, which is a direct predecessor of the measure we consider today, is perhaps the most far-reaching legislation that has been introduced on this subject in the House. I also introduced related legislation—H.R. 10301—proposing a number of revisions in the rulemaking process. Of particular note, is a concept that later found its way into H.R. 12048. That is, the need to expand the minimum comment period allowed interested individuals and organizations under the Federal Administrative Procedure Act. Right now, the law only requires that Federal agencies allow 15 days for comment from the time of publication in the Federal Register—44 United States Code section 1508(2). Such a short comment period is clearly inadequate, given the complexity of most regulations. I urge a 60-day statutory minimum period; H.R. 12048 would require a minimum 45-day comment period.

Consequently, by the time our subcommittee began its deliberations on the various congressional veto proposals, I had some rather strongly defined ideas about both the need for congressional veto and need to reform the rulemaking process in general. H.R. 12048 addresses both of these important issues in an omnibus fashion.

The Subcommittee on Administrative Law and Governmental Relations of the Judiciary Committee held a series of seven hearings in October–November 1975. Primarily these hearings focused on the somewhat contrasting approaches taken in the two bills proposing a generalized legislative veto. These were the aforementioned H.R. 8231, sponsored by Congressman DEL CLAWSON and H.R. 3658, sponsored by Congressman ELLIOTT

LEVITAS. The issues surrounding the need for revisions in the rulemaking section of the Administrative Procedure Act were also extensively discussed. The subcommittee heard from congressional and administration witnesses, Constitutional-legal scholars, numerous Federal agencies, interested private organizations, as well as from members of two State Legislative Committees which conduct a similar review of regulations.

The heart of the Administrative Rulemaking Reform Act is section 4, providing for both disapproval and/or reconsideration of agency regulations. The procedure called for is broad in its impact. It would apply to all regulations, including those carrying criminal penalties, promulgated by agencies subject to the APA. The subcommittee also felt that it was not necessary to create new standing committees in the Senate and House to carry out this oversight responsibility. We rejected the idea that the existing committees of Congress had neither the will nor the expertise to scrutinize proposed rules. The procedure will not result in undue delay, as has been charged by many of its opponents. At worst, a proposed rule will be delayed in terms of its effective date by 90 days. Certainly, a 90-day period is hardly not unreasonable or an undue delay when one views it in the context of the normal time frame for the development of agency regulations.

Section 602 sets down the procedures and time periods for either, or both, Houses of Congress to adopt a concurrent resolution of disapproval—congressional veto—of new proposed rules. The basic congressional review period—delay in implementing final regulations—is set at "60 calendar days of continuous session of Congress" after promulgation of a rule—filing with the Office of the Federal Register for publication. If no committee has reported out a resolution of disapproval within those 60 days—and the committee has not been "discharged from further consideration" of the resolution, and neither House has adopted such a resolution—then, the rule may go into effect at the end of the 60-day period.

If, however, within the same 60 days, a committee has reported out, or been discharged from further consideration of a disapproval resolution—or either House has adopted the resolution—the congressional review period is extended an extra 30 calendar days. A proposed rule may not then take effect during that 90-day period.

Of course, the proposed regulation never goes into effect if it is disapproved by both Houses during the 90-day period. A resolution of disapproval is also successful if it is adopted by one House and the other House does not act to reverse the action of the first House, during the 30-day congressional review extension period.

Section 603 establishes a somewhat similar procedure and time period for either House of Congress to adopt a resolution directing an agency to reconsider a new or existing rule. Importantly, it provides for both prospective and retroactive review. Again, the basic congressional review period is 60 calendar days of continuous session of Congress after promulgation. The issuing agency must reconsider the regulation, and within 60 days after adoption of the congressional resolution, either withdraw or repromulgate the rule. If the agency takes no action, the rule lapses. If repromulgated, the rule is again subject to the full congressional review process. In the cases of retroactive review and reconsideration of an existing rule, the agency has 180 days to repromulgate, during which time it must allow a minimum of 60 days public "notice of a proceeding to consider repromulgation," and, the agency is required to conduct a formal hearing with oral presentations on the matter. During the reconsideration process, as well as the subsequent period of congressional review, the existing rule may remain in effect.

While these procedures may seem unduly cumbersome on paper, I am convinced that they can work smoothly and effectively. I remain unpersuaded by the arguments that a legislative veto is constitutionally questionable. Administrative rulemaking is in the nature of legislation, and Members of Congress are legislators. We have every right to recall part of a power which we have delegated. I strongly urge my colleagues to suspend the rules and support H.R. 12048.

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

Mr. STEIGER of Wisconsin. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the bill that is before us at this point is designed to try and deal with the kind of frustration that we hear expressed throughout our constituency. The gentleman from Alabama has correctly stated that we have heard comments from our constituency which reflects that frustration about the bureaucracy and about the rules and regulations.

But this bill is the wrong bill at the wrong time in the wrong Congress and in the wrong way. I cannot stand still or sit idly by and see this Congress attempt what I consider to be a most serious error were we to pass this ill-considered, untimely bill. All of the consideration, all of the discussion, all of the listening has produced a product that is worse than the malaise.

The concept of the legislative veto in my judgment is subject to serious constitutional question, but perhaps from the standpoint of this time and this place, Mr. Speaker, we are asking this House, the 435 Members to make a rational judgment on a bill of profound importance that touches everyone of us, all of the executive agencies, and all of our constituents, and do this in 40 minutes of time and without amendments. This is not the day, this is not the time, and this is not the procedure by which to take up a bill of this magnitude and attempt to cram it down the throats not only of the House, but also of the agencies and all of our constituents.

We will rue the day if this bill becomes law—and I hope it will not—and I hope the President will veto it if the bill gets to him if it should happen that we pass this bill in this fashion.

I would like to point out some of the reasons why we should not pass this bill in this way today.

First, the committee reports states at some length the views of Mr. Justice White in the Buckley against Valeo decision, which is reported at pages 13 and 14, with the report of course conveniently forgetting to look at the rest of the Buckley decision.

The May 1976 Duke Law Journal has a most interesting and thoughtfully analytic view of the Buckley decision. Let me read from the conclusion of that astute article:

> Despite the Court's disclaimer,[10] the analysis developed here suggests that in *Buckley v. Valeo* the Supreme Court in fact took a significant step toward resolving, the constitutionality of the congressional veto of administrative action. The statement of philosophical premises and principles of construction necessary to the *Buckley* decision is "strong evidence of a strict view of the doctrine of separation of powers and an unwillingness to dilute the literal meaning of the constitutional provisions in which the doctrine is embodied." To uphold the constitutionality of a congressional veto provision like one of those now before Congress would be virtually impossible without doing violence to the language and logic of the lengthy, carefully reasoned, and politically sensitive *Buckley* decision.

I think that analysis is essentially correct and this bill would be subject to a serious constitutional challenge. As a matter of fact there is now a suit pending brought by Ramsey Clark with the support of the President and the Attorney General.

Second, this is not the time to attempt to deal with this important matter in 40 minutes of debate and considering the fact that we cannot offer any amendments and we are precluded from undertaking even the most minimal kind of justification for the legislation under consideration.

Third, the administration opposes this bill and has said it will be vetoed.

I think this would not be a bill we should pass at this time under these circumstances.

Also, the other body has done absolutely nothing on this except hold hearings with little expectation of any action.

We are in a sense voicing our frustration over the bureaucratic problems by attempting to pass here a bill which will not go anywhere. I think it would be ill considered to pass this bill not only because it is bad legislation but also because I think it will not go anywhere at this time.

I urge my colleagues in spite of the frustrations and the good intentions and the sense that we want to undo what we struggle with, to rise above that frustration and vote "no" on the bill.

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

Mr. STEIGER of Wisconsin. I yield to the able and distinguished leader of the opposition, the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, as the gentleman knows, I share his misgivings about the bill and at the same time I share his concern about some of the

[10] 96 S. Ct. at 692 n.176.

legislative grants of power over the years and the abuses that have been made of the power in the past by the administrative agencies, but this is not the cure.

As a matter of fact, looking at our proceedings in this body at this very moment, where we are struggling to keep up with our normal legislative workload, we are not making the kind of progress we should.

Mr. STEIGER of Wisconsin. Mr. Speaker, I yield 2 minutes to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker. I ask the Members if they can imagine what is going to happen if, on top of the normal legislative workload, are dumped each year 15,000 to 20,000 additional rules and regulations promulgated by the administrative agencies.

The gentleman from Alabama says congressional committees do not have to report out a single agency veto legislation if they do not wish to. But if Congress is really going to assume this function, and not make it a charade, it seems to me we will have to add to the staff of every congressional committee at least one staff person, just to review the administrative rules and regulations within its jurisdiction. In fact, if the committees are really going to do their job, many of them will have to add more than one new staff person, for the staff are going to have to scrutinize the entire hearing record that each agency within the committee's oversight jurisdiction compiled in support of each agency rule submitted to the committee for review. Remember, the Administrative Procedure Act mandates that each agency have a full and fair hearing before they can promulgate a rule.

So I think we are going to end up under this bill with no better administrative rules, but we are going to undermine our own legislative process by taking on a job we cannot possibly do.

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

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

Mr. LEVITAS. Mr. Speaker, is the gentleman's argument that we should not take up this type of review, because it is too much work? Because, if in fact, the rules passed by the administrative agency are laws and people can go to jail if they violate them, then it is nothing more than a copout, if we do not deal with these agencies and their rules just because some Members think it is too much work.

Mr. SEIBERLING. If the rules go beyond the statutory grant, they will be knocked out by the courts if challenged. Congress already has oversight and every legislative committee has oversight. If they find problems in some areas of agency rulemaking, they can recommend changing the law or the rule. But to force the agencies to submit and the Congress to review rules is going beyond the proper function of a legislative body.

Mr. Speaker, a recent exchange of correspondence between Ralph Nader's "Congress Watch" and our colleague from Georgia (Mr. LEVITAS) brings out the many grave problems and weaknesses of this ill-advised bill. I offer it for insertion in the RECORD following these remarks:

SEPTEMBER 16, 1976.

DEAR REPRESENTATIVE: The House may soon consider, under suspension of the rules, the "Administrative Rule Making Reform Act of 1976," H.R. 12048, which would grant Congress the power to veto almost all federal agency regulations by a majority vote of one House of Congress. While Congressional response to the current interest in reforming regulatory agencies and paring the bureaucracy to its essential functions is long overdue, we are writing to urge you to reject this particular bill which we view as a cure far worse than the disease.

This proposal has gained broad opposition including every Federal agency asked to express an opinion, consumer and environmental groups, the National Association of Manufacturers, the AFL–CIO, the Ford Administration, and almost every prior White House back to and including that of Franklin D. Roosevelt. There are several reasons why this bill has attracted such opposition:

The Bill Is Probably Unconstitutional. Antonio Scalia, Deputy Attorney General, Department of Justice, has testified on behalf of the Administration that this bill may be unconstitutional due to a violation of the constitutional doctrine of separation of powers and because it specifically violates Article I, section 7, clauses 2 and 3. On September 10th, 1976, the U.S. Court of Appeals for the District of Columbia, en banc, heard argument on the constitutionality of the congressional veto as it applied to the Federal Election Campaign Act. They heard the argument under an expedited procedure which means they will soon rule on the constitutional question, and the issue will be taken promptly to the Supreme Court. Surely, in view of these facts, Congressional action is premature.

The Bill Has Enormous Practical Problems. A careful review of the procedures developed in H.R. 12048 for review of agency regulations indicates that this bill has such severe practical, procedural and technical problems it is clearly not ready for floor action. For example, the effective date and substance of regulations may remain uncertain for months after the agency has promulgated it, as illustrated by the regulations issued by the Federal Election Commission. On August 1, 1975, the Federal Election Commission (FEC) passed regulations requiring Representatives to file campaign reports in the first instance with the FEC instead of the House Clerk. On October 22, 1975, the House vetoed that rule. New, comprehensive FEC rules were then repromulgated after meetings with House and Senate members, on July 29th and 30th, 1976. Congress has 30 legislative days to veto these rules, but even if they don't, the 30 days may not run by October 2nd, so these rules originally promulgated on August 1, 1975, won't be effective until January or February, 1977. The FECA veto procedures are essentially those of H.R. 12048. Even if members agree with the need to veto that rule and to have this power, any procedure which causes two years delay is not one that's ready to be applied to all agencies. The enclosed testimony of Alan Morrison and Reuben Robertson further explains this problem.

Other Objections. The enclosed concise memorandum on the congressional veto explains other serious problems with the bill. These include the cost to business, the administrative burdens it creates, and the bureaucracy it will create. Any and all of these are sound reasons to reject this legislation.

As we suggest in our memorandum on this bill, the difficulties raised by a congressional veto will only add another layer of government between a problem and its solution, and could possibly slow other, more useful attempts to restructure and streamline federal agencies. We urge you to vote against H.R. 12048.

Sincerely,

DAVE LENNY,
JOAN CLAYBROOK.

STATEMENT OF ALAN B. MORRISON AND REUBEN B. ROBERTSON OF THE PUBLIC CITIZENS LITIGATION GROUP BEFORE THE SENATE GOVERNMENT OPERATIONS COMMITTEE WITH RESPECT TO THE PROPOSALS TO ALLOW CONGRESS TO VETO AGENCY RULES, MAY 20, 1976

Mr. Chairman, we are pleased to have been afforded this opportunity to discuss with you the various proposals under which the Congress could veto regulations issued by the Executive Branch, including the independent regulatory agencies, by concurrent resolution. There can be no doubt the Congress has the power, by utilizing the procedures spelled out in the Constitution for enacting legislation, to "overrule" any agency's action simply by amending the statutory authority on which it is based. In fact, Congress has just done that with respect to motorcycle helmet requirements which the National Highway Traffic Safety Administration had sought to impose on the states and which Congress has specifically prohibited the agency from putting into effect. See Section 208(A) of Public Law 94–290. The question before this Committee is an entirely different one: should Congress seek to oversee virtually every agency rule and forbid every agency from putting those rules into effect until Congress has had an opportunity to review them first?

There are a number of proposals now pending before this Committee and other Committees of the Congress which are directed toward the same type of review process: S. 2258, S. 2716, S. 2812 (Sec. 5), S. 2878, (Title II), S. 2903, and S. 3297 (Title II). While they vary somewhat in detail, and while some appear to be less complex than others, they embody the same fundamental approach. In our view all of these proposals will inflict a cure on the Federal Government that is far worse than any illness with which it may now be afflicted. We believe that these proposals are unwise from the point of view of the agencies, the business community, the public at large, and even the Congress. We also believe that they are unconstitutional for among other reasons, those set forth at length in the testimony of Assistant Attorney General Antonin Scalia, who testified for the Justice Department on April 28, 1976, before the Administrative Practices and Procedures Subcommittee of the Senate Judiciary Committee on this very topic.

Our testimony today will not deal with the constitutionality of these proposals, but will instead deal with the wisdom of them. In our view the proponents of this legislation have failed to give proper consideration to the practical problems involved in these proposals. In order to help the Committee appreciate these difficulties, we have tried to hypothesize a situation in which a mythical agency has decided to issue a rule and wants to put it into effect, and then to attempt to dramatize for the Committee some of the problems that the agency will encounter. In order to be as concrete as possible, we have chosen a framework in which Title II of S. 3297 has been enacted, a choice we made because that bill is the most sophisticated of any of the similar proposals and because an identical bill, H.R. 12048, has been reported out by the House Judiciary Committee. In this dramatization, Mr. Robertson will assume the role of agency Chairman and I will assume that of the agency's General Counsel. We wish the record to

reflect that neither of us has any aspirations toward either of those positions in this mythical agency, or in any other agency that might be seen to bear a resemblance to it.

* * * * *

Chairman: What a great day! The Commission has finally reached a unanimous agreement on the airline overbooking rule, and voted to issue it at once.

General Counsel: We have been working on this for years, but it's worth it because the rule is really a good one.

Ch: The public has been very critical of us for not having dealt with this problem years ago. Also there has been tremendous pressure on us from members of Congress, demanding that we get the rule out.

GC: Even the industry leaders want us to get done with the matter.

Ch: The Commission wants to get this into effect immediately . We must give a specific effective date because the airlines need sufficient lead time to program their computers. How soon can we put the rule in force?

GC: I don't know.

Ch: What do you mean you don't know? You are our lawyer. What does the law say?

GC: That is the problem. It doesn't say.

Ch: But it must say.

GC: Let me try to explain. You see, Congress has been unhappy with some of the rules we have issued—not only our rules, but other agencies' as well. They now want to look them over before they go into force. So we have to wait 90 days for them to go into effect, to give Congress that opportunity.

Ch: In every case?

GC: Well, except for a few internal matters, rules that don't make any difference, and genuine emergencies.

Ch: Does this case qualify as an emergency?

GC: Well, bumping more than 100,000 passengers every year is bad, no doubt about that. But we have let it go on so long, I don't think the situation could pass as an emergency.

Ch: OK, I guess if we have waited this long, another 90 days won't make that much of a difference. So, why don't we just put in a date 90 days from today?

GC: It is a little more complicated than that. You see, the statute says 90 days continuous session, and that doesn't mean 90 calendar days. For instance, if either House is in adjournment for more three days at a time then those days off: don't count.

Ch: You mean every time one House goes home on Thursday afternoon and doesn't come in until Monday morning, we have an interruption?

GC: That is right. But it's even more complicated.

GC: Well, there are vacations, and of course, this year with the two conventions and the election, there is no telling whether the Congress will ever get the ninety days completed.

Ch: Well, what else?

Ch: Well, we can surely get it in force by early next year—can't we?

GC: I forget to tell you about something else.

Ch: What is that?

GC: If we don't make it by the end of this Congress, we have to start all over again next year since the continous session rule is halted when Congress adjourns *sine die*. But there is a possibility that this could take less than the 90 days.

Ch: Explain that to me.

GC: If neither House of Congress has adopted a resolution to disapprove the rule, and no committee has reported such a resolution or been discharged from further consideration within 60 days, then the rule can go into effect immediately, according to one section of the statute.

Ch: That seems a little better.

GC: Well, it is not so simple. There is a problem when reconsideration, rather than outright rejection, is ordered after 60 but before 90 days have elapsed. Frankly, the situation is so confusing, because one section says the rule is effective and another says it's not, that we just have to hope we never get confronted with it.

Ch: It is terribly confusing. What is Congress going to do with these rules when we send them over?

GC: Well, they are going to review them on the merits.

Ch: But we did that here. We had all kinds of public proceedings.

GC: But they are going to do it again.

Ch: You mean that industry, the consumer groups, and all the federal agencies are going to get a second bite at the apple?

GC: It is worse that that, even—they don't even have to show up here at all. They can save their guns for Congress.

Ch: Well, what standards are there by which the Congress might overrule us?

GC: There aren't any. They can do it for any reason—political, legal, constitutional, or simply because they don't like the agency.

Ch: Well, is it at least an up or down vote?

GC: No, as I mentioned before, they can send it back and order reconsideration.

Ch: Reconsideration? But we have already had extensive proceedings to reconsider the proposed rule.

GC: That doesn't matter. If either House passes a resolution for reconsideration, we have only 60 days to act or the rule automotically dies. And within those 60 days, we can either withdraw the rule or repromulgate it—with or without changes.

Ch: Suppose we do repromulgate it. Have we finally completed the process?

GC: No way. The whole Congressional review process starts over.

Ch: Well, what are the courts going to say about this action by Congress? Can the courts find that Congress has not acted in accordance with the statute itself?

GC: As far as I can see, the veto is absolute.

Ch: You mean they have to get ⅔ in both Houses.

GC: No, you don't understand. In effect, only one House has to disapprove it, provided that it acts within sixty days and the other one doesn't affirmatively approve the rule within ninety days.

Ch: Run that one by me again.

GC: Well, the usual time is 90 days and both Houses have to disapprove it. But if one House disapproves in sixty days, then the other House has to approve it by the end of ninety days, or the rule is disapproved.

Ch: You mean then, sometimes it can go into effect in sixty days but we won't be able to tell, so we ought to just figure 90 days?

GC: That's right.

Ch: What about a veto by the President?

GC: They seem to have left him out of this operation entirely.

Ch: Well, can Congress pick and choose part of the rule—disapprove some of it and let the rest stay?

GC: Not as I understand this statute, although some of the other proposals would have allowed it. But I'm certain that the Congress could, if it wanted, let us know what aspects of the rule bother it.

Ch: How will they possibly know what part we need, and whether we would have passed the rule at all absent the part that Congress doesn't like?

GC: They can always ask us. And in fact, we are probably going to have to defend the rule.

Ch: You mean that we are going to have to send all our experts up to the Hill to explain to Congress and their staffs—in both Houses—why we did what we did?

GC: I'm afraid so. Probably the Commissioners will also be asked to testify.

Ch: How can they possibly do this? Don't they understand that there are 60,000 pages of rules in the Federal Register every year—not to mention the hundreds of pages of backup materials for each rule—and that there are ten feet of the Code of Federal Regulations? Isn't Congress already so overworked that it can't get done everything on its agenda? Why do they want to do this?

GC: I really don't have any idea.

Ch: Say, what about those statutes that Congress is writing telling us we have to promulgate certain rules within fixed times? Is this one of those cases?

GC: No, this isn't.

Ch: Well, just what are we supposed to do in those cases?

GC: I guess if you send the rule to Congress in the time prescribed, you are OK.

Ch: Sort of makes a mockery of those firm statutory deadlines, doesn't it?

GC: I won't dispute that one with you.

Ch: Tell me about review of these rules by the courts. How does that fit in?

GC: Well, in the first place, it really gives everyone a third bite of the apple.

Ch: I understand that. What I want to know is, when are the court proceedings to take place?

GC: I was kind of wondering about that myself. The law is not at all clear. Our statute says if you don't like a final rule we have issued, you must petition the court for review within sixty days. Once that is done, the cases tend to move right along, since the judges don't like all this criticism about backlogs.

Ch: Anybody who doesn't like our rule for any reason can appeal it in court, at the same time as they stir up opposition in Congress. Are we going to have to spend a lot of time writing court briefs while Congress is reviewing the matter?

GC: Seems sort of silly, doesn't it? On the other hand, it seems sort of silly to wait until Congress gets finished, and then add court delay on top of that.

Ch: You know, almost every time we put a rule into effect, somebody is asking us or the court for a stay. Isn't it going to be pretty hard to object to another delay after all of these delays?

GC: That is not the part of my job I think I am going to relish. It certainly undercuts all of our efforts to eliminate regulatory delay, which has been such a source of criticism.

Ch: Now getting back to the problem I began with originally. What are we supposed to put in the Federal Register about the effective date of this rule?

GC: I really don't know. Maybe we should just refer to the Administrative Rule Making Reform Act of 1976, which established this whole procedural quagmire, and say that the effective date will be announced later.

Ch: I am just wondering whether the establishment of an effective date at a later time would itself be subject to the Congressional review process.

GC: It may very well be.

Ch: One more question and I will let you go back to work. Why are we bothering to issue any rules at all?

GC: Maybe that is the whole point of the statute.

ARGUMENTS AGAINST A STATUTORY POWER OF CONGRESSIONAL VETO OF AGENCY RULES

The congressional veto is a product of the recent surge in efforts to reform federal agencies and to end unnecessary and counterproductive regulation. Yet it is clear from the mass of regulations Congress will have to consider as well as the confusion, delay, uncertainty and potential Constitutional problems that Congress would not reduce government, but increase its burden. The difficulties raised by a congressional veto over agency regulations will only add another layer of government between a problem and its solution, and could possibly slow

other, more useful attempts to restructure and streamline federal agencies.

An even-handed, consistent evaluation of the regulations subject to a Congressional veto would require that each Committee have its staff review virtually every regulation, with the accompanying volumes of hearing records, which falls under its jurisdiction. But because of the large number of regulations issued every day, it is inevitable that only a few rules will receive Congressional attention. Because there are no criteria laid out for the selection of these few rules those private groups with the most political influence will bring enormous pressure to bear for a veto of rules they don't favor. With the multimillion dollar budget and other resources that the oil industry, banks, National Association of Manufacturers, Chamber of Commerce, and others have available to guide any legislation affecting them, these groups will have a considerable influence on Congress as it determines which regulations should be challenged. Thus, if Congress does not review all rules promulgated by Federal agencies, Congress will abdicate responsibility for choosing regulations which need consideration to private interests.

On the other hand, review of all regulations promulgated by agencies is also undesirable. Under the existing procedures for oversight of federal agencies, Congress has wisely focused its attention on questions of whether the agency has been tenacious and effective in carrying out its statutory mission. A comprehensive review of all the detailed regulations which each agency has promulgated would be extremely time consuming without comparable accompanying benefit. In the course of 10 working days, over 250 separate regulations adopted by administrative agencies are printed in the Federal Register, and each of these rules is supported by hearing records which include volumes of substantive materials. In a single FTC rulemaking proceeding, for example, these documents comprised a record of over 30,000 pages.

ALTERNATIVES TO THE CONGRESSIONAL VETO

Proponents of a Congressional veto imply it is the only way the policies of federal agencies can be adequately reviewed and controlled. This is simply not true, as the variety of alternative means for controlling agencies illustrate:

Congress should amend, rewrite or revoke legislation which is unworkable—not subject it to piecemeal scrapping by Congressional veto of individual regulations issued to implement the law. In fact, Congress has just done this with respect to motorcycle helmet requirements which the National Highway Traffic Safety Administration had sought to impose on the states, and which Congress has specifically prohibited the agency from putting into effect. See Section 208(A) of Public Law 94-290.

Greater Congressional oversight is imperative. It should be comprehensive and conducted on a regular basis, with specific staff assigned to review agency actions. The importance and potential effectiveness of regular oversight was recognized by the Senate as its recent approval of a permanent committee to oversee intelligence activities illustrates. Energetic oversight, by itself, can provide Congress with the capacity to reign over a wayward or capricious bureaucracy.

Stricter standards for the appointment process must be developed. The present tone and format of many confirmation proceedings suggest that the Senate can only reject the nominated appointee if the Senate can show that the nominee has acted illegally or immorally. Instead, the Senate should shift the burden to the nominees, requiring them to demonstrate that they are qualified for the particular office to which they have been nominated. Both the Senate and House should include in statutes creating appointive positions the particular qualifications which the nominee must satisfy, including relevant experience, full financial disclosures, the placing of assets in "blind" trusts, and the absence of any conflicting ties with the industries or groups to be regulated.

Expanding the opportunities for judicial review of agency actions would increase accountability of federal agency actions. Provisions for greater access to the courts for citizens to challenge illegal agency actions, and for a Congressional counsel to permit legislators to file suit to enjoin unlawful agency actions, would guarantee agency behavior that more closely follows Congressional mandates. Citizens should also be reimbursed through attorney and expert witness fees for participation in agency proceedings where they represent a small economic interest and in judicial review of agency actions where the citizen substantially prevails.

Through its control of the authorizations for the federal agencies, Congress has a potent tool for dealing with recalcitrant agencies which persist in circumventing Congressional policies. Withdrawal of funding authority for actions that Congress thinks are unjustified can ensure agency actions that coincide with the will of Congress.

Finally, Congress should place greater reliance on the appropriations process. A few examples suggest that this instrument can be quite effective in controlling agency actions. The House amended the Conference Report on HEW appropriations to forbid expenditure of money to enforce sex integration of physical education classes which HEW had mandated by regulation. Congress also prevented EPA from spending its appropriations to enforce parking surcharges to discourage consumption of fuel by commuters driving to work. As EPA Administrator Russell Train said, "If you're not allowed to spend money on a program, legally you can't pursue the program."

IT WOULD CREATE INCREDIBLE PRACTICAL PROBLEMS IN IMPLEMENTING AGENCY RULES

The effective date and substance of the final, approved rule will remain totally uncertain for months after it has been promulgated:

It is unclear which rules are subject to a veto. Some Congressional veto statutes do not cover rules of "agency organization, practice, and procedure" or rules "granting or recognizing an exception or relieving a restriction." Neither Congress nor the courts have indicated or will know with greater specificity or certainty what kinds of rules would be vetoed.

It is uncertain when the veto is to take effect. The veto is effective after "90 days during which Congress is in session," but if 90 working days are not accumulated prior to the end of the session, the 90 day countdown must start anew. Delay and uncertainty are compounded because in counting "90 days," 3 day recesses, vacations, election and convention breaks further delay and confuse the process.

It is unclear which provisions of the rule will take effect. Since the rule can be sent back for agency reconsideration by either house instead of subjecting it to a veto, the individuals or groups affected by the regulation cannot even be sure that the substantive provisions of the regulation will remain unchanged.

The procedure adds substantial delay to the regulatory process. Any measure for regulatory reform should reduce rather than increase the impediments that delay agency activities.

Agencies will shift to case by case adjudication, a time-consuming, duplicative and burdensom approach rather than formulate rules which would be subject to Congressional veto.

Those opposed to the rules may no longer desire to participate at the agency level, since it may be more productive to reserve their primary efforts to seeking a Congressional veto.

Because of the time limits found in most statutes authorizing judicial review, aggrieved parties will be forced to file for judicial review before Congressional veto activity is completed, thus wasting the time of litigants and courts concerning a rule eventually vetoed. To correct this deficency it would be necessary to postpone judicial review, and the ultimate fate of the regulation, for as much as an additional year, thus adding delay, making an accurate effective date for a regulation impossible.

IT WILL COST AMERICAN BUSINESS MILLIONS

The incredible delay, uncertainty and confusion caused by this procedure will inevitably cost businesses money. If a business begins to comply with a regulation after it is promulgated, the expense may prove wasted if the rule is vetoed. Or, if they wait for completion of the veto process instead, the cost of complying rises during the delay. Informing Congress of industry views could become a potential nightmare to any business planner: first in Congress as the bill is passed, then at the agency level as a rule is considered during the veto process, then possibly back to the agency if Congress votes to force agency reconsideration, then back to Congress, then to the courts for judicial review.

IT VIOLATES THE CONSTITUTIONAL PRINCIPLE OF SEPARATION OF POWERS

Antonio Scalia, deputy attorney general, Department of Justice, has testified on behalf of the Administration that this bill is unconstitutional in two ways: it violates the doctrine of the separation of powers, and contravenes specific provisions of Article I of the Constitution (Section 7, clauses 2 and 3) which the Department believes specifically forbids Congressional review devices such as the veto. No additional questionably constitutional veto provisions should be adopted until this issue can be tested in the courts, as President Ford has said he intends to do.

IT WILL GIVE LOBBYISTS A "SECOND CHANCE" AT UNDERMINING FEDERAL LAWS WHEN THEY FAILED TO STOP THE LEGISLATION ON ORIGINAL PASSAGE

Once this procedure is adopted, the lobbying forces which actively fought to defeat strong health, safety, antitrust, credit discrimination, environmental and other socially desirable pieces of legislation, yet failed to weaken them on original passage, will march back to Capitol Hill to legislation already passed by Congress. The hearings on this legislation are continuously laced with claims that the Occupational Safety and Health Administration (OSHA) and the Environmental Protection Agency (EPA) regulations have a different effect than envisioned when Congress wrote the original acts. There is an abundance of handwriting over the constituency mail spawned by OSHA regulations being enforced in small business establishments. And yet the legislative history of OSHA shows that all legislative attempts to differentiate between small and large businesses were defeated by Congress; the legislation unequivocably expressed the legislative intent that all employees deserved to be protected against unsafe working conditions no matter how many employees the employer has hired. The remedy for legislators' unhappiness with OSHA or EPA regulations is to amend the act, not to veto the regulations.

IT WOULD SERIOUSLY HAMPER PUBLIC PARTICIPATION IN RULEMAKING

Under the current tax laws, many groups with expertise in certain areas who actively participate in agency-level proceedings are

prohibited from lobbying because their funding comes from tax-deductible contributions. Thus, although they may participate at the agency proceedings, the views of these groups could not be made to legislators when a veto of a rule is being considered. By contrast, profit-making businesses may deduct their expenses for lobbying Congress as well as for participating in agency proceedings at an incalculable cost to the Treasury.

Members of the general public, including public interest organizations, operate on extremely limited budgets, which will have to be stretched twice as far if rules are considered by Congress as well as by the agencies. Because non-tax-deductible dollars are so difficult to raise, there are very few public interest lobby groups, and with their meager funds, they will be forced to choose between expending their resources on legislation or Congressional veto activity.

IT ACTUALLY MAY REDUCE ACCOUNTABILITY OF FEDERAL AGENCIES

In practical terms, the Congressional oversight resulting from this legislation constitutes an incomplete look at individual regulations, instead of a coordinated policy review of the agency's overall activities. Oversight on a case-by-case basis neglects the long-range policies and decisions with which Congress ought to concern itself. Use of the Congressional veto will result in a dilution of the effects of Congressional oversight, as committees become bogged down with reviewing a morass of particular regulations.

IT WILL CREATE ENORMOUS ADDITIONAL ADMINISTRATIVE BURDENS FOR CONGRESS

Having decided broad public policy issues, Congress has repeatedly and prudently delegated the day-to-day decisions for implementation to federal agencies. These agencies have the staff and technical expertise to develop comprehensive and specific regulations on matters which are often highly specialized and complex, including the safety standards of airplanes, health standards for drugs or the permissible language to be used on a limited warranty. Congress has neither the personnel nor the expertise to review these regulations: the amount of time required to read, let alone adequately evaluate, these regulations is beyond the capacity of a legislative body as presently staffed and structured.

IT CANNOT FORCE MORE OVERSIGHT FROM THE SAME STAFF RESOURCES

The Congressional veto bills imply that merely authorizing the Congressional veto will result in increased agency accountability and more effective Congressional oversight. This is a false promise: no greater oversight can ensue without provisions for additional staff positions. Only a perfunctory examination of the multitude of rules subject to the veto is likely to result, and even to accomplish this, many other issues will have to be given short shift.

If the veto legislation remedied this deficiency by providing for more staff members for oversight functions, it would also render the veto provision superfluous because the additional staff should be sufficient to remedy the failures attributed to the current efforts of the various committees which now oversee federal agencies.

IT WILL INVITE "WHOLESALE POLITICIZATION" OF FEDERAL AGENCIES

Federal agencies are formed for the technical expertise they lend to problems and solutions, and independent regulatory agencies are created primarily to provide such expertise and also some insulation from political influence on federal decision making. Both these benefits are lost when agency actions are subjected to the politically influenced and cursory examination likely to result from the hurried Congressional veto process. Agency rules will reflect the viewpoint of the most powerful lobbyists and pressure groups, since the agency will strive to avoid their opposition to a rule under the Congressional veto process and will weaken the rule to accommodate opposition. The regulations which will result from such politicization will reflect the lowest common denominator of all potential political objections, and will tend to result in innocuous half-steps toward problem-solving, disappointing all parties concerned.

THE CONGRESSIONAL VETO WILL ADD ANOTHER LAYER OF BUREAUCRACY TO CONGRESSIONAL OVERSIGHT

Under current procedures, final validation of agency regulations is completed at the agency level after comprehensive hearings, tests and extensive testimony by the public and government officials. The Congressional veto provisions would require a wasteful and redundant repetition of this information-gathering process at the Congressional level as well, since the whole show would shift to Congress when the rule comes up for review. Thus, instead of controlling the growth of bureaucracy, this procedure just adds to it.

THE PROBLEMS SOUGHT TO BE REMEDIED DO NOT JUSTIFY THIS PROCEDURE

The provisions of the proposed Congressional veto will result in wasteful redundancy, extensive time delays, additional burdens on oversight committees, and prolonged uncertainty. Such extraordinary procedures could only be justified by extraordinary needs and problems. Yet, a detailed reading of the hearing record on the Congressional veto produces few examples of the need for this procedure. Rather, one finds example after example of agency regulations with which various interests were displeased which currently-available means of challenging the rule could resolve. These include appropriations, amendments or judicial review which often were not even attempted or, when they were, were successful.

(For further information on the Congressional veto, contact Dave Lenny or James Humphreys, Congress Watch, 133 C Street, SE, Washington, D.C., 20003, (202 546-4936. 6/76.)

CONGRESSIONAL VETO BILL

WASHINGTON, D.C.,
September 20, 1976.

DEAR COLLEAGUE: You have recently received a letter from Congress Watch regarding H.R. 12048, the Administrative Rulemaking Reform Act. I thought you would like to have the facts pertaining to the charges Congress Watch has levelled against this bill.

Congress Watch's position never touches the central question in considering H.R. 12048 which is: Are we going to continue to let the unelected bureaucrats pass laws/rules without effective control by the elected Congress? These administrative rules have the force and effect of statutory law; a citizen stands in jeopardy of losing property and sometimes liberty for a violation of an administrative rule. Yet these rules have never been subject to review by an elected official of the people. This bill will give that right to the Congress. That is why so many of your constituents favor this bill. . . . because it gives them a say-so (through the Congress) in the rules that run their lives.

(NOTE.—Congress Watch erroneously asserts that Congressional authority does not extend to reviewing and rejecting administrative regulations. However, just last week the House approved H. Res. 1505, a one-House resolution disapproving and vetoing certain regulations of the General Services Administration pursuant to the Presidential Recordings and Materials Preservation Act which provides this very type of Congressional veto, and I might add, was signed by President Ford in 1974. It appears to me that Congress Watch ought to do its homework a little better before making such assertions. Not only do we have the power to do this Congressional veto, we have just done it.)

With respect to Congress Watch other objections:

Charge: It would create incredible practical problems in implementing agency rules.

Fact: The agencies have already created for themselves—and the public—incredible problems in implementing rules. The enabling legislation may have been passed for a year or more before an agency promulgates regulations. The agency may take years in formulating rules. One, for example, took almost 18 years. In addition, the agency rule, itself, frequently has a delayed effective date. Another sixty or ninety-day waiting period is a small price to pay if it can better insure that the regulations are in accord with Congressional intent and forestall the even further delay of judicial review. The procedures for Congressional review strike a fine balance of giving Congress the opportunity to consider and reject ill-advised regulations without necessarily delaying the operation of the executive branch. It is the most expeditious means possible in an attempt to return to the people of this country their rightful input into the rules/laws which control their lives.

Charge: It will cost American business millions.

Fact: That's really a laugh! Those Congress Watch people have a sense of humor. To suggest that the legislative veto of oppressive regulations costs money is absurd. Regulations which clearly exceed the intent of Congress are what is costing business millions. The only alternative presently available is judicial review which is limited and even more costly. A recent Supreme Court decision (June 25, 1976) in *Union Electric Co. v. EPA* has furthermore held that judicial review cannot even consider the question of economic or technological infeasibility of regulations in its determination. Congressional review would eliminate the costs of regulations outside the intent of Congress, as well as those which are excessive and arbitrary.

To say that a business will waste money if it begins to comply with a regulation that is subsequently vetoed or that the cost of compliance will increase because of the delay caused by the review period is a smokescreen. The fact of the matter is that regulations, in general, cost business money, and there is no clear relationship between Congressional veto of administrative rules and increased costs. Certainly, a court order staying regulations would waste money for those businesses beginning to comply as well.

Charge: It violates the Constitutional principle of separation of powers.

Fact: That's really a twist! It is a "through the looking-glass" idea to suggest that the legislative branch invades executive powers by controlling legislative actions—namely, rulemaking. If anything, the 7,000 rules/law passed by the unelected bureaucrats in the executive branch invade the legislative powers of Congress. Since 1932 over 139 different Acts of Congress, with nearly 200 separate provisions mandating some type of Congressional review of or consent to executive implementation of those laws, have been passed. One of the most recent laws enacted which provides for Congressional review of administrative rulemaking is the Federal Election Campaign Act Amendments of 1976, under which FEC regulations are subject to disapproval by the Congress. As you know, the Supreme Court held the original campaign reform measure unconstitutional because of the manner in

which the FEC Commissioners were appointed. The question of the constitutionality of Congressional disapproval of FEC regulations was not addressed in the decision. However, Justice White in strongly worded dicta declared that if the Commission were constitutionally appointed, the veto device would be constitutional. He said, "I am also of the view that the otherwise valid regulatory power of a properly created independent agency is not rendered infirm as violative of the President's veto power, by a statutory provision subjecting agency regulations to disapproval by either House of Congress." Justice White also said, ". . . in the light of history and modern reality, the provision for Congressional disapproval of agency regulations does not appear to transgress the constitutional design, at least where the President has agreed to legislation establishing the disapproval procedure or the legislation has been passed over his veto." The Supreme Court will ultimately decide this question, but if Justice White's dictum is an indication, we can expect that the one-House veto will be held constitutional.

Charge: It will give lobbyists a "second chance" at undermining federal laws when they fail to stop the legislation on original passage.

Fact: The federal agencies, themselves, are certainly not immune to lobbying efforts; laws can be and have been undermined at that level. The relationship between the regulatory agencies and certain industries is far too "cozy" now and may explain some of the opposition which Congressional review of administrative rules is receiving. The Administratve Rulemakng Reform Act and the provisions for Congressional review in other bills remove this kind of threat of thwarting Congressional intent. Besides, there is no reason to believe that lobbyists will be any more successful in getting their views accepted during the review period than they were during consideration of the enabling legislation.

This argument also does not take into account one of the chief benefits of Congressional review of administrative rules which is more carefully drafted legislation. Congress is far too lax in delegating authority broadly and without guidelines to administrative agencies. When hard decisions have to be made, we pass the buck to the agencies with vaguely-worded statutes. Who can vote against "safe cars", "clean air" or "non-discrimination"? But when the implementing regulations come which load up cars with expensive equipment of little benefit, or EPA imposes parking bans in cities, or EEOC refuses to let a police department ask potential employees if they have a criminal record, the actual benefit of safe cars, clean air or non-discrimination clauses is called into question. The Congress which voted for the good intentions, would have voted down those absurd regulations. When our constituents call us to task because of the ensuing regulations, it is easy for us to join in the chorus decrying the monster bureaucracy and let it pass that that. If we realize that we have the ultimate responsibility for the administrative rules that flow from these enabling acts, we will be more careful in drafting language and more specific in detailing Congressional intent.

Charge: It would seriously hamper public participation in rulemaking.

Fact: The public would actually have a larger voice. Access to Congressmen is far easier than access to the anonymous, faceless bureaucracy. Public participation in the administrative rulemaking process is now seriously hampered. The purpose of Congressional review of administrative rules is to see that the public is given an input, through their elected representatives, in the promulgation of administrative rules. At present, should a citizen decide to balk or challenge the bureaucracy, he is in for expense, delay, frustration and probably sanction. In the case of a private citizen who does not have a staff of lawyers monitoring the Federal Register, he will likely have the comment period go by without knowing about the rule until it becomes effective. Moreover, the citizen who chooses to comment is faced with 30 days to study and respond to what may be an extraordinarily complex regulation which has been under study by the agency for more than a year. If he chooses to challenge the rule with the agency, he is more than likely confronted by the same bureaucrats who drew the rule in the first place—a meeting characterized by a bureaucratic lack of sympathy and understanding. To oppose Congressional review of administrative rules because public interest groups do not have sufficient funds to "lobby", more appropriately addresses itself to the need to change our lobby disclosure laws and does not address the merits of this proposal.

Charge: It actually may reduce accountability of federal agencies.

Fact: On the contrary, the chief benefit of Congressional review of administrative rulemaking will be found in the unquestioned realization by each agency that they cannot promulgate regulations with impunity—that they are accountable for their actions. It is axiomatic that we will begin to see more carefully drafted regulations and more attention paid to the views of citizens during the comment period. In short, we will begin to see a more responsive executive branch.

Charge: It will create enormous additional administrative burdens for Congress.

Fact: Since the beginning of the 94th Congress, over 18,000 bills have been introduced already for consideration. This amount is almost two and a half times the number of regulations promulgated in 1974. Only those bills and resolutions which were important and necessary have been considered in Committee and have eventually received attention by Congress. Only about 600 will become law. Such would be the case with Congressional review of administrative regulations. Only those which are far-reaching, oppressive or clearly exceeding the intent of Congress would receive consideration. It should not be considered an administrative burden; it is part of our legislative responsibilities under the Constitution. If we don't want to be legislators, then we ought not to be here.

Charge: It cannot force more oversight from the same staff resources.

Fact: Each Committee of the House and Senate already has a review and investigations subcommittee with the responsibility of monitoring a particular function of the bureaucracy. The staffs of these subcommittees review the activities of the federal agencies every day, as well as review the regulations promulgated by the agencies. The problem is they can't do anything about the bad ones. Congressional review of administrative rules provides a needed procedural mechanism. At the present time, Congress may undo administrative rules only through the cumbersome, time-consuming process of solemnly passing an Act of Congress to repeal or change an administrative rule. Such a mechanism is not adequate to the challenge we face in attempting to control the unbridled bureaucracy. Congressional review will be an asset to oversight activities in that it will help the Committee staff to focus in on problem areas without allowing the administrative excess or abuse to continue while long-range oversight activities get underway.

Charge: It will invite "wholesale politicization" of federal agencies.

Fact: It is naive to say that the federal agencies are not now "politicized." Certainly, they are subject to political pressures from within as well as from the executive branch. Congressional veto of administrative rules and regulations restores citizen input into the rulemaking process through their elected representatives. This must not be construed as "wholesale politicization." Finally, to the extent that rules are laws, they must be considered by elected politicians, not lifetime, unaccountable civil servants.

Several measures are needed to complete the task of regulatory reform. Greater Congressional oversight, stricter standards for the appointment of agency chairmen, and greater reliance on the authorization and appropriations process which Congress Watch suggests would be included but, most assuredly, Congressional review of administrative rules with the means of legislative veto is essential. Recently retired Supreme Court Justice William Douglas observed, "It is procedure that spells out much of the difference between rule by law and rule by whim or rule by caprice." It is such procedural safeguard against rule by caprice that we address in considering Congressional review of administrative regulations. We strongly urge you to support H.R. 12048 because, quite simply, it embodies a duty which we must not and cannot shirk.

Very truly yours,

ELLIOTT H. LEVITAS,
Member of Congress.

SEPTEMBER 20, 1976.

DEAR REPRESENTATIVE: Last week we sent a cover letter and memorandum in opposition to the proposal giving Congress the power to veto any federal agency regulation. A bill entitled "Administrative Rule Making Reform Act of 1976," H.R. 12048, incorporating the veto proposal, will be on the suspension calendar tomorrow. We urge you again to reject this sweeping proposal as a cure far worse than the disease. As the New York Times said in its September 17th editorial on "A Legislative Veto." "At the very least, Congress ought to refrain from moving further in this direction until both the legal implications and the practical consequences have been much more carefully studied."

In late July a few sponsors of this bill responded to our memorandum (printed in the June 23, 1976 Congressional Record at E3546) in a six-page letter to every member. Because the claims made in this letter do not sufficiently address the serious problems of the Congressional veto presented in our original memorandum, we have prepared some comments on the points they raised.

As we suggested in our original memorandum on this bill, the difficulties raised by a congressional veto will only add another layer of government between a problem and its solution, and could possibly slow other, more useful attempts to restructure and streamline federal agencies. We urge you to vote against H.R. 12048.

Sincerely,

JOAN CLAYBROOK,
DAVE LENNY.

REBUTTAL TO ARGUMENTS FOR THE CONGRESSIONAL VETO

THE CENTRAL ISSUE

Although regulatory reform is necessary and desirable, the Congressional veto is not the solution. It causes delay, uncertainty and confusion, it adds additional layers of government between a problem and its solution, and it has the potential to displace other, more useful attempts to restructure and streamline federal agencies. We agree with the New York Times which opposed the veto in its editorial of September 17, 1976: "In theory, the concept would give every interest group and defeated claimant a second chance to argue against a regulation on Capitol Hill after losing its case in an administrative forum. In practice, only the most zealous or those who could afford a Washington lobbying campaign would actually approach

Congress to seek a reversal of a regulation. In short, if everyone appealed to Congress, it would be an inefficient way of conducing the public's business; if only the most determined or well-heeled appealed, it would be a discriminatory way."

The proponents have failed to address that issue, and in so doing seemingly admit that Congress will either be engulfed in a morass of regulations awaiting its review or abdicate to special interests who can raise a fuss the responsibility for choosing which regulations should be subject to reconsideration. They contend, instead, that the central issue regarding the legislation is that administrative rules have the force and effect of laws and they are issued by unelected bureaucrats without any effective Congressional control.

What the proponents of the legislation essentially want is to have the Congress change places with the President: they want the Congress to be able to veto what the President and the agencies legislate through administrative rulemaking. In fact, they want even more power than the Constitution now gives the President: they want to be able to veto with no override authority as is available to the Congress when the President vetoes. Of course the Constitution does not give the Congress this power to unilaterally veto executive action except in the case of Treaties and Presidential nominations.

This does not mean the executive branch can act without accountability. The courts have held that the executive agencies can issue detailed specifications (regulations) to carry out the will of Congress only under the authority and within the confounds of enacted legislation. "Unelected bureaucrats" cannot pass rules "with the force and effect of law" unless Congress gives them that power in the first place, which it is under no compulsion to do. If the President or an executive agency acts outside the scope of the legislative authority, the courts are given the power under the Constitution to revoke their actions.

There are also at least six specific Congressional remedies available if the President acts in contradiction of Congressional pleasure. The Congress indeed can, if it wants, exercise substantial control over executive branch bureaucrats as we have previously said through its power of:

1. Authorization limitations.
2. Appropriations.
3. Oversight hearings and reports.
4. Advise and Consent to nominations.
5. Amendment, revision or revocation of the law.
6. Impeachment.

Finally, we have thoroughly reviewed the hearings held on this legislation and cannot find one single example of an act taken by an agency bureaucrat that could be repealed with a veto yet couldn't be remedied by Congress through powers it already has. In short, bureaucrats have no power Congress doesn't give them and are already accountable for the power they have. The issue is one of the will of Congress to use that power, not the necessity for a new legislative gimmic passing as a cure-all for bureaucratic ills.

PRACTICAL PROBLEMS CREATED BY A LEGISLATIVE VETO

We listed several practical problems of delay, uncertainty, confusion, etc., that would occur with use of the legislative veto. The proponents responded that (a) agencies already have problems and delays in implementing rules, (b) an extra 60–90 days is a small price to pay for this bill, and (c) delay gives Congress time to review these "ill-advised regulations." There are obvious responses to these arguments:

(a) merely because agencies already have problems in getting out rules on time is no reason to give them more;

(b) 60–90 legislative days is a high price to pay if you're a natural gas producer or airline waiting for a rate decision or a consumer waiting for a ban on a toxic pollutant. And, the delay caused by the veto provision is often far longer than 60–90 calendar days, as an example under the Fair Election Campaign Act illustrates:

On August 1, 1975, the Federal Election Commission (FEC) passed regulations requiring Representatives to file campaign reports in the first instance with the FEC instead of the House Clerk. On October 22, 1975, the House vetoed the rule, under a provision similar to the one in the comprehensive Congressional veto bill. New comprehensive FEC rules were not issued until July 30, 1976. Congress has 30 more legislative days to veto these revised rules, which may not run out by the October 2nd adjournment, resulting in a delay of the effective date until next year. Thus, rules passed on August 1, 1975 probably will not be final until 1977.

(c) Congress can still review regulations without the veto through oversight, judicial review, or any of the other methods of holding agencies accountable which we listed in our original memorandum.

(d) Finally, none of the arguments deny our original point—that this bill has serious practical problems which will not go away no matter what benefits this idea has in "theory."

THE COST TO BUSINESS

We suggested that delay caused by the veto procedure or compliance with a rule later vetoed would cost businesses money, not to mention the nightmare businesses will have informing legislators and administrators of their views at these various levels of government. The proponents countered with these responses:

(a) regulations exceeding Congressional intent are what cost business money;

(b) judicial review of these regulations is the only way business can stop them, judicial review is costly, and courts can't even consider cost and feasibility of rules;

(c) the delay caused by the veto procedure doesn't clearly cause increased costs.

While it may be true there are some rules exceeding congressional intent that cost business money, that doesn't deny our point that the veto procedure itself will create additional cost. Also, judicial review can and has been used to overturn regulations exceeding Congressional intent. Amendments to the statute and strict controls in authorizations and appropriations can also nullify regulations. The proponents admit this when they state judicial review may work but it is not "expedient." However, lack of expediency in judicial review is not an argument for rearranging the basic functions of government. And Congress for years has given the courts meager resources for doing its job. Also, it is clearly the job of the courts—not the Congress—to determine legislative "intent." And, a later Congress with a substantial change in membership from the enacting Congress has no unique ability to judge Congressional "intent." Also, the Congress can require the courts to consider cost and feasibility in any statute.

Finally, as to whether or not we've proved the relationship between use of the veto and increased costs, consider this example: in a hypothetical case the Civil Aeronautics Board grants an airline a price hike on November 1st. At that point, it could be challenged in judicial review; when judicial review is completed, it goes into effect. Under the veto, on November 1st Congress has 60 legislative days to look at the price hike; when that's finished, judicial review starts. For the airline, this means at least 60 additional legislative days without a price hike. That costs money. That is why the National Association of Manufacturers is also against this bill.

THE CONGRESSIONAL VETO IS UNCONSTITUTIONAL

We paraphrased the Department of Justice's testimony that the veto was an unconstitutional violation of separation of powers and Article 1, section 7. The proponents claimed that this argument was "really a twist" and accused the Justice Department of suggesting a "through-the-looking-glass" idea, since rulemaking is really legislating which is a legislative function. This argument misunderstands the constitutional objection, which is that a) in a "legislative process" the President has input through his veto power, whereas in the legislative veto, only the agencies and Congress are involved, with the President left out; and, b) that writing regulations is an administrative job delegated by the Congress which Congress can overrule only by additional legislation.

Quoting Justice White's separate opinion in Buckley v. Valeo that he personally thinks the veto is constitutional does not guarantee that the whole court agrees and will not make the constitutional objections go away. Any major legislation like this should await the resolution of the constitutional challenge to the veto procedure in the Fair Election Campaign Act which was heard under an expedited procedure by the United States Court of Appeals for the District of Columbia on September 10, 1976.

IT GIVES LOBBYISTS A "SECOND CHANCE" AT UNDERMINING STRONG FEDERAL LAWS

A continuing theme of those testifying at hearings on the congressional veto was that agencies like the Environmental Protection Agency and the Occupational Health and Safety Administration had gone "too far," and the legislative veto was needed to "hold the line." Our memorandum pointed out that for the most part these agencies were merely doing what they were told by the statue and Committee Reports, and what those testifying for the veto were really after was a second chance at undermining these strong laws under a quickie procedure. The proponents' letter countered by claiming the federal agencies were already subject to lobbying pressures, that there is no guarantee lobbyists could weaken laws the second time around, and that Congress would have to carefully draft legislation in the future so agencies could closely follow Congressional intent to avoid veto of regulations.

Again, these arguments do not deny our original point that a main purpose of this bill and a primary objection to its passage is that it does give well-heeled lobbyists a "second chance" at weakening strong health, safety, antitrust, credit discrimination, environmental and other legislation, in the hope that the expedited procedure will preempt citizens from organizing in opposition or raising funds to oppose such efforts twice instead of once.

As to lobbying pressures currently existing at agencies, certainly, there are such pressures, but our point is that the legislative veto adds to this pressure by bringing the regulation back to Congress for one more attempt to weaken the effect of the statute. True, there is no guarantee the bill will be weakened the second time around, but if this weakening weren't expected to happen a significant number of times, there would be no use for this legislative veto—after all, the whole purpose of the veto, we are led to believe, is to control the bureaucrats when they've "gone too far."

Finally, there has been no study by proponents of this legislation to prove their contention that when the veto provision has been used in the past, it has resulted in more carefully drawn legislation. We suspect the opposite is true—when Congress knows it can review regulations, it won't take time to draft standards for their development carefully, knowing it can review them later. Thus, it will probably end up reviewing more

and more regulations rather than forcing careful work on the part of agencies.

IT WOULD SERIOUSLY HAMPER PUBLIC PARTICIPATION IN RULEMAKING

We suggested that public interest lobbyists would have severe problems raising money to participate at both the agency and Congressional level in reviewing a rule. They in turn claimed public participation would be greater because citizens have better access to Congress than to impersonal agencies, challenging a rule is more expensive and tedious at the agency level, and that the fact that public interest groups have limited funds indicates a need to change the lobby disclosure laws, not provisions for Congressional veto.

We agree that access to agencies may not be easy, but lobbying Congress in addition only costs more. Many citizens organizations participate at the agency level yet will not be able to effect a Congressional veto due to tax laws which prohibit any extensive lobbying when tax-deductible contributions are accepted. Public interest groups that are eligible to lobby cannot afford to participate both at the agency and again in Congress. They operate on very tight budgets, and reform of disclosure laws is irrelevant in the face of this reality. This means that one public interest group, if any, would be participating at the agency level and an entirely different one, if any, in Congress, on the same regulation.

IT ACTUALLY MAY REDUCE ACCOUNTABILITY OF FEDERAL AGENCIES

Our point, which we think was missed in the response to it, was well-stated by the Washington Post in its August 18, 1976, editorial opposing the legislative veto: "Endless quibbling over details of rules could only distract legislators from the broader policy-making and oversight that are their proper tasks," thus in actuality making the agencies less accountable. The proponents' suggested that the veto presently promulgate regulations with impunity, and again suggested that the veto power would result in more carefully drafted regulations responsive to citizen interests.

It is simply untrue that agencies can write regulations with impunity. They are accountable to the public and Congress through judicial review, amendment of the original legislation, oversight, the appointment process, and the possibility of withdrawal of or limitations in authorizations and appropriations. The fact is that oversight on a case-by-case basis of necessity neglects the long-range policies and decisions with which Congress ought to concern itself, and no matter how many more staff persons are hired to do this work, there aren't any more Representatives around to review and consider this extra work.

IT WILL CREATE ENORMOUS ADDITIONAL ADMINISTRATIVE BURDENS FOR CONGRESS

In response to this contention, it was argued that Congress has experience in shifting through thousands of items and choosing the important ones for consideration, plus, even if it is a burden, the burden should be accepted.

However, it is our view that Congress does not have the resources to consider thousands of bills every year and also review the massive number of regulations issued each year. Everyone is well aware of the fact that even though only 600 bills of 18,000 become law, there is substantial and time-consuming work done on thousands of others that don't get past the Subcommittee, Committee, Rules, Conference Committee, or the President but are stopped at some point along the way in spite of the work done on them. It will be the same with regulations—even if only a few may be vetoed, literally thousands will have to be reviewed and seriously considered at one or another of these various stages.

IT CANNOT FORCE MORE OVERSIGHT FROM THE SAME NUMBER OF STAFF RESOURCES

Our point was simply that if the only problem with oversight was that not enough of it was being done, hire more staff. If, on the other hand, there is enough staff, how is the legislative veto going to get more oversight from the same staff members? The response to this was a statement that oversight subcommittees are doing a fine job of oversight and review of regulations with the staff they have, but that when they find a problem they cannot do anything about it except through the cumbersome and time-consuming process of repealing it through an act of Congress.

There are several deficiencies in this response. If consideration of a bill was important enough to go through the "cumbersome legislative process" in the first place, changes in the statute are also worthy of the same thorough consideration. The response also misunderstands the oversight process—it does not consider every regulation ever issued; rather, the effectiveness of an agency in carrying out its mission with regard to particular areas of responsibility are reviewed, and it is done in an organized, systematic fashion, with suggestions for changes where problems are found. The legislative veto would add to this the job of reviewing every regulation haphazardly as they are issued, and in effect would try to force more work out of the same people. Finally, oversight can force agency action, often just by beginning an investigation. For example, between the date of the announcement and the date Representative Leggett began oversight hearings on why the Interior Department only put 11 species on the endangered species list (one of their duties) in over two years, the endangered species office proposed almost 400 species for listing.

THE LEGISLATIVE VETO WILL POLITICIZE FEDERAL AGENCY REGULATIONS

We suggested that forcing agencies to accommodate every regulation to the wishes of the current Congress through the veto provision would politicize the agencies more than they are now and would depreciate the value of their technical expertise. The argument was countered with the suggestion that agencies are already politicized. We didn't deny this; what we said was more of it is not useful, and could be detrimental. Under the veto procedure, agencies will be under constant political pressure when reviewing regulations, and lobbyists, knowing that, will be able to "bargain" for what they want or threaten to lobby for initiation of a veto resolution, under which highly technical regulations will be subject to cursory Congressional examination.

CONCLUSION

We offered several other arguments against the veto which were not even answered. We believe they are not easy to answer. We suggested that this procdure just added another layer of bureaucracy to government activity needlessly. We also noted that this extraordinary procedure could only be justified if there were several problems with agencies which could not be resolved in any other way. As we noted earlier, we could not find an example in the hearings on the bill that fit that category, and, in fact, most of the problems in the hearings had already been remedied through one of the various alternatives available to the Congress now.

Mr. STEIGER of Wisconsin. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from California (Mr. DEL CLAWSON).

Mr. DEL CLAWSON. Mr. Speaker, I rise in appreciation of H.R. 12048, the landmark rulemaking reform legislation reported by the Judiciary Committee. My support of the bill is given with the hope that, since the Senate has held hearings, it may still be possible to meet our responsibility and the public demand for control of the arbitrary agency regulations which too often are inconsistent with or go beyond the intent of the legislation they purport to implement.

Evaluating the condition of Government in the United States today, a memorable character in a short novel by Robin Maugham entitled "The Servant" comes to mind. The servant was a model of obsequious availability to do everything and anything for the master who gratefully accepted the efficient and diligent assistance. One eventful day the "master" awakened to the uneasy realization that their roles were reversed—that control over his property, his future, and his daily life had been usurped by the servant while he existed in a state of slavery to his erstwhile employee.

The parallel is not difficult to draw. A similar realization for many Americans dawned simultaneously, it seemed, across the Nation in one of those spontaneous awakenings of consciousness which history often records. Letters of complaint against the ominious Federal intrusion of quasi-protection regulation besieged congressional offices. For the average citizen "law-writing" bureaucrats are a practical frustration. They do not stand for election and therefore defy attempts to call them to account at the ballot box for havoc they may wreak. The individual feels impotent, without recourse, especially if he is not financially capable of bearing the costs of litigation in the courts.

In the last Congress, the House Rules Committee briefly considered a statement of congressional purpose that bureaucratic edicts not usurp legislative authority. We began then to develop the idea into legislation which I introduced in final form as H.R. 8231 with the counsel of colleagues on both the Rules and Judiciary Committees. H.R. 8231 is an attempt to regain congressional functions usurped in some notable instances by the executive branch bureaucracy.

Our legislation is also intended to assure that the purpose of Government would not be obstructed, bogged down in rivalry and power struggles of branches in conflict, by providing an orderly procedure for systematic review of rules and regulations. It is anticipated that the bill will have a beneficial and deterrent effect on issuance of rules and regulations likely to be questioned by Congress.

Since our bill was obviously not to be reported from Judiciary, I joined with Chairman FLOWERS in sponsorship of H.R. 12048. The critics have pointed out that requiring all rules and regulations to be referred to Congress may increase Federal paperwork. The capability of congressional staff to handle the referrals has also been questioned. Neither criticism seems a valid reason to "junk" the basic proposal. In fact, a review of legislative vetoes in effect from 1960 through 1975 does not support the assumption that the veto power would be

abused, used too often or inappropriately. Of 350 resolutions of disapproval in that time period a relatively small number have been adopted and many were in response to Presidential requests to defer expenditures under the Budget Reform Act. A review of the Index of the Federal Register also indicates many of the rules group themselves into categories easily dismissed by committee staff, knowledgeable about the original legislation, as not requiring study. The procedures are not intended to replace committee oversight, as some assume, but to give the oversight function some "teeth." Although H.R. 12048 differs from H.R. 8231, the subject legislation proposes congressional veto of rules and regulations which go beyond, or contrary to the intent of Congress. It is hard to see how there could be a constitutional argument against the suggestion that Congress retain its lawmaking power.

H.R. 8231 had the support of 140 Members of this House and since language similar to this bill has repeatedly been incorporated in and approved by the House in other legislation, it is my hope that by approving H.R. 12048 under suspension of the Rules the Senate will be enabled to make the changes in language necessary to permit this 94th Congress to deal with aspects of bureaucratic regulation which are our logical responsibility.

Mr. DEL CLAWSON. Mr. Speaker, I yield to the gentleman from Louisiana (Mr. MOORE).

Mr. MOORE. Mr. Speaker, one of the biggest problems today in the Federal Government is the massive regulatory power of the bureaucracy. Let us not forget that regulations have the full force and effect of law, and often go far beyond what we intend here in Congress, in legislation we pass under which the regulations are issued.

These regulations are made by bureaucrats who are not elected and cannot even be readily removed, as many of them are employees of independent agencies and actually may well answer to no one, especially the people.

Our Government is an ingenuous one of checks and balances. We do have checks and balances for the three branches of Government, and we have had them for 200 years. But there has come upon us a fourth branch of Government, one for which we do not have any checks and balances. That fourth branch is the bureaucracy. We have no effective way today to undo an undesirable regulation, as the courts will not touch a regulation if it is in fact legal. Congress itself is not going to pass a law to reverse a regulation as it is far too cumbersome to overturn every undesirable or oppressive regulation.

The fourth branch of the bureaucracy we have today was not contemplated by our Founding Fathers. Indeed, the first regulatory agency that appeared in this country did so after this country was well over 100 years old, in 1887, when the ICC was created. Today we have over 105,000 Federal bureaucrats, according to the Office of Management and Budget, cranking out regulations on every aspect of our lives, at a cost, according to the OMB, of $130 billion a year. But far more important is the cost of our personal freedom infringed upon by the issuance of every regulation.

I point out to my colleagues that this is being done without any effective checks or balances on the great power of the rulemaking agencies. I point out to my colleagues that this problem is not just going to go away. It is not one that we can sit here and make speeches about and go home and say, "Yes, bureaucracy is a terrible thing but there is nothing I can do about it." We can do something here and now with the passage of this bill.

In the last 15 years this Congress created 236 different rulemaking agencies, while disbanding only 21. Today the number of agencies, bureaucrats, rules, and regulations are growing at an alarming rate. This problem is becoming more acute. It is not going away. The people, rightfully, want us to do something now to correct this imbalance of power. It is a very real, a very legitimate campaign issue, which we must address.

Some 10,000 people responded so far to my latest questionnaire sent out last month, and 80 percent of the people responding heartily support this proposal. They fear today the very real excessive and unchecked power of regulatory agencies, they feel a loss of personal freedom, and they feel a frustration, as they know that nothing is currently being done to check this awesome power. As one of my constituents put it, when he answered the questionnaire:

> We often could live better with the problem than we can with the Federal Government's solution to it.

This bill is not a cure-all solution, but it is a tool with which we can begin to solve this problem. It will help check the imbalance of power by giving either House of Congress at long last, as one of the three legitimate branches of Government, a veto over any rule or regulation issued by any bureaucracy. It will begin to bring into balance this out-of-balance power of the bureaucracy.

This House during the 94th Congress has already accepted this proposal in amendment form on 10 occasions. It has been rejected only once.

Some may say this "legislative veto" is unconstitutional. I simply answer by saying that Justice White of the U.S. Supreme Court, in the case of Buckley against Valeo, has said in his opinion that it is not.

I also point out that it has not been challenged successfully in 19 laws already on the books with this provision in the entire time they have existed, some as early as 1946. This matter is in the courts. Let the courts decide the constitutionality, and let us continue to press on with bureaucratic reform by passing H.R. 12048.

I have coauthored H.R. 6110 and H.R. 10166 which embody the same principles found in H.R. 12048 before us today. In addition, I have twice successfully offered the intent of this bill in amendment form during floor debate on legislation bearing upon air pollution standards and toxic chemicals. My advocacy of H.R. 12048 remains consistent with my support for amendments to apply proper checks and balances to Federal regulatory authority. I strongly support the Administrative Rulemaking Reform Act and urge my colleagues to join me in doing so.

This is the single most important piece of legislation to come before this Congress on Government reorganization or reform. It must be passed as there is no better plan in the offing and reform is badly needed.

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

Mr. DEL CLAWSON. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I rise in support of H.R. 12048, the Administrative Rulemaking Reform Act of 1976. In my opinion, it takes a much-needed step toward bringing under control our mushrooming and unwieldy Federal bureaucracy. It is a piece of legislation that should be supported by every Member of Congress who is serious about wanting to control and reduce the size of Government. This bill gives Congress better oversight.

Clearly most Americans believe that ours is a country that is governed "by the people." Through their Representatives in Congress who consider and pass legislation, the needs and desires of the people are reflected. Indeed, this was the intent of our Founding Fathers as expressed in the Constitution. Over the years, however, this process has slowly but undeniably changed with the advent of the regulatory agencies. Through administrative rule and regulation, they not only control our individual lives but also the economic fate of small businesses and large corporations—while wielding power which challenges even that of Congress.

With the passage of the Administrative Rulemaking Reform Act, this trend will be changed. Under its provisions, any Federal regulation, other than an emergency rule, may be vetoed by a resolution of disapproval if: First, both Houses adopt within 90 legislative days a concurrent resolution disapproving the rule; or second, one House adopts a disapproving resolution within 60 days and the other House does not take contradictory action within 30 days.

Mr. Speaker, I urge my colleagues to return meaning to the constitutional definition of our Federal Government—"a government by the people," by supporting H.R. 12048.

Mr. DEL CLAWSON. Mr. Speaker, I yield to the gentleman from California (Mr. LAGOMARSINO).

Mr. LAGOMARSINO. Mr. Speaker, I rise in strong support of H.R. 12048, Administrative Rulemaking Reform Act of 1976.

H.R. 12048 is very similar to amendments that the House, with my vote, has added to some nine authorization bills already in this Congress.

However, the proper and logical way to accomplish the reform so many wish to bring about is by the enactment of comprehensive legislation such as that before us, H.R. 12048.

I have discussed this legislation, legislative vetoes of Federal agency rules and

regulations, at great length with my constitutents. Universally, and enthusiastically, they support it.

They believe, as I do, that Congress should do a much better job of overseeing and supervising the bureaucracy, they believe, as I do, that Congress should spend more time and effort in seeing to it that existing programs are working and less time in enacting new programs.

Federal rules and regulations are issued, I am told, in such volume each year so as to fill two sets of the Encyclopedia Britannica. Each and every one of these rules and/or regulations has the force of law. Violation can lead to jail or fine. And, Mr. Speaker, each and every one of these rules and/or regulations is issued by a bureaucrat not elected by anyone.

I strongly believe the Congress should oversee this process.

Passage of H.R. 12048 will do at least three things:

First, the bureaucrats will be much more careful if they know that Congress might well review and perhaps veto their handiwork.

Second, Congress will actually veto some rules and regulations. Under somewhat similar legislation, Congress did just repeal regulations issued by the GAO with regard to Presidential papers; and

Third, and perhaps the most important, Congress, if this legislation is elected, will no longer be able to pass the buck by saying, as it can now "Gee, I agree with you. That is a bad regulation but there is not anything we can do about it."

I strongly urge that my colleagues overwhelmingly approve this legislation.

Mr. DEL CLAWSON. Mr. Speaker, I yield to the gentleman from California (Mr. MOORHEAD).

Mr. MOORHEAD of California. Mr. Speaker, I rise in support of H.R. 12048.

The primary purpose of this legislation is to establish a procedure whereby Congress would review rules and regulations promulgated by Federal agencies and prevent them from going into effect, should it choose to do so.

The legislative veto or congressional veto is not a new idea. Variations on the concept are now in use in at least seven State legislatures and four foreign countries. The concept also has considerable history at the Federal level.

A Library of Congress study has traced the use of such a mechanism back to an appropriations bill passed in 1932, but probably the best known congressional review procedure began with the enactment of the Reorganization Act of 1935. It required that the President transmit to Congress any plans for the transfer, abolition, consolidation, or coordination of executive agencies and functions.

Congress, then, had 60 days to disapprove the reorganization plan. There are also numerous examples of recently enacted statutes containing a congressional veto or committee veto feature, including: First, the Budget Control and Impoundment Act of 1974; second, the Trade Act of 1974; and third, the Education Amendments of 1974.

Consequently, it should not be surprising to anyone that Congress is now seriously considering a general procedure for the disapproval of proposed regulations. Numerous bills encompassing this idea have been introduced into the 94th Congress with the number of cosponsors exceeding 200 Members. Most prominent among these proposals were H.R. 8231 sponsored by my good friend, Congressman DEL CLAWSON, and H.R. 3658 sponsored by Congressman ELLIOTT LEVITAS. Undeniably, the support these bills have received demonstrates a growing sense on the part of the Members of this House that something must be done to insure administrative compliance with legislative intent.

The Subcommittee on Administrative Law and Governmental Relations of the Judiciary Committee gave the various congressional veto proposals very thorough consideration. The result of these deliberations is the clean bill we are considering today—H.R. 12048. It applies the review procedure to all rules and regulations issued by agencies that are subject to the provisions of the Administrative Procedure Act. It covers rules carrying criminal sanctions, as well as those that do not. It specifies that the existing standing committees will exercise the required oversight.

Under the key procedure in this bill, either House may adopt a concurrent resolution disapproving a proposed rule or regulation within 60 calendar days after its promulgation and prior to its going into effect. Then, unless the second House acts in disagreement with the action of the first House within 30 days thereafter, the regulation is disapproved and does not go into effect.

The bill also contains an alternative procedure by which either House of Congress may formally request an agency to reconsider the content or advisability of an existing or proposed rule. Furthermore, this measure makes the congressional review of agency rules a temporary experiment—it is given a limited lifetime of 6 years. At the end of this trial period, presumably, Congress would then make a decision as to whether or not the procedure warrants continuation. During the 6-year time period that this general congressional review procedure would be in effect, the specific "legislative veto" provisions already enacted into law would be superseded by the general procedure.

This bill also proposes a series of amendments to the Administrative Procedure Act and makes some important revisions in the rulemaking section of the APA, 5 United States Code, section 553. The overall effect of these changes would to be greatly improve the public's ability to participate in the rulemaking process. This would be accomplished by: First, better delineation between rulemaking and adjudication in the APA; second, expansion of the quality and detail of the notice given to the public by agencies with respect to proposed regulations; and third, an increase in the number and types of rules which will be subject to public notice and comment requirements.

Without doubt, this is important legislation. It represents a sincere effort to regain congressional control over an aspect of the legislative process we have too long ignored. I urge a favorable vote on H.R. 12048.

Mr. STEIGER of Wisconsin. Mr. Speaker, I yield 6 minutes to the distinguished gentleman from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, if this body—on the 8th day before adjournment—should devote itself to voting either up or down a bill which contains two different subject matters, each occupying some 10 or 11 pages and dealing with one of the most complex constitutional and procedural problems that we have ever faced in this body, I think this body is doing a great disservice to itself and to the Nation.

The first half of this bill purports to deal with processes by which administrative agencies adopt rules. I have shared the burden, along with the distinguished gentleman from North Carolina (Mr. BROYHILL) and others on my committee of writing the rulemaking authority in several major bills. One is the Product Safety Act, and another is the bill having to do with the rules of the Federal Trade Commission.

In dealing with these problems, we immediately noticed that each agency had quite different and quite difficult problems. Now, there are some minimum standards for rulemaking that may be desirable in a general bill, but if we write a bill on this subject matter, we should take time to consider these problems most carefully, and consider most carefully the rulemaking authority of the various bills covering the various agencies.

For instance, in the Federal Trade Commission Act, and in the Product Safety Act, the requirements for rulemaking are much stricter than the requirements of this bill. They even require a decree of cross-examination.

That subject matter of the first part of this bill needs far more careful consideration and certainly needs to be placed on this floor with the opportunity for hammering out good legislation by amendment and by consideration of the problem by the various committees that treat the subject matter. But the second half of the bill is even more important and even more strongly illustrates the need for careful and deliberate consideration and amendment if necessary. That section sets afoot a rather complicated rulemaking procedure, a rather complicated means of shortening the process by which the House and the other body deal with the congressional veto. This is a subject not wholly within the realm of the Committee on the Judiciary. The question of process in the House is more appropriately a Rules Committee question.

Also, the section raises some very, very thorny and difficult questions of constitutionality. There are two ways, as I read it, that a rule of a commission or agency may be overridden. One is by a concurrent resolution of both Houses. I assume under those conditions the concurrent resolution would be subject to veto because the Constitution quite clearly states that any action taken by the concurrence of both Houses must be

submitted to the President and is then subject to veto.

The other proceeding is the most peculiar proceeding I think I have ever heard of. I am not sure whether it is the action by the concurrence of both Houses or not, because it says:

. . . within 60 calendar days of continuous session of Congress after the date of promulgation, one House of Congress adopts such a concurrent resolution and transmits such resolution to the other House, and such resolution is not disapproved by such other House. . . .

Is that the concurrent action of both Houses or is it not? I do not know whether it is subject to veto or not subject to veto under the Constitution. But at least it is a serious enough question to consider in great depth.

But I oppose this hasty method of enacting sweeping legislation on more fundamental grounds. I think it is extremely important that this body take upon itself the duty of providing careful rulemaking processes in advance, not act loosely, tying its delegation powers to a yo-yo string and feeling that it may pull those powers back.

In fact, if this legislation is passed, we will delegate more power, not less, and the processes provided in this bill, being as complex, tedious, and burdensome as they are, will not actually be put into effect, but agencies will exercise greater authority with less restraint, and we will feel ourselves absolved because we have the yo-yo string attached, which usually is not effective.

Mr. FLOWERS. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. KETCHUM).

Mr. KETCHUM. I thank the gentleman for yielding, and I rise in support of this legislation.

Mr. Speaker, much has been said here on the floor today of the fact that we have brought this legislation up rather rapidly.

This legislation has been before the Committee on Rules practically the entire year. We have gone through debate after debate after debate as we have attached amendments similar to this to the authorizing legislation as it has moved through this House of Representatives, and it has been adopted in every case but one.

It has been adopted in every case but one. There has certainly been no shortage of debate on this general issue.

Mr. Speaker, this bill should be passed. It is long past due, and I certainly urge the Members' support of it.

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

Mr. KETCHUM. I will yield if I have time. I only have 1 minute.

Mr. ECKHARDT. Mr. Speaker, did the gentleman refer to the Committee on Rules?

Mr. KETCHUM. Yes. This measure has been before the Committee on Rules, and there was a measure before that, along with the measure that was before the Committee on the Judiciary. It was long overdue, and had it come out of the Committee on Rules when it should have come out, it would have been brought to the floor and it would have received the type of debate the Members of the House would like to have.

Mr. Speaker, I strongly urge passage of the legislation.

Mr. FLOWERS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Georgia (Mr. LEVITAS).

Mr. Speaker, before yielding this time to him, I would like to thank the gentleman for his work and tedious effort on this matter and for his great help in getting this bill in the form it is now and to the floor.

Mr. LEVITAS. Mr. Speaker, I thank the gentleman from Alabama (Mr. FLOWERS) for yielding this time to me, and I would like to commend the chairman of the subcommittee for the outstanding leadership he has shown in the Congress in bringing this bill to the state it is now—pending for action before the House. I also wish to commend the other members of the committee for the diligent work they have done and for the extensive study they have given to this bill.

Mr. Speaker, there is a very simple question involved here which the gentleman from Wisconsin (Mr. STEIGER) and the gentleman from Texas (Mr. ECKHARDT) have yet to address, and that question is: Who passes the laws in this country? Are laws to be passed by unelected bureaucrats, or are laws to be passed by the elected Members of Congress who are subject to the will of the people?

An administrative rule is in force and effect a law. If one violates it, he can go to jail. It seems to me it should be a basic and simple requirement of our whole constitutional framework that before a person is put in jeopardy of loss of property or liberty, somebody who is elected by somebody else ought to have an opportunity to pass upon that regulation.

Let us see who opposes this legislation. Let us see for a moment what groups are against this legislation. First, we understand the administration and its bureaucracy are opposed to the legislation. That is not surprising.

We understand also that there are a couple of other strange coalitions involved, because I am told that the National Association of Maufacturers and the AFL–CIO are opposed to this legislation. I will tell the Members that when big business and big labor get together, the persons who lose are the average citizens of this country. I think that is another reason why we ought to consider who opposes this legislation.

This is not a revolutionary approach or a new idea. As the gentleman from California (Mr. KETCHUM) pointed out, we have already adopted it 10 times in this session of Congress. We have debated it time and time again, and we have put it in legislation. Indeed just last week we exercised the legislative veto.

I am told that the President will veto this bill if we should pass it. We will see whether he will veto it or not. The bill under which we actually exercised our authority of legislative veto last week was a bill that was signed by the same President of the United States. We will just have to wait and see whether he is going to be consistent or inconsistent.

Mr. Speaker, it has been stated that the bill is unconstitutional. There is a case pending which will resolve that issue. The Duke Law Review may say it is not constitutional, yet the Harvard Law Review has an article published just this year that says it is constitutional. The court will finally decide the issue.

The argument has been made that this is not the time and place, that this could have come out in some other manner. Congressional veto bills were referred to the Committee on Rules in March of last year, and the bill before the House today was reported out of the Committee on the Judiciary early this year and has been pending in the Rules Committee since March of this year. This is the time, this is the place, and this is one of the few opportunities the Members of this House are going to get so we can have a chance to go on record and let our constituents at home see how we really feel about who should make the laws in this country.

Committees in the other body have considered this legislation. Identical bills have been introduced in the other body. They have had hearings in two committees in the other body, and there well may be enough time remaining in this Congress to permit this bill to pass and to be signed into law.

Passage of this legislation will not only give the American people the assurance that elected officials rather than appointed bureaucrats are passing the laws, but it will do something to help restore the confidence of the people in the whole process of government, which they have come to feel is remote, is not related to them, and is not responsive to them.

Mr. Speaker, if the Members want to go back and tell their constituents that we have done something in this session of Congress to let them have a say and a voice in their Government, then this legislation is the one that we should vote to adopt.

When I arrived in Congress, as a new Member last year, the first bill I introduced on February 25, 1975, was H.R. 3658, the Administrative Rulemaking Control Act, which provided for a general power of a congressional veto over certain administrative rules and regulations—those whose violation carried penalties of fines or imprisonment. Thereafter, other Members offered other similar bills or cosponsored mine until finally over 200 Members have joined in legislative sponsorship of this idea of the need for a legislative veto—an idea whose time has come.

Under the skilled leadership of Chairman WALTER FLOWERS, the Judiciary Subcommittee on Administrative Law and Governmental Regulations, held extensive hearings on H.R. 3658 and similar proposals and established a carefully detailed and thorough record on congressional review and veto of administrative rulemaking. The subcommittee reported on March 16 a clean bill, H.R. 12048, embodying the entire concept of congressional veto in my original bill and making it applicable to all administrative rules and regulations. This bill was approved by the full Judiciary Committee by voice vote. I am pleased to be one of the prime cosponsors of this measure.

H.R. 12048 addresses a most serious question for all Americans: Who makes the laws in this country? Is it the elected Congress or the unelected bureaucrats who rule by administrative fiat?

It must not be forgotten that administrative rules and regulations have the force and effect of statutory law. A citizen stands in jeopardy of losing property and sometimes liberty for violating an administrative rule. Yet, these rules, or, if you will, laws have never been subject to review by an elected official of the people. This bill will give that right to the Congress, elected by the people, subject to their votes and who can be removed from office for passing unwise or oppressive rules.

Is there a need for this legislation? Yes—a desperate one. Let us look at the record. In 1974 Congress passed 404 laws. During that same period, the bureaucracy adopted 7,496 new or amended regulations—a ratio of more than 18 to 1. That is who is running the lives and businesses of the citizens of this country—unelected bureaucrats, not elected representatives. It is no wonder that our citizens have become cynical and angry and frustrated with their Government. But we can change that. We can restore to the people their right to govern themselves and restore their confidence in their Government.

What are the means of recourse presently available to citizens? Judicial review—a costly process prohibitive to the average citizen, particularly when the scope of judicial review is limited and the decision may be put off for years. Indeed, a recent Supreme Court decision in Union Electric Co. against EPA held that judicial review cannot even consider the question of economic or technological infeasibility of regulations in its determination. The administrative comment period—but there is nothing which requires the agency to take notice of comments submitted, and unless the average citizen reads the Federal Register daily, the comment period is likely to go by without his knowing about the rule until it becomes effective. Legislation—we know too well that this is a cumbersome, time-consuming procedure which is not adequate to repeal or change administrative rule. Why should the full mechanism of enacting laws be required to reject rules made by unelected bureaucrats?

H.R. 12048 provides an on-going procedure whereby Congress may review and reject agencies' actions. Congressional review of administrative regulations is not entirely a new idea. Since 1932, over 139 different acts of Congress, with nearly 200 separate provisions mandating some type of congressional review of or consent to executive implementation of those laws, have been passed.

On 10 separate occasions during this very Congress, the House has adopted by floor amendments to various pieces of regulatory legislation, the congressional veto concept which is embodied in H.R. 12048.

Moreover, there is ample precedent for this legislation in State law. Seven States have on their books laws which provide for legislative review of executive actions. Executive implementation of legislative acts has not grinded to a halt because of the review procedures in the States, nor has the other work of these State legislatures been stymied. The same would be true if congressional veto of administrative rules were adopted on the Federal level.

Only those rules which are far-reaching, oppressive or clearly outside the intent of Congress would receive consideration under the provisions of this bill. Indeed, if they are laws, we have the obligation to review them. We should not be intimidated by the number of these regulations. Over 18,000 bills and resolutions have been introduced since the beginning of the 94th Congress, almost two and a half times the number of rules and regulations promulgated in 1974, and have been dealt with one way or the other by the committees and the Congress. Already, each committee of the House has a review and investigation subcommittee with the responsibility of monitoring a particular function of the bureaucracy. The staff of these subcommittees read and review the rules promulgated by the agencies, but the problem is nothing can be done about the bad ones. If we believe that the number of regulations makes us incapable of this task, then I suggest that we ought not to be here. We, as the legislative branch of Government, have, under the Constitution, the ultimate responsibility for lawmaking which we must never abandon.

Any Member of Congress who thinks it is too much work for him to review, and, when necessary, reject rules or laws that exceed congressional intent or are oppressive, is not fulfilling his oath of office.

The 60-day referral period set forth in this bill strikes a fine balance of giving Congress the opportunity to consider and reject ill-advised regulations without unnecessarily delaying the operation of the executive branch. It will not serve to bottleneck the rulemaking process any more than that process is already bottlenecked when it takes a year or more after enabling legislation has been passed before an agency promulgates rules. Another 60- or 90-day waiting period is a small price to pay if it can better insure that the regulations are in accord with congressional intent and forestall the even further and costly delay of judicial review.

H.R. 12048 would remove the threat of lobbyists thwarting congressional intent by advocating their views before Federal agencies during the rulemaking process. Lobbying efforts directed at Federal agencies is far less open to public scrutiny than lobbying efforts directed at Congress. Very "cozy" relationships have developed between the regulatory agencies and certain industries, particularly since many agency employees seem to shuttle back and forth between industry and Government employment. Congressional review of regulations would prevent Federal laws from being undermined at this level.

A question of constitutionality has often been raised with respect to congressional veto provisions. This issue will ultimately be decided by the Supreme Court. Indeed, a case is already pending in court which will resolve this issue. However, if Mr. Justice White's concurring opinion in Buckley against Valeo is an indication, then we can expect that the one-House legislative veto will be held constitutional. Justice White said:

> In the light of history and modern reality the provision for Congressional disapproval of agency regulations does not appear to transgress the constitutional design, at least where the President has agreed to legislation establishing the disapproval procedure or the legislation has been passed over his veto.

Despite the constitutional question, Congress has repeatedly provided for congressional veto and, for example, has exercised the veto of administrative rules and regulations. Just last week, this House approved a resolution, House Resolution 1505, vetoing certain regulations of the General Services Administration pursuant to the Presidential Recordings and Materials Preservation Act which provides for this very type of congressional veto, and I might add, was signed by President Ford in 1974. So we have precedent for exercising a legislative veto already. We need to continue to exercise this power.

For the most part, we have sincere, hard-working, and dedicated people working in the administrative agencies. They do a good and responsible job, on most occasions. There are, however, a few zealots who relegate to themselves superiority and powers they do not have, such as the power to make laws despite congressional intent. Time and time again agency rules have frustrated or distorted the intent of Congress in originally passing a law.

H.R. 12048 would have a twofold effect. It would make the administrative agencies more responsive to the public and to congressional intent by establishing the unquestioned realization in each agency that they cannot promulgate regulations with impunity. It is axiomatic that we will see more carefully drafted regulations, as well as more attention being paid to the views of citizens during the comment period.

It would also force Congress to draft legislation more carefully and to spell out its intent more clearly. Congress is far too lax in delegating authority broadly and without guidelines to administrative agencies. When hard decisions have to be made, we pass the buck to the agencies with vaguely worded statutes. Who can, or should, vote against safe cars, clean air, or nondiscrimination? But when the implementing regulations come loading cars up with expensive equipment of little benefit, or EPA imposes parking bans on cities, or EEOC refuses to let a police department ask potential employees if they have a criminal record, the actual benefit of safe cars, clean air, or nondiscrimination is called into question. If we realize that we have the ultimate responsibility for the administrative rules that flow from these enabling acts, we will be more careful.

Moreover, the public will have a larger voice in the rulemaking process through

enactment of H.R. 12048. Access to Congressmen is far easier than access to the anonymous, faceless bureaucracy. The purpose of congressional review of administrative rules is to see that the public is given an input, through their elected representatives, in the promulgation of administrative rules. That is why so many of your constituents favor this bill—because it gives them a say-so in the rules that run their lives. It provides a remedy to the citizens of this country for us as their elected representatives to say when the bureaucracy has gone too far, perverted the intent of Congress and promulgated arbitrary and oppressive rules.

If you want to continue to perpetrate laws passed by administrative fiat, adopted solely by unelected bureaucrats, then vote against this bill. The record will show where you stand.

If you believe that the Representative elected by the people and responsible to them ought to have the authority to review and reject the rules and regulations which order their lives, then I urge you to join with me in supporting H.R. 12048. Again, the record will show where you stand.

It is certainly appropriate in 1976 to reflect on one of the principles for which our Founding Fathers fought 200 years ago—that is control over the executive power by the people through their elected representatives. One of the specific grievances enumerated against King George by Thomas Jefferson in the Declaration of Independence was this: "He—King George—has erected a multitude of new offices, and sent hither swarms of officers to harass our people, and eat out their substance." Legislative veto over administrative rulemaking is a way to make a start toward restoring to the people those rights for which the Declaration of Independence spoke.

Stand up and be counted. Stand up for the rights of American citizens. My friends, if we do not reclaim for ourselves and our citizens the right of rule by the people and not by bureaucracy, then we surely have lost our chance to be a free people.

Mr. FLOWERS. Mr. Speaker, I reserve the remainder of my time to close debate.

Mr. STEIGER of Wisconsin. Mr. Speaker, I yield myself the remaining 1 minute.

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

Mr. STEIGER of Wisconsin. I yield to the gentleman from Massachusetts.

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

I commend him for his leadership in this area. I am strongly opposed to this bill.

Mr. Speaker, the question whether Congress should have the authority to "veto" regulations promulgated by an executive department is perplexing from both the constitutional and policy perspectives. On the one hand, there is a need to reduce or eliminate altogether useless and counterproductive rules adopted by administrative agencies. On the other hand, Congress must respect the constitutional prerogatives of the executive branch and allow its agencies sufficient latitude to perform their constitutional and statutory functions efficiently and without undue interference from the legislative branch.

In addition to these considerations, I am very concerned that such "veto" power would further burden scarce congressional resources, delay the regulatory process, enhance the political power of wealthy corporate interests, and politicize the entire Federal bureaucracy. Congress Watch is against such authority for these and other reasons and has released a cogent statement on the question (see CONGRESSIONAL RECORD of June 23, 1976, at 20134–20136). After a careful examination and reexamination of this question, I have concluded that granting Congress this power across-the-board would be unwise. I therefore intend to vote against this bill.

The Constitution imposes upon the President the power and responsibility to "take care that the Laws be faithfully executed." Under the doctrine of the separation of powers, it is his duty alone to execute the laws of the Union. Congressional review of regulations through an override authority runs extremely close to the constitutional line between the legislative and executive branches. While I am not convinced that such congressional power improperly invades the prerogatives of the President in all circumstances, I do believe the question is of sufficient magnitude to warrant an extremely cautious approach on the question.

H.R. 12048 cuts much too broadly on this analysis. It would give Congress veto power in all instances of rulemaking by administrative agencies. It may be that in particular circumstances Congress may and indeed should exercise that authority. We might appropriately enact such a veto provision where the particular agency has a history of ignoring congressional statutory mandates or exceeding the authority given it by the Congress. Or it may be that legislative oversight has been helpless to keep a runaway agency within the bounds of the law. I do not believe, however, that that is the case now with every agency. Thus I see no need for this bill which indiscriminately places all agencies in the same boat.

If laws establishing Federal agencies are inadequate, they should be amended or rewritten or even repealed by Congress. We can insure that these agencies operate more efficiently—and more lawfully—by expanding oversight and by carefully evaluating their accomplishments and deficiencies during the annual appropriations process. Indeed we could be more effective in oversight by reforming our own House, such as assigning appropriations authority to each legislative committee. With the Budget Committee reviewing total expenditures and providing guidance on overall spending, lodging exclusive appropriations authority with one committee is not necessary.

Finally I fear the politicization of the agencies which might occur if this bill is enacted. Members of Congress and their committees presently have a great deal of authority over, and opportunity for, participation in the administrative rulemaking process. In fact it sometimes appears that some Members exercise undue influence over the process. Providing a veto authority would add an additional element of politics to it. An immediate uproar or a momentary whim of popular passion might well result in the veto of a rule which, upon greater reflection, may prove to be quite worthwhile.

Congress annually appropriates large sums of money for the executive agencies and insists that employees be hired, assigned, and promoted based on merit. We expect that this professional corps of Government employees will perform their assigned functions dispassionately, impartially, and with a high degree of expertise. This bill begins with the assumption that such employees do not operate generally in that fashion. I do not agree with that premise.

Finally from a very practical standpoint, Congress cannot possibly do the work of the executive branch; our task is to legislate. If we allow ourselves to get bogged down in the minutiae of administrative rules and regulations, we will inevitably fail in our prime responsibilities to legislate for the Nation. That is our great constitutional duty which must not be diverted for light and transient cause.

I urge my colleagues to vote against this bill.

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

Mr. STEIGER of Wisconsin. I yield to the gentleman from Ohio.

Mr. SEIBERLING. Mr. Speaker, it is not just big business, big labor, and the administration that are opposed to this bill. The National Council of Senior Citizens, the Consumer Federation of America, Ralph Nader's Congress Watch, and a number of other citizens groups are opposed to it.

Mr. STEIGER of Wisconsin. Mr. Speaker, I trust the Members will not be beguiled by the siren song of the gentleman from Georgia (Mr. LEVITAS). It is so easy, and yes, it is so simple to go home and say, "Let us express our frustration at those downtown who have passed those regulations by passing this bill." But with no amendments and just 40 minutes of debate, we make a mockery of the legislative process.

Mr. Speaker, I urge a "no" vote.

Mr. FLOWERS. Mr. Speaker, I yield myself 1 additional minute.

Mr. Speaker, I must disagree with that which the opposition has said and agree with that which those who support the bill have said.

Mr. Speaker, the gentleman from Wisconsin (Mr. STEIGER) said it is ill-conceived legislation. This is no more ill-conceived legislation than the many bills he has brought us from the Committee on Education and Labor.

Mr. Speaker, where one sits is as important as where one stands. This bill has been considered in great detail by the Committee on the Judiciary and in lesser detail by the Committee on Rules. We have had similar proposals on the floor of this House many, many times.

Mr. Speaker, a gentleman from my home State ran for President a few years ago and achieved a great deal of recog-

nition. He said, "Let us send them a message."

Mr. Speaker, one can say that this is frustration. One can call it anything he wishes, but our vote in favor of this bill here today will send them a message downtown, and it will be the kind of message that our constituents back home want us to send.

Mr. Speaker, I urge an "aye" vote on this bill.

Mr. FRENZEL. Mr. Speaker, the title of this bill "The Administrative Rule Making Reform Act of 1976" sounds good. We are all in favor of reform, and we all want to shake up the bureaucracy. I am for reform too, but I am not convinced that this bill does it.

H.R. 12048 has a couple of big problems: it may be unconstitutional; it is unwieldy; and it promises a good deal more than it can deliver.

This bill is under a constitutional cloud for several reasons. It may be a clear violation of the "presentation" clause of the Constitution which is found in article 1, section 7, clauses 2 and 3. This requires that every order, resolution or vote to which the concurrence of the House or Senate may be required shall be presented to the President for his signature. Second, it has been argued that this bill directly infringes upon the constitutional responsibilities laid to the President in article 2. Primary among these is the President's oft-cited obligation to "faithfully execute the laws."

I cannot speak authoritatively on the constitutional question, and I do not pretend to know all the right answers. However, it has been over 40 years since we initiated the first congressional veto over President Hoover's executive department reorganization. In the intervening years we have adapted and utilized the principle of "extra legislative authorities" in many different forms. None of our vetoes ever seemed to stop bad regulations, nor to stop us from encouraging more regulations by bad lawmaking.

During this session we are finally witnessing a constitutional challenge to the principle. At this point we are awaiting the determination of the court of appeals on the constitutionality of a similar provision employed in the Federal Election Campaign Act. It would seem to be unwise, or at least premature, to enact this kind of legislation when we might shortly find it useless or illegal.

I believe that the bill's provisions can be effectively divided into two categories, administrative and rulemaking alterations and congressional review of agency rules and regulations. I wish that the two had been presented individually. The provisions for expanding the opportunities for public participation in the rulemaking process, and improving our system of judicial review, have considerable merit. They are not flawless but they do deserve discussion and should be fully considered.

The congressional veto provisions would form an entirely new chapter of the law to provide Congress with the instrument to overturn rules and regulations promulgated by the executive agencies. Either House could initiate an action against any rule. The rule would be rejected if the first House disapproved the rule within 60 days and the other body either concurred or failed to act within 30 additional days. Congress could also merely pass a resolution disapproving a regulation, and returning it for reconsideration. The agency would then have an additional 60 days to rework and resubmit the bill at which time we would then begin our end of the procedure all over again. However, we should not fail to note that we are granting ourselves this authority for existing rules as well as new ones.

Although there are obvious exceptions, I believe that as a general rule the court system is the appropriate forum to judge administrative interpretations of the law. This bill would, in effect, redesignate the Congress into a court of initial review. If we cannot abide by present procedures under the Administrative Procedures Act we should act to amend them, not usurp them.

Despite our ardor to blame someone else, and to make the bureaucracy the "fall guy" for our own poor lawmaking, I doubt whether anyone here believes we can do the job properly. The director of the Federal Register, as noted in the majority report, outlined for the committee the steps followed in the rulemaking procedure. He pointed out that in 1974 the publication of rules required 10,981 pages of the Register and that by September 30 of 1975 there had already been 10,245 rules for that year. He further estimated that, as of that time the compilation of existing rules would have required about 60,000 pages.

The committee tells us that this review responsibility would not be overly burdensome because each committee would be reviewing the implementation of those areas over which it had legislative authority. In the Ways and Means Committee we have, in this session taken legislative action on over 90 bills and have had hundreds introduced for consideration. if we now had the authority which this bill provides we would have additionally been required to review heaven knows how many Internal Revenue Service regulations promulgated in this calendar year alone. The testimony and hearings would run into thousands of pages.

This review, however, would only accomplish part of our task because we also have jurisdiction over certain functions at HEW, State, Commerce, and Labor. I, frankly, do not believe that we could have done the job contemplated in this bill. If all the committees, by some minor miracle, were able to fully consider the issues involved in each promulgation we still have the question of floor consideration. The bill provides that 20 percent of either body can call for a floor vote. That means that 87 Members of this House or 20 Senators could conceivably tie up our time with hundreds of additional votes each session. We would do much better to delegate less rulemaking authority in the first place.

I also wonder whether we have sufficiently considered how we will select those rules which we review. I suppose our requests would come from the same big lobbies which seem to dominate our discussions of bills now, rather than from the little people who are hurt by rules.

Perhaps we could straighten out the bill if we could discuss and amend it at leisure. But, as it has been brought up under suspension with no such opportunity, I must oppose it.

Mr. BAUCUS. Mr. Speaker, I would like to comment on H.R. 12048, the Administrative Rulemaking Reform Act of 1976. This is an important bill, and I support it enthusiastically. Although it may increase our workload in Congress, it should bestow important benefits for the public. I would like to say a few words about the benefits that will flow from this bill. But first, I will discuss the context in which this bill arises. Specifically, what is the prognosis for the grand Government reform movement that was so much talked about in the opening days of the 94th Congress?

Public confidence in Government institutions is falling, while public perceptions that Government is bloated and wasteful are rising. There is the belief that the Government is no longer working for the people. There is the belief that too much redtape exists, that it is not worth the effort to seek assistance from the Federal Government.

A recent Harris survey graphically illustrates these points. Public confidence in Congress was 42 percent in 1966, but fell to a mere 9 percent in 1976. Confidence in the executive branch followed a similar pattern, falling from 41 percent in 1966 to 11 percent in 1976. The pervasive feeling of distrust and cynicism are based upon solid ground, and we should recognize it.

The Federal budget is growing more and more uncontrollable. Slightly higher than half the budget was uncontrolled in 1967, now it is greater than 75 percent. This does not leave much room to play with in preparation of the budget.

Programs are instituted without rhyme or reason. Programs run by different agencies have similar goals, yet instead of complementing each other, they frequently cancel each other out. More intensive congressional review of programs and rules could eliminate unnecessary programs and reconcile conflicting, and in too many cases, nonsensical rules.

Overlapping jurisdictions of departments and agencies clearly lead to a lack of accountability. Elmer Staats, in testimony before a Senate subcommittee earlier this year put it this way:

> Our experience with Federal domestic assistance programs indicate that each program is claimed to have unique characteristics which distinguish it from other programs. However, in practice, many programs serve very similar purposes . . .

With so many different agencies having domestic programs, it could literally take hours to track down the correct office. Yet, this is true in areas beyond the domestic scene.

As well as growth of overlapping programs, a number of programs have outlived their usefulness. Yet, because of a lack of periodic review, these programs are routinely funded year after year.

Congress must soon make decisions that will address the problems I have outlined above. We will make one of those decisions today as we vote on the administrative rulemaking reform bill. Tomorrow we will vote on a bill to reform lobbying practices. There is much more we can do—and must do—but we have done much already.

Congress has responded in the last few years to the calls for reform. The House is more efficient than it has been in decades. Committee jurisdictions, in most cases, are saner now than a decade ago. There has been an influx of new Members such that more than half the Members in the upcoming Congress would have first been elected in the 1970's. My new colleagues have assisted in insuring that the leadership of the committees are effective and forward looking. However, we should not be smug. We have made errors, which we have corrected. Nevertheless, if we sit back and not insist on effective leadership, all our internal reforms will have gone to waste.

The Senate has not sat back idly while we reformed this Chamber. They have recently established a commission to study the internal operations of that Chamber as well as a select committee to study the committee system of the Senate. I wish them luck in their endeavors.

The key to the reforms in Congress has been the lack of leadership in the Nation in the last couple of years. The public wants leadership, but they have not found it in the White House. We must provide that leadership—not only by enacting sensible programs, but also in improving the processes of government.

Congress has started to move Government out in the open. Most committees are now held in public session. We still, however, have conference committees closed to the public and to Members of Congress. I must recall an incident which occurred last year when a joint conference was meeting on the tax reform bills. I decided to sit in on the conference to see what was happening. To my dismay, I was asked to leave the conference because it was against the rules for a nonmember of the conference committee to be present. Yet, incredibly, there were dozens of people in the room, many of whom were not employees of Congress. We must move to open all committee meetings to the public. Results of opening meetings tend to be the same—the only change is the rhetoric used by the Members.

We must look at the Federal agencies now. Most agencies presently do not hold open meetings on routine matters. There is not reason to keep the public out of any meeting when the decisions coming out of the meeting affect the public. We are opening congressional meetings. We should open all Government meetings. Fortunately, this will be done by the sunshine bill (S. 5) which passed the House earlier this month and was approved by the President on September 13.

The House, in its recent reforms, has eliminated an obsolete committee. Now, we must take the same initiative with Federal programs. We should enact self-destruct mechanisms on programs. No program should continue beyond its usefulness—however, if it deserves to be reestablished, all that would be needed would be to enact legislation to continue the program.

Regulatory commissions are another Government area that has met with a loss of public confidence. The loss is due to a feeling that the regulators and the industry have become too friendly to render impartial decisions. One method to insure that regulatory commissions do not become pawns of the industry is to institute self-destruct provisions such that the commission will periodically come up for congressional review. The House recently passed by amendment to the Consumer Protection Agency which would limit that agency to 7 years unless Congress decided to continue its existence. Provisions such as this should be enacted for every department or agency that makes regulatory decisions.

We must not overlook the largest problem in Government today—the budget. Congress is still in the process of experimentation with the new congressional budget process. However, it appears that the experiment will be successful. We should now take budget reform to the next logical step and look into the feasibility of implementing zero-based budgeting—ZBB. ZBB may change our outlook on how budgets should be prepared. Too long we have followed a system that automatically allocates funds for programs regardless of whether they are useful or obsolete. ZBB, on the other hand, requires complete program review before appropriating funds.

Let us not be fooled, though, because zero base is relatively untried in government. Governor Carter initiated this concept in Georgia in 1971. Other States, including my own State of Montana, have been considering the proposal. I strongly believe the Federal Government should experiment on a small scale with zero base. Nothing as drastic a change as zero base should be instituted without experimentation. As former OMB Director Roy Ash stated in a Senate hearing, starting full-blown zero-based budgeting is like jumping aboard a 747 in full flight.

Congress, as I previously stated, has exercised leadership in the Nation in the last few years. We must insure that this exercise in leadership will not be lost in the next Congress. By making sure the leadership is effective and Congress takes an active role in instituting zero-based budgeting reviews, we can guarantee Congress will keep its assertive role in policymaking.

The bill before us today is an exemplary effort to reassert congressional responsibility. When our constituents complain that the Federal bureaucracy promulgates foolish regulations, we should not shrug our shoulders and send them letters expressing our sympathy and mutual frustration. We can and should do more than that. If regulations are foolish, if they are contrary to basic policies established by Congress, then they should be rescinded. This bill will do just that, and I urge my colleagues to support it.

Mr. ALEXANDER. Mr. Speaker, administrative rulemaking began with the formation of the Interstate Commerce Commission in 1888 and today it has evolved into what many term a fourth branch of Government. It is a Federal bureaucracy that pervades virtually every facet of life, in a tangle of regulations that carry the force of law without benefit of legislative consideration.

Last year alone, 67 Federal agencies, departments, and bureaus adopted 7,496 new and amended regulations while, during the same period of time, Congress enacted 404 public laws—a ratio of 18 to 1.

Congress has allowed civil servants or appointed officials to conjure up thousands of far-reaching laws that can put in jeopardy the liberty or property of the people without having anyone elected by the people involved in the process.

Congress has till now passed the buck, and the citizen must deal with people unaccountable to him and, more often than not, unresponsive to him.

An agency entrusted with a single area of responsibility has awesome powers. It can advocate its cause, and then act as judge and jury deciding on the merits of its own advocacy. Only accountability can avoid the obvious potential for self-serving, limited, or unrealistic decisions.

An OMB study estimates that the total cost of regulation to the United States economy may be as much as $130 billion. This equals 8.1 percent of the gross national product in calendar year 1976. The Commission on Federal Paperwork has estimated that the annual cost of Federal paperwork alone is on the order of $40 billion.

When an act of Congress contains a section that reads:

> The Secretary shall have the power to promulgate regulations to carry out the purposes of this Act . . .

Then the citizen is at his peril.

The major problems with most executive agencies and departments today is bureaucrats who have forgotten that they are the servants of the people, and not our masters.

H.R. 12048 improves the procedures for public participation in the rulemaking process and provides for congressional review of rulemaking.

Under the terms of the bill, the House and Senate, following adoption of an administrative rule by an agency, would have 90 days to act on a concurrent resolution to disapprove the proposed regulation.

This bill does not destroy the administrative process as some would have us believe; it will make it more responsive.

It does not substitute congressional decision for administrative decision; it assures that those administrative rules which clearly go beyond congressional intent are never inflicted on the public.

As a sponsor of similar legislation, I urge my colleagues to support this long overdue reform.

Mr. Speaker, I would like to share with my colleagues a letter I received from a constituent which pretty well sums up, I believe, what the American people are saying about the ever-increasing Federal Government influence in their daily lives:

Hon. BILL ALEXANDER,
Member of Congress, Cannon House Office Building, Washington, D.C.

DEAR CONGRESSMAN: I am not usually very outspoken, but as time goes by I am becoming more concerned about government intervention into the lives of private citizens. It seems that there is a government regulation for or against about everything. There are too many highly educated and well meaning folks (bureaucrats) which should be allowed to make their contributions to society from a position within the Private sector, instead of thinking up regulations to deprive People of the right to run their lives as they personally think best. (Yes for the most part we are capable of thinking for ourselves.)

Many of the laws and regulations though well meaning and sounding good at the time, in reality turn out to be waste of hard earned tax dollars, poorly administered give-me Programs, or just one more link in the chain which joins the handcuffs to our Freedom.

People within government should work just as hard at repealing bad laws, practicing efficiency, and conducting their agencies in a business like manner as they do in thinking up new regulations and worthless programs.

The government has expressed concern from time to time about the size of big business, farming monopolies. The government has some measure of control over this with anti-trust.

What control do the people have to control the size and power of government?

Proud But Concerned Citizen,
LARRY RICHMOND.

KEISER, ARK.

Mr. DON H. CLAUSEN. Mr. Speaker, I rise in support of legislation to restrict the unwieldy rulemaking powers of our Federal regulatory agencies and I would like to commend the chairmen of both the Judiciary and the Rules Committees for their timely efforts in acting on this much needed reform legislation—the Administrative Rulemaking Reform Act. The time for regulatory reform is here—the American public is behind it and I feel confident that this method—to provide new oversight authority over the sometimes arbitrary and abusive rules of independent agencies—will make this vast Federal machine more responsive to the people which it is suppose to serve.

I have worked for 13 years to decentralize the Federal Government, to put the decisionmaking powers of government back at the local and State levels where the people will have closer control over their own lives. I have long been a member of a minority in my efforts for less government. But, in the past few years we have seen the result of big government and big taxes to support this maze of bureaucracy and we now have a revolt before us of people who want to call a halt to this ever-expanding control by the "Feds."

This control can be seen best in a look at the Federal Register which publishes 60,000 finely printed pages of new rules and regulations a year. This voluminous publication is a clear indication that our Federal agencies have become a fourth branch of Government issuing regulations which have the force of law. In effect this has tipped the scales of the system of checks and balances instituted so wisely by our forefathers and in effect, has given the independent agencies the powers of legislative, administrative, and judicial functions.

As a result of this control, enterprising men and women are being told how to run their businesses—by the Federal Government—school systems are being told how and what to teach—by the Federal Government—and individual people are being told how to conduct their private lives—by the Federal Government.

This measure which we have before us is a major step forward in halting this decline of our personal and professional freedoms. This will put elected representatives—those directly accountable to the public—in the position of safeguarding these freedoms and I am encouraged by the strong bipartisan support this once "minority position" has gained.

We have indeed been vocal about the need to apply brakes on the arbitrary and abusive powers of regulatory agencies. We have introduced legislation, such as the bill before us, we have testified before committee hearings, held special debates on the floor of the House, amended agency funding legislation and, in general, spread the word to our colleagues and constituents.

These efforts have produced legislation which is a workable means to restore a responsible balance of lawmaking functions to our Government. Those regulations which are not controversial or are in line with the intent of the law would not require action taken on them by the Congress.

It is only in those few instances where a rule so adversely affects society or strays from our intent that Congress will take action, and in so doing, the administrative process which is so vital to the effectiveness of our Government will not be destroyed.

This legislation will only insure a higher degree of responsibility and responsiveness to the American people through their elected representatives in Congress and I urge my colleagues to lend their support to this important step forward in restoring a government by the people instead of by the bureaucracy.

Mr. ANDERSON of Illinois. Mr. Speaker, I must strongly object to the consideration of this rulemaking reform bill under the suspension procedure, even though I am a cosponsor of a similar bill with the gentleman from California (Mr. CLAWSON). The original Clawson and Levitas bills as well as this bill which was reported from the Committee on Judiciary, were all jointly referred to the Judiciary and Rules Committees. The bill before us was reported out of the Judiciary Committee on April 6 of this year and was the subject of some hearings in the Rules Committee, of which I am a member. I regret that our committee did not complete those hearings, let alone begin markup on the bill, but the intervention of business from other committees made this very difficult.

Mr. Speaker, I would be the first to admit that our Rules Committee is not without fault for not dealing with this bill in a more expeditious fashion. But I would submit to you today that we will only be compounding the problem of insufficient consideration if we consider and pass this bill under the restrictive suspension procedure. Think about it. In just 40 minutes time we are expected to adopt a new procedure which will apply to hundreds of executive agencies and thousands of rulemaking proceedings each year. And while there may be no sympathy for whatever additional burdens and delays this might impose on the executive bureaucracy, keep in mind that this bill is a twin-edged sword—it cuts both ways. It slices into the legislative process as well as the executive rulemaking process. If we are really serious about what this bill purports to do, then we are saddling our committee system with a tremendous new burden of reviewing each and every rule and regulation proposed by any agency covered by this bill. If we are not really serious about fully accepting our half of the burden implied by this bill and are only attempting to score a few points with our constituents in the game of "get the bureaucrats" then let us be honest and out front about it. Let us level with the American people and admit that we are quite often to blame for some of the rules and regulations they like to complain about. It is not that anyone is necessarily malicious in either branch. It is simply that we too often lack the foresight to consider some of the practical ramifications of the bills we pass or to specify how our lofty objectives might be achieved. We too often give the regulation writers a blank check and then we blame them when it bounces off its intended victims.

Mr. Speaker, our lack of legislative foresight is exceeded only by our lack of legislative oversight on such matters. It is argued that this bill is necessary to insure that we do a better job of oversight, but such a claim is ridiculous. We have the tools and capability now to fulfill our oversight function. Where we fail it is a failure of will or courage or both, but not for lack of means. This bill will only divert and confuse our oversight efforts by weighting our committee staffs down with the impossible task of perusing each and every rule and regulation proposed by any agency. This in turn will detract from the amount of time a committee can devote to necessary program oversight—of digging into instances of maladministration or program failures, and of recommending necessary changes in the law to correct those abuses and failures. All this bill does is to give us the opportunity to second-guess ourselves on ill-considered bills we may have enacted while providing us with a bureaucratic scapegoat aimed at diverting any blame from ourselves. In short, I think it is a cowardly and politically expedient way around admitting to our own mistakes. I think we should have the political courage to squarely confront our mistakes when we make them and tackle them head on by amending the basic law if necessary. That is the meaning of real oversight, in my opinion.

Mr. Speaker, as I mentioned earlier,

I have cosponsored a version of this bill with the gentleman from California (Mr. CLAWSON), but that bill would have limited the congressional veto to those rules and regulations which go beyond the scope or intent of the bills they are designed to implement. Here I think we have a legitimate cause for intervening in the rulemaking process. If the legislative history is clear we intended one thing and yet the regulations propose quite another thing, then we should step in before those regulations are final and put a stop to this bureaucratic abuse of a delegated responsibility. But this bill goes far beyond that limited use of the legislative veto by permitting us to veto a regulation simply because we do not like it, regardless of whether or not it complies with the legislative intent. And it in effect makes it possible for one House to block the implementation of a law if the other House does not act on the proposed regulation. It is a no win situation for the agency involved: On the one hand it is damned for trying to implement the law; and when one House stands in its way, it will be damned for not carrying out the mandate of the Congress—probably because the Congress was not sure what the execution of that mandate would entail.

Mr. Speaker, in the time remaining I would like to list four compelling reasons why I think this bill should be rejected at this time, regardless of how Members might feel about the general proposition of a congressional veto over executive agency regulations:

First, consideration of such a far-reaching and controversial bill under the suspension procedure is a travesty of the legislative process. Forty minutes is not sufficient time to debate the procedural problems involved here, let alone the substantive problems. And the no-amendment prohibition is an insult to every Member of this body. I have had some eight amendments drafted to this bill, most of which I inserted in last Friday's CONGRESSIONAL RECORD. I know other Members who are likewise interested in improving this bill by amendment yet who are precluded from doing so under this procedure;

Second, this bill does deserve more extensive consideration by the Rules Committee to which it was jointly referred. Sections 4 through 6 of this bill deal with congressional procedures for handling proposed agency regulations—a matter clearly within the jurisdiction of the Rules Committee. Especially troublesome is section 603 of the bill which would permit either House to adopt a resolution directing an agency to reconsider even existing rules. If the agency does not repromulgate a new rule after being directed to reconsider the existing rule, that existing rule lapses and presumably the program involved collapses. If the agency does repromulgate a new rule but one House disapproves it and the other does not act, we are again left with the dangerous situation of ongoing programs with no rules or regulations. This "reopener" provision alone, with its potential for throwing existing Government programs into complete disarray, confusion, and chaos, is in itself sufficient reason to defeat this bill today. The reopener provision was not in any of the original bills considered by the Judiciary Committee and was not the subject of its hearings;

Third, there is a serious constitutional question involved over the congressional veto power and a suit initiated by Ramsey Clark and joined by the administration is now in litigation. It would be foolish for us to extend the congressional veto to all agency regulations when the Supreme Court could ultimately find that such a veto is unconstitutional. Enough existing congressional veto laws are in jeopardy without our having to jeopardize the entire rulemaking process of all agencies;

Fourth, while a companion bill to this one has been introduced in the Senate, no hearings have been held on it and the other body is thus nowhere near being in a position to give this matter proper consideration before we adjourn. We are only fooling ourselves and our constituents if we think this legislation has any chance of enactment in this 94th Congress.

In conclusion, Mr. Speaker, and I speak as one who is a cosponsor of a more limited congressional veto bill, I think this is the wrong time, the wrong bill, and the wrong way to go about getting a better handle on the rulemaking process in the executive branch. Moreover, it is a poor substitute at best and probably a hindrance at worst for coming to real grips with our legislative foresight and oversight failings. In the long run I do not think we are fooling anyone by this abbreviated and frivolous exercise today; and, if by chance this bill should be enacted without proper consideration and opportunity for amendment, the real joke will be on us if we should ever seriously attempt to carry out our responsibilities under this bill. I urge its defeat.

Mr. BINGHAM. Mr. Speaker, H.R. 12048, which provides for a congressional veto of regulations issued by Federal departments and agencies, would accomplish very different goals from those expected by some of its supporters. They claim that by giving Congress the power to override agency regulations they would enhance accountability, congressional oversight, and governmental efficiency. They contend that a congressional veto of agency rules would protect the public from overzealous bureaucrats and counterproductive regulations. I disagree.

H.R. 12048 would throw a monkey wrench into the machinery of government. According to the committee report, between January 1 and September 30, 1975, there were 10,245 proposed agency rules. Congressional review of thousands of rules is as impractical as it is undesirable. Congress lacks the time, resources, and technical expertise to review specific regulations on everything from health standards for drugs to safety standards for small aircraft. Each rule printed in the Federal Register is supported by hearing records which often run to volumes of substantive materials. In a single FTC rulemaking proceeding, for example, these documents comprise a record of 30,000 pages. There is no way that Congress could read, let alone review, each rule.

In fact, only a few rules would receive congressional attention. Those would be the rules which most offend the largest and most politically potent pressure groups. The drug industry, the oil lobby, the food processors would all have another opportunity to fight those regulations which they do not like. We have all seen the delay, the killing delay, that results when Federal agencies try to ban the production of dangerous additives like red dye No. 2 or DES. The regulatory process as it now exists often takes years before a substance or a practice is proscribed. This bill would merely add one more layer of delay as powerful interests which lost an initial lobbying battle regrouped for a rematch at the office of the committee chairman or on the floor.

H.R. 12048 is unnecessary. I would be the last to argue that there is never a need for a legislative veto. It was my amendment, incorporated into the Foreign Military Sales Act of 1974, which provided for just such a review process for foreign military sales of $25 million or more. I pushed for a legislative veto over these sales because there was no other way for Congress to reassert its authority in a field that had become even more important than military assistance.

This situation is very different. Congress does indeed have the power to regulate the regulators. It uses those powers all the time. Congress has the power of authorization and appropriation. Any Congressman may submit comments to a Federal agency as it draws up and finalizes rules. Congress may conduct oversight hearings. Congress may repeal or revoke any statute which authorizes an agency to promulgate a particular kind of regulation. Beyond Congress there are the courts. Affected industries and individuals always have the option of taking a Federal agency to court to block implementation of a ruling if it is arbitrary or capricious. Neither Congress, nor the courts, nor affected parties themselves have been loath to exercise any of these powers. Congress already has the authority it needs for effective oversight. H.R. 12048 is unnecessary and, if enacted, would only contribute to legislative and administrative ineffectiveness.

Mr. FOUNTAIN. Mr. Speaker, I am pleased to join many of my colleagues in supporting H.R. 12048, the Administrative Rulemaking Reform Act of 1976.

Incorporated in this bill are two changes that would alter present administrative rulemaking procedures. It seems to me that the need for both of these has been demonstrated clearly by past experience and recent developments. First, H.R. 12048 would enable Congress to review, approve, or disapprove rules promulgated by Federal agencies and departments. Second, it would institute a number of improvements in the Administrative Procedures Act of 1946.

Although the so-called legislative veto feature is certainly the most controversial portion of this measure and has received the greatest amount of publicity, let me point out at the outset that the other suggested reforms are very im-

portant and should not be overlooked. There is time now only to emphasize briefly that the bill would correct a number of technical deficiencies in the rulemaking process by adopting such improvements as revised definitions for the terms "rules" and "emergency rules," modified notification requirements, increased opportunity for public participation, and elimination of current exemptions. There appears to be rather general agreement that these reforms are worthwhile and should be approved.

The primary innovation proposed by H.R. 12048 would be to confer on Congress the power to review and disallow rules promulgated by the executive branch before they became effective. The need for extending congressional oversight authority in this fashion has been created by a combination of well-known factors. Because of the increasing number and complexity of the functions and activities in which the National Government has become involved for various reasons, Congress has found it necessary in recent decades not only to establish many new programs but also to grant rather wide discretion and latitude to Federal officials in their administration of those programs. This in turn has led inevitably to a mammoth increase in the amount, diversity, and significance of the rules and regulations emanating from a huge Federal bureaucracy that are binding on our citizenry.

There is no need to dwell upon the major consequences which this unprecedented growth in administrative law has meant for all of the people of the United States. Other Members as well as witnesses who testified in hearings have called attention to the startling size of the Code of Federal Regulations, to the thousands of new or amended rules issued each year, and to the hundreds of pages published in the average-size daily Federal Register. Incidentally, 1 year ago the total number of Federal regulations in effect and having the full force of law, came to 60,000 pages—60,000 pages of small print.

It has been pointed out also that citizens can be subjected to criminal penalties for alleged violations of many of these rules and regulations, and that, except for lengthy statutory remedy, there is now no opportunity for elected representatives charged with the responsibility for establishing public policy to nullify any wrongful interpretations of that policy by Federal agencies, boards, or regulatory commissions. Suffice it to say that, in my opinion, the time has long since come to provide a practicable system whereby Congress can review with little delay this vast body of administrative law in order to assure that directives issued by Federal administrators comply fully with the objectives and methods intended by Congress for the implementation of any program, and with the spirit and intent of the laws we pass.

It has been argued that the new disallowance procedure authorized by H.R. 12048 would be complex, time consuming, and counterproductive. To the contrary, the provisions giving Congress the right to examine and disapprove agency rules seem to be clear and easily understood and would cause neither undue delay nor unnecessary administrative burdens. Moreover, although the disapproval sections contain certain unique features never before enacted into law, a comparison of these with similar provisions in earlier statutes reveals both their advantages and the care with which they were prepared.

Briefly, as reported by the Judiciary Committee, H.R. 12048 provides that any rules promulgated by executive agencies would become ineffective upon the occurrence of either one of two different contingencies: First, if a concurrent resolution of disapproval were adopted by both Houses of Congress within 90 calendar days of continuous session after its promulgation; second, if a concurrent resolution of disapproval were adopted by either the Senate or the House within 60 days of continuous session after its promulgation, and if the other House did not within 30 more days disapprove of that resolution. However, if neither House adopted a disapproval resolution within 60 days or if no committee in either House has either reported or been discharged from consideration of such a resolution within that period, then a rule could go into effect within 60 days.

On the other hand if a committee in either House has reported a disapproval resolution or has been discharged from considering such a resolution within 60 days of continuous session, a rule could not become effective before 90 days after its promulgation. Once disapproved, an identical rule could not be promulgated by an agency unless Congress by law modified the agency's powers with respect to the subject matter of the rule.

Especially praiseworthy, it seems to me, is the fact that the bill authorizes a reasonable alternative to outright congressional disapproval of a rule. Rather than rejecting it completely, either the Senate or the House would be empowered to direct that all except emergency rules should be sent back to their parent agencies for review and further consideration. No such rule could go into effect if either House, within 90 days of continuous session after its promulgation, should adopt a resolution calling for its reconsideration. In such cases the agency, at the end of 60 days reexamining the rule, could either withdraw or repromulgate it. If no action at all were taken, the rule would automatically lapse. If no committee in either House reported or was discharged within 60 days from a resolution for the reconsideration of a rule, the rule would become effective. If any committee did report, or was discharged from such a resolution within 60 days, it could not become effective sooner than 90 days after its promulgation. Finally, any rule for which either House passed a resolution of reconsideration would lapse at the end of 180 days unless during that time it were repromulgated by the agency.

I submit that this bill proposes a very workable, utilitarian system for checking on the implementation of public policy. First of all, it would not mean that each Senator or Representative or every staff person would have to search in minute detail every single rule or regulation issued by any agency. Any rule would be submitted first to the appropriate legislative committee that has jurisdiction over a particular agency or subject matter. The members and committee and subcommittee staffs who oversee, continuously, the work of their counterpart agencies are familiar with and understand the mandates, needs, and problems of these agencies. They are generally best qualified to interpret the intent of Congress as expressed through legislation in a particular field.

Even though these new procedures might tend to increase present workloads somewhat, they would not impose an impossible task on Congress as some have contended. To the contrary, the job of reviewing rules and regulations is one that our committees should be doing now as part of their oversight responsibilities. If it should become necessary to make some adjustments in staff size and duties, let it be done. This is a job well worth doing. It should return sizable dividends not only in producing better rules and regulations but also in reducing the number of oversight investigations and hearings now held.

Finally, it is well to keep in mind that the basic principle of congressional review embodied in H.R. 12048 is not new. For more than 40 years Congress has enacted legislation reserving to itself the right to disapprove proposed executive actions. More than 300 provisions in some 200 statutes have provided for some type of check on departments and agencies before certain programs could be executed and many of these have included an outright disapproval power within a specified period of time. The evidence is clear that Congress has not abused this power; more than half—37—of the disapproval resolutions passed by Congress during the period 1960 through 1975 were for the sole purpose of rejecting proposed deferrals of appropriated funds under one law, the Congressional Budget and Impoundment Control Act of 1974. During that 16 years only 23 other disapproval resolutions became effective through passage by one or both Houses as required by law, although approximately 350 resolutions of disapproval were introduced.

It seems to me, therefore, that Congress has demonstrated that it will use the disapproval procedure set forth in H.R. 12048 with circumspection and caution, and I have no hesitancy in advocating its approval. As a matter of fact the House of Representatives has already during this session approved similar provisions calling for congressional review of certain administrative rules in at least 10 other bills. To adopt H.R. 12048 now would merely extend this pattern we have approved to all other rules and regulations.

The SPEAKER. The question is on the motion offered by the gentleman from Alabama (Mr. FLOWERS) that the House suspend the rules and pass the bill H.R. 12048, as amended.

Mr. STEIGER of Wisconsin. Mr. Speaker, on that I demand the yeas and nays.

The SPEAKER. Twelve Members have arisen, an insufficient number.

The yeas and nays were refused.

Mr. STEIGER of Wisconsin. I am sorry, Mr. Speaker. I could not hear what the Speaker said.

The SPEAKER. I said that 12 Members have arisen, an insufficient number.

Mr. STEIGER of Wisconsin. 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. Pursuant to the provisions of clause 3(b) of rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

Does the gentleman from Wisconsin withdraw his point of order that there is no quorum?

Mr. STEIGER of Wisconsin. Mr. Speaker, I withdraw my point of order.

GENERAL LEAVE

Mr. STEIGER of Wisconsin. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 12048, the bill just under consideration.

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

There was no objection.

PERMISSION FOR SUBCOMMITTEE ON SCIENCE, RESEARCH, AND TECHNOLOGY OF COMMITTEE ON SCIENCE AND TECHNOLOGY TO SIT TOMORROW AND THURSDAY, SEPTEMBER 22 AND 23, 1976, DURING 5-MINUTE RULE

Mr. BROWN of California. Mr. Speaker, I ask unanimous consent that the Subcommittee on Science, Research, and Technology of the Committee on Science and Technology may be permitted to sit tomorrow and Thursday, September 22 and 23, 1976, despite the fact that the House may be sitting under the 5-minute rule, to hear testimony on research programs to aid the handicapped only.

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

There was no objection.

INTERSTATE HORSERACING ACT OF 1976

Mr. ROONEY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 14071) to regulate interstate commerce with respect to parimutuel wagering on horseracing, to maintain the stability of the horseracing industry, and for other purposes, as amended.

The Clerk read as follows:

H.R. 14071

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Interstate Horseracing Act of 1976".

FINDINGS AND POLICY

SEC. 2. (a) FINDINGS.—The Congress finds that—

(1) horseracing in the United States is a significant industry which provides many thousands of jobs, which contributes favorably to the United States balance of trade, and which is heavily dependent upon parimutuel wagering for its income;

(2) parimutuel wagering on horseracing provides substantial revenue to the States through the direct taxation of gross wagers, and through admission taxes, other taxes applicable solely to horseracing and parimutuel wagering, and income taxes upon persons engaged in the horseracing industry;

(3) racetracks and the owners of horses racing at the tracks receive a percentage of each wager placed at the racetrack and are thus directly dependent on the amount of wagers for their income;

(4) attendance and wagering at racetracks are adversely affected by off-track parimutuel wagering, with consequent losses in revenue to the States and reductions in income to the racetracks and the owners of horses;

(5) off-track parimutuel wagering on an interstate basis will result in a severe decrease in the number of racetracks, causing substantial loss of revenue to the States and serious harm to the horseracing industry;

(6) an increase in the number of parimutuel wagering systems accepting wagers on a particular horserace provides increased opportunities to distribute wagers on a race in which the outcome might have been altered, thereby avoiding distortions in the wagering pattern and reducing the value of analysis of wagering patterns as a method of detecting illegal alterations in the outcome of a race; and

(7) interstate off-track parimutuel wagering greatly increases the availability of prerace and postrace information which would otherwise be unobtainable by illegal wagering operations, and, because such operations depend upon the ability to obtain such information, interstate off-track parimutuel wagering may lead to an increase in illegal wagering.

(b) POLICY.—It is the policy of the Congress in this Act to regulate interstate commerce with respect to parimutuel wagering on horseracing, in order to assure the continued flow of revenue from parimutuel wagering to those States which conduct horseracing, and to protect and further the horseracing industry in the United States.

DEFINITIONS

SEC. 3. For purposes of this Act:

(1) The term "person" means any individual, association, partnership, joint venture, corporation, State or political subdivision thereof, department, agency, or instrumentality of a State or political subdivision thereof, or any other organization or entity.

(2) The term "State" means each State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any territory or possession of the United States.

(3) The term "parimutuel wager" means any wager with respect to the outcome of a horserace which is placed with, or in a wagering pool conducted by, a parimutuel wagering enterprise licensed or otherwise permitted under State law.

(4) The term "on-track parimutuel wager" means a parimutuel wager with respect to the outcome of a horserace which is placed at the racetrack at which such horserace takes place.

(5) The term "interstate off-track parimutuel wager" means a parimutuel wager placed or accepted in one State with respect to the outcome of a horserace taking place in another State.

(6) The term "takeout" means that portion of a parimutuel wager which is deducted from or not included in the parimutuel pool, and which is distributed to persons other than those placing parimutuel wagers.

(7) The term "host State" means the State in which a horserace takes place.

(8) The term "off-track State" means the State in which an interstate off-track parimutuel wager is accepted.

(9) The term "host racing association" means any person who, pursuant to a license or other permission granted by the host State, conducts a horserace.

(10) The term "horse owner" means any person who owns a horse or an interest in a horse.

PROHIBITION

SEC. 4. No person may accept any interstate off-track parimutuel wager.

LIABILITY AND LIQUIDATED DAMAGES

SEC. 5. Any person accepting any interstate off-track parimutuel wager in violation of section 4 of this Act shall be liable for liquidated damages to the host State, the host racing association, and any horse owner whose horse participated in the horserace with respect to which such interstate off-track parimutuel wager was accepted. Liquidated damages for each such violation shall be as follows:

(1) If such interstate off-track parimutuel wager was of a type accepted at the racetrack at which the horserace took place—

(A) with respect to the host State or the host racing association, damages shall be in an amount equal to three times that portion of the takeout which would have been distributed to such host State or host racing association, as the case may be, if each such interstate off-track parimutuel wager had been placed at such racetrack as an on-track parimutuel wager; and

(B) with respect to any horse owner whose horse participated in such horserace, damages shall be in an amount equal to three times a pro rata share of that portion of the takeout which would have been distributed to the horse owners if each such interstate off-track parimutuel wager had been placed at such racetrack as an on-track parimutuel wager.

(2) If such interstate off-track parimutuel wager was not of a type accepted at such racetrack—

(A) with respect to the host State, damages shall be in an amount equal to three times the greater of (i) that portion of the maximum takeout permitted for any type of parimutuel wager in the host State which is distributed to the host State, as applied to each such interstate off-track parimutuel wager, or (ii) that portion of the maximum takeout permitted for any type of parimutuel wager in the off-track State which is distributed to the off-track State, as applied to each such interstate off-track parimutuel wager;

(B) with respect to the host racing association, damages shall be in an amount equal to three times greater of (i) that portion of the maximum takeout permitted for any type of parimutuel wager in the host State which is distributed to the host racing association, as applied to each such interstate off-track parimutuel wager, or (ii) that portion of the maximum takeout permitted for any type of parimutuel wager in the off-track State which is distributed to the appropriate racing association in the off-track State, as applied to each such interstate off-track parimutuel wager; and

(C) with respect to any horse owner whose horse participated in such horserace, damages shall be in an amount equal to three times the greater of (i) a pro rata share of that portion of the maximum takeout permitted for any type of parimutuel wager in the host State which is distributed to the horse owners, as applied to each such interstate off-track parimutuel wager, or (ii) a pro rata share of that portion of the maximum takeout permitted for any type of parimutuel wager in the off-track State which

is distributed to the horse owners, as applied to each such interstate off-track parimutuel wager.

CIVIL ACTIONS

SEC. 6. (a) COMMENCEMENT OF CIVIL ACTIONS.—The host State, the host racing association, or any horse owner referred to in the first sentence of section 5 of this Act may commence a civil action against any person alleged to be in violation of section 4 of this Act, for injunctive relief to restrain further violations of such section 4, and for damages in accordance with such section 5.

(b) INTERVENTION.—In any civil action under this section, the host State, the host racing association, and any horse owner referred to in the first sentence of section 5 of this Act, if not a party, shall be permitted to intervene as a matter of right.

(c) LIMITATIONS.—A civil action may not be commenced pursuant to this section more than three years after the discovery of the alleged violation upon which such civil action is based.

JURISDICTION AND VENUE

SEC. 7. (a) FEDERAL JURISDICTION.—Notwithstanding any other provision of law, the district courts of the United States shall have jurisdiction over any civil action under this Act, without regard to the citizenship of the parties or the amount in controversy.

(b) VENUE.—A civil action under this Act may be brought in any district court of the United States for a district located in the host State or the off-track State, and all process in any such civil action may be served in any judicial district of the United States.

(c) CONCURRENT JURISDICTION.—The jurisdiction of the district courts of the United States pursuant to this section shall be concurrent with that of any State court of competent jurisdiction located in the host State or the off-track State.

EFFECTIVE DATE; APPLICABILITY

SEC. 8. (a) EFFECTIVE DATE.—The provisions of this Act shall take effect on the date of enactment of this Act, and, except as provided in subsection (b) of this section, shall apply to any interstate off-track parimutuel wager accepted on or after such date of enactment.

(b) EXCEPTIONS TO APPLICABILITY.—(1) The provisions of this Act shall not apply to any interstate off-track parimutuel wager which is accepted by an off-track State pursuant to a contract—

(A) which is entered into by such off-track State and the host State prior to the date of enactment of this Act; and

(B) which authorizes such off-track State to accept parimutuel wagers with respect to the outcome of a horserace taking place in the host State.

The exception to applicability granted by this paragraph shall expire on the date of the termination of the contract described in the preceding sentence, or on April 30, 1982, whichever date first occurs.

(2) The provisions of this Act shall not apply to any interstate off-track parimutuel wager on a horserace run in a State which does not permit parimutuel wagering on horseracing, if an interstate off-track parimutuel wager was accepted on a previous running of such horserace prior to July 26, 1976.

The SPEAKER. Is a second demanded?

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

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

There was no objection.

The SPEAKER. The gentleman from Pennsylvania (Mr. ROONEY) and the gentleman from Kansas (Mr. SKUBITZ) are recognized for 20 minutes each.

The Chair recognizes the gentleman from Pennsylvania (Mr. ROONEY).

Mr. ROONEY. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the purpose of this bill is to prohibit a parimutuel wager being placed or accepted in one State with respect to the outcome of a horserace taking place in another State. It has nothing to do with intrastate off-track betting.

The bill specifies the liability for violations and provides for liquidated damages, as well as injunctive relief to restrain further violations. The bill also sets out the jurisdiction, venue and statute of limitations for such civil actions.

Mr. Speaker, the industry which this bill seeks to protect represents a sizable portion of our economy in the United States. The horse industry currently employs about 170,000 individuals. It spends over $13 billion annually for operating expenses, taxes, and capital investment. State tax revenue collected in 1975 is expected to amount to over $600 million. The popularity of the sport is indicated by the fact that in 1975 more than 56 million persons attended horseraces in some 30 States. This represents a 35-percent larger attendance than that at major league baseball and professional football games combined.

In essence, off-track betting is nothing more than one State poaching on the product of another State. Proliferation of off-track betting will have a debilitating effect on the horseracing industry and the equine industry in this country. For example, my subcommittee was informed that if interstate wagering is permitted to develop nationwide, it is estimated that thoroughbred horseracing would be reduced from 99 tracks to 2 or 3 in this country, thoroughbreds raced would be reduced from about 58,820 to about 5,000, and licensed racetrack employees would be reduced from 101,000 to 7,500.

The subcommittee strongly feels that a 90-percent reduction in this industry and the sport of horseracing is too high a price to pay for the convenience of interstate gambling.

Another example is that it took the breeding of 800 foals to find the right combination to produce one Secretariat. Not all horses are winners or moneymakers. If we destroy the small racetracks with off-track betting, horse breeders cannot afford extensive breeding to produce horses of such a caliber as Secretariat.

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

Mr. ROONEY. I yield to the gentleman from New Jersey.

Mr. THOMPSON. Mr. Speaker, I have spent a considerable time studying this subject with the gentleman from Pennsylvania (Mr. ROONEY) and I would like to associate myself with the gentleman's remarks and in support of this legislation.

Mr. Speaker, I realize that this legislation has an impact on the States neighboring upon my State, which has just opened another track, and upon which we will be relying very heavily.

I also agree with and understand the statements made by the gentleman from Pennsylvania in connection with the breeding requirements involved in horse racing, as the gentleman has so splendidly set forth.

Mr. ROONEY. Mr. Speaker, I might say that the only objections to this bill have come from the States of New York and Connecticut that have off-track betting. I do not believe the objections raised by these self-interests have merit.

New York State contends that off-track betting revenues are helping meet its severe fiscal problems and any interruption would be harmful. We all know in this Chamber who bails out the State of New York, it is the Federal Government. They have come here asking for over $2½ billion. Off-track betting has nothing to do with bailing out the city of New York or the State of New York. Actually this bill will not be harmful to the State of New York. It would merely preclude it from accepting wagers on just 10 special races each year. Previously, New York placed a heavy reliance on out-of-State races. This was necessary to provide wagering on dates when there was no racing in the State. Currently, however, New York has racing every day and State law permits accepting wagers only on 10 out-of-State major racing events.

Currently, Connecticut has no racetracks and thus relies entirely on out-of-State races for its off-track betting. The subcommittee was informed that a permit has been granted to build a racetrack in Connecticut. There is a fear, however, that off-track betting would preclude its success. This bill provides an exemption to the general prohibition of off-track betting to permit the State of Connecticut to continue its off-track betting operations for the duration of its existing contract with the State of New York. I believe this 6-year time period will be sufficient to construct a racetrack. Also during this time period it can authorize existing off-track betting equipment if it does not desire to have off-track betting on its own track.

In addition to assuring a stabilization of the horse racing and equine industries, this bill will increase revenues to State governments and help combat illegal gambling on horseraces.

The Committee on Rules did not grant a rule on this bill on a very close voice vote because it believed consideration by the House should await a report by the Commission on Review of the National Policy Toward Gambling due on October 15. This, in effect, would delay any action until next year. In view of the expected contents of this report, the harm to the racing industry that can be caused by such a delay, and certain events which occurred since the Committee on Rules considered the matter, I do not believe this bill should wait until next year.

Last week, members of the Commission on Review of the National Policy Toward Gambling appeared before the Select Committee on Sports of which I am a member. At that time I had the opportunity to question both the Chairman and Executive Director of the Gambling Commission on the subject of off-track betting.

Their responses were both surprising and alarming. First, the Executive Director testified that the Commission does not advocate off-track betting, either interstate or intrastate. Apparently, there

is a great amount of dissention among the Commissioners on the subject of interstate off-track betting. I am led to believe that the recommendations of the Commission on this subject, if any, will be far from unanimous and I therefore believe that the Congress is going to receive little guidance from the Commission on the subject.

I also learned that off-track betting creates illegal wagerers. That is, the bookmakers are the ones who are profiting and gaining customers as a result of off-track betting. It was brought up that off-track betting has attracted a clientele that, after a short period of time, finds that it is preferable to gamble with illegal bookies because: First, bookies pay better odds since there is no "take-out" from a parimutuel pool; second, bookies accept bets on credit, whereas legal establishments require cash; and third, Federal and State income taxes can be easily avoided as no legal records are maintained. This fact was brought out recently when the police found a bookmaking ring operating in a New York off-track betting parlor.

Another event which quite frankly shocked me was an announcement on the front page of the sports section of the New York Times of Sunday, September 12, 1976. Accompanying the article was a picture of a theater marquee featuring the seventh race at Belmont and night racing at Yonkers. The thrust of the announcement was that the New York Off-Track Betting Corp. was going to convert at least three movie theaters into so-called teletracks which would feature live telecasts of racing with a seating capacity in excess of 10,000.

I believe that the announcement of this endeavor was deliberately delayed until after the Rules Committee had considered this matter. I can fully understand why the off-track betting people would not want to publicize this matter while the Congress was considering a bill to ban interstate off-track wagering. The director of off-track betting openly admits that the purpose of the converted movie theaters is to lure downtown office workers away from their jobs. In my opinion, this scheme has all of the earmarks of the daytime pornography theaters and massage parlors. In fact, during the hearings on this legislation, it was brought to our attention that a betting parlor in Times Square is situated right in the midst of these establishments.

Finally, a most significant recent development is the decision of the Massachusetts State Legislature to discontinue consideration of an off-track betting bill. One of the major reasons for tabling the matter at this time was to allow the Congress to act on the bill which we are considering at this very time.

I strongly urge your support for this bill in order to eliminate the evils attendant to interstate off-track wagering and to assure the continued economic growth of those States which depend upon parimutuel wagering revenues and upon the equine industries for both revenue and employment.

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

Mr. ROONEY. I yield to the gentleman from Florida.

Mr. CHAPPELL. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of this very important piece of legislation. I know that all of us, all of the Members of this House who have horseracing in their States and schools which are dependent upon these funds and who wish to retain a very viable horse betting and horse industry, will want to support this bill.

I commend the gentleman from Pennsylvania, and I hope all Members will support this bill.

The SPEAKER. The time of the gentleman has expired.

Mr. ROONEY. Mr. Speaker, I yield myself 5 additional minutes.

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

Mr. ROONEY. I yield to the gentleman from Washington.

Mr. ADAMS. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 14071, the Interstate Horseracing Act of 1976. Passage of this bill is of great importance to the horseracing industry in Washington State, where there are several thriving racetracks and which produces many fine thoroughbred horses. I am convinced that if a number of States begin to take wagers at their off-track betting shops on races which are run in other States, then those racetracks which now provide entertainment and excitement as well as jobs and revenue, will wither away and vanish. A fine sport will have been turned into a mechanical lottery.

The loss of the many small tracks spread through 30 States which would occur if interstate off-track wagering is allowed to spread will cost jobs and revenue. Interstate off-track wagering should be stopped.

Opponents of the bill have raised questions as to its constitutionality. I would point out to my colleagues that there might have been a potential constitutional problem in an earlier version of this legislation, but this was corrected during committee consideration of the bill. Therefore, this objection to the bill is no longer valid. I would draw my colleagues' attention to page 5 of the report on H.R. 14071, where the majority views state:

> The committee is fully aware of the action which it is taking by permitting citizens of one State to sue another State or even to sue their own State . . . Congress is exercising its powers over the States under the supremacy clause and the Commerce clause. It is exercising these powers not in disregard of the 11th amendment, but because the protection of the 11th amendment is lost when the States enter the area of interstate commerce in wagering on horseraces.

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

Mr. ROONEY. I yield to the gentleman from New Hampshire.

Mr. CLEVELAND. I thank the gentleman for yielding.

I want to associate myself with the gentleman's remarks and commend him for having worked on this legislation.

Mr. Speaker, I rise in support of H.R. 14071, a bill which is before the House of Representatives today on the Suspensions Calendar. This bill would permit intrastate off-track wagering, which currently exists in the States of New York and Connecticut, but outlaw interstate off-track wagering.

Thoroughbred and harness horse racing, a sound and growing industry, is absolutely critical to the economies of numerous States and communities throughout the country. These States and communities have spent a great deal of time and effort nurturing the growth of this industry. Interstate off-track wagering on horse racing can and will destroy the entire equine industry if we do not nip it in the bud, as H.R. 14071 proposes. I submit it would be unfair to the industry and many governmental entities to permit interstate off-track betting to reek havoc upon the existing structure of horse racing.

Let us take the case of Rockingham Park in Salem, N.H., as a particular, but not a typical, example of the detrimental impact interstate off-track wagering would have on the existing horse racing industry. More than 85 percent of the daily patronage at Rockingham Park comes from the neighboring States of Massachusetts, Maine, Rhode Island, and Connecticut. If persons living in those States could make wagers at "off-track" betting windows in their own States on races run at Rockingham Park, undoubtedly many of them would not attend the races in person at Salem.

The impact would be devastating for the operators of Rockingham Park, and ultimately for the town of Salem and the State of New Hampshire, since racing at Salem probably could not survive without the daily attendance of racing fans from the surrounding area. Daily admission fees, parking charges, program sales, and concession income are vital to the profitable operation of a racing organization. The curtailment of this type of income would undoubtedly drive many currently thriving race tracks across the country out of business.

The substantial revenue which horse racing contributes to the municipalities and States where horse racing tracks are currently operating and the millions of dollars injected into the economies of these areas would be siphoned off by competing States with the advent of interstate off-track wagering. This may have the effect of a "quick fix" for those States looking for additional sources of revenue. However, the long-term consequences of widespread interstate off-track wagering would be to destroy numerous race tracks and seriously and irreversibly harm the horse racing industry, which would obviously detrimentally affect any revenue-raising potential from horse racing for all States and governmental units.

I urge my colleagues to carefully consider the real issue at stake in H.R. 14071, that is, the health, stability, and long-term future of horse racing and the entire equine industry in the United States. A realization that interstate off-track wagering offers short-term revenue-raising potential for a few States at the expense of the long-term future

of horse racing—and the consequent harm to those States and communities which have provided a favorable environment for the growth of this industry—leads to the conclusion that H.R. 14071 is a bill with substantial merit and worthy of passage by the House of Representatives.

Mr. MURPHY of New York. Mr. Speaker, will the gentleman yield?

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

Mr. MURPHY of New York. I thank the gentleman for yielding.

The gentleman from Washington just mentioned some small tracks around the country that would fall prey to several big tracks. Of what tracks is he speaking?

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

Mr. ROONEY. I yield to the gentleman from Washington.

Mr. ADAMS. I thank the gentleman for yielding.

I am speaking of some of the smaller tracks, like, for example, we have in the State of Washington where if the bettors are just allowed to bet on the major big tracks, the local tracks lose their ability to be able to have wagers and to develop their thoroughbred industry.

Mr. MURPHY of New York. If the gentleman from Pennsylvania would yield further, what big tracks does the gentleman have in Washington?

Mr. ADAMS. If the gentleman would yield further, in the city of Seattle we have, for example, the track that is right outside of the city, a very small track named Longacres.

Mr. MURPHY of New York. If the gentleman would yield further, that is a totally intrastate industry. We are dealing here with interstate problems. The gentleman is an expert in interstate law. He should know where interstate problems exist in Washington. I will inform the gentleman they do not exist.

Mr. ADAMS. If the gentleman would yield further, I discussed this with people who are involved with that track. They are deeply concerned about it, because if we allow interstate wagering, people can go to the track and wager in interstate pools. I am very well acquainted with that.

I had the original gambling case in the 1961 interstate-intrastate gambling problems. It was a severe problem, and we certainly did not want at that time to expand it any further, so on both grounds I feel that this bill which attempts to control the problem is a good one.

Mr. MURPHY of New York. If the gentleman would yield further, the gentleman is supporting a gambling bill right here.

Mr. ROONEY. That is exactly what the Commission on Gambling said. As off-track betting goes up, illegal gambling goes up. If we want more illegal gambling in this country today, if we want to destroy the thoroughbred industry in this country today, vote against this bill. I am sure we do not want to do that.

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

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

Mr. BAUMAN. I thank the gentleman for yielding.

Mr. Speaker, it is with a sense of urgency that I speak in support of and urge my colleagues to vote for this bill, H.R. 14071, which would effectively stop the prevailing threat posed against the horse racing and breeding business. The threat of interstate off-track betting or "making book" across State lines would serve to cripple the racing industry and race tracks and to denigrate racing from its rightful place as a well established spectator sport into a mere gambling practice.

Those who urge us to go slow on this bill or who tell us that there is no need for its passage at this time certainly are not familiar with any of the men or women whose jobs will be jeopardized should interstate off-track betting spread as it is expected to do by those who have studied this problem. But at a time of general unemployment, it would seem more reasonable to exploit any opportunity in which we could provide specific relief, especially when we can do so as in this instance without incurring any expense to the taxpayer. I would remind you that unlike so many bills which we consider, the legislation before us is not a request for funds, and it is not a request for a new agency. It will not even require an additional platoon of civil servants nor any other form of Federal expenditure to be used for the implementation of the act. It simply makes life tough for the illegal bookmakers and illicit gamblers who exploit legally authorized racing, and it makes more difficult the spread of illegal practices.

Again, this bill is crucial to the many families whose incomes depend on the survival of farms which breed and raise horses. The bill has the support of the Maryland Horse Breeders Associations, agricultural interests, and a number of other State groups interested in racing and horse breeding. I urge its adoption.

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

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

Mr. GOODLING. I thank the gentleman for yielding.

Mr. Speaker, this bill is not a bill asking one whether they favor off-track betting—or betting at all. It is a bill to prevent interstate gambling at the expense of the horseracing and breeding industry.

Mr. Speaker, I rise in support of the Interstate Horse Racing Act of 1976. This legislation is badly needed to prevent damages which could be caused by our inaction on the bill at this time.

This bill can legitimately be cited as an antiorganized crime measure since studies indicate, and the National Gambling Commission recently reported, that off-track betting has caused an increase in the number of customers using illegal bookies. At the present time organized crime uses off-track betting as a means of "laying off" unprofitable wagers and as a way to disguise heavy betting on a "fixed" race.

Since organized crime appears to be flourishing—the Justice Department reports that they estimate $5 billion is wagered illegally every year—I believe that it is the responsibility of this Congress to attempt to put a halt on illegal activities. This legislation would be a step in the right direction.

In addition to being necessary to prevent further illegal bookies from profiteering from interstate off-track betting, the recent situation which occured at the Kentucky Derby points to another need for this legislation. Off-track bets were taken in New York on the Derby, but neither the racetrack — Churchill Downs—the State of Kentucky, nor the owners of the horses who "placed" received one penny from the $3.6 million in bets placed at off-track betting places in New York. This does not seem right to me, but it is perfectly legal. Others may point to the fact that several tracks have entered into contracts with the New York Off-Track Betting Corp. and are receiving a portion of the New York bets as a counterpoint.

However, I have been informed that these contracts were primarily entered into because these tracks realized after the Derby that out-of-State, off-track betting would occur with or without their approval or the contracts. The racetracks and the owners had very little bargaining power.

Although about 10 percent of the racing industry could live with interstate off-track betting, the rest would suffer. The large racetracks would prosper, but the small racetracks and a large percentage of the 170,000 persons involved in the racing industry would be hurt.

I think that it is important to note that the American Horse Council is strongly supporting this legislation. It represents those organizations which are vitally interested in a prosperous racing industry. If interstate off-track betting is good, why then are those who are so intimately involved in racing opposed. Let me share with you some of the organizations who are members of the American Horse Council:

American Quarter Horse Association.
American Trainers Association.
Arabian Horse Registry of America.
Colorado Horsemen's Association.
Florida Thoroughbred Breeders Association.
Los Angeles Turf Club.
Maryland Horse Breeders Association.
Michigan Harness Horsemen's Association.
New Jersey Horse Council.
Ohio Horsemen's Council.
Virginia Thoroughbred Association.

In conclusion, let me add that very few bills come before the Congress which do not cost the Federal Government anything and do not require new regulations to be written by the bureaucracies. This bill is one of those few bills, and I urge my colleagues to support it.

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

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

Mr. DODD. Mr. Speaker, I rise in support of this legislation and associate myself with the remarks of the gentleman from Pennsylvania.

Mr. Speaker, as you know, I come from

a State that has recently instituted off-track betting in conjunction with the State of New York. This bill will protect that endeavor and afford us sufficient time to build a race track. Once completed, our OTB program will use the Connecticut track and this bill will then protect races run on that track from being used by other States. This bill will not effect revenue produced by Intrastate OTB programs. Neither New York nor Connecticut will lose revenue.

The argument that legalized off-track betting will be a useful weapon in combating illegal gambling activity does not hold water. In fact the contrary is true. Reports such as that of the National Gambling Commission conclude that off-track betting has increased the amount of illegal bookmaking in New York. The reason for this is obvious. Legalized gambling run by a State cannot compete with illegal bookies in terms of services provided. Bookies give better odds, offer credit, and permit a person to hide his winnings from the Internal Revenue Service. Legitimizing the activity introduces new bettors to OTB and they turn to the bookmaker when they learn of the advantages.

For this reason, I oppose the use of gambling to raise revenues and believe that the Federal Government should not engage in such activities.

Nonetheless, States should be able to decide for themselves how they will raise revenues and be able to protect revenue-producing industries within their borders. That is the primary thrust of this bill—to protect a State's property interest in its racing activities so that they may continue to provide revenue and jobs and support other equine activities.

Horse racing is an extremely critical industry that provides a great deal of tax revenue to local jurisdictions, State governments and the Federal Government. Any weakening of this tax base will cause unfortunate results for those jurisdictions that presently rely on such revenue.

Although the primary arguments in favor of offtrack betting suggest that it will produce a great deal of tax revenue, the corollary argument is often ignored, that the proliferation of offtrack betting on an interstate basis may effectively doom the national racing industry in the future. It is likely that interstate off-track betting will require only a handful of major tracks to support the betting of most of the Nation. The closing of tracks other than these major courses would, of course, seriously damage the tax base of the other localities involved.

Lest you think that the proponents of this bill are tilting at windmills, I refer you to an article in the New York Times of September 12, 1976. New York OTB is suggesting that city movie theaters be used to screen races for OTB. If this concept took hold across the country, we would see the demise of local tracks and their tax revenues just as we have seen the drop in attendance at other minor league sports events when major league events are telecast into the area at the same time.

For this reason, the proliferation of interstate off-track betting will ultimately kill the goose that is laying the golden eggs. I support this bill in order to prevent that.

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

Mr. ROONEY. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Speaker, I rise in support of favorable action by the House on H.R. 14071, legislation to ban interstate off-track wagering. Failure to pass this bill will spell the end of racetracks in the State of Arkansas and, no doubt, in other States, whether or not they allow parimutuel wagering. And, the adverse impact of failing to approve H.R. 14071 on the horse breeding industry, which is found in every State, is obvious, in my view.

A prime example of why we must act to pass this measure is reflected in the recently-announced plans of the New York City Off-Track Betting Corp. to convert several downtown movie theaters into large gambling houses. This action is aimed at attracting office workers to place wagers on races through the use of live telecasts. One racetrack director in my district is aghast, and rightly so, at the impact that will occur if interstate wagering on horseracing is allowed through these telecasts. The effect on the entire industry—the racetracks, breeders and trainers—would be nothing short of disastrous. Congress, then, must act to avert such a situation.

Why would the overwhelming majority of racetracks enthusiasts go to the tracks when they can readily place a wager under the kind of system proposed by the New York City group? We know the answer.

There are other factors involved which make it imperative that we pass H.R. 14071. The Commonwealth of Massachusetts is awaiting the action of the Congress in this respect, before considering off-track betting for that State. And, it should tell us something about this form of wagering when we learn that the Gambling Commission has made it known to the Select Committee on Professional Sports recently that it is opposed to off-track betting. It is the view of the Commission that such wagering increases illegal bookmaking.

There is a good deal of support for H.R. 14071. It is entirely appropriate that Congress involve itself in the question. In fact, I believe we have a responsibility to do so. We are talking about the survival of the entire industry and the protection of jobs and revenues derived by the State from industries operating in them. I might add that this includes the farming industry, which breeds and raises horses.

Extensive hearings and review have been held on this issue by the House Commerce Committee. It is a responsible proposal. I urge its passage by the House.

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

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

Mr. McKINNEY. Mr. Speaker, I rise in opposition to this legislation.

Mr. Speaker, I only wish that some of the horses I have bet on in my time were in as much of a hurry as this bill seems to be. In fact, on three separate occasions, headlines have appeared in Connecticut newspapers reading "OTB Bill Dead For This Year."

Every time we turn around, however, there it is at the gate again. I must commend the distinguished gentleman from Pennsylvania, my good friend (Mr. ROONEY) for he has demonstrated with this bill that he is an excellent jockey. Tonight, as we come into the home stretch, I would only ask that he pause at the final turn.

In effect, Mr. Speaker, there are a number of us here in the House who simply feel that the case has not been made for this bill. I, for one, have seen many conflicting statistics, some of which call into question the bill's policy statement. In my view, when a bill states that "The Congress finds that * * *" then those findings should be accurate. I like to think of myself as a reasonable man and I am willing to listen but I think we are going to need a little more time to gather the facts on this measure.

I understand that the Rules Committee intends to give this bill another hearing but only after its members have had an opportunity to review the findings of the Commission on the Review of the National Policy Toward Gambling which deals directly with this issue.

Mr. Speaker, I think that is fair and only right since this Congress has expanded a great deal of money on this study and the Commission members, a great deal of time. What is its point if we do not take advantage of what we have asked for?

I will go beyond that though and say that I also have problems with the bill's substance for I feel the Federal Government has no business interfering in what is obviously a State issue.

I believe Mr. MURPHY of New York offered a commendable compromise when he asked the House Interstate and Foreign Commerce Committee to amend the bill allowing States to enter into mutual compacts. Why should we sit here and tell, for example, the States of Michigan and Florida that they cannot enter into an agreement between themselves, an agreement which could be financially beneficial to both?

And let me also speak to the Connecticut issue for there are those who would say that my State is covered by a special clause in this proposal. The bill "grandfathers" Connecticut for 6 years until we can build our own track. Forgive me, but I must say that a "bird in the hand is worth two in the bush" and this bill is the bush.

Let me conclude by saying that I also believe my friend Mr. ROONEY to be a reasonable man and all I ask is that he retire his "silks" for this year and try for a comeback in 1977. At that time, it is my hope that we will have the right "handle" on this subject and our findings will be more than "parimutuel."

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

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

Mr. ROUSSELOT. Mr. Speaker, I thank the gentleman for yielding and providing the opportunity for me to rise

in support of H.R. 14071, Interstate Horseracing Act of 1976.

This bill has been the object of in-depth hearings in the Transportation and Commerce Subcommittee of the Interstate and Foreign Commerce Committee and on the basis of their findings there is little question that this legislation is needed to prohibit the growing business of off-track betting on horseracing in the United States.

There are at least two reasons why this legislation is needed: First, there is evidence that off-track wagering contributes to illegal gambling and bookie operations—thus adding to the already serious crime problems in the United States and second, off-track betting has also been shown to contribute to the fraudulent alterations on the outcome of horse races.

For these reasons and several other, I believe that the Interstate Horseracing Act of 1976 needs to be passed in order to safeguard the legitimate racing concerns in the country, and I urge my colleagues to support it at the appropriate time later this evening.

Mr. HOLLAND. Mr. Speaker will the gentleman yield?

Mr. ROONEY. I yield to the gentleman from South Carolina.

Mr. HOLLAND. Mr. Speaker, I rise in support of this legislation.

Mr. SKUBITZ. Mr. Speaker, I yield to the gentleman from Kansas (Mr. SKUBITZ) such time as he may consume.

Mr. Speaker, the State of Kansas, does not have parimutuel wagering on horse racing. Nevertheless, I fully support this bill.

Although the Rules Committee ordered to delay consideration of this bill until the next session of Congress, I believe that sufficient information is now available to provide a basis upon which the House can make a responsible decision.

The fact that this bill will stop interstate wagering, that the bill will deter the spread of organized crime which accompanies interstate wagering as well as eliminating the increase in local illegal gambling which the Gambling Commission has found results from off-track wagering. Because these things are apparent, I do not think that we need to wait further for the Gambling Commission Report. The issue which we are facing here is essentially one of economics. This bill will permit any State, including New York and Connecticut, to continue taking wagers on races run inside their borders. It will thus have no measurable adverse economic impact upon any State.

Witnesses before our committee testified that this bill is needed if we are to preserve the horse industry as we know it today. It provides many thousands of jobs for people who could not find jobs elsewhere. The horse industry fosters horse and pony activities for the youth of our country which in itself is a deterrent to many of the unwholesome activities which confront the youth of today. Horse activities teach a child to be responsible and help to round out the education of a child.

We were advised by those in the industry that, if interstate wagering spreads, the horse industry in general will suffer greatly. The racing end of the industry will be reduced to a mere fraction of its present status. Its financial contributions to the rest of the industry will be eliminated, and the farms in my State which breed and raise horses will suffer serious financial injury. In turn, the youth of our country will lose the opportunity to participate in many wholesome activities.

With all of the good that this bill does and all of the unseemly activities that it will prevent or at least prevent from spreading, I do not think that we need to await the report of the Gambling Commission since we know that it will merely echo the things that I have just stated.

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

Mr. SKUBITZ. I yield to the gentleman from Minnesota.

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

In Minnesota we do not have any parimutuel tracks but there are a number of breeders of race horses which do race on tracks in other States. Also we have an extremely large population of show horses and pleasure horses in the State of Minnesota.

I believe this bill is necessary if the horse industry is to continue to flourish which is good for our economy.

Also, this bill will prevent an increase in organized crime at least in this area, as the gentleman from Pennsylvania indicated.

I strongly urge support of this legislation.

Mr. SKUBITZ. Mr. Speaker, I yield 3 minutes to the gentleman from California (Mr. DEL CLAWSON).

Mr. DEL CLAWSON. Mr. Speaker, I support H.R. 14071, the Interstate Horseracing Act. Californians are justifiably proud of their status as one of the leading racing States in the country. Last year, California was the second leading State in terms of attendance, purses, and money wagered at racetracks. In addition to some of the finest thoroughbred and standardbred racing in the world, Los Alamitos Race Track is the largest quarter horse track in the country. Naturally, there is serious concern about protecting the health and stability of this important industry which employs thousands of people in California and provides well over $100,000,000 in tax revenue to the State each year. The proliferation of interstate offtrack wagering poses a serious threat to the continued well-being of the sport of horseracing, and without the protection afforded to the State of California by this bill, California and other States would be unable to avoid injury from interstate offtrack operations in other States.

This bill prohibits the taking of wagers on a horserace if that race is run outside of the State in which the wager is accepted.

Mr. Speaker, I urge approval of this legislation.

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

Mr. DEL CLAWSON. I yield to the gentleman from California.

Mr. LAGOMARSINO. Mr. Speaker, I wish to commend the gentleman for his statement, associate myself with it, and point out that as a representative of an area that raises and trains not only thoroughbreds, but also quarter horses, I am in strong support of this legislation and urge its passage.

Mr. DEL CLAWSON. Mr. Speaker, I thank the gentleman for his contribution.

Mr. SKUBITZ. Mr. Speaker, I yield such time as he may consume to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, I rise in opposition to H.R. 14071, the Interstate Horseracing Act of 1976, a measure prohibiting interstate parimutuel off-track betting on horseracing. This measure is based on conflicting evidence, and it is poorly timed.

The report of the Committee on Interstate and Foreign Commerce to accompany H.R. 14071 argues that "enactment of the reported bill will not adversely affect the economy" of New York and Connecticut, two States that permit off-track betting. Mr. Speaker, with regard to the State of New York, and contrary to the committee's report, there is evidence to indicate that enactment of this measure would cripple the State's off-track corporations, which, I have been informed, generated in 1975 "$20.9 million for the State government, $37.2 million for the racing industry, $11.8 million for various local governments in New York State, and $72.9 million for the Capitol District, Nassau, and Suffolk Counties, the Western Region, and New York City."

Furthermore, Mr. Speaker, it would seem prudent to wait until after the National Gambling Commission makes its report to Congress in order that Members can study the report and benefit from its findings before we hastily enact legislation affecting an industry that employs 170,000 individuals and spends, according to the committee's report, over $7 billion annually on operating expenses and taxes. Accordingly, Mr. Speaker, I urge my colleagues to vote against this poorly timed measure.

Mr. ROONEY. Mr. Speaker, I yield 5 minutes to the distinguished gentleman from Massachusetts (Mr. MOAKLEY), a member of the Committee on Rules.

Mr. MOAKLEY. Mr. Speaker, I rise in opposition to the motion to suspend the rules and pass the bill (H.R. 14071), Interstate Horseracing Act of 1976.

This matter was recently presented to the Rules Committee and a motion was adopted to postpone consideration of a rule. In such a context, an effort to deal with the bill under suspension of the rules must be recognized as an appeal to the full House of the committee's jurisdiction over the order of business.

I believe such an appeal is appropriate only when the committee has acted capriciously.

But, in this case, the committee's action was proper and within our appropriate jurisdiction. At the end of a Congress, more bills are reported than can be considered in the time left. The decision of which bills make it and which ones do not is not any easy one and certainly not

one this committee can be accused of making lightly.

The committee held a fair and open hearing on this bill. Supporters and opponents of this bill were given an adequate opportunity to present their arguments.

And a motion was adopted to postpone consideration until October 15. I am well aware of the implication of such a motion in a Congress scheduled to adjourn October 2. But the date was chosen to make a point. It was not chosen arbitrarily. It was the date set by the 91st Congress for the 6-year study of the Commission on the Review of the National Policy Toward Gambling.

Subsequent Congresses have provided millions of dollars for this study which, in part, embraces the subject matter of this legislation.

To act on this bill at this time—in the absence of any compelling emergency—would be equivalent to discarding the study on the eve of its publication. The waste of millions implied by such a decision is not an issue any Member should feel comfortable bringing home to his or her campaign.

And why this unseemly haste? Who are the beneficiaries of this legislation? Mr. Speaker, there are only two—millionaire horsebreeders and organized crime.

This bill's supporters argue their case on the benefit to racetracks. And the racetracks would benefit if the central thesis on which this bill rests were true.

But it is not. Passage of legislation outlawing interstate bets will have no effect on attendance. The $2 bettor in Brooklyn is not going to get on a plane to go to Florida tracks.

He is not going any further than the corner candy store. At which point his money starts its way, ultimately, into the coffers of organized crime.

Not only will racetracks not benefit. They may actually be hurt by this bill. They stand to lose the commissions which off-track betting pays on every dollar it takes in.

Mr. Speaker, I am sure every Member has seen a letter from supporters of this bill warning that New York OTB intends to set up theaters for horseraces in midtown. The ironic point is that there is nothing in this bill to prevent this. If it succeeds in its principal purpose—bankrupting existing OTB operations and making similar operations in other States impossible—it may discourage the broadcasts but it certainly does nothing to outlaw them.

But I think the bill's supporters may be walking into a trap in this argument. How do they suppose the cameras are going to get into the tracks? The fact that OTB can even consider such a possibility is a clear indication of its success in negotiating mutually profitable arrangements with out-of-State tracks in the past and their anticipation of being able to continue an arrangement from which the tracks benefit greatly. I do not see any great harm in the broadcasts but if the committee wants to produce legislation dealing with the subject, I might support them. But its injection into the matter at hand is a red herring and should influence no votes in this House.

I was surprised to discover a reference to a "very narrow margin" in a discussion of the Rules Committee vote. As the person offering the motion to postpone, I paid close attention to the vote. On the chairman's request for the nays, only two members responded. A single member may demand a record vote in our committee and no supporter of the bill considered the margin narrow enough to warrant a rollcall.

I sincerely regret that the Rules Committee decision is being appealed to the full House. We acted carefully and fairly and decided—with adjournment so close—that the time of the House should not be taken up on special interest legislation.

I wish to assure my friend from Pennsylvania, the able chairman of the subcommittee, that I will make no effort to block a rule in the next Congress. I will still vote against the bill but I will certainly not stand in the way of any decision the House wishes to make on this issue.

But we have paid millions of dollars for a careful study to be delivered to the Speaker October 15. It is the taxpayers' money and they have a right to demand that we read the report before voting on an issue it addresses.

This is the position the Committee on Rules has taken and I respectfully request the support of my colleagues for that position.

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

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

Mr. MURPHY of New York. Mr. Speaker, I wish to speak this p.m. in opposition to H.R. 14071, a bill reported from the Committee on Interstate and Foreign Commerce which would extend the Federal power to regulate commerce between the States to absolutely prohibit interstate parimutuel wagering on horseraces.

This legislation would cripple the off-track betting industry in my State. But my concern is more than parochial: H.R. 14071 would abridge the rights and the responsibility of all the States to manage their own fiscal affairs. This bill, which in the opinion of the Justice Department, may violate the 11th amendment to the Constitution and which, by the testimony recorded in committee, is intended to avert a threat to the racing industry for which no factual evidence exists, would establish the most dangerous precedent of a Federal presence in parimutuel horseracing, an area that has traditionally been the prerogative of the States.

I call the chairman's attention to the opinion of the Assistant Attorney General, Michael M. Uhlmann, that a similar bill, H.R. 11610, is of questionable constitutionality. The Assistant Attorney General cites that part of the 11th amendment which reads:

> The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States citizens of another state. * * *

And finds that—

> The amendment has been consistently construed as forbidding a Federal court from exercising jurisdiction over a suit brought by a citizen against a State where the State has not consented to the suit, e.g., *Ford Motor Co.* v. *Department of Treasury of Indiana*, 323 U.S. 459 (1945); *Hans* v. *Louisiana*, 134 U.S. 1 (1890). Since H.R. 11610 authorizes a Federal court to entertain an action by a horse owner or racing association against a State, the legislation appears to run afoul of the eleventh amendment.

I have requested the Attorney General to ascertain whether the Department of Justice would view the present bill, H.R. 14071, as being similarly unconstitutional. In light of H.R. 14071's apparent conflict with the Constitution, I ask that the Rules Committee defer any action concerning this bill until the Attorney General has given his opinion as to the constitutionality of this legislation; and, in the event that the Department of Justice continues its objection, that H.R. 14071 be submitted to the Committee on the Judiciary.

If the committee chooses to act upon H.R. 14071 at this time, I ask the committee to consider the recommendation of a Federal Commission that Congress be guided by policies that serve the national interest in legislating in the areas of gambling and gambling-related industries. The Commission on the Review of the National Policy Toward Gambling, which is comprised of seven public members appointed by the President, four Members of the Senate, and four Members of this House, has recently released its interim report, in which the Commission finds that—

> The States should have the primary responsibility for determining what forms of gambling may legally take place within their borders. The only bases for Federal involvement are the protection of the national interest and the prevention of interference by one State with the gambling policies of another.

With respect to interstate off-track betting, the Commission recommends that—

> Before Federal legislation in this area is enacted, it should be shown that (1) only Federal legislation will protect the interests of a State, and (2) there is a significant national interest involved. In this context, the Congress should resist unsupported assumptions and premature conclusions, and should carefully weigh this Commission's findings before rendering final judgment.

Mr. Speaker, the testimony that has been submitted in support of this bill consists of nothing but "unsupported assumptions and premature conclusions." H.R. 14071 asks Congress to find that:

First, attendance and wagering at racetracks are adversely affected by off-track parimutuel wagering, with consequent losses in revenue to the States and reductions in income to the racetracks and the owners of horses; and

Second, off-track parimutuel wagering on an interstate basis will result in a severe decrease in the number of racetracks, causing substantial loss of revenue to the States and serious harm to the horseracing industry.

New York is the only State with extensive experience of legal parimutuel off-track betting, and it is simply untrue

that OTB has caused a loss of revenue to our State. The facts are that in 1970 the government of the State of New York received $172 million from parimutuel horseracing. In 1975, the State government received a total of $183 million from on-track and off-track wagering on horseraces, an increase of 6.7 percent. In addition to this money OTB generated $85 million for municipal governments in the State. Total government revenues from parimutuel wagering were $268 million in 1975, an increase of $96 million, or 55.9 percent, over 1970. Off-track betting contributed $106 million, or 39.4 percent of New York's total government revenues from parimutuel horseracing in 1975. State and municipal government revenues have been increased, and not decreased, by off-track betting.

H.R. 14071 would make it a finding of Congress that interstate OTB will cause a substantial number of racetracks to close. This is speculation. No factual evidence of this hypothetical consequence of interstate off-track betting has been submitted by the supporters of this bill, because, although the New York City off-track betting corporation has been conducting interstate operations for 5 years No racetracks have closed or suffered any apparent net losses in revenue as a result Quite the contrary New York has recently granted licenses for two additional racetracks, one of which, a track for quarter horses at Tioga Par in Nichols, has already begun operations.

It is in fact far from clear that off-track betting has had any permanent adverse effect on racetrack handle and attendance within the State of New York On-track parimutuel handle on horseraces in New York increased from $1.62 billion in 1970 to $1.68 billion in 1974. In that year, the State's off-track betting corporations handled $815 million, and this amount, when added to the money wagered at racetracks, produced a total parimutuel handle of $2.5 billion, an increase of $871 million, or 54 percent, over New York 's parimutuel handle for 1970. The racing industry has shared substantially in New York's off-track betting handle. The industry received $31 million from OTB in 1974. Off-track betting corporations in New York generated $37 million for the racing industry in 1975, bringing cumulative total OTB revenue distributions to the industry to nearly $100 million in less than 5 years.

Those who race horses in New York have also benefited from the great increase in the State's parimutuel handle caused by off-track betting. Since OTB began operations in New York, total purse money has increased by more than $25 million, from $52 million in 1970 to $77 million in 1974. Off-track betting contributed more than $16 million—approximately 63 percent—of this increase. These facts are not consistent with the Congressional finding proposed in this bill, that the owners of racehorse have suffered reductions in income because of off-track parimutuel wagering.

It is important to understand that the off track betting corporations' handle on interstate racing constitutes a new source of revenue for both the racing industry and the State government, wagers placed with OTB in New York on races in Florida or Maryland in no way detract from on-track handle and attendance in those States.

The commissions received by racetracks from interstate on-track betting are net incremental revenues to the racing industry, revenues derived from wagers that would otherwise be handled by illegal bookmakers. Similarly, the moneys received by government from interstate OTB represent a net increase in parimutuel revenues, realized at the expense of illegal gambling operations controlled by organized crime. It is apparent that by competing with the bookmaker interstate off-track betting reduces the amount of illegal gambling.

The supposition contained in section 2 of H.R. 14071, that interstate off-track betting may lead an to increase in illegal wagering by increasing the availability of prerace and postrace information, is directly contradicted by the statement of the commissioner of the New York City Police Department, Michael J. Codd, that his department has no evidence that OTB has contributed to an increase in bookmaking, but that, on the contrary, many small bookmakers who had specialized in horseracing have been forced out of business with the advent of off-track betting.

Mr. Speaker, the record clearly demonstrates that there is no factual evidence that the national interest is endangered by interstate off-track betting today. Congress is being asked to abridge the rights of the States, not because of what has resulted from interstate OTB, but on the basis of what might, at some point in the indefinite future, result. This is surely unwise. Should any damage to the racing industry from interstate off-track betting actually occur, Congress will have ample opportunity to act, and, with material evidence in hand, a much clearer idea of what should be done. But if the Congress is determined to act now in this matter, I ask that it follow the recommendation of the Federal Commission, which finds in its report that if—

> Federal legislation (concerning interstate off-track betting) is deemed necessary, there would be merit in providing an exemption for interstate off-track betting that is agreed upon by the States involved. If States are able to reach agreement on contractual terms of compensation and services, then the Federal Government would serve no interest in preventing sulch activity. Accordingly, the Commission recommends that the States should be able to consent to their exemption from the reach of any Federal prohibitory legislation.

Congressman ECKHARDT and I have proposed amendments that would incorporate the principle of consent into this legislation. Federal recognition of this principle would provide the racing industry with adequate protection against such dangers as might possibly result from interstate off-track wagering in the future, while at the same time preserving the benefits of interstate OTB for racetracks, horseowners, and governments in those States that choose to allow this form of parimutuel wagering.

Mr. Speaker, I would caution my colleagues to tread softly and read carefully this legislation before they so easily endorse it, because this is Federal gambling. Let me read to the Members the policy in the report on page 2 of this bill, lest Members find themselves saddled in this campaign year with voting for the Federal Government to get into gambling. It says:

> Policy. It is the policy of the Congress in this Act to regulate interstate commerce with respect to parimutuel wagering on horseracing, in order to assure the continued flow of revenue from parimutuel wagering to those States which conduct horseracing, and to protect and further the horseracing industry in the United States.

Clearly, this is a gambling bill, and if the Members want to associate themselves with Federal gambling, then vote for this legislation. Otherwise, tread carefully.

Now, the National Gambling Commission was asked to complete a $6 million study by this Congress—we appropriated funds—to find out what effect gambling had on this industry. Senator Claude Pepper of Florida, and his Crime Committee, 2 years ago, brought in the racetrack industry and laid out on its record the problems of gambling and horseracing. But, the National Gambling Commission said:

> Leave racing to the States. Do not bring the Federal Government into racing. Leave it to the States.

One of the reasons we are here today on the Suspension Calendar, why we are running around the Rules Committee, is so that no amendments can come out to protect the States in this frivolous, mint julep special. Now, here is an amendment that would perhaps make this legislation viable and practical to a lot of people.

Perhaps if we said that there will be no interstate gambling without the approval of both State regulatory bodies, both States could control the extent of their participation in OTB and limit any competitive disadvantage in adjoining States. For instance, the off-track betting parlor in New York City carries the Florida races, and New York City's offtrack betting paid $875,000 to the Florida tracks last year just so that they could carry the Florida tracks in the betting parlors within the city of New York—I do not think any Floridian was going to pay $400 for a round trip ticket to a betting parlor in New York City when he could drive down the expressway to Hialeah. Clearly, the State of Florida benefited.

The State of Connecticut wanted to start an off-track betting parlor operation. They cannot operate tracks in their State, but they wanted to take advanage of the tracks throughout the 30 States, as my colleague from Pennsylvania pointed out. They cannot do it after 1982.

In the callous disregard for the rights of the smaller States, they have closed out the opportunity of those States ever to carry interstate gambling from 1977 on, except for the State of Connecticut, and then that State loses after 1982. Perhaps the State of Illinois, as advertised by the mayor of Chicago, wanted to start an off-track betting operation, and unless that State carried at least 300 days of racing they could not afford to start an off-track betting operation.

Why can they not make a contract with the State of California or the State or Kentucky or the State of Maryland?

Pimlico in Maryland for 4 years had a contract for off-track betting with New York so that that race could be carried in New York. And what was the ultimate benefit for New York? It did not hurt the Pimlico race or the Derby in Kentucky. Those races are sellouts and we cannot buy a ticket for those races. Why not permit a contract between New York and Maryland or Kentucky to carry these events.

The South Carolina Steeple Chase Race was carried, and the South Carolina people were opposed originally to this bill. So they enacted an amendment to exempt steeplechase racing only to bring the opposition down.

But what does intrastate OTB mean to the State of New York? Mainly, about $4.5 millions of revenue for the communities of New York, revenues specifically earmarked for education.

I ask my colleagues to please let equity win out and vote down this special interest bill.

Mr. SKUBITZ. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. PEYSER).

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

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

Mr. OTTINGER. I thank my friend for yielding. Mr. Speaker, I rise in strong support of the position enunciated by my colleague, the gentleman from New York (Mr. MURPHY). If you do not want to end up having to pay more money supporting New York, you should certainly defeat this legislation.

Mr. Speaker, it seems amazing to me that we are now talking about a bill that, as I look at it and study it and anticipate what the results will be, is a bill that is going to promote crime, hurt education and create unemployment; and yet we are on the floor considering giving this special treatment a bill that could not get through the Committee on Rules.

It makes no sense whatsoever to create a problem like this. There is a total of $12 million involved in this, $12 million spread over the entire United States, in all of the tracks involved, which is a drop in the bucket. But $12 million to New York today is a major figure of utmost importance.

So why do we want to take this step today? We are not going to stop the betting. We are going to be putting the bookies back in business in New York. We are going to take money away from the educational system. Finally, we are going to be throwing hundreds of people out of work. It makes no sense. The bill should be defeated, and I urge the Members to vote that way.

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

Mr. Speaker, the theme of the remarks of my distinguished colleague, the gentleman from New York, was: Leave racing for the States.

That is exactly what we want to do. If the State of New York wants to have a $1 billion intrastate horseracing procedure, let them have it, but do not let them poach off of other States, such as Pennsylvania, New Jersey, Delaware, Maryland, and all of the other surrounding States.

I believe in leaving racing to the States.

The gentleman mentioned the very distinguished mayor of Chicago favoring interstate racing. I would like to remind the gentleman from New York that the Illinois Racing Commission in response to a request by New York to have offtrack betting on races being run in Illinois, voted 5 to 0 to prohibit interstate offtrack betting.

I might say that in hearings held before the Select Subcommittee on Professional Sports, I asked a representative of the Commission on Gambling: "Does the Commission advocate offtrack betting?"

And Mr. Ritchie said: "No. I do not think that offtrack betting is any more efficient in terms of raising revenue than many of these other endeavors. I believe it creates illegal wagers. I believe that if the tax policies of this country were changed federally that they would then be allowed to be more competitive with the illegal bookmaker."

That is what the Commission on Gambling has said.

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

Mr. PERKINS. Mr. Speaker, if there is no sport of racing, there will be no business of racing.

Take racing from the racetracks, and put it into neighborhood gambling theaters across State lines and the sport of racing is gone. The business of racing is gone.

Gone, too, will be the breeding and training of horses that race, and with that, gone one of the most integral parts of American agriculture.

Two States, New York—with legalized racing—and Connecticut—without legalized racing—have contrived this issue to the detriment of racing in 30 States and horse farming in 48 States.

We must pass this bill today in behalf of 30 States with legalized racing, and 48 States where horse farming is vital to the agricultural picture. We must pass this bill in behalf of several hundred thousand farmworkers who will otherwise in a short period of time be unemployed. Let us vote today to pass this bill in the interest of horse farming and racing and vote against a mechanism contrived for one purpose alone—organized gambling.

Understand this. This bill will not interfere with New York's offtrack betting system nor any offtrack betting system devised by any State. It will merely confine each State's system to its own borders.

The place for parimutuel wagering is not in a neighborhood theater where the temptation might be too great for those who normally would not bet. The place for wagering is at the racetrack.

We must pass this bill today for horse farming, for agriculture, for employment, for free and unobstructed enterprise. Without the business of racing, there will be no sport of racing.

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

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

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

Mr. Speaker, I rise in support of the bill. I realize that the gentleman from New York (Mr. MURPHY) is certainly making a great fight for his own State, and that is what he should do.

Mr. PERKINS. Mr. Speaker, we all agree with that, and we do not want to interfere with intrastate betting.

Mr. STAGGERS. Mr. Speaker, the gentleman from New York is a great legislator, but under his approach this would hurt the small tracks in my State. We depend upon out-of-State betting.

Mr. SKUBITZ. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. LENT).

Mr. MURPHY of New York. Mr. Speaker, will the gentleman yield?

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

Mr. MURPHY of New York. Mr. Speaker, concerning the incorrect statements that have been made about gambling, I would like to give the Members the latest communication we have, and this is from the executive director of the National Gambling Commission. It reads as follows:

"The National Gambling Commission has previously used a figure intended to represent the number of new illegal bettors within New York City. This figure was supplied by the University of Michigan. It now appears to the Commission that this figure was based upon a statistical error and Commission staff will shortly issue a revised position in this matter.

The Commission's findings in no way single out offtrack betting as a 'causal factor' for illegal wagering. Rather, the Commission is finding that wherever there is legal wagering, including both ontrack betting and offtrack betting, there tends to be an increase in illegal wagering in the same geographic area.

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

Mr. Speaker, I rise in opposition to this legislation. Quite simply, I see no overriding need for it, no threat to the public welfare has been shown, and I believe this bill is an unwarranted intrusion into the responsibilities of the States and their right to manage their own fiscal affairs. Off-track betting on out-of-State races has not so far had any damaging results, but this legislation would prohibit such wagering even when it is agreed upon by the States involved. Far from causing crime, it will stifle it.

A not insignificant part of the OTB revenues in New York State is from wagering on out-of-State events. Indeed, the State of New York and the various localities in the State received a total of $15 million last year in tax revenues from money wagered on out-of-State races. If this legislation is enacted, that revenue would be lost, and no other State would receive a corresponding benefit.

This measure had been tabled by the Committee on Rules until after the re-

lease of the Federal Gambling Commission report on this and other subjects. I see no reason to bring it up now, with no chance for amendment to protect States that have invested heavily in OTB. There is no reason why this measure cannot wait until next year. In fact, I see no reason why it should be considered at all.

Mr. Speaker, I urge defeat of the legislation.

Mr. SKUBITZ. Mr. Speaker, I yield 5 minutes to the gentleman from Kentucky (Mr. CARTER).

Mr. CARTER. Mr. Speaker, I would like to make a few remarks in support of H.R. 14071—a bill which would prevent the spread of interstate off-track betting and phase out the existing operations. This bill is of great importance not only to the citizens of my own State of Kentucky—but of all States. I submit that it merits our careful consideration—and a decision on it at this time.

Some have suggested that we wait to vote until the Commission on the review of the national policy toward gambling issues its final report next month.

The fact is that on July 28 of this year the Commission issued a preliminary report. As to what the final recommendations would be with regard to the interstate off track-betting controversy—the Commission indicated that in essence it would leave it up to Congress to decide whether to ban interstate off-track betting.

I have seen a draft of the final report from the Commission and this draft retains the position taken in the preliminary report.

Perhaps the best example of the need for this bill—and the need for it now—is the experience of the State of Kentucky.

Kentucky horse owners, tracks, and the State itself learned through bitter experience the effect that interstate off-track betting can have.

New York OTB offered Kentucky a certain amount of money to handle the Kentucky Derby in its betting parlors in New York. The amount offered was unacceptable to Kentucky and the State declined to contract with New York OTB. New York OTB then turned around and took the derby anyway.

This year New York OTB handled approximately $15 million in bets on the Kentucky Derby that it pirated—which is more than Churchill Downs itself handled.

And Kentucky did not receive any of the proceeds from the New York-placed bets.

Some would argue that we should leave it to the States to enter into contracts to handle race results in their respective States. Given Kentucky's experience, however, I submit that some States may reasonably regard an offer from an off-track betting operation as a "take-it-or-leave-it" proposition.

Let me emphasize that this is not a bill legislating against off-track betting. It is a bill legislating only against interstate off-track betting and it is within our constitutional power to do so. Not only is it within Congress power—it is Congress responsibility because of the threat that interstate off-track betting presents to the viability of the horseracing industry.

The Federal Government has a responsibility to act and to act now. There is no valid reason to delay this bill.

I urge that my colleagues join in support of this legislation.

Mr. CHAPPELL. Mr. Speaker, I rise in support of this bill and associate myself with the remarks of Mr. ROONEY of New York and urge the bill's passage. I offer some facts about the impact of the horse industry on our national economy and the threat which off-track betting poses to this thriving industry. It is also important we recognize that as off-track betting increases in a given area—so does crime.

Mr. Speaker, consider that it costs $28 a day to keep a horse in training at the track and a minimum of $8 per day to keep him at the farm level and you begin to see the impact of this industry on our economy. On a national level, more than $2.8 billion per year is spent in the maintenance of horses.

While my concern centers on the horse industry in Florida—simply because I know conditions in my State best—the problem of interstate off-track parimutuel wagering is national in scope. For example, there were 77 thoroughbred race meetings at tracks in 32 States in 1975, racing a total of 7,484 days. About 56 million horse lovers attended the 68,174 races held last year. This exceeds the number of fans attending either professional football games or major league baseball games during the same period. Parimutuel wagering in America last year totaled about $5.5 billion of which over half a billion dollars went to the 32 participating States in direct parimutuel taxes. Outlays for income and property taxes raises the taxes paid to over $1 billion per year.

The horse industry nationwide spends over $13 billion annually for operating expenses, taxes and capital investment, employing thousands of individuals. The industry produced a surplus balance of payments for 1973 and 1974 in excess of $23 million.

Even during the poor economic climate we have witnessed over the past 18 months, the horse industry has continued to grow at a constant pace. While nearly every other segment of the economy felt the squeeze, the horse industry weathered the increased costs brought on by inflation and continued to contribute to the economic well-being of all those businesses which depend on the horse farms and their employees for a profitable operation.

Parimutuel wagering on horse races has been legal in Florida for 45 years and has been of vital economic significance to the State and its 67 counties. In Florida, each county receives direct and equal shares of parimutuel revenue which is apportioned at the local level to schools, roads, or whatever purposes local officals deem most important. This may well have been one of the first revenue sharing experiences in the country, and it has worked well.

Without race tracks, Mr. Speaker, there would be no need for race horses. We see off-track wagering as a direct threat to the survival of race tracks. For example, many of these tracks are just marginally profitable and some are even operating at loss. The initiation of interstate off-track wagering and lead to racing at only a few major tracks and there would be no need for most of the approximately 56,000 horses that now race annually in America. Inevitably, this would have a serious impact on the thoroughbred breeding industry, the very foundation of thoroughbred racing which is so important to the economic structure of Florida and 31 other States where tracks are located.

To insure that thoroughbred breeding can continue to be the valuable and important segment of agriculture that it is; that racing can continue to contribute to State and local economies as it does; that racing can continue as a vehicle for tourism that is so important to many States; it is paramount that we prohibit interstate off-track parimutuel wagering on horseracing. This bill, H.R. 14071, will insure the continued growth of the thoroughbred breeding and horseracing industry in this country without doing harm to any legitimate private or public interest.

Mr. Speaker, I commend the House leadership and the Members of this distinguished body for the prompt attention given this needed legislation. Enactment is essential if we are to insure the continued healthy growth of the thoroughbred horse industry in this country and control of gambling as it relates to horseracing.

I urge the passage of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. ROONEY) that the House suspend the rules and pass the bill H.R. 14071, as amended.

Mr. MURPHY of New York. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 3 of rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. ROONEY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks in the RECORD on the bill just under consideration, H.R. 14071.

The SPEAKER pro tempore (Mr. DELANEY). Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

DAYLIGHT SAVING TIME ACT OF 1976

Mr. ROONEY. Mr. Speaker, I move to suspend the rules and pass the bill H.R. 13089, to amend the Uniform Time Act of 1966 to change the period of observance of daylight saving time, as amended.

The Clerk read as follows:

H.R. 13089

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 "Daylight Saving Time Act of 1976".

SEC. 2. The purpose of this Act is to provide that the standard time of each time zone in the United States shall be advanced one hour during the period of each year beginning with the third Sunday of March and ending with the third Sunday of October, rather than during the period beginning with the last Sunday of April and ending with the last Sunday of October.

SEC. 3. Section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a(a)) is amended by striking out "last Sunday of April" and inserting in lieu thereof "third Sunday of March" and by striking out "last Sunday of October" and inserting in lieu thereof "third Sunday of October".

SEC. 4. Notwithstanding any other law or any regulation issued under any such law, the Federal Communications Commission shall, consistent with any existing treaty or other agreement, make adjustments by general rules, or by interim action pending such general rules, with respect to the operation of daytime standard amplitude modulation broadcast stations, for purposes of permitting any such station which may be adversely affected by the advancement of time under the Uniform Time Act of 1966 to operate, during the period such advancement of time is in effect, at the greatest amount of power and during such extended hours of operations as may be practicable and consistent with the public interest, including the public's interest in receiving interference-free service. Such general rules and interim action may, in addition, include variances with respect to other technical operating characteristics. Such general rules may, subsequent to their adoption, be varied with respect to particular stations and areas because of the exigencies in each case.

SEC. 5. (a) The amendments made by section 3 of this Act shall not affect any law of any State enacted under section 3(a) of the Uniform Time Act of 1966 (15 U.S.C. 260a(a)) to exempt such State or a part of such State from the provisions of such section providing for the advancement of time.

(b) For purposes of this section, the term "State" has the meaning given such term by section 7 of the Uniform Time Act of 1966 (15 U.S.C. 267).

SEC. 6. The amendments made by section 3 of this Act shall take effect on the third Sunday of March occurring after the date of enactment of this Act.

The SPEAKER pro tempore. Is a second demanded?

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

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Pennsylvania (Mr. ROONEY) and the gentleman from Kansas (Mr. SKUBITZ) will be recognized for 20 minutes each.

The Chair recognizes the gentleman from Pennsylvania.

Mr. ROONEY. Mr. Speaker, the full committee ordered H.R. 13089 reported on August 24, 1976. This bill amends the Uniform Time Act of 1966 to change permanently the period of observance of daylight saving time—DST—in the United States to begin on the third Sunday of March and to end on the third Sunday of October. Under the Uniform Time Act of 1966, the current Federal law, DST begins on the last Sunday in April and ends on the last Sunday of October.

H.R. 13089 makes clear that the States have currently effective State laws exempting themselves entirely or partially—as permitted by section 3(a) of the Uniform Time Act of 1966—from the observance of daylight saving time do not have to make any legislative changes due to the enactment of the bill.

The effective date of H.R. 13089 will be the third Sunday of March occurring after enactment, that is, March 18, 1977. This gives the transportation industries and any other industry with schedules to consider ample time to change them. The railroad, airline, and motorbus industries have no objection to this bill, as long as they have at least 60 days to change their schedules and uniformity of observance among the States is preserved. This bill satisfies both concerns.

In the 94th Congress this committee has had the benefit of comprehensive reports, from the Department of Transportation, which administers the Uniform Time Act, and from the National Bureau of Standards. This data enabled the committee to choose a daylight saving time period to accommodate the concerns of the public regarding the safety of schoolchildren and the effects of late sunrises on various regions of the Nation.

The 7-month daylight saving time period from the third Sunday in March to the third Sunday in October provides three improvements over the 6-month daylight saving time period in the Uniform Time Act of 1966. First, the latest sunrise time during the daylight saving time period under H.R. 13089 is earlier than under the Uniform Time Act. More importantly, the number of days with late sunrises will be one-half as many as under the Uniform Time Act. Second, a convenience factor is that the third Sunday in March will be close to the first day of spring, March 21. Third, the majority of the public, according to the DOT report, favor a longer daylight saving time period. This bill will accomplish that goal while reducing problems for people concerned about late sunrises.

The Senate has already passed a similar 7-month bill, S. 2931. We have been informed that the Senate will accept the House bill after passage by the House.

I urge your support for H.R. 13089, a bill we believe to be in the best interests of the public.

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

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

Mr. STAGGERS. Mr. Speaker, this bill, H.R. 13089, would permanently change the period for observance of daylight saving time in the United States to 7 months, from the third Sunday in March to the third Sunday in October. There is a desire by many people for a longer period of daylight saving time. The current Federal law is the Uniform Time Act of 1966 under which daylight saving or advanced time is observed from the last Sunday in April to the last Sunday in October, a 6-month period. In choosing a 7-month period for DST, it is necessary to balance the concerns of Congress regarding late sunrises with the desire for a longer DST period. The possibility of danger to schoolchildren on the roads in dark early morning hours, has always been a major concern to Congress.

The 7-month period in H.R. 13089, from the third Sunday in March to the third Sunday in October was chosen to minimize the effects of late sunrises. Under this bill the latest sunrise time is 8:24 a.m., 16 minutes earlier than the latest sunrise time during the present 6-month Uniform Time Act period. This 7-month period also means that those days with late sunrises will be fewer in number in fact, one-half as many as under the Uniform Time Act.

Mr. ROONEY. Mr. Speaker, I reserve the balance of my time.

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

Mr. Speaker, this bill represents another chapter in a continuing hassle to determine when daylight saving time should begin and when it should stop. I should like to take a minute to remind this body about the origins of daylight saving time.

You will recall that daylight saving time originated in World War I so that we could get an additional hour's work out of every American. It served that purpose and served it well. Following the war, there were those who wanted to continue daylight saving time so that business executives could spend an extra hour on the golf links; so that tourists could have longer to gaze at the landscape; and so that farmers and school children could enjoy the luxury of getting up in the dark to start their daily occupations.

The inappropriateness of playing with the clock became apparent during the 1950's. Every little town and hamlet in the country had its own beginning date or ending date for daylight saving time. Airlines, bus companies, and railroads were literally driven up the wall trying to keep track of where they should be when.

By 1966, Congress had been plagued by so many complaints about daylight saving time that an allout effort was made to institute uniform daylight saving time. The 1966 Uniform Time Act which we are amending here today in effect prohibited States from beginning daylight saving time on any other day other than that provided at the Federal level or from ending daylight saving time on any date other than that provided by Federal law.

Then a little over 2 years ago the energy scare forced us to try almost anything in order to solve a problem that would not go away. One of the schemes put forth was to extend the period of daylight saving time. Needless to say, this forward and brave action by the Federal Government saved very little, if any, energy. The Department of Transportation and, more recently, the Bureau of Standards, have determined that there was practically no energy savings whatsoever from the increased period of daylight saving time. I read from page 14 and 15 of the report. On page 16—the National Bureau of Standards for one thing can do nothing about the amount of daylight that exists in this country.

Mr. Speaker, I suggest that the House defeat this bill and to return in the next

session of Congress to enact a proper amendment to the Uniform Time Act of 1966 which requires the observance of advanced time between the last Sunday in April and the last Sunday in October instead of the third Sunday in March while the third Sunday in October.

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

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

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

Mr. Speaker, is the distinguished gentleman here on the floor trying to tell us that if we are out sleeping in the woods and find it is cold on our head, that if we cut off the bottom of the blanket and sew it on the top, that would solve our problem?

Mr. SKUBITZ. That is what this bill is trying to do.

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

Mr. SKUBITZ. I yield to the gentleman from Kansas.

Mr. SEBELIUS. Mr. Speaker, I appreciate very much this opportunity to comment regarding H.R. 13089, legislation to amend the Uniform Time Act of 1966 to change the period of observance of daylight saving time.

Let me say at the outset that I am a sponsor of legislation that would limit DST to the 3 summer months. I full well realize that the bill I have introduced and the main thrust of my comments are contrary to H.R. 13089, as well as, the majority opinion held by my colleagues. I confess too, that my concern is parochial but I also wish to point out that my concern is shared by a majority of citizens in my congressional district and throughout rural and small community areas in this Nation. Most important, this concern is based upon real hardship and inconvenience that these folks experience as a result of an extension of daylight saving time.

I am aware of the Department of Transportation studies analyzing the impact of DST and that the Department believes there are potential benefits that offset the costs. It is my belief that the preconceived benefits of DST have been maximized and the drawbacks minimized if not ignored; especially in regard to our rural areas.

I have introduced legislation to limit daylight saving time to the 3 summer months, because of the widespread and very real concern on the part of citizens in my district; farmers, small businessmen, those in the construction industry, the elderly, and parents of school-age children.

The hazards to small children bound for school are clear even in view of the later sunrise time in the spring provided in this legislation. In the western part of my 57-county district, children will still stand adjacent to the highway in inclement weather waiting for the schoolbus. They will wait in the dark. Understandably, the parents of these children are concerned.

Mr. Speaker, unlike the commuter who daily sets his work schedule according to the clock and unlike many urban citizens who quite naturally enjoy the leisure time for recreation that d.s.t. provides, the farmer's schedule is geared to hours of sunlight. Daylight saving time places unnecessary restrictions upon his daily routine, particularly at planting and harvesting time in the spring and fall. The stockman must gear his work schedule to his livestock and this causes problems for farmers and hired workers who have great difficulty in accommodating their normal family and social life with a work schedule that must follow daylight hours. When the professional person in an urban area leaves the office and heads for home for family recreation or to the golf course, the farmer is in the midst of his day's work.

This kind of schedule also disrupts the very active participation on the part of rural citizens in civic and community affairs. The farmer who is a member of his local school board, church, PTA, farm, or organization, et cetera, sacrifices his community responsibilities during the fall and spring; the busiest times of the year both from a work and community standpoint.

In addition, I would like to point out d.s.t. adversely affect a.m. radio broadcasting. A local community radio station may well be the citizen's only contact with weather conditions and current events. The station may not be able to broadcast until well after local citizens must make business and personal plans for the day. The same kind of problems confronts the construction industry or the small businessman who must open his store in darkness.

I think it is important to remember the great push for year-round daylight saving time came as a result of the energy embargo of 1973. It was alleged this action would result in home heating, gasoline, and electricity savings and as a result we got into the spring forward fall back business of daylight saving time. Today, years later, we find no hard evidence of energy savings.

What has been conclusive, however, are the letters I receive from rural families who have seen their energy costs increase, because the busiest and most demanding time frame of their work day is conducted in darkness or semidarkness.

I mentioned earlier that my concern regarding daylight saving time is parochial from a rural standpoint. I want to emphasize that while this is true, this concern is widespead. Consistently, over 80 percent of the citizens in my district who respond to our annual questionnaire favor limiting d.s.t. to the 3 summer months. This position is also shared by many State school superintendents and by the American Farm Bureau Federation.

I am also concerned about the attitude on the part of the Department of Transportation and my colleagues that public opposition to extending d.s.t. is nonexistent or such that does exist can be attributed to a tiny minority. That is why this legislation is on the Suspension Calendar. Let me make it clear that in the Great Plains there is no silent approbation. The majority of citizens oppose daylight saving time and are bitter about the fact that "Big Government" even gets into the business of dictating time which in turn directly affects their personal lifestyle.

It is for the above reasons that I ask my colleagues to consider the concerns on the part of many rural and small community citizens. It may well be that daylight saving time is preferred by a majority throughout our urban and metropolitan areas in this Nation. Suffice it to say, however, that the great majority of citizens in my district would prefer to be exempted from this convenience.

Mr. Speaker, I will vote "no" in regard to H.R. 13089 and ask my colleagues to consider the concerns that lie behind my opposition.

Mr. ROONEY. Mr. Speaker, I have no further request for time.

Mr. SKUBITZ. Mr. Speaker, I have no further request for time, but again I urge this committee to vote down this bill so that we can put into effect and keep in effect the 6 months daylight saving time we have today and give the kids of this country a chance and give our farmers a chance.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. ROONEY) that the House suspend the rules and pass the bill H.R. 13089, as amended.

The question was taken; and on a division (demanded by Mr. BAUMAN) there were—ayes 11, noes 10.

So (two-thirds not having voted in favor thereof) the motion was rejected.

RELATING TO DISPOSITION OF CERTAIN RECREATIONAL DEMONSTRATION PROJECT LANDS BY STATE OF OKLAHOMA

Mr. KAZEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 7682) relating to the disposition of certain recreational demonstration project lands by the State of Oklahoma, as amended.

The Clerk read as follows:

H.R. 7682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. That notwithstanding section 3 of the Act entitled "An Act to authorize the disposition of recreational demonstration projects, and for other purposes," approved June 6, 1942 (56 Stat. 326; 16 U.S.C. 459t), the State of Oklahoma is hereby authorized to convey oil and gas mineral leases to the following described lands in Carter County, Oklahoma: those lands situated within the project designated and known as the Lake Murray Recreational Demonstration Area, said project lands being more particularly described in a quitclaim deed of the United States of America executed on February 1, 1943 by Harold L. Ickes, Secretary of the Interior approved on February 2, 1943 by Franklin D. Roosevelt, President of the United States, and recorded in book 186, pages 312 through 320 of the records of Carter County, Oklahoma. Any conditions providing for a reversion of title to the United States that may be contained in the conveyance of such lands by the United States to the State of Oklahoma are hereby released as to oil and gas exploration and development affecting the lands herein authorized to be leased. The

State of Oklahoma shall surrender the present deed of conveyance by the United States of the lands described in this Act and the United States shall issue a new deed to the State of Oklahoma for those lands, which new deed shall incude oil and gas exploration and development as permitted uses of such lands: *Provided, however,* That it shall be a condition of such new deed that oil and gas exploration and development shall take place on the lands described in this Act only pursuant to plans which have been reviewed (such review to include preparation of a detailed statement of the type specified in section 2(a) of the National Environmental Policy Act of 1969 (42 U.S.C. 4332(c)), and approved by the Secretary of the Interior and which will assure that such exploration and development shall be carried out in a manner which to the maximum extent possible will assure the preservation of the natural, scenic, and recreational values of the Demonstration Area: *And provided further,* That the State of Oklahoma shall continue to use such lands in the Lake Murray Recreational Demonstration Area primarily for park, recreational, and conservation purposes.

SEC. 2. The issuance of the new deed described in section 1 of this Act shall take place only upon payment to the Secretary of the Interior by the State of Oklahoma of (1) administrative costs of issuance of the new deed and (2) the sum of $25,000 as compensation for the release of any conditions providing for a reversion of title to the United States. Moneys paid to the Secretary of the Interior for administrative costs shall be paid to the agency which rendered the service, and deposited to the appropriation then current. All other moneys paid to the Secretary of the Interior pursuant to this Act shall be deposited into the general fund of the Treasury as miscellaneous receipts.

The SPEAKER pro tempore. Is a second demanded?

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

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

There was no objection.

The SPEAKER pro tempore. The gentleman from Texas (Mr. KAZEN) will be recognized for 20 minutes and the gentleman from Ohio (Mr. ASHBROOK) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas.

Mr. KAZEN. I yield myself such time as I may consume.

Mr. Speaker, this bill would enable the State of Oklahoma to proceed with awarding of leases for oil and gas exploration and development on about 2,200 acres of land which is included within the Lake Murray State Park in Carter County, Okla., provided that certain conditions are met.

The lands in question were acquired by the United States under provisions of the Emergency Relief Appropriations Act of 1935 aimed at taking submarginal farmlands out of production. In 1943, under another congressional enactment, the lands were transferred to the State of Oklahoma by a quitclaim deed from the Secretary of the Interior. That deed contains language providing that in the event the lands were used for other than exclusively "public park, recreational and conservation purposes," then title would revert to the United States. The deed contained no reservation by the United States of any mineral or other interests in the lands.

In 1975, the State, acting through its Department of Tourism and Recreation, offered lands in Lake Murray State Park, including the lands covered by this bill, for oil and gas exploration leases. After bids were received, title lawyers for some of the successful bidders called attention to the reversionary clause in the deed from the United States. The Solicitor's Office of the Department of the Interior has since advised that any oil and gas development on the lands in question would indeed violate the exclusive-use provisions of the deed, and would cause a reversion of title to the United States.

Accordingly, Mr. Speaker, H.R. 7682 would provide for a surrender of the present deed of conveyance back to the United States, and for issuance by the Secretary of the Interior of a new deed permitting oil and gas exploration and development on the lands in question. In return, the State of Oklahoma will pay all administrative expenses involved in the transaction and also pay the United States $25,000 as compensation for the release of the reversionary interest. Furthermore, the bill also requires that oil and gas exploration and development on the lands in question take place only pursuant to plans reviewed and approved by the Secretary of the Interior which will minimize adverse environmental impacts.

To sum up, Mr. Speaker, this bill would remove a cloud on the title of the State of Oklahoma. It does not deal with Federal mineral rights, because the lands are State lands, and the minerals are owned by the State as well. It does involve the release of an indirect, contingent interest of the United States, for which the State is to compensate the Treasury. This is a convenience to the State, but not a necessity, because they can proceed with their leasing program without this bill if they choose to do so. But passage of this bill will make that leasing program go more efficiently, and at the same time it will mean that the Federal Government will play a role in making sure that any environmental impacts involved will be kept to the minimum.

Therefore, Mr. Speaker, I urge that this bill be adopted.

Mr. ASHBROOK. Mr. Speaker, I yield 12 minutes and 45 seconds to the gentleman from Kansas (Mr. SEBELIUS).

Mr. SEBELIUS. Mr. Speaker, this is a simple bill. It merely authorizes the Secretary of the Interior to issue a new deed, conveying lands to the State of Oklahoma and permitting oil and gas exploration and development on the lands.

The Department supported the bill, if it were amended to protect recreational and conservation values.

The Department's suggestions were incorporated into the committee amendment.

I know of no opposition to the bill and I urge its adoption.

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

Mr. RUPPE. Mr. Speaker, this bill, H.R. 7682, would authorize the State of Oklahoma to convey oil and gas leases located on approximately 2,200 acres of land situated within the Lake Murray Recreational Demonstration Area.

These lands were originally deeded to the State of Oklahoma to be used exclusively for public park, recreational or conservation purposes. If the use of these lands does not comply with the recreational restrictions, the land reverts to the Federal Government. The conveyance, made in 1943, did not reserve to the United States any mineral or other interests in the lands.

The situation we have today is that the State of Oklahoma has sought and received bids for oil and gas leases within Lake Murray State Park, including the lands described in this bill. If the leases are allowed to take effect, the land would revert to the Federal Government.

This bill would direct the State of Oklahoma to surrender the present deed to these lands in exchange for a new deed containing no reversionary clause to be issued by the Secretary of the Interior. The State would be required to pay administrative costs and the sum of $25,000 as compensation for the release of the reversionary clause.

Furthermore, the bill provides that the deed be conditioned upon the preparation of an environmental impact statement on the proposed oil and gas development. The State must continue to use these lands primarily for park, recreational, and conservation purposes.

Mr. Speaker, I have no objection to the passage of this bill under suspension of the rules. I offered an amendment in subcommittee to require the State of Oklahoma to pay a royalty of 16⅔ percent of the value of any oil and gas produced from the leases to the Federal Government. The lands were intended to be used for recreational purposes only and the Federal Government presently holds a valuable reversionary interest in the lands. If we do permit oil and gas development on these lands, I think that it is only fair that the Federal Government receive the same type of royalty that it receives from other oil and gas development it permits.

The subcommittee, however, disagreed with me that a royalty should be assessed and instead provided that the State of Oklahoma pay the Federal Government the sum of $25,000 as compensation for giving up the reversionary interest.

It is my understanding that the administration does not object to this bill as amended in subcommittee.

Mrs. MINK. Mr. Speaker, this bill deals with mineral development on lands once owned by the United States, but it does not involve any Federal mineral rights.

The bill involves about 2,200 acres in Carter County, Okla., which are now part of the Lake Murray State Park. They were acquired by the United States in the 1930's as part of a New Deal program of retiring submarginal agricultural lands from production. Under authority of an act passed in 1942, the United States in

February 1943 conveyed the lands to the State of Oklahoma.

The conveyance was effected by means of a quitclaim deed signed by the Secretary of the Interior. The United States, by terms of that deed, did not retain any mineral interests or other interests in the lands. However, the deed does contain a reversionary clause. That clause provides that the lands are to be used exclusively for public park, recreational, or conservation purposes; and it is provided that, in the event that they are not so exclusively used, the lands will revert to the ownership of the United States, together with improvements.

Now, the State of Oklahoma has developed a program of offering to lease lands included in its State parks system for oil and gas exploration and development. Such an offering of leases was made for Lake Murray State Park, which contains the lands dealt with in this bill, covering the entire park, and bids were received on that basis from a number of companies, involving a total of more than $2 million in bonus bids.

However, after things had gone that far, title attorneys for one of the successful bidders discovered the reversionary clause in the deed which transferred the lands in question to the State. The question was raised as to whether oil and gas exploration and development on these lands would be contrary to the exclusive uses specified in the deed; the State and the Solicitor's Office in the Department of the Interior are in agreement that there would indeed be a conflict, and that going ahead with the exploration or development would immediately cause the lands to revert to Federal ownership.

This bill was introduced in an effort to change this, and to remove the obstacle to oil and gas exploration and development which exists because of the reversionary clause.

On June 3, 1976, the Subcommittee on Mines and Mining which I chair held a hearing on this bill, and received testimony from the Department of the Interior and from the Director of the Division of Parks of the Oklahoma Department of Tourism and Recreation. As a result of those hearings, and our consideration of this bill, the subcommittee adopted two amendments which were also adopted by the full committee and which are discussed in detail in our report.

Mr. Speaker, the committee amendments do two things. First, they provide that the State of Oklahoma will surrender the present quitclaim deed by which it acquired these lands, and will receive back a new deed which will permit oil and gas exploration and development thereon; but, second, the amendments require that the State compensate the Federal Government for removal of this cloud on the State's title and also they impose conditions which will minimize any environmental harm which might result from the State's program of allowing oil and gas exploration and development.

The bill as amended by the committee requires that Oklahoma pay all administrative costs which are involved and in addition that the State pay $25,000 as compensation for the removal of the reversionary clause from the deed as it now stands.

Further, the amendments which the committee adopted require that the Secretary of the Interior, in drawing up a new deed, include a requirement that oil and gas exploration and development on the lands involved take place only in accordance with plans which have been reviewed and approved by the Secretary of the Interior as assuring that to the maximum extent possible the natural, scenic, and recreational values of the area will be preserved. The review by the Secretary is to include preparation of a full environmental impact statement.

Mr. Speaker, it should be emphasized that the United States does not own the minerals which underly the lands in question. The State has a full fee title to these lands, subject only to the condition that if the lands are put to some use besides park, recreational, or conservation uses, then the lands are to revert entirely to the United States. The lands involved are about 15 percent of the entire Lake Murray holdings of the State. They are not in one block, but scattered in several different areas.

Furthermore, because Federal funds from the land and water conservation fund have been used to assist the State in developing the Lake Murray State Park, the State will be required by Federal law already on the books to replace, acre for acre, any lands which are used for oil and gas exploration and development with additional State lands of equal value, usefulness, and location for recreational purposes. The State officials have told us that they are prepared to meet this requirement.

At the hearing which our subcommittee held on this bill, we particularly inquired as to just how the State would be damaged if the bill is not passed, and also attempted to develop information which would enable us to set some value on the Federal interest for which the State should pay compensation.

The State Parks Director told us that even if the bill is not passed, any oil and gas that may be under the lands involved could be recovered, by drilling on adjoining tracts and draining the oil—which, as I stated earlier, is not owned by the Federal Government but by the State. This could in fact involve more drilling, more wells, and more damaging environmental impacts than if this bill is enacted.

Furthermore, if the bill is not passed, none of the safeguards which we have included to protect the environmental values of the area will be operative. The State of Oklahoma does have an interest in passage of this bill; but that interest is one primarily of convenience and not one so pressing that their entire leasing program will stand or fall with this bill.

As to the $25,000 figure which we have suggested by way of compensation for the removal of the reversionary clause from the deed, the figure is of course to an extent an arbitrary one. The interest of the United States in these lands is not a direct interest. The United States does not own the minerals in these lands, nor does it own any surface rights. These are State lands. What the United States does have is a contingent interest, in that if the State should not continue to use the lands in the ways that were intended then the lands would revert to the United States. I would assume that that would not occur until after litigation because the State would probably contest whether or not the uses to which they put the lands do conflict with the terms of the deed.

And of course if the State simply excludes these lands—15 percent of the park lands, in scattered locations—from the leasing program, then the reversion would not occur and the United States would not be seized of the lands. So, although the United States does have this indirect, contingent interest, it is not an interest that is easily evaluated in dollar terms.

What the subcommittee did, in arriving at the figure of $25,000 for the interest of the United States, was to assess. first, the acquisition cost to the United States. That cost was put by the Department of the Interior, reflecting their records, at approximately $50,000. Second, we looked at the bids that have been received for the oil and gas leasing for the entire park—there is no estimate of the bids that might have been received on the particular lands in questions: that was about $2 million. The figure of $25,000 represents about half the acquisition cost, and it is slightly more than 1 percent of the bids which the State has received for the entire park land leasing program. I believe that it is a reasonable amount to be set for the value of the indirect, contingent interest of the United States, particularly considering that enactment of this bill will mean that the Federal Government will continue to play an important role in ensuring that the State's leasing program does not seriously impair the environmental and recreational values of the Lake Murray area.

Mr. Speaker, I urge passage of this bill.

GENERAL LEAVE

Mr. KAZEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on this bill, H.R. 7682.

The SPEAKER pro tempore (Mr. McFALL). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. KAZEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion of the gentleman from Texas (Mr. KAZEN) that the House suspend the rules and pass the bill, H.R. 7682, as amended.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ASHBROOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant

to clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this vote will be postponed.

PROVIDING FOR CONSIDERATION OF COMPARATIVE PRODUCTION POTENTIAL OF IRRIGABLE LANDS IN DETERMINING NONEXCESS ACREAGE UNDER FEDERAL RECLAMATION LAWS

Mr. JOHNSON of California. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 13101) to provide for consideration of the comparative productive potential of irrigable lands in determining nonexcess acreage under Federal reclamation laws, as amended.

The Clerk read as follows:

H.R. 13101

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any other provisions of law to the contrary, the Secretary of the Interior, for purposes of administering the acreage limitation provisions of the Federal reclamation laws (Act of June 17, 1902, 32 Stat. 388, and Acts amendatory thereof or supplemental thereto), may establish the acreage of land held in private ownership by any one owner, which may eligibly receive project water from, through, or by means of project works as nonexcess land, at one hundred and sixty acres of class I land or the equivalent thereof in other lands of lesser productive potential as determined by the Secretary of the Interior. Standards and criteria for determination of one-hundred-sixty-acre equivalents pursuant to this authority shall take into account all factors which significantly affect the economic feasibility of irrigated agriculture including but not limited to soil characteristics, crop adaptability, costs of crop production, and length of growing season: *Provided,* That this Act shall not apply to any project, unit, or division of a project, or repayment contracting entity if the average frost-free growing season, as conclusively determined from published Department of Commerce records, exceeds one hundred and eighty days.

SEC. 2. The Secretary of the Interior is authorized upon request of the holder of an existing contract under Federal reclamation laws (supra) to amend said contract to conform to the provisions of section 1 of this Act, and to otherwise perform any and all acts appropriate to carrying out the purposes of this Act.

SEC. 3. By March 31 of the year following the calendar year of the date of this Act, and on each March 31 thereafter, the Secretary shall report to the Congress on administrative actions taken to carry out the purposes of this Act. The report shall present on a case-by-case basis, the name of the project, division or unit of the project, the repayment entity involved, and summary information on land classification and equivalency relationships established and promulgated by the Secretary during the full calendar year immediately preceding the date of the report.

The SPEAKER pro tempore. Is a second demanded?

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

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

There was no objection.

The SPEAKER pro tempore. The gentleman from California (Mr. JOHNSON) and the gentleman from New Mexico (Mr. LUJAN) will each be recognized for 20 minutes.

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

Mr. JOHNSON of California. Mr. Speaker, I am pleased to rise in support of H.R. 13101 which has come to be known as the class 1 equivalency legislation.

This bill, when enacted, will make desirable changes in the manner in which the 160 acres of reclamation law is implemented and administered.

It is a simple bill while at the same time a very important and desirable one.

It has no hidden meaning and is intended to do but one thing.

When this bill is passed, it will be possible for a water user on a reclamation project to receive water for somewhat more than 160 acres of land in a single ownership, provided that the land is of less than class 1 quality.

The added amount of land for which water may legally be delivered will be determined by a study authorized to be conducted by the Secretary of the Interior on each project or irrigation district that requests this consideration.

In making these studies, the Secretary will merely determine how many acres of land are required to produce the same net farm income as 160 acres of the best quality land in the project.

Mr. Speaker, I cannot overemphasize that this bill does not change the basic limitation of 160 acres so far as class 1 lands are concerned.

Also, it is most important to understand that the application of this legislation is limited to projects which have frost-free growing seasons of 180 days or less.

This limitation rules out the projects located in our southern and southwestern river valleys which high-value crops such as cotton, vegetables, and citrus can be produced.

The purpose of the legislation is to make it possible for the family farmer, operating lands of limited income-producing potential, to survive and make a decent living.

Experience has shown that the climate, soils, and adaptability of crops that are found in our high mountain valleys and northern latitudes simply will not return enough to the farmer to allow him a decent standard of living.

These natural forces, together with the economic situation confronting modern agriculture, is rapidly destroying the family-size farm.

H.R. 13101 in and of itself, is not the total answer to the problems of western irrigated agriculture.

It is, however, an important first step and one which I am happy to support.

As a matter of fact, the Congress has in recent years almost routinely authorized the class 1 equivalency concept for all new project authorizations.

Indeed, we have authorized it five times in this very session of Congress.

It, therefore, seems to me only logical to extend the same privilege to all established operating projects as we have so justifiably done for the new ones we have recently brought into being.

It has been said by some that this legislation conveys too much authority to the Secretary of the Interior to make these determinations.

I do not feel this is the case.

The bill itself requires full disclosure of the results of the equivalency studies and these results can readily be compared with similar studies of land classification and income-producing capability that have been made in countless instances by the Bureau of Reclamation as a part of its feasibility investigations.

The studies already on file with the Congress establish a pattern which, to all intents and purposes, shapes the results which we expect to come from this bill.

Mr. Speaker, this is a good bill.

It enacts into general law an idea whose time has come.

It requires no significant outlays to implement and can go a long way toward establishing western irrigated agriculture.

I sincerely urge all my colleagues to support it.

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

Mr. JOHNSON of California. I yield to the gentleman from Montana.

Mr. MELCHER. Mr. Speaker, I want to join in the statement of the gentleman from California, the chairman of the subcommittee, in his excellent assessment of the bill. I concur in his findings. I want to thank him and I encourage the rest of the House, to pass this bill, because it will solve some of our problems in Montana. An equivalency formula is absolutely necessary to permit average-sized operators to continue to receive water on their land.

Mr. JOHNSON of California. I thank the gentleman for his contribution.

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

Mr. JOHNSON of California. I yield to the gentleman from Idaho (Mr. SYMMS).

Mr. SYMMS. I thank the gentleman for yielding.

Mr. Speaker, I would like to make the same comment that the gentleman from Montana (Mr. MELCHER) made, and I would like to thank the chairman of the subcommittee for his work on this bill. It is very necessary and important to western reclamation States.

Mr. JOHNSON of California. I thank the gentleman from Idaho for his contribution.

Mr. LUJAN. Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. SKUBITZ), the illustrious minority leader on the Committee on Interior and Insular Affairs.

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

Mr. Speaker, this bill represents a timely congressional response to the need of farmers of class II and III lands for sufficient acreage to achieve the same level of production as could be achieved on 160 acres of class I lands.

In recognizing and responding to this

need, Congress is in no way tampering with the 160-acre limitation concept. That limitation remains unchanged where class I lands are concerned. The bill permits the Secretary to deliver project water to acreage in excess of 160 acres when that acreage is classified as class II or III land. In so doing, he is limited by the consideration of production equivalency which we have written into the bill.

In other words, the Secretary will be able to deliver water to class II and III lands that exceed the 160-acre limitation by the number of acres required to bring the farm's production potential up to the level of the production of class I lands within the same irrigation district.

The techniques and methodology of establishing such equivalency have been refined over the years and are now virtually to the point of a science. The Bureau of Reclamation has been making such equivalency studies and findings since 1925, when Congress ordered the Bureau to adjust project repayment schedules on class II, III, IV, and V land in proportion to their productive relationship with class I lands. The same yardsticks used to establish relative production potentials for purpose of project repayment adjustments can be used in establishing the number of excess acres required to achieve proportional production. This is a good bill and I commend it to the support of my colleagues.

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

Mr. Speaker, I concur fully with the remarks of the very able chairman of our Subcommittee on Water and Power Resources and am pleased to associate myself with his views.

As originally drawn, the bill contained rather broad language that appeared to give the Secretary too much latitude in deciding how much acreage would be required to comprise an "economic family-size farm." We eliminated that language so as to avoid any possible implication that it was the committee's intent to subordinate the 160-acre limitation to a secretarial judgment as to a farm's economic viability. It is our intent to maintain the 160-acre limitation on class I lands without change. But I would point out that our committee has been holding oversight hearings on the 160-acre limitation concept which may, on down the road, result in recommended changes. But this bill is not the vehicle for such change, in either language or intent.

All we are doing here is codifying the long-standing and acceptable practice of permitting the owner of class II and III land to farm the number of acres necessary to bring his production up to the same level as the production on 160 acres of class I land within the same district.

It is a good bill which strongly reinforces and reaffirms the commitment of the Congress to encourage the retention of the small family farm. Without this bill, many farmers of class II and III lands would be unable to continue farming and would be forced to sell to larger interests. This bill gives breathing room to the small farmer and I urge my colleagues to give it the support it deserves.

Mr. ABDNOR. Mr. Speaker, I rise in support of H.R. 13101, to authorize class I equivalency on reclamation projects in areas which have short growing seasons.

The economics of agriculture have changed drastically since Congress last addressed the issue of reclamation acreage limitations in 1926. Farming is no longer limited by hand labor and "horse" power. Indeed, the productivity of a single farmworker has grown by leaps and bounds and with it the cost of operation of each farm and the acreage required for each farm family to sustain a decent living.

Congress has acknowledged the need for larger irrigated farm units by including provisions such as those contained in this bill in every reclamation project authorized in recent years. Now it is only a matter of reason and equity to expand the principle to the older projects as well.

In my district, class I equivalency has already been provided for the recently authorized Pollock-Herreid unit. Also in my district, the Belle Fourche project, the Angostura unit, and the Oahe unit, which is under construction, will benefit from enactment of H.R. 13101. Accordingly, this bill has the support of the irrigation districts involved as well as South Dakota's conservation and water user groups.

As my colleagues know, much of my State is at this time a Presidentially declared drought emergency area. Times like these can only evermore whet the thirst of South Dakota's farmers for expansion of the availability of irrigation's saving benefits to the greatest extent possible throughout the State. Also, the drought can only serve to further expose the inadequacy of the current 160-acre limit on the best land, much less the poorer classes of land.

The time for enactment of H.R. 13101 has come. I urge my colleagues to support its adoption.

Mr. DON H. CLAUSEN. Mr. Speaker, I am pleased to rise in support of this bill because it will help stop the current trend toward dissolution of the small family farm in favor of huge agribusiness landholdings. I strongly believe that the small family farmer still represents an essential element in the American tradition of individual initiative and responsibility; and I believe the Congress must continue to do everything it can to encourage farming families to stay on the land.

They cannot do this if they are limited by law to acreage holdings that are too small to be farmed economically. And yet that has been the thrust of the 160-acre limitation where class II and III lands are concerned.

Under the basic Reclamation Act, water from a Federal irrigation project cannot be delivered to more than 160 acres under single ownership—320 acres in the case of a man and wife. But Congress has long recognized that there are lower classes of land, in terms of productivity, than the class I lands that comprise the bulk of most irrigation districts. These lower class lands cannot produce the same amount of crops as class I lands, and therefore the farmers of lower class lands should be able to farm more acres. In recent years, we have recognized this need and have written "equivalency" language into new project authorizations, permitting the Secretary to deliver water to class II and III lands in excess of the 160-acre limitation.

The bill before us simply writes into general law the same provision we have been writing into individual project authorizations. It is a good bill and is needed by hundreds of small farmers who would otherwise be forced to sell out to developers or agribusiness.

Mr. BAUCUS. Mr. Speaker, family farmers in our irrigation districts cannot continue to support their families while restricted to the current 160-acre limitation. In the many irrigation districts, across Montana, such as the Helena irrigation district in my congressional district, growing conditions do not allow either adequate management techniques or an adequate profit to be developed for most lands receiving federal water. In order to compete, economies of scale dictate that Montana's farmers must work larger quantities of land than they are presently permitted.

The principle of limiting access to federal irrigation water to family farmers and other small operators is still a valid one. Limitations are necessary, it is just the scope of these limitations with which I differ. In Montana, we are primarily dealing with family farmers who, even if they are able to farm 320 acres by allocating to both a husband and a wife are limited by the shortness of the growing season and the lesser productivity of the land.

I think that H.R. 13101 manages to adequately address the problem of large-scale corporate owners taking advantage of current law in high productivity areas by subdividing legal ownership of their property. This bill would not give windfall profits to large farmers or organizations, only those farmers needing additional irrigated acreage allotments to remain competitive will benefit. The combination of limiting an equivalency formula to colder areas and areas with lower soil productivity is an excellent approach which, I hope, will be adopted.

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

The SPEAKER pro tempore (Mr. SISK). The question is on the motion offered by the gentleman from California (Mr. JOHNSON) that the House suspend the rules and pass the bill (H.R. 13101), as amended.

The question was taken.

Mr. ASHBROOK. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 3, rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. JOHNSON of California. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill (H.R. 13101) just considered.

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

There was no objection.

CALL OF THE HOUSE

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

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. JOHNSON of California. 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. 776]

Abzug	Harsha	O'Hara
Anderson, Ill.	Hébert	O'Neill
Andrews, N.C.	Heckler, Mass.	Passman
Armstrong	Hefner	Patterson, Calif.
Badillo	Heinz	Peyser
Beard, Tenn.	Helstoski	Pike
Bingham	Henderson	Randall
Bonker	Hinshaw	Rangel
Brown, Mich.	Howard	Rees
Buchanan	Jarman	Reuss
Burton, Phillip	Jones, Ala.	Rhodes
Byron	Jones, N.C.	Riegle
Chisholm	Karth	Risenhoover
Clancy	Kastenmeier	Roberts
Clausen, Don H.	Kemp	Roe
Conlan	Keys	Rose
Conyers	Landrum	Rosenthal
Coughlin	Lundine	Ruppe
Davis	McCollister	Ryan
Dellums	McCormack	Santini
Derwinski	McFall	Scheuer
Diggs	McKinney	Schneebeli
Dingell	Madden	Shipley
Drinan	Mathis	Shuster
du Pont	Matsunaga	Sikes
Esch	Meeds	Stanton, James V.
Eshleman	Melcher	Steed
Evins, Tenn.	Metcalfe	Steelman
Fary	Meyner	Steiger, Ariz.
Fish	Michel	Steiger, Wis.
Fithian	Mineta	Stephens
Forsythe	Mink	Stuckey
Fraser	Montgomery	Udall
Frenzel	Moorhead, Pa.	Vigorito
Giaimo	Morgan	Waxman
Ginn	Mosher	Whitten
Green	Moss	Wilson, C. H.
Gude	Murphy, N.Y.	Wright
Hammer-schmidt	Neal	
	Nix	
	Obey	

The SPEAKER. On this rollcall 312 Members have recorded their presence by electronic device, a quorum.

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

ADMINISTRATION OF NATIONAL PARK SYSTEM

Mr. TAYLOR of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11887) to amend the act approved August 18, 1970, providing for improvement in the administration of the National Park System by the Secretary of the Interior and clarifying authorities applicable to the National Park System, and for other purposes, as amended.

The Clerk read as follows:

H.R. 11887

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act approved August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a–1 et seq.), is amended as follows:

(1) In subsection (e), after "within an area of the national park system," insert ", as long as such activity does not jeopardize or unduly interfere with the primary natural or historic resource of the area involved,".

(2) At the end of subsection (g), change the period to a semicolon and add the following new subsections:

"(h) promulgate and enforce regulations concerning boating and other activities on or relating to waters located within areas of the National Park System, including waters subject to the jurisdiction of the United States: *Provided,* That any regulations adopted pursuant to this subsection shall be complementary to, and not in derogation of, the authority of the United States Coast Guard to regulate the use of waters subject to the jurisdiction of the United States;

"(i) provide meals and lodging, as the Secretary deems appropriate, for members of the United States Park Police and other employees of the National Park Service, as he may designate, serving temporarily on extended special duty in areas of the National Park System, and for this purpose he is authorized to use funds appropriated for the expenses of the Department of the Interior.".

SEC. 2. Such Act of August 18, 1970, is further amended by adding the following new sections:

"SEC. 5. Section 11 of the Act of May 26, 1930 (46 Stat. 383; 16 U.S.C. 17j), is amended to read as follows:

" 'SEC. 11. In the administration of the National Park System, the Secretary of the Interior is authorized, under regulations prescribed by him, to pay (a) the traveling expenses of employees, including the costs of packing, crating, and transporting (including draying) their personal property, upon permanent change of station of such employees and (b) the traveling expenses as aforesaid of dependents of deceased employees (i) to the nearest housing reasonably available and of a standard not less than that which is vacated, and to include compensation for not to exceed sixty days rental cost thereof, in the case of an employee who occupied Government housing and the death of such employee requires that housing to be promptly vacated, and (ii) to the nearest port of entry in the conterminous forty-eight States in the case of an employee whose last permanent station was outside the conterminous forty-eight States.'.

"SEC. 6. Notwithstanding any other provision of law, the Secretary of the Interior may relinquish to a State, or to a Commonwealth, territory, or possession of the United States, part of the legislative jurisdiction of the United States over National Park System lands or interests therein in that State, Commonwealth, territory, or possession: *Provided,* That prior to consummating any such relinquishment, the Secretary shall submit the proposed agreement to the Committees on Interior and Insular Affairs of the United States Congress, and shall not finalize such agreement until sixty calendar days after such submission shall have elapsed. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor (or, if none exists, with the chief executive officer) of the State, Commonwealth, territory, or possession concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State, Commonwealth, territory, or possession as otherwise provide. The Secretary shall diligently pursue the consummation of arrangements with each State, Commonwealth, territory, or possession within which a unit of the National Park System is located to the end that insofar as practicable the United States shall exercise concurrent legislative jurisdiction within units of the National Park System.

"SEC. 7. Notwithstanding subsection 5901 (a) of title 5, United States Code (80 Stat. 508), as amended, the uniform allowance for uniformed employees of the National Park Service may be up to $400 annually.

"SEC. 8. The Secretary of the Interior is directed to investigate, study, and continually monitor the welfare of areas whose resources exhibit qualities of national significance and which may have potential for inclusion in the National Park System. At the beginning of each fiscal year, the Secretary shall transmit to the Speaker of the House of Representatives and to the President of the Senate, comprehensive reports on each of those areas upon which studies have been completed. On this same date, and accompanying such reports, the Secretary shall transmit a listing, in generally descending order of importance or merit, of not less than twelve such areas which appear to be of national significance and which may have potential for inclusion in the National Park System. Threats to resource values, and cost escalation factors shall be considered in listing the order of importance or merit. Such listing may be comprised of any areas heretofore submitted under terms of this section, and which at the time of listing are not included in the National Park System. The Secretary is also directed to transmit annually to the Speaker of the House of Representatives and to the President of the Senate, at the beginning of each fiscal year, a complete and current list of all areas included on the Registry of Natural Landmarks and those areas of national significance listed on the National Register of Historic places, which areas exhibit known or anticipated damage or threats to the integrity of their resources, along with notations as to the nature and severity of such damage or threats. Each report and annual listing shall be printed as a House document.

"SEC. 9. Section 3 of the Act of August 21, 1935 (49 Stat. 666, 667; 16 U.S.C. 461, 463), is amended to read as follows:

" 'SEC. 3. (a) A general advisory board to be known as the National Park System Advisory Board is hereby established to be composed of not to exceed eleven persons, citizens of the United States, to include but not be limited to representatives competent in the fields of history, archaeology, architecture, and natural science, who shall be appointed by the Secretary for a term not to exceed four years. The Secretary shall take into consideration nominations for appointees from public and private, professional, civic, and educational societies, associations, and institutions. The members of such board shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as members. It shall be the duty of such board to advise the Secretary on matters relating to the National Park System, to other related areas, and to the administration of this Act, including but not limited to matters submitted to it for consideration by the Secretary, but it shall not be required to recommend as to the suitability or desirability of surplus real and related personal property for use as an historic monument.

" '(b) The National Park System Advisory Board shall continue to exist until January 1, 1990. In all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act.'.

"SEC. 10. (a) The arrest authority relating

to the National Park Service is hereby amended in the following respects:

"(1) Section 3 of the Act of March 3, 1897 (29 Stat. 621; 16 U.S.C. 415), as supplemented; relating to certain arrest authority relative to national military parks, is hereby repealed;

"(2) The first paragraph of that portion designated 'GENERAL EXPENSES—FOREST SERVICE' of the Act of March 3, 1905 (33 Stat. 872; 16 U.S.C. 10, 559), as amended, relating in part to arrest authority relative to laws and regulations applicable to forest reserves and national parks, is amended by deleting the words 'and national park service', 'and national parks', and 'or national parks';

"(3) Section 2 of the Act of March 2, 1933 (47 Stat. 1420; 16 U.S.C. 10a), as amended, relating to certain arrest authority for certain employees of the National Park Service, is hereby repealed; and

"(4) The second paragraph of section 6 of the Act of October 8, 1964 (78 Stat. 1041; 16 U.S.C. 460n-5), as amended, relating to certain arrest authority relative to the Lake Mead National Recreation Area, is hereby repealed.

"(b) In addition to any other authority conferred by law, the Secretary of the Interior is authorized to designate, pursuant to standards prescribed in regulations by the Secretary, certain officers or employees of the Department of the Interior who shall maintain law and order and protect persons and property within areas of the National Park System. In the performance of such duties, the officers or employees, so designated, may—

"(1) carry firearms and make arrests without warrant for any offense against the United States committed in his presence, or for any felony cognizable under the laws of the United States if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony, provided such arrests occur within that system or the person to be arrested is fleeing therefrom to avoid arrest;

"(2) execute any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law arising out of an offense committed in that system or, where the person subject to the warrant or process is in that system, in connection with any Federal offense; and

"(3) conduct investigations of offenses against the United States committed in that system in the absence of investigation thereof by any other Federal law enforcement agency having investigative jurisdiction over the offense committed or with the concurrence of such other agency.

"(c) The Secretary of the Interior is hereby authorized to—

"(1) designate officers and employees of any other Federal agency or law enforcement personnel of any State or political subdivision thereof, when deemed economical and in the public interest and with the concurrence of that agency or that State or subdivision, to act as special policemen in areas of the National Park System when supplemental law enforcement personnel may be needed, and to exercise the powers and authority provided by paragraphs (1), (2), and (3) of subsection (b) of this section;

"(2) cooperate, within the National Park System, with any State or political subdivision thereof in the enforcement of supervision of the laws or ordinances of that State or subdivision; and

"(3) provide limited reimbursement, to a State or its political subdivisions, in accordance with such regulations as he may prescribe, where the State has ceded concurrent legislative jurisdiction over the affected area of the system, for expenditures incurred in connection with its activities within that system whch were rendered pursuant to paragraph (1) of this subsection.

"(4) the authorities provided by this subsection shall supplement the law enforcement responsibilities of the National Park Service, and shall not authorize the delegation of law enforcement responsibilities of the agency to State and local governments.

"(d)(1) Except as otherwise provided in this subsection, a law enforcement officer of any State or political subdivision thereof designated to act as a special policeman under subsection (c) of this section shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including, but not limited to, those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal benefits.

"(2) For purposes of the tort claim provisions of title 28, United States Code, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (c) of this section, be considered a Federal employee.

"(3) For purposes of subchapter I of chapter 81 of title 5, United States Code, relating to compensation to Federal employees for work injuries, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (c) of this section be deemed a civil service employee of the United States within the meaning of the term 'employee' as defined in section 8101 of title 5, and the provisions of that subchapter shall apply.

"(e) Nothing contained in this Act shall be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency other than the National Park Service, and nothing shall be construed or applied to affect any right of a State or a political subdivision thereof to exercise civil and criminal jurisdiction within the National Park System.

"SEC. 11. Section 101(a) of title I of Public Law 89-655 (80 Stat. 915; 16 U.S.C. 470a), is amended by adding thereto a new paragraph to read as follows:

"'(4) to withhold from disclosure to the public, information relating to the location of sites or objects listed on the National Register whenever he determines that the disclosure of specific information would create a risk of destruction or harm to such sites or objects.'.

"SEC. 12. (a) Not later than January 15 of each calendar year, the Secretary of the Interior shall transmit to the Committees on Interior and Insular Affairs a detailed program for the development of facilities, structures, or buildings for each unit of the National Park System consistent with the general management plans required in subsection (b) of this section.

"(b) General management plans for the development of each unit of the National Park System, including the areas within the national capital region, shall be prepared by the Director of the National Park Service and transmitted to the Committees on Interior and Insular Affairs. Such plans shall include:

"(1) the facilities which the Director finds necessary to accommodate the health, safety, and recreation needs of the visiting public, including such facilities as he may deem appropriate to provide in accordance with the provisions of the Act of October 9, 1965 (79 Stat. 969);

"(2) the location and estimated cost of all such facilities; and

"(3) the projected need for any additional facilities required for such unit.

"(c) The Secretary of the Interior shall hereafter transmit to the Committees on Interior and Insular Affairs all proposed awards of concession leases and contracts involving a gross annual business of $100,000 or more, or exceeding five years in duration (including renewals thereof), and all proposed rules and regulations relating thereto, sixty days before such awards are made or such rules and regulations are promulgated. The Act of July 14, 1956 (70 Stat. 543) is hereby repealed.".

The SPEAKER. Is a second demanded?

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

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

There was no objection.

The SPEAKER. The gentleman from North Carolina (Mr. TAYLOR) and the gentleman from Kansas (Mr. SEBELIUS) will be recognized for 20 minutes each.

The Chair recognizes the gentleman from North Carolina (Mr. TAYLOR).

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, H.R. 11887 is a measure containing several different changes and clarifications of authority which govern the administration of our national park system. This legislation does not propose any sweeping changes or make any great differences in the basic way in which our national parks are to be managed in the coming years. But it is significant because it will better equip the National Park Service to continue in their efforts to manage these unique national resources for the benefit and enjoyment of all Americans.

The bill contains a number of provisions such as the following: It authorizes the Secretary in accordance with standards which he may prescribe to designate various Interior Department employees to maintain law and order and protect persons and property within the national park system. These employees may, as part of their duties, carry firearms, make misdemeanor arrests for offenses committed in their presence and make felony arrests on the basis of probable cause—just as other officers are authorized to make arrests. It is not the intent that rangers in general be armed. We desire to maintain the image of the ranger as a naturalist and as a friend to the park visitors but as the same criminals who commit crimes in cities and on the highways occasionally get in the parks and there must be authority to protect the public and not permit the Parks to become a haven for retreating criminals.

The Advisory Board to the Secretary of the Interior on National Parks and Related Areas is reestablished by this legislation and the name is shortened to National Park Areas Advisory Board. This will enable this worthwhile body of interested citizens to continue to provide the advice and counsel which has been so useful to the Secretary down through the years.

Another feature of the bill is a provision which would encourage the Secretary of Interior and the appropriate State governments to begin negotiations for eventually establishing concurrent jurisdictions over many areas within the national park system.

At present, some parks have exclusive jurisdiction, just like military reservations; some have proprietary jurisdiction, just like a small historic site operating entirely under State law; and some have concurrent jurisdiction. This jurisdiction subject is important when we consider such subjects as law enforcement, fire protection, garbage pick-up service and connections to establish water and sewage systems. The Park Service needs authority to work out cooperative agreements dealing with such matters.

There is a provision in the bill which provides for more equitable treatment of dependents of employees living in government housing who have died while serving in remote areas.

Mr. Speaker, there are numerous additional small items within this measure, all designed to improve the ability of the responsible agency to protect and manage our national parks. It is a measure which should have practically no cost and yet its benefits to our national parks may be far reaching. I urge my colleagues to join me in passing H.R. 11887.

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

Mr. TAYLOR of North Carolina. I yield to the gentleman from Illinois.

Mr. YATES. I thank the gentleman for yielding.

What happens to prisoners who are arrested by the rangers after they have been arrested?

Mr. TAYLOR of North Carolina. They will be turned over to the U.S. marshals, transported to the nearest federally approved jail or detention facility.

Mr. YATES. If the gentleman will yield further, is there a provision in the bill for that to take place?

Mr. TAYLOR of North Carolina. I understand that this procedure is already followed under existing law.

Mr. YATES. Will this be a crime under the Federal law? What is the basis for the arrest to be—a crime committed on park property?

Mr. TAYLOR of North Carolina. If a misdemeanor is committed in the presence of the officer, he would have authority to arrest, just as do other officers. If he has probable cause to believe that a felony has been committed, he can apprehend the felon, just as other officers. The bill does not spell that out in particular; that is authority exercised under existing law. The bill clarifies the authority of designated National Park Service employees to function as law enforcement officers.

Mr. YATES. Mr. Speaker, does the FBI have jurisdiction for entering park property in the event of a felony?

Mr. TAYLOR of North Carolina. Yes.

Mr. YATES. I thank the gentleman from North Carolina.

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

Mr. TAYLOR of North Carolina. I yield to the gentleman from Georgia.

Mr. McDONALD. Mr. Speaker, in the event we have another Human Kindness Day such as took place only a short distance from the Capitol, would the Park Police possibly be armed and able to make an arrest under that circumstance?

Mr. TAYLOR of North Carolina. If there is trouble in the parks in the National Capital, the U.S. Park Police already have such authority. Of course they could call the Metropolitan Police to their assistance. This bill also specifically gives authority to the National Park Service to work out arrangements with the local police departments and local highway patrols to come to the aid of the rangers in case of emergency.

Mr. McDONALD. Of course in the recent Human Kindness Day situation down at the Washington Monument, it was notable for its lack of police protection and lawless acts.

Mr. TAYLOR of North Carolina. The Park Police can make arrests now and do, but this bill would provide clear authority for national park rangers in similar circumstances.

Mr. McDONALD. I thank the gentleman.

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

Mr. Speaker, this bill provides for numerous adjustments or additions to existing law which affect the administration of the national park system. None of the items are of great importance in their own right, but collectively they constitute a very helpful assemblage which will aid the administration of the national park system.

There are several points I would like to underscore.

First. Sale or lease of services or resource items from within park areas. A provision was added to the existing law to condition any contemplated sale or lease of any park resource on an assurance that it would in no way result in jeopardy or adverse influence upon that resource or the park in general. This is designed to assure adequate protection of natural and/or historic values of the parks through a thorough analysis of possible impact and alternatives.

Second. National Park System Advisory Board. This Board, which has been in existence since about 1935 and has performed a most valuable service to the Secretary of the Interior, has been slightly restructured and renamed. The field of expertise of its membership has been broadened, provision has been made for the Secretary to consider the nomination of appointees to come from a wide breadth of sources, its term of service has been reduced from 6 to 4 years to provide increased opportunity for contributions by more people, and the Board is specifically encouraged to develop its own identification of issues and recommendations to be brought to the Secretary. I believe these adjustments provide beneficial modernization features for a Board which has performed a most valuable service in the past.

Third. Resource studies. In 1972, the National Park Service published the "National Park System Plan," which was designed to help identify the gaps or under representations of various nationally significant natural and historic resources in our national park system. Building upon that type of effort, this bill provides that the Secretary shall continually monitor the welfare of, and call to the attention of the Congress annually, prospective candidates which may be worthy of addition to the national park system. This monitoring as to condition of resource integrity will also apply to registered national natural and historic landmarks, and will result in a greatly increased National Park Service effort to keep abreast of the ongoing condition of these landmarks. The National Park Service is the most capable Federal agent to professionally and comprehensively assess and monitor the welfare of the nation's most superlative natural and historic resources, identify any threats coming upon them, and call these matters to the attention of the Congress and the American people. This provision of this bill is designed to institutionalize a more regularly dependable and methodical approach to this matter.

Mr. Speaker, this bill contains numerous additional important features which will be of much assistance in helping the National Park Service to do a better job of protecting and managing our national park system for the public.

I urge the adoption of this bill.

Mr. Speaker, I yield to the gentleman from Kansas (Mr. SKUBITZ), the ranking minority member of the Committee on Interior and Insular Affairs.

Mr. SKUBITZ. Mr. Speaker, first I commend the gentleman from North Carolina (Mr. TAYLOR), chairman of the Subcommittee on National Parks and Recreation, and the gentleman from Kansas (Mr. SEBELIUS), the ranking minority member of that subcommittee for the outstanding job they did in bringing about this bill.

Mr. Speaker, the administration of any large organization is complicated and challenging.

Often it is not possible to foresee specific administrative problems before they actually occur.

Thus, it is not surprising that amendments must be made to the act of 1970 in order to improve the administration in the national park system.

Early last year the Interior Committee held oversight hearings on the national park system.

In general, we were pleased with the administration of our Nation's parks and recreational areas.

But we were not surprised to find minor technical matters that need legislative action.

Therefore, Mr. Speaker, I rise in support of H.R. 11887.

No costs are specifically required by this bill.

Instead, it is hoped that the increased efficiency resulting from its adoption will outweigh the few minor expenditures.

H.R. 11887 clarifies the jurisdictions of law enforcement authorities in units of the national park system.

It recognizes and provides for certain needs for Park Service employees.

It insures that the Secretary has the authority to regulate boating activities in the parks in coordination with the Coast Guard.

The committee report gives the best reason for the adoption of this bill:

These and other administrative adjustments are small matters individually, but they are worthwhile in that they are needed, as a part of improving the administration of the national park system.

For these reasons I urge the adoption and enactment of H.R. 11887.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina (Mr. TAYLOR) that the House suspend the rules and pass the bill H.R. 11887, as amended.

Mr. CRANE. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER. Pursuant to clause 3 of rule XXVII, and the Chair's prior announcement, further proceedings on this motion will be postponed.

AUTHORIZING ESTABLISHMENT OF CONGAREE SWAMP NATIONAL PRESERVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 11891) to authorize the establishment of the Congaree Swamp National Preserve in the State of South Carolina, and for other purposes, as amended.

The Clerk read as follows:

H.R. 11891

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to preserve and protect for the education, inspiration, and enjoyment of present and future generations an outstanding example of a near-virgin southern hardwood forest situated in the Congaree River floodplain in Richland County, South Carolina, there is hereby established the Congaree Swamp National Monument (hereinafter referred to as the "monument"). The monument shall consist of the area within the boundary as generally depicted on the map entitled "Congaree Swamp National Monument", numbered CS-80, 001-B, and dated August 1976 (generally known as the Beidler Tract), which shall be on file and available for public inspection in the offices of the National Park Service, Department of the Interior. Following reasonable notice in writing to the Committees on Interior and Insular Affairs of the Senate and House of Representatives of his intention to do so, the Secretary of the Interior (hereinafter referred to as the "Secretary") may make minor revisions of the boundary of the monument by publication of a revised map or other boundary description in the Federal Register, but the total area may not exceed fifteen thousand, two hundred acres.

SEC. 2. (a) Within the monument the Secretary is authorized to acquire lands, waters, and interests therein by donation, purchase with donated or appropriated funds, or exchange. Any lands or interests therein owned by the State of South Carolina or any political subdivision thereof may be acquired only by donation.

(b) With respect to any lands acquired under the provisions of this Act which at the time of acquisition are leased for hunting purposes, such acquisition shall permit the continued exercise of such lease in accordance with its provisions for its unexpired term, or for a period of five years, whichever is less: *Provided,* That no provision of such lease may be exercised which, in the opinion of the Secretary, is incompatible with the preservation objectives of this Act, or which is inconsistent with applicable Federal and State game laws, whichever is more restrictive.

SEC. 3. (a) The Secretary shall administer property acquired for the monument in accordance with the Act of August 25, 1916 (39 Stat. 535), as amended and supplemented, and the provisions of this Act.

(b) The Secretary shall permit sport fishing on lands and waters under his jurisdiction within the monument in accordance with applicable Federal and State laws, except that he may designate zones where and establish periods when no fishing shall be permitted for reasons of public safety, administration, fish or wildlife management, or public use and enjoyment. Except in emergencies, any regulations promulgated under this subsection shall be placed in effect only after consultation with the appropriate fish and game agency of the State of South Carolina.

SEC. 4. Within three years from the effective date of this Act, the Secretary shall review the area within the monument and shall report to the President, in accordance with subsections 3(c) and 3(d) of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132 (c) and (d)), his recommendation as to the suitability or nonsuitability of any area within the monument for preservation as wilderness, and any designation of any such area as wilderness shall be accomplished in accordance with said subsections of the Wilderness Act.

SEC. 5. (a) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act, but not to exceed $35,500,000 for land acquisition, and not to exceed $500,000 for the development of essential facilities. No funds authorized to be appropriated pursuant to this Act shall be available prior to October 1, 1977.

(b) Within three years from the effective date of this Act the Secretary shall, after consulting with the Governor of the State of South Carolina, develop and transmit to the Committees on Interior and Insular Affairs of the United States Congress a general management plan for the use and development of the monument consistent with the purposes of this Act, indicating:

(1) the lands and interests in lands adjacent or related to the monument which are deemed necessary or desirable for the purposes of resource protection, scenic integrity, or management and administration of the area in furtherance of the purposes of this Act, and the estimated cost thereof;

(2) the number of visitors and types of public use within the monument which can be accommodated in accordance with the protection of its resources;

(3) the location and estimated cost of facilities deemed necessary to accommodate such visitors and uses.

The SPEAKER. Is a second demanded?

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

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

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield myself 3 minutes.

Mr. Speaker, H.R. 11891 as reported by the Committee on Interior and Insular Affairs would establish the Congaree Swamp National Monument in the State of South Carolina. I must point out that the word "swamp" here cannot accurately describe the resource to be protected. The Congaree is a bottomland forest in central South Carolina not more than a short drive from the State capital, yet it represents a unique natural resource. Along the Congaree River flood plain there stands a forest which might well be called the "Redwoods of the Eastern United States." The area is filled with majestic trees, several of which are the largest known examples of their species. Some 2 dozen trees are marked as State champions, some as national champions, and some as world champions. This remarkable forest has been preserved from the timber harvesting activities which have surrounded it, but I believe its days are numbered unless we act now.

The tract of property included in this legislation has remained free of timber harvesting except for some cutting of big cyprus trees about the turn of the century until 1969, but timber harvesting operations are now being carried on at the rate of 500 acres annually. The owners of the tract have been most cooperative but they view the property as a valuable investment which must be managed for its economic benefits. It is obvious that we should act now if this property is to be protected.

Over 10 years ago the National Park Service studied this area and recommended the designation of a national monument. This year Representative FLOYD SPENCE has taken the lead in proposing full protection for a specific 15,000 acre tract in the Congaree which would provide an adequate representative of this magnificent old growth forest. H.R. 11891 is presented by the committee as a strike-all amendment so that the usual provisions which apply to the establishment of national park areas of this nature may be included.

Mr. Speaker, H.R. 11891 would authorize the expenditure of up to $35,500,000 to secure the lands within the proposed monument boundary for the permanent benefit and enjoyment of the people of this country. Although the acquisition cost is substantial it will permit the Congress to protect an example of a forest type of great significance which is nowhere else to be found in the entire national park system.

I urge my colleagues to join me in passing H.R. 11891.

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

Mr. Speaker, I rise in support of this bill, which will establish the Congaree Swamp National Monument in the State of South Carolina. I will say that I believe this is one of the most meritorious additions we will have made to the national park system during this Congress.

This area is not really a formidable swamp as the name may imply. Rather, it is a magnificent lowland deciduous forest along the flood plain of the Congaree River, which is flood free and reasonably accessible most of the year. The 15,000 acres proposed for protection by this bill is essentially the last remaining basically virgin forest of its type in the entire South. Even now, this small area is jeopardized, in that its timber is being cut at the rate of 500 acres per year.

It is the intention of the committee that this cutting and any further sales will promptly stop upon enactment of this legislation, through arrangements between the National Park Service and the single landowner. The species which make up this forest are not homogenous throughout; the area is made up of numerous differing stands and concentrations of species to comprise various forest types. The cutting of a 500-acre segment does not merely constitute a loss of 500 acres—it can constitute the total loss of a complete forest type, perhaps not duplicated elsewhere in the proposed monument. Therefore, continued cutting of any type can have serious consequences.

Mr. Speaker, this bill provides a conventional acquisition formula. I expressed concern in committee that we might need to consider an approach much more forceful—such as a legislative taking, should that be necessary to assure absolute protection of this superlative resource from further damage. Other members agreed with me. It was only as a result of reasonable assurance that the National Park Service and the landowner felt they could negotiate mutually acceptable terms under a conventional acquisition authority that the committee backed off from further consideration of a more strengthened acquisition procedure.

It should be pointed out that we have suffered some very bad experiences at the recently authorized Big Thicket National Preserve in Texas due to insufficiently prompt acquisition and protection measures taken by the Secretary—and this was under a prioritized acquisition schedule where the Congress required the acquisition to be essentially completed within 6 years. I think the committee's concern was amply clear in the case of this Congaree bill, and it certainly is my own strong intention that this type of experience will not in any way occur with this area.

There is one other factor which bears some explanation. The committee chose to not permit public hunting here due to reasons of safety, insufficient game to support public hunting, and the inconsistency of that activity with monument status. However, a private hunting lease which existed at the time of the committee's consideration of this legislation will be allowed to run its term, and should expire in about another year. Should there be activities associated with the terms of that lease which are deemed by the Secretary to be adverse to the protection of the monument's natural values, such activities are to be eliminated or properly controlled by the Secretary.

Mr. Speaker, this bill has very strong support. It will fill a void that now exists in representation of a particular forest ecosystem in our national park system. I urge its adoption by my colleagues.

Mr. Speaker, I yield such time as he may consume to the gentleman from Kansas (Mr. SKUBITZ).

Mr. SKUBITZ. Mr. Speaker, I want to call attention of the House to the fact that what we are doing here is establishing another park, in a sense. I have no objection to the contents of the bill itself. I want to call attention of the House committee to the fact that here again we are establishing a project that is going to cost in the neighborhood of $35.5 million for acquisitions and another half million for development, and if the bill passes the Senate providing for payment in lieu of taxes, that we will have to pay 1 percent on acquisition to us for 5 years and then pay an acreage tax on the land in perpetuity.

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

Mr. SKUBITZ. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. Mr. Speaker, I do think the House may be confused. As I understood the gentleman from North Carolina (Mr. TAYLOR), the gentleman from North Carolina said the cost was $35,000, with another $5,000 for development.

Is the gentleman from Kansas saying the same thing will cost millions of dollars?

Mr. SKUBITZ. I believe it is $35.5 million.

Mr. TAYLOR or North Carolina. Mr. Speaker, if the gentleman will yield, I am sorry if I said $35,000. It is a little more than $35 million.

Mr. MYERS of Indiana. Mr. Speaker, if the gentleman will yield further, I understood the gentleman to say $35,000.

May I ask, what is this land being used for now, for which we are paying $35 million?

Mr. SEBELIUS. Mr. Speaker, if the gentleman will yield further, it is being cut for timber. We have a large number of champion trees threatened with being cut. Some of them are just outstanding. I do not have notes on all the species of trees, but the gentleman who sponsored this bill, the gentleman from South Carolina (Mr. SPENCE) does have this knowledge. I would be glad to have the gentleman respond to the gentleman from Indiana on what trees are involved.

Mr. MYERS of Indiana. If the gentleman will yield further, what concerns me—I am not opposed to or, at this point, favoring this legislation—but often we are taking worthless land off people's hands because we use this exciting word that we are going to put in a national reserve, a national park, or a conservancy district. That land really is not valued at very much. People have been paying taxes on it, so we really are not doing a service to either party by taking the land and converting it over to something that sounds exciting for environmentalists, nature lovers, park lovers. We really are not doing anything for anyone.

Mr. SEBELIUS. I appreciate the gentleman's concern, but this is an outstanding item in our inventory of superlative potential parks. It is endorsed by nearly everybody, including the gentleman from South Carolina (Mr. SPENCE), in whose district the area is located.

Mr. MYERS of Indiana. I have great regard for the gentleman from South Carolina (Mr. SPENCE), but still, what is the land being used for right now?

Mr. SEBELIUS. The timber is being harvested at the rate of about 500 acres per year now, and the owner is willing to sell the entire tract so that we can keep the trees. The next time the gentleman from Indiana and his wife have a weekend, they should go down to South Carolina and look at something really outstanding that needs to be saved.

Mr. SKUBITZ. Mr. Speaker, may I say to my colleague from Indiana that I am not opposed to the contents of this bill, but what is bothering me is that this House passed a bill, and the State of South Carolina asked us to take this land, but after the next tax bill goes through the Senate, we will be paying 1 percent of the valuation for 5 years to South Carolina in lieu of taxes, and an acreage tax from then on. Where is it going to stop?

Mr. MYERS of Indiana. If the gentleman from Kansas will yield, I completely agree. That is what concerns me. We do these things under the guise of doing something the conservationists want or the environmentalists want or society needs, but what are we doing to that local community? Is it going to cost the taxpayers every year more than the $35 million?

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

Mr. SEBELIUS. I yield to the gentleman from South Carolina.

Mr. SPENCE. Mr. Speaker, I would like to associate myself with the remarks of the distinguished gentleman from North Carolina (Mr. TAYLOR), the chairman of the Subcommittee on National Parks and Recreation. I also wish to express to him my very deep appreciation for the personal interest he has shown and the strong leadership he has provided in bringing H.R. 11891 to the floor for consideration today. All of us who support this legislation owe a debt of lasting gratitude to him, to the ranking minority member, the gentleman from Kansas (Mr. SEBELIUS), and to other members of the subcommittee.

The Congaree Swamp in South Carolina, unique in many ways, has been designated as a natural landmark by the Secretary of the Interior. The National Park Service recommended in 1963 that part of the swamp be added to the national park system as a national monument. Support and interest in this objective have greatly intensified in recent years.

As the committee report states, the Congaree Swamp is "the finest remaining example of our southern bottomland hardwood forests." A study of the key portion of the swamp last year by the South Carolina Wildlife and Marine Resources Department in conjunction with other State agencies, the National Park Service, and representatives of private groups and associations concluded that this was "the last major old growth stand of its type in the Southeast."

H.R. 11891 provides for acquisition of the key portion of the swamp, mentioned above, which is commonly known as the "Beidler Tract." It has been in the ownership of a single family for several generations. This land is about 15 air miles southeast of Columbia. It is 11 miles long

and averages 2 to 2½ miles in width, covering approximately 15,000 acres.

The tract's best known features are its large trees, with an unusually high concentration of record and near record trees. Seventeen State record-size trees, five of which are national records or nominees, have been located within the area. Many of the trees are believed to be 300 years old or older. I include at this point table 3 from the final report of the South Carolina Wildlife and Marine Resources Department, referred to above, which lists record trees of the Beidler Tract. This table is on page 20 of the report.

TABLE 3.—RECORD TREES OF THE BEIDLER TRACT

Species	Circumference (at 4.5 ft)	Height	Spread
NATIONAL RECORDS			
Loblolly Pine (Pinus taeda) [1]	15'10"	144'	50'
Overcup Oak (Quercus lyrata) [1]	21'10"	150'	87'
Possumhew (Ilex decidua) [2]	1' 8"	30'	45'
Laurel Oak (Quercus laurifolia) [2]	20' 8"	111'	58'
Swamp Tupelo (Nyssa Sylvatica var. biflora) [2]	12'10"	101'	60'
STATE RECORDS			
Honeylocust (Gleditsia triacanthos)	8' 3"	122'	36'
Ironwood (Carpinus caroliniana)	4' 7"	60'	49'
Water Elm (Planera aquatica) [1]	6' 6"	54'	45'
Sycamore (Platanus occidentalis) [1]	14' 8"	147'	90'
Water Tupelo (Nyssa aquatica) [1]	20' 2"	90'	56'
Cherrybark Oak (Quercus falcata var. pagodaefolia) [1]	21' 5"	152'	110'
Swamp Chestnut Oak (Quercus michauxii) [1]	16' 5"	150'	87'
White Ash (Fraxinus americana) [2]	15' 3"	135'	80'
Shumard Oak (Quercus shumardii) [2]	16' 4"	127'	65'
American Elm (Ulmus americana) [2]	17' 3"	120'	80'
Willow Oak (Quercus phellos) [2]	17' 8"	147'	90'
Red Bay (Persea barbonia) [2]	5' 5"	67'	45

[1] Nominated by John Cely and Jim Elder.
[2] To be nominated by the South Carolina Wildlife and Marine Resources Department.
Note: Several other record-size trees are reported to occur on inholdings.

Mr. Speaker, H.R. 11891 offers us the opportunity to preserve a great natural asset for ourselves and future generations. Unfortunately we cannot afford the luxury of prolonged delay in reaching a decision. Time is not a factor in our favor. The land in question is also a valuable financial holding and its owners do not feel that they can postpone indefinitely the realization of its economic benefits.

A companion bill was sponsored by the entire South Carolina delegation and both members of the other body from my State have introduced measures to preserve the Congaree Swamp. I am sure that many of you have heard about the Congaree Swamp from your own constituents. This legislation has widespread support throughout the United States. H.R. 11891 merits our approval and I urge its expeditious passage.

Mr. DENT. Mr. Speaker, will the gentleman yield on a point of information?

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

Mr. DENT. Mr. Speaker, it is my understanding that the record proclaims that at exactly 7 o'clock we will go into the voting on previous pieces of legislation. Without prejudice, I am saying to those interested that at 7 o'clock I am going to insist on voting.

The SPEAKER. The gentleman is correct. There is a motion to suspend the rules pending. As soon as it is disposed of, we are going into the voting procedure.

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

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

Mr. WALSH. Mr. Speaker, I wonder if some member of the committee can tell me the assessed valuation of this land.

Mr. SEBELIUS. Does the gentleman from North Carolina know what the assessed valuation of the land is?

Mr. WALSH. We are paying $35 million for the land. We do not know what the assessed value is.

Mr. SEBELIUS. That is the value of it. Assessed value is something else. I do not have that figure at hand.

Mr. WALSH. This is the purchase price. I would like to know the assessed valuation. I would like to know what we are receiving for our money.

Mr. SEBELIUS. Mr. Speaker, I yield back the balance of my time.

Mr. TAYLOR of North Carolina. Mr. Speaker, I yield back the balance of my time

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina (Mr. TAYLOR) that the House suspend the rules and pass the bill H.R. 11891, as amended.

The question was taken; and on a division (demanded by Mr. SYMMS) there were—yeas 67, nays 12.

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

The title was amended so as to read: "A bill to authorize the establishment of the Congaree Swamp National Monument in the State of South Carolina, and for other purposes.".

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. Debate has been concluded on all motions to suspend the rules, under the announcement the majority leader made last night.

Pursuant to clause 3, rule XXVII, the Chair will now put the question on each motion, on which further proceedings were postponed, in the order in which that motion was entertained.

Votes will be taken in the following order:

H.R. 15246, by the yeas and nays; H.R. 15552, by the yeas and nays; House Resnays; H.R. 15026, by the yeas and nays; 2839, by the yeas and nays; House Concurrent Resolution 737, by the yeas and nays; H.R. 15026, by the yeas and nays; H.R. 3647, by the yeas and nays; H.R. 12484, by the yeas and nays; H.R. 12048, de novo; H.R. 14071, by the yeas and nays; H.R. 7682, by the yeas and nays; H.R. 13101, by the yeas and nays; and H.R. 11887, by the yeas and nays.

The Chair will reduce to 5 minutes the time for any electronic votes after the first such vote in this series.

SERVICE CONTRACT ACT AMENDMENTS OF 1976

The SPEAKER. The unfinished business is the question of suspending the rules and passing the bill H.R. 15246.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from New Jersey (Mr. THOMPSON) that the House suspend the rules and pass the bill H.R. 15246, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 395, nays 3, not voting 32, as follows:

[Roll No. 777]

YEAS—395

Abdnor	Corman	Harris
Abzug	Cornell	Harsha
Adams	Cotter	Hawkins
Addabbo	Coughlin	Hayes, Ind.
Alexander	Crane	Hechler, W. Va.
Allen	D'Amours	Heckler, Mass.
Ambro	Daniel, Dan	Hefner
Anderson, Calif.	Daniel, R. W.	Hicks
	Daniels, N.J.	Hightower
Andrews, N.C.	Danielson	Hillis
Andrews, N. Dak.	Davis	Holland
	de la Garza	Holt
Annunzio	Delaney	Holtzman
Archer	Dent	Horton
Ashbrook	Derrick	Howard
Ashley	Derwinski	Howe
Aspin	Devine	Hubbard
AuCoin	Dickinson	Hughes
Bafalis	Diggs	Hungate
Baldus	Dingell	Hutchinson
Baucus	Dodd	Hyde
Bauman	Downey, N.Y.	Ichord
Beard, R.I.	Downing, Va.	Jacobs
Beard, Tenn.	Drinan	Jarman
Bedell	Duncan, Oreg.	Jeffords
Bell	Duncan, Tenn.	Jenrette
Bennett	Early	Johnson, Calif.
Bergland	Eckhardt	Johnson, Colo.
Bevill	Edgar	Johnson, Pa.
Biaggi	Edwards, Ala.	Jones, N.C.
Biester	Edwards, Calif.	Jones, Okla.
Bingham	Eilberg	Jones, Tenn.
Blanchard	Emery	Jordan
Blouin	English	Kasten
Boggs	Erlenborn	Kastenmeier
Boland	Eshleman	Kazen
Bolling	Evans, Colo.	Kelly
Bonker	Evans, Ind.	Kemp
Bowen	Evins, Tenn.	Ketchum
Brademas	Fary	Keys
Breaux	Fascell	Kindness
Breckinridge	Fenwick	Koch
Brinkley	Findley	Krebs
Brodhead	Fish	Krueger
Brooks	Fisher	LaFalce
Broomfield	Flood	Lagomarsino
Brown, Calif.	Florio	Latta
Brown, Mich.	Flowers	Leggett
Brown, Ohio	Flynt	Lehman
Broyhill	Foley	Lent
Buchanan	Ford, Mich.	Levitas
Burgener	Ford, Tenn.	Lloyd, Calif.
Burke, Calif.	Forsythe	Lloyd, Tenn.
Burke, Fla.	Fountain	Long, La.
Burke, Mass.	Fraser	Long, Md.
Burleson, Tex.	Frey	Lott
Burlison, Mo.	Fuqua	Lujan
Burton, John	Gaydos	Lundine
Burton, Phillip	Giaimo	McClory
Butler	Gibbons	McCloskey
Byron	Gilman	McDade
Carney	Ginn	McEwen
Carr	Gonzalez	McFall
Carter	Goodling	McHugh
Cederberg	Gradison	McKay
Chappell	Grassley	McKinney
Chisholm	Guyer	Madden
Clancy	Hagedorn	Maguire
Clausen, Don H.	Haley	Mahon
	Hall, Ill.	Mann
Clawson, Del	Hall, Tex.	Martin
Clay	Hamilton	Mathis
Cleveland	Hammer-schmidt	Mazzoli
Cochran		Melcher
Cohen	Hanley	Meyner
Collins, Ill.	Hannaford	Mezvinsky
Conable	Hansen	Michel
Conte	Harkin	Mikva
Conyers	Harrington	Milford

Miller, Calif.
Miller, Ohio
Mills
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Pressler
Preyer
Price
Pritchard
Quie
Quillen
Railsback
Randall
Rangel
Rees
Regula
Reuss
Rhodes
Richmond
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Ruppe
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Satterfield
Scheuer
Schneebeli
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Shuster
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steiger, Wis.
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thompson
Thone
Thornton
Traxler
Treen
Tsongas
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Waxman
Weaver
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—3

Collins, Tex. McDonald Paul

NOT VOTING—32

Anderson, Ill.
Armstrong
Badillo
Conlan
Dellums
du Pont
Esch
Fithian
Frenzel
Goldwater
Green
Gude
Hébert
Heinz
Helstoski
Henderson
Hinshaw
Jones, Ala.
Karth
Landrum
McCollister
McCormack
Madigan
Matsunaga
Meeds
Metcalfe
Mink
Nix
Riegle
Steelman
Steiger, Ariz.
Stephens

The Clerk announced the following pairs:

Mr. Badillo with Mr. Karth.
Mr. Matsunaga with Mr. Green.
Mr. Meeds with Mr. du Pont.
Mr. McCormack with Mr. Conlan.
Mr. Fithian with Mr. Anderson of Illinois.
Mr. Helstoski with Mr. Esch.
Mr. Hébert with Mr. McCollister.
Mr. Dellums with Mr. Jones of Alabama.
Mr. Nix with Mr. Gude.
Mrs. Mink with Mr. Frenzel.
Mr. Metcalfe with Mr. Heinz.
Mr. Henderson with Mr. Steelman.
Mr. Riegle with Mr. Steiger of Arizona.
Mr. Stephens with Mr. Goldwater.
Mr. Madigan with Mr. Landrum.

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 3(b)(3), rule XXVII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device may be taken on all the additional motions to suspend the rules on which the Chair has postponed further proceedings.

IMPLEMENTING INTERNATIONAL CONVENTIONS AGAINST TERRORISM

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill H.R. 15552.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Missouri (Mr. HUNGATE) that the House suspend the rules and pass the bill H.R. 15552, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 356, nays 44, not voting 30, as follows:

[Roll No. 778]

YEAS—356

Abdnor
Abzug
Adams
Alexander
Allen
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Ashbrook
Ashley
AuCoin
Bafalis
Baldus
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Carney
Carter
Cederberg
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collins, Tex.
Conable
Conte
Corman
Cornell
Cotter
Coughlin
Crane
D'Amours
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Danielson
Davis
de la Garza
Delaney
Dent
Derrick
Derwinski
Devine
Dickinson
Dingell
Dodd
Downey, N.Y.
Downing, Va.
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Edwards, Ala.
Eilberg
Emery
English
Erlenborn
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fary
Fascell
Fenwick
Findley
Fisher
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Forsythe
Fountain
Fraser
Frey
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Guyer
Hagedorn
Haley
Hall, Ill.
Hall, Tex.
Hamilton
Hammer-schmidt
Hanley
Hannaford
Hansen
Harkin
Harris
Harsha
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Hefner
Hicks
Hightower
Hillis
Holland
Holt
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jacobs
Jarman
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Koch
Krebs
LaFalce
Lagomarsino
Landrum
Latta
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
Lundine
McClory
McCloskey
McDade
McDonald
McEwen
McFall
McHugh
McKay
McKinney
Madden
Madigan
Maguire
Mahon
Mann
Martin
Mathis
Mazzoli
Melcher
Meyner
Mezvinsky
Michel
Mikva
Milford
Mills
Mineta
Minish
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nichols
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Neill
Ottinger
Passman
Patten, N.J.
Patterson, Calif.
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Pressler
Preyer
Price
Pritchard
Quie
Quillen
Railsback
Randall
Regula
Reuss
Rhodes
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rostenkowski
Roush
Rousselot
Runnels
Ruppe
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Satterfield
Scheuer
Schneebeli
Schroeder
Schulze
Sebelius
Sharp
Shipley
Shriver
Shuster
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Spellman
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steiger, Wis.
Stratton
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thompson
Thone
Thornton
Traxler
Treen
Tsongas
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Tex.
Zeferetti

NAYS—44

Addabbo
Aspin
Baucus
Bingham
Burke, Calif.
Burton, John
Burton, Phillip
Carr
Chisholm
Collins, Ill.
Conyers
Diggs
Eckhardt
Edgar
Edwards, Calif.
Fish
Ford, Tenn.
Harrington
Hawkins
Holtzman
Jordan
Kindness
Krueger
Miller, Calif.
Miller, Ohio
Mitchell, Md.
Moss
Myers, Pa.
O'Hara
Pattison, N.Y.
Paul
Rangel
Rees
Richmond
Rose
Rosenthal
Roybal
Seiberling
Solarz
Stark
Stokes
Waxman
Weaver
Young, Ga.

NOT VOTING—30

Anderson, Ill.
Armstrong
Badillo
Conlan
Dellums
du Pont
Esch
Fithian
Frenzel
Green
Gude
Hébert
Heinz
Helstoski
Henderson
Hinshaw
Jones, Ala.
Karth
McCollister
McCormack
Matsunaga
Meeds
Metcalfe
Mink
Nix
Riegle
Steelman
Steiger, Ariz.
Stephens
Zablocki

The Clerk announced the following pairs:

Mr. Badillo with Mr. Karth.
Mr. Matsunaga with Mr. Green.
Mr. Meeds with Mr. du Pont.
Mr. McCormack with Mr. Conlan.
Mr. Fithian with Mr. Anderson of Illinois.
Mr. Helstoski with Mr. Esch.

Mr. Hébert with Mr. McCollister.
Mr. Dellums with Mr. Jones of Alabama.
Mr. Nix with Mr. Gude.
Mrs. Mink with Mr. Frenzel.
Mr. Metcalfe with Mr. Heinz.
Mr. Henderson with Mr. Steelman.
Mr. Riegle with Mr. Steiger of Arizona.
Mr. Stephens with Mr. Zablocki.

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

Mr. DIGGS and Mr. JOHN L. BURTON changed their vote from "yea" to "nay."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

URGING THE PRESIDENT NOT TO EXTEND DIPLOMATIC OR OTHER RECOGNITION TO THE TRANSKEI TERRITORY

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing House Resolution (1509).

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. SOLARZ) that the House suspend the rules and pass the resolution (H. Res. 1509), on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 245, nays 156, not voting 29, as follows:

[Roll No. 779]

YEAS—245

Abzug
Adams
Addabbo
Allen
Ambro
Anderson, Calif.
Annunzio
Ashley
Aspin
AuCoin
Baldus
Baucus
Beard, R.I.
Bedell
Bell
Bergland
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Brademas
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Ohio
Buchanan
Burke, Calif.
Burke, Mass.
Burton, John
Burton, Phillip
Carney
Carr
Chisholm
Clay
Cohen
Collins, Ill.
Conable
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniels, N.J.
Danielson
Davis
Delaney
Derrick
Diggs
Dingell
Dodd
Downey, N.Y.
Drinan
Duncan, Oreg.
Early
Eckhardt
Edgar
Edwards, Calif.
Eilberg
Emery
Evans, Ind.
Evins, Tenn.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Flood
Florio
Foley
Ford, Mich.
Ford, Tenn.
Fraser
Fuqua
Giaimo
Gibbons
Gilman
Ginn
Gonzalez
Gradison
Hall, Ill.
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Hawkins
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Hicks
Hillis
Holland
Holtzman
Horton
Howard
Howe
Hughes
Hungate
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Jordan
Karth
Kasten
Kastenmeier
Kazen
Keys
Koch
Krebs
Krueger
LaFalce
Landrum
Leggett
Lehman
Levitas
Lloyd, Calif.
Long, Md.
Lundine
McCloskey
McDade
McEwen
McFall
McHugh
McKay
McKinney
Madden
Maguire
Mann
Mazzoli
Meicher
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mills
Mineta
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moorhead, Pa.
Morgan
Mosher
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Neal
Nedzi
Nolan
Nowak
Oberstar
Obey
O'Hara
O'Neill
Ottinger
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Peyser
Pike
Pressler
Preyer
Price
Pritchard
Quie
Rangel
Regula
Reuss
Richmond
Rinaldo
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Roybal
Ruppe
Ryan
St Germain
Santini
Sarasin
Sarbanes
Scheuer
Schroeder
Seiberling
Sharp
Simon
Sisk
Slack
Smith, Iowa
Solarz
Spellman
Staggers
Stanton, J. William
Stark
Steiger, Wis.
Stokes
Stuckey
Studds
Symington
Taylor, N.C.
Thompson
Thornton
Traxler
Tsongas
Udall
Ullman
Van Deerlin
Vander Veen
Vanik
Vigorito
Walsh
Waxman
Weaver
Whalen
Wilson, Tex.
Wirth
Wolff
Wright
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—156

Abdnor
Alexander
Andrews, N.C.
Andrews, N. Dak.
Archer
Ashbrook
Bafalis
Bauman
Beard, Tenn.
Bennett
Bevill
Bowen
Breaux
Breckinridge
Brinkley
Brown, Mich.
Broyhill
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Butler
Byron
Carter
Cederberg
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Collins, Tex.
Crane
Daniel, Dan
Daniel, R. W.
de la Garza
Dent
Derwinski
Devine
Dickinson
Downing, Va.
Duncan, Tenn.
Edwards, Ala.
English
Erlenborn
Eshleman
Evans, Colo.
Flowers
Flynt
Forsythe
Fountain
Frey
Gaydos
Goldwater
Goodling
Grassley
Guyer
Hagedorn
Haley
Hall, Tex.
Hammer-schmidt
Hansen
Harsha
Hefner
Hightower
Holt
Hubbard
Hutchinson
Hyde
Ichord
Jarman
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kelly
Kemp
Ketchum
Kindness
Lagomarsino
Latta
Lent
Lloyd, Tenn.
Long, La.
Lott
Lujan
McClory
McDonald
Madigan
Mahon
Martin
Mathis
Michel
Milford
Miller, Ohio
Minish
Montgomery
Moore
Moorhead, Calif.
Moss
Myers, Ind.
Myers, Pa.
Natcher
Nichols
O'Brien
Passman
Paul
Pettis
Pickle
Poage
Quillen
Railsback
Randall
Rees
Rhodes
Risenhoover
Roberts
Robinson
Rousselot
Runnels
Russo
Satterfield
Schneebeli
Schulze
Sebelius
Shipley
Shriver
Shuster
Sikes
Skubitz
Smith, Nebr.
Snyder
Spence
Stanton, James V.
Steed
Stratton
Symms
Talcott
Taylor, Mo.
Teague
Thone
Treen
Vander Jagt
Waggonner
Wampler
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Winn
Wydler
Wylie
Young, Alaska
Young, Fla.

NOT VOTING—29

Anderson, Ill.
Armstrong
Badillo
Conlan
Dellums
du Pont
Esch
Fithian
Frenzel
Green
Gude
Hébert
Heinz
Helstoski
Henderson
Hinshaw
Jones, Ala.
McCollister
McCormack
Matsunaga
Meeds
Metcalfe
Mink
Nix
Riegle
Steelman
Steiger, Ariz.
Stephens
Sullivan

The Clerk announced the following pairs:

Mr. Badillo with Mr. Stephens.
Mr. Matsunaga with Mr. Green.
Mr. Meeds with Mr. du Pont.
Mr. McCormack with Mr. Conlan.
Mr. Fithian with Mr. Anderson of Illinois.
Mr. Helstoski with Mr. Esch.
Mr. Hébert with Mr. McCollister.
Mr. Dellums with Mrs. Sullivan.
Mr. Nix with Mr. Gude.
Mrs. Mink with Mr. Frenzel.
Mr. Metcalfe with Mr. Heinz.
Mr. Henderson with Mr. Steelman.
Mr. Riegle with Mr. Steiger of Arizona.

Messrs. O'NEILL, HILLIS, RANGEL, Mrs. BOGGS, Messrs. FISH, GILMAN, and BELL changed their vote from "nay" to "yea."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

INTERNATIONAL INVESTMENT SURVEY ACT OF 1976

The SPEAKER pro tempore (Mr. McFALL). The unfinished business is the question of suspending the rules and passing the Senate bill S. 2839, as amended.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. SOLARZ) that the House suspend the rules and pass the Senate bill, as amended, on which the yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 380, nays 18, answered "present" 1, not voting 31, as follows:

[Roll No. 780]

YEAS—380

Abdnor
Abzug
Adams
Addabbo
Alexander
Allen
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashley
Aspin
AuCoin
Bafalis
Baldus
Baucus
Beard, R.I.
Beard, Tenn.
Bedell
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Carney
Carr
Carter
Cederberg
Chappell
Chisholm
Clancy
Clausen, Don H.
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Danielson
Davis
Delaney
Derrick
Dickinson
Diggs
Dingell
Dodd
Downey, N.Y.
Downing, Va.
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
English
Erlenborn
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fuqua
Gaydos
Giaimo
Gilman
Ginn
Goldwater
Goodling
Gradison
Grassley
Guyer
Hagedorn
Haley
Hall, Ill.
Hall, Tex.
Hamilton
Hammer-schmidt
Hanley

Hannaford
Harkin
Harrington
Harris
Harsha
Hawkins
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Hefner
Hicks
Hightower
Hillis
Holland
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jacobs
Jarman
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Landrum
Latta
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
Lundine
McClory
McCloskey
McDade
McEwen
McFall
McHugh
McKay
McKinney
Madden
Madigan
Maguire
Mahon
Mann
Martin
Mathis
Mazzoli
Melcher
Meyner
Mezvinsky
Michel
Mikva
Milford
Miller, Calif.
Mills
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Motti
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Pressler
Preyer
Price
Pritchard
Quie
Quillen
Railsback
Randall
Rees
Regula
Rhodes
Richmond
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Roybal
Runnels
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Satterfield
Scheuer
Schneebeli
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Shuster
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steiger, Wis.
Stokes
Stratton
Stuckey
Studds
Sullivan
Symington
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thompson
Thone
Thornton
Traxler
Treen
Tsongas
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Waxman
Weaver
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—18

Ashbrook
Bauman
Clawson, Del
Crane
de la Garza
Devine
Gibbons
Hansen
Holt
Kindness
McDonald
Miller, Ohio
Moss
Paul
Reuss
Rousselot
Symms
Wilson, C. H.

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—31

Anderson, Ill.
Badillo
Conlan
Dellums
Dent
Derwinski
du Pont
Emery
Esch
Fithian
Green
Gude
Hébert
Heinz
Helstoski
Henderson
Hinshaw
Jones, Ala.
McCollister
McCormack
Matsunaga
Meeds
Metcalfe
Mink
Nix
Rangel
Riegle
Ruppe
Steelman
Steiger, Ariz.
Stephens

The Clerk announced the following pairs:

Mr. Badillo with Mr. Dent.
Mr. Matsunaga with Mr. Green.
Mr. Meeds with Mr. du Pont.
Mr. McCormack with Mr. Conlan.
Mr. Fithian with Mr. Anderson of Illinois.
Mr. Helstoski with Mr. Esch.
Mr. Hébert with Mr. McCollister.
Mr. Dellums with Mr. Jones of Alabama.
Mr. Nix with Mr. Gude.
Mrs. Mink with Mr. Emery.
Mr. Metcalfe with Mr. Heinz.
Mr. Henderson with Mr. Steelman.
Mr. Riegle with Mr. Steiger of Arizona.
Mr. Rangel with Mr. Stephens.

Mr. HANSEN and Mr. ASHBROOK changed their vote from "yea" to "nay."

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

The result of the vote was announced as above recorded.

The title was amended so as to read: "An act to supplement the authority of the President to collect regular and periodic information on international investment."

A motion to reconsider was laid on the table.

RIGHT TO FOOD RESOLUTION

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and agreeing to the concurrent resolution, House Concurrent Resolution 737, as amended.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. DIGGS) that the House suspend the rules and agree to the concurrent resolution, (House Concurrent Resolution 737), as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 340, nays 61, answered "present" 1, not voting 28, as follows:

[Roll No. 781]

YEAS—340

Abdnor
Abzug
Adams
Addabbo
Alexander
Allen
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Ashley
Aspin
AuCoin
Baldus
Baucus
Bauman
Beard, R.I.
Bedell
Bell
Bennett
Bergland
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burton, John
Burton, Phillip
Butler
Byron
Carney
Carr
Carter
Cederberg
Chappell
Chisholm
Clancy
Clausen, Don H.
Clay
Cleveland
Cohen
Collins, Ill.
Conable
Conte
Conyers
Corman
Cornell
Cotter
Coughlin
D'Amours
Daniels, N.J.
Danielson
Davis
de la Garza
Delaney
Dent
Derrick
Derwinski
Diggs
Dodd
Downey, N.Y.
Downing, Va.
Drinan
Duncan, Oreg.
Duncan, Tenn.
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Flood
Florio
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Goodling
Gradison
Grassley
Guyer
Hagedorn
Haley
Hall, Ill.
Hamilton
Hammer-schmidt
Hanley
Hannaford
Harkin
Harrington
Harris
Harsha
Hawkins
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Hefner
Hicks
Hillis
Holland
Holt
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hyde
Jacobs
Jarman
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kasten
Kastenmeier
Kazen
Keys
Koch
Krebs
LaFalce
Lagomarsino
Latta
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lujan
Lundine
McClory
McCloskey
McDade
McFall
McHugh
McKay
McKinney
Madden
Madigan
Maguire
Mann
Martin
Mathis
Mazzoli
Melcher
Meyner
Mezvinsky
Mikva
Miller, Calif.
Mills
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Pa.
Natcher
Neal
Nedzi
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Pressler
Preyer
Price
Pritchard
Quie
Quillen
Railsback
Randall
Rees
Regula
Reuss
Rhodes
Richmond
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Roybal
Ruppe
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Scheuer
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steiger, Wis.
Stokes
Stratton
Studds
Sullivan
Symington
Talcott
Taylor, N.C.
Thompson
Thone
Thornton
Traxler
Tsongas
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Walsh
Wampler
Waxman
Weaver
Whalen
Whitehurst
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—61

Archer
Armstrong
Ashbrook
Bafalis
Beard, Tenn.
Bevill
Bowen
Brooks
Burleson, Tex.
Burlison, Mo.
Clawson, Del
Cochran
Collins, Tex.
Crane
Daniel, Dan
Daniel, R. W.
Devine
Dickinson
Eshleman
Flowers
Flynt
Hall, Tex.
Hansen
Hightower
Hutchinson
Ichord
Kelly
Kemp
Ketchum
Kindness
Krueger
Landrum
Lott
McDonald
McEwen
Mahon
Michel
Milford
Miller, Ohio
Montgomery
Moore
Myers, Ind.
Nichols
Paul
Poage
Rousselot
Runnels
Satterfield
Schneebeli
Shuster
Spence
Stuckey
Symms
Taylor, Mo.
Teague
Treen
Waggonner
White
Whitten
Young, Alaska
Young, Fla.

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—28

Anderson, Ill.	Hébert	Metcalfe
Badillo	Heinz	Mink
Conlan	Helstoski	Nix
Dellums	Henderson	Rangel
Dingell	Hinshaw	Riegle
du Pont	Jones, Ala.	Steelman
Esch	McCollister	Steiger, Ariz.
Fithian	McCormack	Stephens
Green	Matsunaga	
Gude	Meeds	

The Clerk announced the following pairs:

Mr. Badillo with Mr. Stephens.
Mr. Matsunaga with Mr. Green.
Mr. Meeds with Mr. du Pont.
Mr. McCormack with Mr. Conlan.
Mr. Fithian with Mr. Anderson of Illinois.
Mr. Helstoski with Mr. Esch.
Mr. Hébert with Mr. McCollister.
Mr. Dellums with Mr. Dingell.
Mr. Nix with Mr. Gude.
Mrs. Mink with Mr. Rangel.
Mr. Metcalfe with Mr. Heinz.
Mr. Henderson with Mr. Steelman.
Mr. Riegle with Mr. Steiger of Arizona.

Messrs. ROBERTS, DUNCAN of Tennessee, and BONKER and Mrs. FENWICK and Mrs. LLOYD of Tennessee changed their vote from "nay" to "yea."

So (two-thirds having voted in favor thereof) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REQUEST FOR CONSIDERATION OF SENATE CONCURRENT RESOLUTION 138, REAFFIRMING RIGHT OF EVERY PERSON TO FOOD

Mr. DIGGS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate Concurrent Resolution (S. Con. Res. 138) expressing the sense of the Congress reaffirming the right of every person to food and calling for U.S. foreign and domestic policies designed to combat hunger and improve nutrition, and ask for its immediate consideration.

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

Mr. ASHBROOK. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

AMENDMENTS TO FEDERAL AVIATION ACT OF 1958

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill H.R. 15026, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ANDERSON) that the House suspend the rules and pass the bill H.R. 15026, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 400, nays 1, not voting 29, as follows:

[Roll No. 782]

YEAS—400

Abdnor	Downey, N.Y.	Koch
Abzug	Downing, Va.	Krebs
Adams	Drinan	Krueger
Addabbo	Duncan, Oreg.	LaFalce
Alexander	Duncan, Tenn.	Lagomarsino
Allen	du Pont	Landrum
Ambro	Early	Latta
Anderson, Calif.	Eckhardt	Leggett
Andrews, N.C.	Edgar	Lehman
Andrews, N. Dak.	Edwards, Ala.	Lent
Annunzio	Edwards, Calif.	Levitas
Archer	Eilberg	Lloyd, Calif.
Armstrong	Emery	Lloyd, Tenn.
Ashbrook	English	Long, La.
Ashley	Erlenborn	Long, Md.
Aspin	Eshleman	Lott
AuCoin	Evans, Colo.	Lujan
Bafalis	Evans, Ind.	Lundine
Baldus	Evins, Tenn.	McClory
Baucus	Fary	McCloskey
Bauman	Fascell	McDade
Beard, R.I.	Fenwick	McDonald
Beard, Tenn.	Findley	McEwen
Bedell	Fish	McFall
Bell	Fisher	McHugh
Bennett	Flood	McKay
Bergland	Florio	McKinney
Bevill	Flowers	Madden
Biaggi	Flynt	Madigan
Biester	Foley	Maguire
Bingham	Ford, Mich.	Mahon
Blanchard	Ford, Tenn.	Mann
Blouin	Forsythe	Martin
Boggs	Fountain	Mathis
Boland	Fraser	Mazzoli
Bolling	Frenzel	Melcher
Bonker	Frey	Meyner
Bowen	Fuqua	Mezvinsky
Brademas	Gaydos	Michel
Breaux	Giaimo	Mikva
Breckinridge	Gibbons	Milford
Brinkley	Gilman	Miller, Calif.
Brodhead	Ginn	Miller, Ohio
Brooks	Goldwater	Mills
Broomfield	Gonzalez	Mineta
Brown, Calif.	Goodling	Minish
Brown, Mich.	Gradison	Mitchell, Md.
Brown, Ohio	Grassley	Mitchell, N.Y.
Broyhill	Guyer	Moakley
Buchanan	Hagedorn	Moffett
Burgener	Haley	Mollohan
Burke, Calif.	Hall, Ill.	Montgomery
Burke, Fla.	Hall, Tex.	Moore
Burke, Mass.	Hamilton	Moorhead, Calif.
Burleson, Tex.	Hammer-schmidt	Morgan
Burlison, Mo.	Hanley	Mosher
Burton, John	Hannaford	Motti
Burton, Phillip	Hansen	Murphy, Ill.
Butler	Harkin	Murtha
Byron	Harrington	Myers, Ind.
Carney	Harris	Myers, Pa.
Carr	Harsha	Natcher
Carter	Hawkins	Neal
Cederberg	Hayes, Ind.	Nedzi
Chappell	Hechler, W. Va.	Nichols
Chisholm	Heckler, Mass.	Nolan
Clancy	Hefner	Nowak
Clausen, Don H.	Hicks	Oberstar
Clawson, Del	Hightower	Obey
Clay	Hillis	O'Brien
Cleveland	Holland	O'Hara
Cochran	Holt	O'Neill
Cohen	Holtzman	Ottinger
Collins, Ill.	Horton	Passman
Collins, Tex.	Howard	Patten, N.J.
Conable	Howe	Patterson, Calif.
Conte	Hubbard	Pattison, N.Y.
Conyers	Hughes	Paul
Corman	Hungate	Pepper
Cornell	Hutchinson	Perkins
Cotter	Hyde	Pettis
Coughlin	Ichord	Peyser
Crane	Jacobs	Pickle
D'Amours	Jarman	Pike
Daniel, Dan	Jeffords	Poage
Daniel, R. W.	Jenrette	Pressler
Daniels, N.J.	Johnson, Calif.	Preyer
Danielson	Johnson, Colo.	Price
Davis	Johnson, Pa.	Pritchard
de la Garza	Jones, N.C.	Quie
Delaney	Jones, Okla.	Quillen
Dent	Jones, Tenn.	Railsback
Derrick	Jordan	Randall
Derwinski	Kasten	Rees
Devine	Kastenmeier	Regula
Dickinson	Kazen	Reuss
Diggs	Kelly	Rhodes
Dingell	Kemp	Richmond
Dodd	Ketchum	Rinaldo
	Keys	Risenhoover
	Kindness	

Roberts	Sisk	Udall
Robinson	Skubitz	Ullman
Rodino	Slack	Van Deerlin
Roe	Smith, Iowa	Vander Jagt
Rogers	Smith, Nebr.	Vander Veen
Roncalio	Snyder	Vanik
Rooney	Solarz	Vigorito
Rose	Spellman	Waggonner
Rosenthal	Spence	Walsh
Rostenkowski	Staggers	Wampler
Roush	Stanton, J. William	Waxman
Rousselot	Stanton, James V.	Weaver
Roybal	Stark	Whalen
Runnels	Steed	White
Ruppe	Steiger, Wis.	Whitehurst
Russo	Stokes	Whitten
Ryan	Stratton	Wiggins
St Germain	Stuckey	Wilson, Bob
Santini	Studds	Wilson, C. H.
Sarasin	Sullivan	Wilson, Tex.
Sarbanes	Symington	Winn
Satterfield	Symms	Wirth
Scheuer	Talcott	Wolff
Schneebeli	Taylor, Mo.	Wright
Schroeder	Taylor, N.C.	Wydler
Schulze	Teague	Wylie
Sebelius	Thompson	Yates
Seiberling	Thone	Yatron
Sharp	Thornton	Young, Alaska
Shipley	Traxler	Young, Fla.
Shriver	Treen	Young, Ga.
Shuster	Tsongas	Young, Tex.
Sikes		Zablocki
Simon		Zeferetti

NAYS—1

Moss

NOT VOTING—29

Anderson, Ill.	Helstoski	Mink
Badillo	Henderson	Moorhead, Pa.
Conlan	Hinshaw	Murphy, N.Y.
Dellums	Jones, Ala.	Nix
Esch	Karth	Rangel
Fithian	McCollister	Riegle
Green	McCormack	Steelman
Gude	Matsunaga	Steiger, Ariz.
Hébert	Meeds	Stephens
Heinz	Metcalfe	

The Clerk announced the following pairs:

Mr. Badillo with Mr. Karth.
Mr. Matsunaga with Mr. Green.
Mr. Meeds with Mr. Jones of Alabama.
Mr. McCormack with Mr. Conlan.
Mr. Fithian with Mr. Anderson of Illinois.
Mr. Helstoski with Mr. Esch.
Mr. Hébert with Mr. McCollister.
Mr. Dellums with Mr. Moorhead of Pennsylvania.
Mr. Nix with Mr. Gude.
Mrs. Mink with Mr. Stephens.
Mr. Metcalfe with Mr. Heinz.
Mr. Henderson with Mr. Steelman.
Mr. Riegle with Mr. Steiger of Arizona.
Mr. Murphy of New York with Mr. Rangel.

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

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

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the Federal Aviation Act of 1958 to authorize reduced fare transportation on a space-available basis for elderly persons and handicapped persons, and for other purposes.".

A motion to reconsider was laid on the table.

AIRCRAFT REGISTRATION

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill H.R. 3647, as amended.

The Clerk read the title of the bill.

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

that the House suspend the rules and pass the bill H.R. 3647, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 389, nays 11, not voting 30, as follows:

[Roll No. 783]

YEAS—389

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

NAYS—11

Carney
Kelly
Krebs
Maguire
Miller, Ohio
Moss
Ryan
Seiberling
Wolff
Wydler
Young, Fla.

NOT VOTING—30

Anderson, Ill.
Badillo
Conlan
Dellums
Esch
Fithian
Gilman
Green
Gude
Hébert
Heinz
Helstoski
Henderson
Hinshaw
Jones, Ala.
McCollister
McCormack
Matsunaga
Meeds
Metcalfe
Mink
Nix
Pritchard
Rangel
Riegle
Rose
Steelman
Steiger, Ariz.
Stephens
Stokes

The Clerk announced the following pairs:

Mr. Badillo with Mr. Green.
Mr. Matsunaga with Mr. Pritchard.
Mr. Meeds with Mr. Conlan.
Mr. McCormack with Mr. Anderson of Illinois.
Mr. Fithian with Mr. Esch.
Mr. Helstoski with Mr. McCollister.
Mr. Hébert with Mr. Gude.
Mr. Dellums with Mr. Rose.
Mr. Nix with Mr. Heinz.
Mrs. Mink with Mr. Steelman.
Mr. Metcalfe with Mr. Steiger of Arizona.
Mr. Henderson with Mr. Stephens.
Mr. Riegle with Mr. Rangel.
Mr. Gilman with Mr. Stokes.

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

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the Federal Aviation Act of 1958 relating to eligibility for aircraft registration.".

A motion to reconsider was laid on the table.

TIME REQUIREMENTS FOR CAB APPLICATIONS

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill (H.R. 12484) as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ANDERSON) that the House suspend the rules and pass the bill H.R. 12484, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 398, nays 2, not voting 30, as follows:

[Roll No. 784]

YEAS—398

Abdnor
Abzug
Addabbo
Alexander
Allen
Ambro
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
Aspin
AuCoin
Bafalis
Baldus
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boggs
Boland
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Carney
Carr
Carter
Cederberg
Chappell
Chisholm
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Corman
Cornell
Cotter
Crane
D'Amours
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Danielson
Davis
de la Garza
Delaney
Dent
Derrick
Derwinski
Devine
Dickinson
Diggs
Dingell
Dodd
Downey, N.Y.
Downing, Va.
Drinan
Duncan, Oreg.
Duncan, Tenn.
du Pont
Early
Eckhardt
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Guyer
Hagedorn
Haley
Hall, Ill.
Hall, Tex.
Hamilton
Hammer-schmidt
Hanley
Hannaford
Hansen
Harkin
Harrington
Harris
Harsha
Hawkins
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Hefner
Hightower
Hicks
Hillis
Holland
Holt
Holtzman
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jacobs
Jarman
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Kindness
Koch
Krebs
Krueger
LaFalce
Lagomarsino
Landrum
Latta
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
Lundine
McClory
McCloskey
McDade
McDonald
McEwen
McFall
McHugh
McKay
McKinney
Madden
Madigan
Mahon
Mann
Martin
Mathis
Mazzoli
Melcher
Meyner
Mezvinsky
Michel
Mikva
Milford
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan

Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Paul
Pepper
Perkins
Pettis
Peyser
Pickle
Pike
Poage
Pressler
Preyer
Price
Pritchard
Quie
Quillen
Railsback
Randall
Rees
Regula
Reuss
Rhodes
Richmond
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Rostenkowski
Roush
Rousselot
Roybal
Runnels
Ruppe
Russo
Ryan
St Germain
Santini
Sarasin
Sarbanes
Satterfield
Scheuer
Schneebeli
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Shuster
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
Staggers
Stanton, J. William
Stanton, James V.
Stark
Steed
Steiger, Wis.
Stratton
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thompson
Thone
Thornton
Traxler
Treen
Tsongas
Udall
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Waxman
Weaver
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Wylie
Yates
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—2

Adams
Maguire

NOT VOTING—30

Anderson, Ill.
Badillo
Conlan
Coughlin
Dellums
Esch
Fithian
Green
Gude
Hébert
Heinz
Helstoski
Henderson
Hinshaw
Jones, Ala.
McCollister
McCormack
Matsunaga
Meeds
Metcalfe
Mills
Mink
Nix
Rangel
Riegle
Sikes
Steelman
Steiger, Ariz.
Stephens
Stokes

The Clerk announced the following pairs:

Mr. Badillo with Mr. Green.
Mr. Matsunaga with Mr. Coughlin.
Mr. Meeds with Mr. Conlan.
Mr. McCormack with Mr. Anderson of Illinois.
Mr. Fithian with Mr. Esch.
Mr. Helstoski with Mr. McCollister.
Mr. Hébert with Mr. Gude.
Mr. Dellums with Mr. Mills.
Mr. Nix with Mr. Heinz.
Mrs. Mink with Mr. Steelman.
Mr. Metcalfe with Mr. Steiger of Arizona.
Mr. Henderson with Mr. Stephens.
Mr. Riegle with Mr. Sikes.
Mr. Rangel with Mr. Stokes.

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

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

ADMINISTRATIVE RULE MAKING REFORM ACT OF 1976

The SPEAKER pro tempore. The unfinished business is the question of suspending the rules and passing the bill, H.R. 12048, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Alabama (Mr. FLOWERS) that the House suspend the rules and pass the bill, H.R. 12048, as amended.

The question was taken, and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. ECKHARDT. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

POINT OF ORDER

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

The SPEAKER pro tempore. The gentleman will state the point of order.

Mr. FLOWERS. Mr. Speaker, on the last recorded vote there were 400 Members present. Twenty percent of that would be 80.

The SPEAKER pro tempore (Mr. MCFALL). The Chair will advise the gentleman that on recorded vote the rules require one-fifth of a quorum, which is 44.

A recorded vote is ordered.

The vote was taken by electronic device, and there were—ayes 265, noes 135, answered "present" 1, not voting 29, as follows:

[Roll No. 785]

AYES—265

Abdnor
Alexander
Ambro
Anderson, Calif.
Andrews, N.C.
Annunzio
Archer
Armstrong
Ashbrook
Aspin
AuCoin
Bafalis
Baucus
Bauman
Beard, Tenn.
Bedell
Bennett
Bevill
Biaggi
Blanchard
Blouin
Boggs
Bowen
Breaux
Breckinridge
Brinkley
Brodhead
Broomfield
Brown, Ohio
Broyhill
Burgener
Burke, Fla.
Burke, Mass.
Butler
Byron
Carr
Cederberg
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collins, Tex.
Cornell
Cotter
Coughlin
Crane
D'Amours
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Danielson
Davis
de la Garza
Dent
Devine
Dickinson
Dodd
Downey, N.Y.
Downing, Va.
Duncan, Oreg.
Duncan, Tenn.
Edgar
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Eshleman
Evans, Ind.
Findley
Fish
Flood
Flowers
Flynt
Ford, Mich.
Fountain
Frey
Fuqua
Gaydos
Gilman
Ginn
Goldwater
Goodling
Gradison
Grassley
Guyer
Hagedorn
Hall, Tex.
Hamilton
Hammer-schmidt
Hanley
Hannaford
Hansen
Harkin
Harsha
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Hefner
Hightower
Hillis
Holland
Holt
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jacobs
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Kasten
Kastenmeier
Kazen
Kemp
Ketchum
Keys
Kindness
Krebs
Krueger
LaFalce
Lagomarsino
Landrum
Latta
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
McDade
McDonald
McFall
McHugh
McKay
Mahon
Mann
Martin
Mathis
Mazzoli
Melcher
Meyner
Mezvinsky
Michel
Milford
Miller, Ohio
Mineta
Minish
Moakley
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Morgan
Mottl
Murphy, Ill.
Murtha
Myers, Ind.
Natcher
Neal
Nedzi
Nichols
Nolan
Nowak
Oberstar
O'Brien
O'Hara
Passman
Patterson, Calif.
Paul
Pepper
Perkins
Pettis
Poage
Pressler
Preyer
Price
Quillen
Railsback
Randall
Regula
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rose
Roush
Rousselot
Runnels
Russo
Ryan
Santini
Sarbanes
Satterfield
Schneebeli
Schroeder
Schulze
Sebelius
Sharp
Shipley
Shriver
Shuster
Sikes
Skubitz
Slack
Smith, Nebr.
Snyder
Spellman
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Stuckey
Sullivan
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thone
Thornton
Traxler
Tsongas
Ullman
Vander Jagt
Vander Veen
Waggonner
Walsh
Wampler
Weaver
White
Whitehurst
Whitten
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wydler
Yatron
Young, Alaska
Young, Fla.
Zablocki
Zeferetti

NOES—135

Abzug
Adams
Addabbo
Allen
Andrews, N. Dak.
Ashley
Baldus
Beard, R.I.
Bell
Bergland
Biester
Bingham
Boland
Bolling
Bonker
Brademas
Brooks
Brown, Calif.
Brown, Mich.
Buchanan
Burke, Calif.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Carney
Carter
Chisholm
Clay
Collins, Ill.
Conable
Conte
Conyers
Corman
Delaney
Derrick
Derwinski
Diggs
Dingell
Drinan
du Pont
Early
Eckhardt
Edwards, Ala.
Evans, Colo.
Evins, Tenn.
Fary
Fascell
Fenwick
Fisher
Florio
Foley
Ford, Tenn.
Forsythe
Fraser
Frenzel
Giaimo
Gibbons
Haley
Hall, Ill.
Harrington
Harris
Hawkins
Hicks
Holtzman
Jarman
Jordan
Karth
Kelly
Koch
Leggett
Lehman
Lundine
McClory
McCloskey
McEwen
McKinney
Madden
Madigan
Maguire
Mikva
Miller, Calif.
Mitchell, Md.
Mitchell, N.Y.
Moorhead, Pa.
Mosher
Moss
Murphy, N.Y.
Myers, Pa.
Obey
O'Neill
Ottinger
Patten, N.J.
Pattison, N.Y.
Peyser
Pickle
Pike
Pritchard
Quie
Rees
Reuss
Rhodes
Richmond
Rooney
Rosenthal
Rostenkowski
Roybal
St Germain
Sarasin
Scheuer
Seiberling
Simon
Sisk
Smith, Iowa
Solarz
Stark
Steiger, Wis.
Stratton
Studds
Symington
Thompson
Treen
Udall
Van Deerlin
Vanik
Vigorito
Waxman
Whalen
Wiggins
Wilson, Bob
Wilson, C. H.
Wylie
Yates
Young, Ga.
Young, Tex.

ANSWERED "PRESENT"—1

Gonzalez

NOT VOTING—29

Anderson, Ill.
Badillo
Conlan
Dellums
Esch
Fithian
Green
Gude
Hébert
Heinz
Helstoski
Henderson
Hinshaw
Jones, Ala.
McCollister
McCormack
Matsunaga
Meeds
Metcalfe
Mills
Mink
Nix
Rangel
Riegle
Ruppe
Steelman
Steiger, Ariz.
Stephens
Stokes

The Clerk announced the following pairs:

Mr. Badillo with Mr. Green.
Mr. Matsunaga with Mr Ruppe.
Mr. Meeds with Mr. Conlan.
Mr McCormack with Mr. Anderson of Illinois.

Mr. Fithian with Mr. Esch.
Mr. Helstoski with Mr. McCollister.
Mr. Hébert with Mr. Gude.
Mr. Dellums with Mr. Jones of Alabama.
Mr. Nix with Mr Heinz.
Mrs. Mink with Mr. Steelman.
Mr. Metcalfe with Mr. Steiger of Arizona.
Mr. Henderson with Mr. Stephens.
Mr. Riegle with Mr. Mills.
Mr. Rangel with Mr Stokes.

Mrs. COLLINS of Illinois, Mr. THOMPSON, Mrs. BURKE of California, Mr. HICKS and Mr. BEARD of Rhode Island changed their vote from "aye" to "no."

Messrs. MICHEL, HYDE, HAMMERSCHMIDT, RONCALIO, and KASTENMEIER changed their vote from "no" to "aye."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

INTERSTATE HORSERACING ACT OF 1976

The SPEAKER. The unfinished business is the question of suspending the rules and passing the bill H.R. 14071, as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Pennsylvania (Mr. ROONEY) that the House suspend the rules and pass the bill H.R. 14071, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 315, nays 86, not voting 29, as follows:

[Roll No. 786]

YEAS—315

Abdnor
Adams
Alexander
Allen
Anderson, Calif.
Andrews, N.C.
Andrews, N. Dak.
Archer
Armstrong
Ashbrook
Ashley
AuCoin
Bafalis
Baldus
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bell
Bennett
Bergland
Bevill
Biester
Blanchard
Blouin
Boggs
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Fla.
Burleson, Tex.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Byron
Carney
Carr
Carter
Cederberg
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Cleveland
Cochran
Cohen
Collins, Tex.
Conable
Conte
Corman
Cornell
Coughlin
D'Amours
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Davis
de la Garza
Dent
Derrick
Derwinski
Devine
Dickinson
Diggs
Dingell
Dodd
Downing, Va.
Duncan, Oreg.
Duncan, Tenn.
du Pont
Eckhardt
Edgar
Edwards, Ala.
Emery
English
Erlenborn
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fascell
Fenwick
Findley
Fisher
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fraser
Frenzel
Frey
Fuqua
Gaydos
Gibbons
Ginn
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Guyer
Hagedorn
Haley
Hall, Ill.
Hall, Tex.
Hamilton
Hammer-schmidt
Hannaford
Hansen
Harkin
Harris
Harsha
Hawkins
Hayes, Ind.
Hechler, W. Va.
Hefner
Hicks
Hightower
Hillis
Holland
Holt
Howard
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jacobs
Jarman
Jeffords
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kasten
Kazen
Kelly
Kemp
Ketchum
Keys
Kindness
Krueger
LaFalce
Lagomarsino
Landrum
Latta
Leggett
Lehman
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
McClory
McDade
McFall
McKay
Madden
Madigan
Mahon
Mann
Martin
Mathis
Mazzoli
Melcher
Meyner
Mezvinsky
Michel
Milford
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moffett
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nolan
Nowak
Oberstar
Obey
O'Brien
O'Hara
Passman
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Pepper
Perkins
Pettis
Pickle
Poage
Pressler
Preyer
Pritchard
Quie
Quillen
Railsback
Randall
Regula
Reuss
Rhodes
Rinaldo
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Roush
Rousselot
Runnels
Russo
Ryan
St Germain
Sarbanes
Satterfield
Schneebeli
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Shuster
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Spellman
Spence
Staggers
Stanton, J. William
Steiger, Wis.
Stuckey
Sullivan
Symington
Talcott
Taylor, Mo.
Teague
Thompson
Thone
Thornton
Traxler
Ullman
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Waxman
Whalen
White
Whitehurst
Whitten
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wright
Wylie
Yatron
Young, Alaska
Young, Fla.
Young, Tex.
Zablocki

NAYS—86

Abzug
Addabbo
Ambro
Annunzio
Aspin
Baucus
Biaggi
Bingham
Boland
Bolling
Burke, Calif.
Burke, Mass.
Chisholm
Clay
Collins, Ill.
Conyers
Cotter
Crane
Danielson
Delaney
Downey, N.Y.
Drinan
Early
Edwards, Calif.
Eilberg
Fary
Fish
Fountain
Giaimo
Gilman
Hanley
Harrington
Heckler, Mass.
Holtzman
Horton
Kastenmeier
Koch
Krebs
Lent
Lundine
McCloskey
McDonald
McEwen
McHugh
McKinney
Maguire
Mikva
Moakley
Moss
Motti
Murphy, Ill.
Murphy, N.Y.
O'Neill
Ottinger
Paul
Peyser
Pike
Price
Rees
Richmond
Risenhoover
Rosenthal
Rostenkowski
Roybal
Santini
Sarasin
Scheuer
Solarz
Stanton, James V.
Stark
Steed
Stratton
Studds
Symms
Taylor, N.C.
Treen
Tsongas
Udall
Weaver
Wiggins
Wirth
Wolff
Wydler
Yates
Young, Ga.
Zeferetti

NOT VOTING—29

Anderson, Ill.
Badillo
Conlan
Dellums
Esch
Fithian
Green
Gude
Hébert
Heinz
Helstoski
Henderson
Hinshaw
Jones, Ala.
McCollister
McCormack
Matsunaga
Meeds
Metcalfe
Mills
Mink
Nix
Rangel
Riegle
Ruppe
Steelman
Steiger, Ariz.
Stephens
Stokes

The Clerk announced the following pairs:

Mr. Badillo with Mr. Green.
Mr. Matsunaga with Mr. Conlan.
Mr. Meeds with Mr. Anderson of Illinois.
Mr. McCormack with Mr. Esch.
Mr. Fithian with Mr. McCollister.
Mr. Helstoski with Mr. Gude.
Mr. Hébert with Mr. Heinz.
Mr. Dellums with Mr. Jones of Alabama.
Mr. Nix with Mr. Steelman.
Mrs. Mink with Mr. Steiger of Arizona.
Mr. Metcalfe with Mr. Mills.
Mr. Henderson with Mr. Ruppe.
Mr. Riegle with Mr. Stephens.
Mr. Rangel with Mr. Stokes.

Mr. DELANEY and Mr. RISENHOOVER changed their vote from "aye" to "no."

Messrs. PASSMAN, HIGHTOWER, BREAUX, MITCHELL of New York, O'BRIEN, and LONG of Louisiana, and Mrs. KEYS changed their vote from "no" to "aye."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

RELATING TO DISPOSITION OF CERTAIN RECREATIONAL DEMONSTRATION PROJECT LANDS BY THE STATE OF OKLAHOMA

The SPEAKER. The unfinished business is the question of suspending the rules and passing the bill H.R. 7682, as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from Texas (Mr. KAZEN) that the House suspend the rules and pass the bill H.R. 7682, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 344, nays 53, not voting 33, as follows:

[Roll No. 787]

YEAS—344

Abdnor
Adams
Addabbo
Alexander
Allen
Andrews, N. Dak.
Annunzio
Archer
Armstrong
Ashbrook
Ashley
AuCoin
Bafalis
Baldus
Baucus
Bauman
Beard, R.I.
Beard, Tenn.
Bedell
Bell
Bennett
Bergland
Bevill
Biaggi
Blouin
Boggs
Boland
Bolling
Bonker
Bowen
Brademas
Breaux
Breckinridge
Brinkley
Brodhead
Brooks
Broomfield
Brown, Calif.
Brown, Mich.
Brown, Ohio
Broyhill
Buchanan
Burgener
Burke, Calif.
Burke, Fla.
Burke, Mass.
Burleson, Tex.
Burlison, Mo.
Burton, Phillip
Butler
Byron
Carney
Carter
Cederberg
Chappell
Clancy
Clausen, Don H.
Clawson, Del
Clay
Cochran
Cohen
Collins, Ill.
Collins, Tex.
Conable
Corman
Cotter
Crane
Daniel, Dan
Daniel, R. W.
Daniels, N.J.
Danielson
Davis
de la Garza
Delaney
Dent
Derrick
Derwinski
Dickinson
Diggs
Dingell
Dodd
Downing, Va.
Drinan
Duncan, Oreg.
Duncan, Tenn.
du Pont
Eckhardt
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Eshleman
Evans, Colo.
Evans, Ind.
Evins, Tenn.
Fary
Fascell
Findley
Fish
Fisher
Flood
Florio
Flowers
Flynt
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fraser
Frenzel
Frey
Fuqua
Gaydos
Gibbons
Gilman
Ginn
Goldwater
Gonzalez
Goodling
Gradison
Grassley
Hagedorn
Haley
Hall, Ill.
Hall, Tex.

Hamilton
Hammer-schmidt
Hanley
Hannaford
Hansen
Harkin
Harris
Harsha
Hawkins
Hayes, Ind.
Heckler, Mass.
Hefner
Hicks
Hightower
Hillis
Holland
Holt
Horton
Howard
Howe
Hubbard
Hughes
Hungate
Hutchinson
Hyde
Ichord
Jacobs
Jarman
Jenrette
Johnson, Calif.
Johnson, Colo.
Johnson, Pa.
Jones, N.C.
Jones, Okla.
Jones, Tenn.
Jordan
Karth
Kasten
Kastenmeier
Kazen
Kelly
Kemp
Ketchum
Keys
Kindness
Krebs
Krueger
LaFalce
Lagomarsino
Landrum
Latta
Leggett
Lehman
Lent
Levitas
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Long, Md.
Lott
Lujan
Lundine
McClory
McCloskey
McDade
McDonald
McEwen
McFall
McKay
Madden
Madigan
Mahon
Mann
Martin
Mathis
Mazzoli
Melcher
Meyner
Mezvinsky
Michel
Mikva
Milford
Miller, Calif.
Miller, Ohio
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Mollohan
Montgomery
Moore
Moorhead, Calif.
Moorhead, Pa.
Morgan
Mosher
Moss
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Natcher
Neal
Nichols
Nowak
Oberstar
O'Brien
O'Neill
Passman
Patten, N.J.
Patterson, Calif.
Pattison, N.Y.
Paul
Pepper
Perkins
Pettis
Pickle
Poage
Pressler
Preyer
Price
Pritchard
Quie
Quillen
Railsback
Randall
Rees
Regula
Rhodes
Rinaldo
Risenhoover
Roberts
Robinson
Rodino
Roe
Rogers
Roncalio
Rooney
Rose
Rosenthal
Roush
Rousselot
Runnels
Russo
Ryan
Santini
Sarasin
Sarbanes
Satterfield
Schneebeli
Schroeder
Schulze
Sebelius
Seiberling
Sharp
Shipley
Shriver
Shuster
Sikes
Simon
Sisk
Skubitz
Slack
Smith, Iowa
Smith, Nebr.
Snyder
Spence
Staggers
Stanton, J. William
Stanton, James V.
Steed
Steiger, Wis.
Stratton
Stuckey
Studds
Sullivan
Symington
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Teague
Thompson
Thone
Thornton
Traxler
Treen
Tsongas
Udall
Ullman
Vander Jagt
Vander Veen
Vanik
Vigorito
Waggonner
Walsh
Wampler
Whalen
White
Whitehurst
Whitten
Wiggins
Wilson, Bob
Wilson, C. H.
Wilson, Tex.
Winn
Wirth
Wolff
Wright
Wylie
Yatron
Young, Alaska
Young, Fla.
Young, Ga.
Young, Tex.
Zablocki
Zeferetti

NAYS—53

Abzug
Ambro
Anderson, Calif.
Andrews, N.C.
Aspin
Biester
Bingham
Blanchard
Burton, John
Carr
Chisholm
Cleveland
Conte
Conyers
Cornell
Coughlin
D'Amours
Downey, N.Y.
Early
Edgar
Fenwick
Fountain
Giaimo
Harrington
Hechler, W. Va.
Holtzman
Jeffords
Koch
McHugh
McKinney
Maguire
Moffett
Mottl
Myers, Pa.
Nedzi
Nolan
Obey
O'Hara
Ottinger
Pike
Reuss
Richmond
Rostenkowski
Roybal
Scheuer
Solarz
Spellman
Stark
Van Deerlin
Waxman
Weaver
Wydler
Yates

NOT VOTING—33

Anderson, Ill.
Badillo
Conlan
Dellums
Devine
Esch
Fithian
Green
Gude
Guyer
Hébert
Heinz
Helstoski
Henderson
Hinshaw
Jones, Ala.
McCollister
McCormack
Matsunaga
Meeds
Metcalfe
Mills
Mink
Nix
Peyser
Rangel
Riegle
Ruppe
St Germain
Steelman
Steiger, Ariz.
Stephens
Stokes

The Clerk announced the following pairs:

Mr. Badillo with Mr. Green.
Mr. Matsunaga with Mr. Conlan.
Mr. Meeds with Mr. Anderson of Illinois.
Mr. McCormack with Mr. Esch.
Mr. Fithian with Mr. McCollister.
Mr. Helstoski with Mr. Gude.
Mr. Hébert with Mr. Heinz.
Mr. Dellums with Mr. Jones of Alabama.
Mr. Nix with Mr. Steelman.
Mrs. Mink with Mr. Steiger of Arizona.
Mr. Metcalfe with Mr. Mills.
Mr. Henderson with Mr. Devine.
Mr. Riegle with Mr. Guyer.
Mr. Rangel with Mr. Peyser.
Mr. Ruppe with Mr. Stephens.
Mr. Stokes with Mr. St Germain.

Mrs. FENWICK and Messrs. KOCH, SOLARZ, NOLAN, OTTINGER, Mrs. SPELLMAN, and Mr. RICHMOND changed their vote from "yea" to "nay."

Messrs. DANIELSON and TAYLOR of Missouri changed their vote from "nay" to "yea."

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONSIDERATION OF COMPARATIVE PRODUCTIVE POTENTIAL OF IRRIGABLE LANDS IN DETERMINING NONEXCESS ACREAGE UNDER FEDERAL RECLAMATION LAWS

The SPEAKER. The unfinished business is the question of suspending the rules and passing the bill H.R. 13101, as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from California (Mr. JOHNSON) that the House suspend the rules and pass the bill H.R. 13101, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 118, nays 279, answered "present" 1, not voting 32, as follows:

[Roll No. 788]

YEAS—118

Abdnor
Andrews, N. Dak.
Archer
Armstrong
Ashley
AuCoin
Baucus
Beard, R.I.
Boggs
Bolling
Breaux
Breckinridge
Brooks
Brown, Calif.
Broyhill
Burgener
Burke, Mass.
Burleson, Tex.
Byron
Carter
Clausen, Don H.
Corman
Daniels, N.J.
de la Garza
Dent
Dickinson
Diggs
Duncan, Oreg.
du Pont
Eckhardt
Evans, Colo.
Evins, Tenn.
Flynt
Ginn
Goldwater
Gonzalez
Hagedorn
Hammer-schmidt
Hansen
Harsha
Hawkins
Hicks
Horton
Howard
Howe
Hungate
Hyde
Johnson, Calif.
Johnson, Colo.
Jones, N.C.
Jones, Tenn.
Jordan
Karth
Kazen
Kelly
Ketchum
Krebs
Lagomarsino
Leggett
Lloyd, Calif.
Lloyd, Tenn.
Long, La.
Lujan
Lundine
McClory
McFall
McKay
Mahon
Mathis
Melcher
Miller, Calif.
Miller, Ohio
Mollohan
Moore
Morgan
Oberstar
Patterson, Calif.
Pettis
Pickle
Poage
Pressler
Randall
Rees
Rhodes
Risenhoover
Roe
Rogers
Roncalio
Rose
Rousselot
Runnels
Santini
Sebelius
Seiberling
Shipley
Shriver
Simon
Sisk
Skubitz
Slack
Staggers
Stuckey
Symms
Talcott
Taylor, Mo.
Taylor, N.C.
Udall
Ullman
Vigorito
Waggonner
White
Wilson, Bob
Wilson, Tex.
Winn
Wright
Yatron
Young, Alaska
Young, Tex.

NAYS—279

Abzug
Adams
Addabbo
Alexander
Allen
Ambro
Anderson, Calif.
Anderson, Ill.
Andrews, N.C.
Annunzio
Ashbrook
Aspin
Bafalis
Baldus
Bauman
Beard, Tenn.
Bedell
Bell
Bennett
Bergland
Bevill
Biaggi
Biester
Bingham
Blanchard
Blouin
Boland
Bonker
Bowen
Brademas
Brinkley
Brodhead
Broomfield
Brown, Mich.
Brown, Ohio
Buchanan
Burke, Calif.
Burke, Fla.
Burlison, Mo.
Burton, John
Burton, Phillip
Butler
Carney
Carr
Cederberg
Chappell
Chisholm
Clancy
Clawson, Del
Clay
Cleveland
Cochran
Cohen
Collins, Ill.
Collins, Tex.
Conable
Conte
Conyers
Cornell
Cotter
Coughlin
Crane
D'Amours
Daniel, Dan
Daniel, R. W.
Danielson
Davis
Delaney
Derrick
Derwinski
Dingell
Dodd
Downey, N.Y.
Downing, Va.
Drinan
Duncan, Tenn.
Early
Edgar
Edwards, Ala.
Edwards, Calif.
Eilberg
Emery
English
Erlenborn
Eshleman
Evans, Ind.
Fary
Fascell
Fenwick
Findley
Fish
Fisher
Flood
Florio
Flowers
Foley
Ford, Mich.
Ford, Tenn.
Forsythe
Fountain
Fraser
Frenzel
Frey
Fuqua
Gaydos
Giaimo
Gibbons
Gilman
Goodling
Gradison
Grassley
Haley
Hall, Ill.
Hall, Tex.
Hamilton
Hanley
Hannaford
Harkin
Harrington
Harris
Hayes, Ind.
Hechler, W. Va.
Heckler, Mass.
Hefner
Hightower
Hillis
Holt
Holtzman
Hubbard
Hughes
Hutchinson
Ichord
Jacobs
Jarman
Jeffords
Jenrette
Johnson, Pa.
Jones, Okla.
Kasten
Kastenmeier
Kemp
Keys
Kindness
Koch
Krueger
LaFalce
Landrum
Latta
Lehman
Lent
Levitas
Long, Md.
Lott
McCloskey
McDade
McDonald
McEwen
McHugh
McKinney
Madden
Madigan
Maguire
Mann
Martin
Mazzoli
Meyner
Mezvinsky
Michel
Mikva
Milford
Mineta
Minish
Mitchell, Md.
Mitchell, N.Y.
Moakley
Moffett
Montgomery
Moorhead, Calif.
Moorhead, Pa.
Mosher
Moss
Mottl
Murphy, Ill.
Murphy, N.Y.
Murtha
Myers, Ind.
Myers, Pa.
Natcher
Neal
Nedzi
Nichols
Nolan
Nowak
Obey
O'Brien
O'Hara
O'Neill
Ottinger
Passman
Patten, N.J.
Pattison, N.Y.
Paul
Pepper
Perkins
Pike
Preyer
Price
Pritchard
Quie
Quillen
Railsback
Regula
Reuss
Richmond
Rinaldo
Roberts
Robinson
Rodino
Rooney
Rosenthal
Rostenkowski
Roush
Roybal
Russo
Ryan
Sarasin
Sarbanes
Satterfield
Scheuer
Schneebeli
Schroeder
Schulze
Sharp
Shuster
Sikes
Smith, Iowa
Smith, Nebr.
Snyder
Solarz
Spellman
Spence
Stanton, J. William
Stanton, James V.
Stark
Steed
Steiger, Wis.
Stratton
Studds
Sullivan
Symington
Teague
Thompson
Thone
Thornton
Traxler
Treen
Tsongas
Van Deerlin
Vander Jagt
Vander Veen
Vanik
Walsh
Wampler
Waxman
Weaver
Whalen
Whitehurst
Whitten
Wiggins
Wilson, C. H.
Wirth
Wolff
Wydler
Wylie
Yates
Young, Fla.
Young, Ga.
Zablocki
Zeferetti

ANSWERED "PRESENT"—1

Holland

NOT VOTING—32

Badillo	Helstoski	Nix
Conlan	Henderson	Peyser
Dellums	Hinshaw	Rangel
Devine	Jones, Ala.	Riegle
Esch	McCollister	Ruppe
Fithian	McCormack	St Germain
Green	Matsunaga	Steelman
Gude	Meeds	Steiger, Ariz.
Guyer	Metcalfe	Stephens
Hébert	Mills	Stokes
Heinz	Mink	

The Clerk announced the following pairs:

Mr. Badillo with Mr. Green.
Mr. Matsunaga with Mr. Conlan.
Mr. Meeds with Mr. Devine.
Mr. McCormack with Mr. Esch.
Mr. Fithian with Mr. McCollister.
Mr. Helstoski with Mr. Gude.
Mr. Hébert with Mr. Heinz.
Mr. Dellums with Mr. Mills.
Mr. Nix with Mr. Steelman.
Mrs. Mink with Mr. Steiger of Arizona.
Mr. Metcalfe with Mr. Peyser.
Mr. Henderson with Mr. Guyer.
Mr. Riegle with Mr. Ruppe.
Mr. Rangel with Mr. St Germain.
Mr. Stokes with Mr. Stephens.

Mr. JENRETTE, Mrs. SPELLMAN, Messrs. CARNEY, HUGHES, and PERKINS, changed their vote from "yea" to "nay."

So (two-thirds not having voted in favor thereof) the motion was rejected.

The result of the vote was announced as above recorded.

ADMINISTRATION OF NATIONAL PARK SYSTEM

The SPEAKER. The unfinished business is the question of suspending the rules and passing the bill, H.R. 11887, as amended.

The Clerk read the title of the bill.

The SPEAKER. The question is on the motion offered by the gentleman from North Carolina (Mr. TAYLOR) that the House suspend the rules and pass the bill, H.R. 11887, as amended, on which the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 378, nays 16, not voting 36, as follows:

[Roll No. 789]

YEAS—378

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

NAYS—16

Ambro	Forsythe	Hyde
Brodhead	Frenzel	Kelly
Conable	Hutchinson	Kindness
Michel	Rosenthal	Wydler
Mottl	Schneebeli	
Paul	Treen	

NOT VOTING—36

Badillo	Heinz	Mills
Conlan	Helstoski	Mink
Dellums	Henderson	Nix
Devine	Hinshaw	Peyser
Diggs	Jones, Ala.	Rangel
Esch	McCollister	Riegle
Fithian	McCormack	Ruppe
Gilman	Madden	St Germain
Green	Martin	Steelman
Gude	Matsunaga	Steiger, Ariz.
Guyer	Meeds	Stephens
Hébert	Metcalfe	Stokes

The Clerk announced the following pairs:

Mr. Badillo with Mr. Green.
Mr. Matsunaga with Mr. Conlan.
Mr. Meeds with Mr. Devine.
Mr. McCormack with Mr. Esch.
Mr. Fithian with Mr. McCollister.
Mr. Helstoski with Mr. Gude.
Mr. Hébert with Mr. Heinz.
Mr. Dellums with Mr. Diggs.
Mr. Nix with Mr. Steelman.
Mrs. Mink with Mr. Steiger of Arizona.
Mr. Metcalfe with Mr. Gilman.
Mr. Henderson with Mr. Guyer.
Mr. Riegle with Mr. Martin.
Mr. Madden with Mr. Mills.
Mr. Rangel with Mr. Peyser.
Mr. St Germain with Mr. Ruppe.
Mr. Stokes with Mr. Stephens.

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

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 3430) to amend the act approved August 18, 1970, providing for improvement in the administration of the national park system by the Secretary of the Interior and clarifying authorities applicable to the National Park System, 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 North Carolina?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 3430

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 3 of the Act approved August 18, 1970 (84 Stat. 825; 16 U.S.C. 1a–1 et seq.), is amended as follows:

(a) In subsection (e), after "within an area of the national park system," insert "as long as such activity does not in any way violate or jeopardize the integrity of the natural ecosystem or any historic resource."

(b) At the end of subsection (g), change the period to a semicolon and add the following new subsections:

"(h) promulgate and enforce regulations concerning boating operations and other activities on or relating to waters located within areas of the National Park System, including waters subject to the jurisdiction of the United States: *Provided,* That any regulations adopted pursuant to this subsection shall be complementary to, and not in dero-

gation of, the authority of the United States Coast Guard to regulate the use of waters subject to the jurisdiction of the United States;

"(i) provide meals and lodging, as the Secretary deems appropriate, for members of the United States Park Police and other employees of the National Park Service, as he may designate, serving temporarily on extended special duty in areas of the National Park System, and for this purpose he is authorized to use funds appropriated for the expenses of the Department of the Interior effective October 1, 1977.".

SEC. 2. The Act of August 18, 1970, is further amended by adding the following new sections:

"SEC. 5. Section 11 of the Act of May 26, 1930 (46 Stat. 383; 16 U.S.C. 17j), is amended to read as follows:

"'SEC. 11. In the administration of the National Park System, the Secretary of the Interior is authorized, under regulations prescribed by him, to pay (a) the traveling expenses of employees, including the costs of packing, crating, and transporting (including draying) their personal property, upon permanent change of station of such employees and (b) the traveling expenses as aforesaid of dependents of deceased employees (i) to the nearest housing reasonably available and of a standard not less than that which is vacated, and to include compensation for not to exceed sixty days' rental cost thereof, in the case of an employee who occupied Government housing and the death of such employee requires that housing to be promptly vacated, and (ii) to the nearest port of entry in the conterminous forty-eight States in the case of an employee whose last permanent station was outside the conterminous forty-eight States. Subsection (b) of the section shall become effective October 1, 1977.'.

"SEC. 6. Notwithstanding any other provision of law, the Secretary of the Interior may relinquish to a State, or to a Commonwealth, territory, or possession of the United States, all or part of the legislative jurisdiction of the United States over National Park System lands or interests in that State, Commonwealth, territory, or possession: *Provided*, That, prior to consummating any such relinquishment, the Secretary shall submit the proposed agreement to the Committees on Interior and Insular Affairs of the United States Congress, and shall not finalize such agreement until sixty calendar days after such submission shall have elapsed. Relinquishment of legislative jurisdiction under this section may be accomplished (1) by filing with the Governor (or, if none exists, with the chief executive officer) of the State, Commonwealth, territory, or possession concerned a notice of relinquishment to take effect upon acceptance thereof, or (2) as the laws of the State, Commonwealth, territory, or possession may otherwise provide. The Secretary shall diligently pursue the consummation of arrangements with each State, Commonwealth, territory, or possession within which a unit of the National Park System is located to the end that insofar as practicable the United States shall exercise concurrent legislative jurisdiction within units of the National Park System.

"SEC. 7. Notwithstanding subsection 5901 (a) of title 5, United States Code (80 Stat. 508), as amended, the uniform allowance for uniformed employees of the National Park Service may be up to $400 annually effective October 1, 1977.

"SEC. 8. The Secretary of the Interior is directed to investigate and study areas whose resources exhibit qualities of national significance and which may have potential for inclusion in the National Park System. At the beginning of each fiscal year, the Secretary shall transmit to the Speaker of the House of Representatives and to the President of the Senate, comprehensive reports on each of those areas upon which studies have been completed. On this same date, and accompanying such reports, the Secretary shall transmit a listing, in generally descending order of importance or merit, of not less than twelve such areas which appear to be of national significance and which may have potential for inclusion in the National Park System. Threats to resource values, and cost escalation factors shall be considered in listing the order of importance or merit. Such listing may be comprised of any areas heretofore submitted under terms of this section, and which at the time of listing are not included in the National Park System. Each report and annual listing shall be printed as a House document.

"SEC. 9. Section 3 of the Act of August 21, 1935 (49 Stat. 666, 667; 16 U.S.C. 461, 463), is amended to read as follows:

"'SEC. 3. (a) A general advisory board to be known as the National Park System Advisory Board is hereby established, to be composed of not to exceed eleven persons, citizens of the United States, to include but not be limited to representatives competent in the fields of history, archeology, architecture, and natural science, who shall be appointed by the Secretary for a term not to exceed four years. The Secretary shall take into consideration nominations for appointees from public and private, professional, civic, and educational societies, associations, and institutions. The members of such board shall receive no salary but may be paid expenses incidental to travel when engaged in discharging their duties as members. It shall be the duty of such board to advise the Secretary on matters relating to the National Park System, to other related areas, and to the administration of this Act, including but not limited to matters submitted to it for consideration by the Secretary, but it shall not be required to recommend as to the suitability or desirability of surplus real and related personal property for use as an historic monument.

"'(b) The National Park System Advisory Board shall continue to exist until January 1, 1990. In all other respects, it shall be subject to the provisions of the Federal Advisory Committee Act.'.

"SEC. 10. (a) The arrest authority relating to the National Park Service is hereby amended in the following respects:

"'(1) Section 3 of the Act of March 3, 1897 (29 Stat. 621; 16 U.S.C. 415), as supplemented; relating to certain arrest authority relative to national military parks, is hereby repealed.

"'(2) The first paragraph of that portion designated "GENERAL EXPENSES, FOREST SERVICE" of the Act of March 3, 1905 (33 Stat. 872; 16 U.S.C. 10, 559), as amended, relating in part to arrest authority relative to laws and regulations applicable to forest reserves and national parks, is amended by deleting the words "and national park service", "and national parks", and "or national parks".

"'(3) Section 2 of the Act of March 2, 1933 (47 Stat. 1420; 16 U.S.C. 10a), as amended, relating to certain arrest authority for certain employees of the National Park Service, is hereby repealed.

"'(4) The second paragraph of section 6 of the Act of October 8, 1964 (78 Stat. 1041; 16 U.S.C. 460n-5), as amended, relating to certain arrest authority relative to the Lake Mead National Recreational Area, is hereby repealed.

"'(b) In addition to any other authority conferred by law, the Secretary of the Interior is authorized to designate, pursuant to standards prescribed in regulations by the Secretary, certain officers or employees of the Department of the Interior who shall maintain law and order and protect persons and property within areas of the National Park System. In the performance of such duties, the officers or employees, so designated, may—

"'(1) carry firearms and make arrests without warrant for any offense against the United States committed in his presence, or for any felony cognizable under the laws of the United States if he has reasonable grounds to believe that the person to be arrested has committed or is committing such felony, provided such arrests occur within that system or the person to be arrested is fleeing therefrom to avoid arrest;

"'(2) execute any warrant or other process issued by a court or officer of competent jurisdiction for the enforcement of the provisions of any Federal law or regulation issued pursuant to law arising out of an offense committed in that system or, where the person subject to the warrant or process is in that system, in connection with any Federal offense; and

"'(3) conduct investigations of offenses against the United States committed in that system in the absence of investigation thereof by any other Federal law enforcement agency having investigative jurisdiction over the offense committed or with the concurrence of such other agency.

"'(c) The Secretary of the Interior is hereby authorized to—

"'(1) designate officers and employees of any other Federal agency or law enforcement personnel of any State or political subdivision thereof, when deemed economical and in the public interest and with the concurrence of that agency or that State or subdivision, to act as special policemen in areas of the National Park System when supplemented law enforcement personnel may be needed, and to exercise the powers and authority provided by paragraphs (1), (2), and (3) of subsection (b) of this section;

"'(2) cooperate, within the National Park System, with any State or political subdivision thereof in the enforcement or supervision of the laws or ordinances of that State or subdivision; and

"'(3) provide limited reimbursement, effective October 1, 1977, to a State or its political subdivisions, in accordance with such regulations as he may prescribe, where the State has ceded concurrent legislative jurisdiction over the affected area of the system, for expenditures incurred in connection with its activities within that system which were rendered pursuant to paragraph (1) of this subsection.

"'(4) the authorities provided by this subsection shall supplement the law enforcement responsibilities of the National Park Service, and shall not authorize the delegation of law enforcement responsibilities of the agency to State and local governments.

"'(d)(1) Nothing contained in this Act shall be construed or applied to limit or restrict the investigative jurisdiction of any Federal law enforcement agency other than the National Park Service, and nothing shall be construed or applied to affect any right of a State or a political subdivision thereof to exercise civil and criminal jurisdiction with the National Park System.

"'(2) Except as otherwise provided in this subsection, a law enforcement officer of any State or political subdivision thereof designated to act as a special policeman under subsection (c) of this section shall not be deemed a Federal employee and shall not be subject to the provisions of law relating to Federal employment, including, but not limited to, those relating to hours of work, rates of compensation, leave, unemployment compensation, and Federal benefits.

"'(3) For purposes of the tort claim provisions of title 28, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (c) of this section, be considered a Federal employee.

"'(4) Effective October 1, 1977, for purposes of subchapter I of chapter 81 of title 5, relating to compensation to Federal employees for work injuries, a law enforcement officer of any State or political subdivision thereof shall, when acting as a special policeman under subsection (c) of this section, be deemed a civil service employee of the United States within the meaning of the term "employee" as defined in section 8101 of title 5, and the provisions of that subchapter shall apply.'.

"SEC. 11. Section 101(a) of title I of Public Law 89-665, (80 Stat. 915; 16 U.S.C. 470a) establishing a program for the preservation of additional historic properties, is amended by adding thereto a new paragraph to read as follows:

"'(4) to withhold from disclosure to the public, information relating to the location of sites or objects listed on the National Register whenever he determines that the disclosure of specific information would create a risk of destruction or harm to such sites or objects.'".

MOTION OFFERED BY MR. TAYLOR OF NORTH CAROLINA

Mr. TAYLOR of North Carolina. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. TAYLOR of North Carolina moves to strike out all after the enacting clause of S. 3430 and insert in lieu thereof the text of H.R. 11887, as passed by the House.

The motion was agreed to.

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

A similar House bill (H.R. 11887) was laid on the table.

GENERAL LEAVE

Mr. TAYLOR of North Carolina. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the Senate bill just passed and on H.R. 11891 which was passed earlier this evening.

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

There was no objection.

AUTHORIZING THE SPEAKER TO APPOINT THE DELEGATE FROM THE DISTRICT OF COLUMBIA AS ONE OF THE MEMBERS OF THE SELECT COMMITTEE AUTHORIZED BY HOUSE RESOLUTION 1540

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Speaker be authorized to appoint the delegate from the District of Columbia as one of the members of the select committee authorized by House Resolution 1540.

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

There was no objection.

APPOINTMENT AS MEMBERS OF THE SELECT COMMITTEE TO CONDUCT AN INVESTIGATION AND STUDY OF THE CIRCUMSTANCES SURROUNDING THE DEATH OF JOHN F. KENNEDY AND THE DEATH OF MARTIN LUTHER KING, JR.

The SPEAKER. Pursuant to the provisions of House Resolution 1540, 94th Congress, and the authority of the House just granted, the Chair appoints as members of the Select Committee to conduct an investigation and study of the circumstances surrounding the death of John F. Kennedy and the death of Martin Luther King, Jr., the following Members and Delegate of the House: The gentleman from Virginia, Mr. DOWNING, chairman; the gentleman from Texas, Mr. GONZALEZ; the gentleman from North Carolina, Mr. PREYER; the gentleman from Ohio, Mr. STOKES; the Delegate from the District of Columbia, Mr. FAUNTROY; the gentlewoman from California, Mrs. BURKE; the gentleman from Connecticut, Mr. DODD; the gentleman from Tennessee, Mr. FORD; the gentleman from Ohio, Mr. DEVINE; the gentleman from California, Mr. TALCOTT; the gentleman from Connecticut, Mr. MCKINNEY, and the gentleman from Nebraska, Mr. THONE.

LEGISLATIVE PROGRAM

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, I have asked for this time to announce the program at this particular time for the remainder of the day and tomorrow.

Mr. Speaker, we will take up House Joint Resolution 1096, Guam typhoon supplemental appropriations, this evening.

Tomorrow we will start out with H.R. 14238, legislative branch appropriations, fiscal year 1977, conference report.

This will be followed by H.R. 15377, Export Administration Act amendments, under an open rule, with 1 hour of debate;

S. 22, copyright law provision, under a modified open rule, with 1 hour of debate;

H.R. 15, regulating lobbying and related activities, under an open rule, with 4 hours of debate; and

H.R. 6684, exclusive territorial franchises, under an open rule, with 2 hours of debate.

On Thursday we will take up H.R. 12112, synthetic fuels, under an open rule, with 4 hours of debate.

HOUR OF MEETING ON TOMORROW

Mr. O'NEILL. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 10 o'clock a.m. tomorrow morning.

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

Mr. MYERS of Indiana. Mr. Speaker, reserving the right to object, I take the floor reluctantly to make this point. I have been reading the RECORD to make sure that I am correct.

I refer back to the RECORD from last night, shortly before 10 p.m., in the colloquy between the gentleman from Arizona (Mr. RHODES) and the gentleman from Massachusetts (Mr. O'NEILL), where the gentleman from Massachusetts said this:

Mr. Speaker, there is agreement, then, that we will stop the suspensions at 5:30 tomorrow night.

Now, at 7 o'clock we had not finished the suspensions.

Mr. O'NEILL. Mr. Speaker, will the gentleman yield?

Mr. MYERS of Indiana. I yield to the majority leader.

Mr. O'NEILL. Mr. Speaker, the agreement yesterday, as made by the leadership, was contingent upon the fact that I would ask unanimous consent to come in today at 10 o'clock. If that request had been granted, as it was anticipated it would be granted, we would follow through then until 5:30, I believe it was, and at 5:30 we would rise.

The reason for this is that we had originally agreed on 5 o'clock. We agreed then on 5:30 because there was a soybean conference going on in which many Members were interested, and extending it to 5:30 would give them a half hour to get over there and it would allow 15 minutes for voting the first time. Therefore, we anticipated everything would be through at 7 o'clock. That was the agreement I had with the minority leader, the gentleman from Arizona (Mr. RHODES), on the opposite side of the aisle.

Mr. Speaker, I will ask the minority leader, am I correct in that?

Mr. RHODES. Mr. Speaker, if the gentleman from Indiana will yield the gentleman from Massachusetts is absolutely correct.

Mr. O'NEILL. So, Mr. Speaker, may I say that with that in mind, I asked unanimous consent to meet at 10 o'clock, and there was an objection.

Now, I had been told by many of the Members that the request would be agreed to so that we would not have to move it. However, unexpectedly, one of the Members objected to the request, and so I was not in a position to move it at that particular time.

We did have an agreement, and we would have lived up to that agreement, because as the Members can see, it is 5 minutes past 9 now. Had we come in at 10 o'clock this morning, we would have been leaving here at about 5 minutes past 7.

Mr. MYERS of Indiana. Of course, Mr. Speaker, I know nothing about the agreement the gentleman may have had, and I am not trying to impugn or question the gentleman's actions in what he is doing here on the floor. I am just a country banker, and when one's word is given that he is going to do something, I expect it will be done.

However, with the gentleman's explanation, I withdraw my reservation of objection.

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

There was no objection.

NATIONAL VOLUNTEER FIREMEN WEEK

Mr. CARNEY. Mr. Speaker, I call up the joint resolution (H.J. Res. 1008) authorizing the President to proclaim the week beginning October 3, 1976, and ending October 9, 1976, as "National Volunteer Firemen Week" and ask unanimous consent that it be considered in the House.

The Clerk read the title of the joint resolution.

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

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 1008

Whereas volunteer firemen have played an essential role in this country all throughout its history;

Whereas one million of the country's one million two hundred thousand firefighters are volunteer firemen;

Whereas, because of their skills in applying life-supporting techniques and their awareness of fire safety precautions, volunteer firemen play an important role at their regular places of employment, especially in industrial plants, large office buildings, hospitals, and other places where there are heavy concentrations of people; and

Whereas volunteer firemen provide a life-saving service to the communities in which they live: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is authorized and requested to issue a proclamation designating the week beginning October 3, 1976, and ending October 9, 1976, as "National Volunteer Firemen Week", and calling upon the people of the United States to observe such week with appropriate ceremonies and activities.

The joint resolution 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.

SUPPLEMENTAL DEPARTMENT OF DEFENSE APPROPRIATION FOR REPAIR AND REPLACEMENT OF TYPHOON-DAMAGED FACILITIES ON GUAM

Mr. MAHON. Mr. Speaker, pursuant to the order of the House on Friday last, I call up the joint resolution (H.J. Res. 1096) making supplemental appropriations for the Department of Defense for the repair and replacement of facilities on Guam damaged or destroyed by Typhoon Pamela, and for other purposes, and ask unanimous consent that the joint resolution be considered in the House as in the Committee of the Whole.

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

There was no objection.

The Clerk read the joint resolution as follows:

H.J. RES. 1096

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, for the period ending September 30, 1976, and for other purposes, namely:

RESTORATION OF FACILITIES ON GUAM, DEFENSE

For replacement, repair, and restoration of supplies, equipment, and facilities on Guam, $163,073,000, to be immediately available to be transferred as follows:

"Operation and maintenance, Navy," $19,960,000;

"Operation and maintenance, Air Force," $10,940,000;

"Military construction, Navy," $67,400,000;

"Military construction, Air Force," $24,400,000;

"Family housing, Defense," $40,373,000, to be obligated and expended in the Family Housing Management Account established pursuant to section 501(a) of Public Law 87-554, in not to exceed the following amounts:

For the Navy and Marine Corps: Construction, $12,250,000;

For the Air Force: Construction, $20,121,000;

For Department of Defense: Operation, maintenance, $8,002,000:

Provided, That amounts provided for construction shall remain available until expended: *Provided further,* That amounts provided for operation and maintenance shall be transferred, in whole or in part, to the designated appropriations which are available for obligation through September 30, 1976, or, to the extent obligations cannot be incurred as of September 30, 1976, for the purpose of this resolution, to fiscal year 1977 successor appropriations, to be merged with and to be available for the same purposes and for the same time period as the appropriation to which transferred.

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

Mr. Speaker, let me say to my colleagues that it is urgent that this supplemental appropriation bill proceed to the other body in order that we can undertake to complete our schedule this week and next week.

Mr. Speaker, this is a noncontroversial measure. The budget request was $189 million for construction and for operation and maintenance as a result of this devastating typhoon. The request for military construction and family housing was $144 million, and the request for operation and maintenance was $44 million.

We have had hearings on this measure which are available to the Members. We felt that in view of carryover funds into the transition period, some reduction could be made; and we did make reductions totaling about $25.9 million.

The typhoon which ravaged Guam on May 31, 1976, was one of the most destructive in the history of that island. The extensive damage to our military installations was mainly caused by the long duration of the storm. Destructive force winds continued for over 30 hours. At the height of the storm, 100-knot winds, with gusts up to 145 knots, battered the island for 6 hours.

Another reason for the severity of the damage was the nature of the construction. Many of those buildings destroyed were put up as temporary facilities during World War II, and were not in condition to withstand the force of such a storm. While many newer structures also sustained some damage, it was generally much less severe.

Wind-driven water was a major factor in causing interior damage to buildings and their contents, as well as, destroying waterfront installations. A very substantial amount of supplies and equipment was lost and will have to be replaced.

There is a substantial amount requested. It is expensive to build permanent facilities on Guam because of its isolated location and because new permanent facilities should be "typhoon proof." We are recommending funds to replace many of the old World War II facilities which were not typhoon proof, facilities which are needed to carry out the ongoing missions on Guam. These would have had to have been replaced some day. When Typhoon Pamela struck the island on May 21, the replacement of these facilities became an immediate consideration.

These funds are urgently required to reconstruct our military facilities and replace the supplies and equipment required to resume normal operations on the island.

Mr. Speaker, I should point out that while this is a single appropriation it will increase existing funds already provided the Department of Defense for specific purposes under the regular Military Construction and Department of Defense Appropriations Acts. Mr. Speaker, I will insert in the RECORD at this point, under permission to extend my remarks, a schedule showing the budget request, the amount authorized, and the funding recommended by the Appropriations Committee:

19TQ SUPPLEMENTAL—RESTORATION OF TYPHOON PAMELA DAMAGE

	Requested	Authorized	Committee action	
			Approved	Reduction
Military construction:				
Navy	$77,869,000	$71,400,000	$67,400,000	−$10,469,000
Air Force	26,622,000	24,400,000	24,400,000	−2,222,000
Subtotal	104,491,000	95,800,000	91,800,000	−12,691,000
Family housing, defense	40,373,000	40,373,000	40,373,000	
Navy and Marine Corps construction	(12,250,000)	(12,250,000)	(12,250,000)	
Air Force Construction	(20,121,000)	(20,121,000)	(20,121,000)	
Department of Defense: Operation, maintenance	(8,002,000)	(8,002,000)	(8,002,000)	
Total, Milcon	144,864,000	136,173,000	132,173,000	−12,691,000
Defense:				
Operation and maintenance, Navy	30,846,000	NA	19,960,000	−10,886,000
Operation and maintenance, Air Force	13,290,000	NA	10,940,000	−2,350,000
Subtotal, operation and maintenance	44,136,000		30,900,000	−13,236,000
Total	189,000,000		163,073,000	−25,927,000

Mr. Speaker, I urge the passage of this resolution.

Mr. PHILLIP BURTON. Mr. Speaker, will the gentleman yield?

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

Mr. PHILLIP BURTON. Mr. Speaker. I would like to vote "aye."

Mr. EDWARDS of Alabama. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to the gentleman from Alabama.

Mr. EDWARDS of Alabama. Mr. Speaker, I thank the gentleman for yielding.

I shall take just a few seconds simply to say that we have held hearings and gave careful consideration to this measure in the committee. I just want to say that the minority concurs in the need for this joint resolution.

Therefore, Mr. Speaker, I urge its adoption.

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

Mr. MAHON. I yield to the gentleman from Florida.

Mr. SIKES. Mr. Speaker, the supplemental measure before you carries $163,073,000 for restoration and repair of military facilities and for the repair, replacement, and replenishment of equipment and supplies on Guam. The single appropriation includes amounts which will be transferred to operations and maintenance accounts and to military construction and family housing accounts for the Navy and Air Force. The amount requested for Guam in House Document 94–570 was $189,000,000, so the total reduction of $25,927,000 in the request represents approximately 14 percent.

The Members of the House recognize the significance of Guam to America's defense structure. Guam represents our most secure post in the Western Pacific. It is the westernmost military facility which is completely under U.S. control. Other bastions in the Pacific, in the Philippines, Okinawa, Japan, Korea, and Taiwan, are important but problems have arisen from one source or another, which could affect future U.S. tenure at those bases. Guam presently supports essential and strategic Navy and Air Force activities. In the event we need to deploy or use additional military forces in that area, our installations on Guam must be better prepared to support them adequately.

Guam is a long way from the continent of the United States so it is expensive to build permanent facilities. Because of Guam's location where typhoons are frequent, permanent facilities should be typhoon proof. Many of the structures on Guam were of World War II construction. Few of these are left following the storm, and replacement was only a matter of time. Maintenance was increasingly costly, but it was necessary to use them to carry out the ongoing mission on Guam. Many of these facilities were out of date and it would have been necessary to replace them very soon. When the typhoon Pamela struck the Island on May 21st, the process was speeded up considerably.

The storm, one of the most destructive in the history of Guam, had an unusually slow speed of advance and was of exceptionally long duration. Destructive force wind—over 50 knots—continued for 30 hours. At the height of the storm, 100 knot winds, with gusts of 145 knots, buffeted the island for 6 hours. Damage was sustained at virtually every military installation on Guam. Thirty three inches of rain fell, with 27 inches received in a 24-hour period. Wind-driven water was a major factor in interior damage to buildings and their contents. Of the total request, $144,864,000 is for military construction and family housing to restore damaged facilities. The Department of Defense also requested $44,136,000 of operation and maintenance funds to replace destroyed supplies and equipment and to repair facilities not requiring complete restoration.

Operation and maintenance appropriations are within the purview of the Defense Subcommittee. Hearings were held with Defense, Navy, and Air Force witnesses on Wednesday on the $44,136,000 requested for operation and maintenance—Navy, $30,864,000; Air Force, $13,290,000. The Defense Subcommittee feels that a total of $30,900,000 is sufficient to meet essential requirements. This represents a reduction of $13,236,000 in this area. In testimony before the Defense Subcommittee, the Navy advised that some $6,523,000 which they had requested could be absorbed within funds already appropriated. In addition, although reductions are not identified by item, the committee felt that an additional reduction of $6,713,000 should be applied to the Navy and Air Force operations and maintenance requests. The report identifies areas in which these reductions can be made. Examples are requests for furniture for airmen dormitories which may exceed that actually lost; maintenance funds for nonappropriated fund activities; purchase of supplies and equipment in cases where some of the equipment could be repaired rather than replaced; and failure to utilize funds appropriated for similar purposes in the fiscal year 1976 Defense Appropriation Act. Some of these are repair of damaged service craft with funds appropriated for work at the Ship Repair Facility at Guam and utilization of funded Military Airlift Command training flights for the delivery of materials and supplies to Guam.

I believe that the amount approved will enable the services to get the job done.

For military construction, $91,800,000 of the total appropriation would be transferred to the Navy's and Air Force's military construction accounts—Navy, $67,400,000; Air Force, $24,400,000. The Military Construction Subcommittee felt that the Air Force's request had been more rigorously screened than the Navy's. We made an additional reduction of $4 million in the Navy request while going along with the Armed Services Committee's reduction of $6,469,000 to the Navy and $2,222,000 to the Air Force requests. We have indicated certain Navy projects which our subcommittee felt could be deferred.

For family housing, $40,373,000 includes both construction and operation and maintenance. We felt that the request was well justified and perhaps somewhat conservative in that the family housing request does not include any upgrading of family housing except for stormproofing. We feel that it may be desirable to upgrade these units—for instance, installing central airconditioning or upgrading kitchens—at the same time that other work is accomplished. Nevertheless, this wasn't requested and hasn't been authorized.

This supplemental is necessary now. The forces, their families, and the civilian work force have all done a remarkable job in restoring operations and providing minimal shelter. However, permanent repairs need to be made, both to restore full operation and decent living conditions and to prevent further damage from normal weather.

I respectfully urge your support for this measure.

GENERAL LEAVE

Mr. MAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on House Joint Resolution 1096, now under consideration.

The SPEAKER pro tempore (Mr. McFALL). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MAHON. Mr. Speaker, I move the previous question on the joint resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the joint resolution.

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

The SPEAKER pro tempore. The question is on the passage of the joint resolution.

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

Mr. FRENZEL. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 372, nays 0, not voting 58, as follows:

[Roll No. 790]

YEAS—372

Abdnor	Broyhill	Dodd
Abzug	Buchanan	Downey, N.Y.
Adams	Burgener	Downing, Va.
Addabbo	Burke, Calif.	Drinan
Alexander	Burke, Fla.	Duncan, Oreg.
Allen	Burke, Mass.	Duncan, Tenn
Ambro	Burleson, Tex.	du Pont
Anderson, Calif.	Burlison, Mo.	Early
	Burton, John	Eckhardt
Anderson, Ill.	Burton, Phillip	Edgar
Andrews, N.C.	Butler	Edwards, Ala.
Andrews, N. Dak.	Byron	Edwards, Calif.
	Carney	Eilberg
Annunzio	Carr	Emery
Archer	Carter	English
Armstrong	Chappell	Erlenborn
Ashbrook	Chisholm	Eshleman
Ashley	Clancy	Evans, Colo.
Aspin	Clausen, Don H.	Evans, Ind.
AuCoin		Evins, Tenn.
Bafalis	Clawson, Del	Fary
Baldus	Clay	Fascell
Baucus	Cleveland	Fenwick
Bauman	Cohen	Findley
Bedell	Collins, Ill.	Fish
Bell	Collins, Tex.	Fisher
Bennett	Conable	Flood
Bergland	Conte	Florio
Bevill	Corman	Flowers
Biaggi	Cornell	Flynt
Biester	Cotter	Foley
Bingham	Coughlin	Ford, Mich.
Blanchard	Crane	Ford, Tenn.
Blouin	D'Amours	Forsythe
Boggs	Daniel, Dan	Fountain
Boland	Daniel, R. W.	Fraser
Bolling	Daniels, N.J.	Frenzel
Bonker	Danielson	Frey
Bowen	Davis	Fuqua
Brademas	de la Garza	Gaydos
Breaux	Delaney	Giaimo
Breckinridge	Dent	Gibbons
Brinkley	Derrick	Gilman
Brodhead	Derwinski	Ginn
Brooks	Dickinson	Goldwater
Brown, Mich.	Diggs	Gonzalez
Brown, Ohio	Dingell	Goodling

Gradison	Madden	Roush
Grassley	Madigan	Rousselot
Hagedorn	Maguire	Roybal
Haley	Mahon	Runnels
Hall, Ill.	Mann	Russo
Hall, Tex.	Martin	Ryan
Hamilton	Mathis	Santini
Hammer-schmidt	Mazzoli	Sarasin
	Melcher	Satterfield
Hanley	Meyner	Scheuer
Hannaford	Mezvinsky	Schroeder
Hansen	Michel	Schulze
Harkin	Mikva	Sebelius
Harris	Milford	Seiberling
Harsha	Miller, Calif.	Sharp
Hayes, Ind.	Miller, Ohio	Shipley
Hechler, W. Va.	Mineta	Shriver
Heckler, Mass.	Minish	Shuster
Hefner	Mitchell, Md.	Sikes
Hicks	Mitchell, N.Y.	Simon
Hightower	Moakley	Sisk
Hillis	Moffett	Skubitz
Holland	Mollohan	Slack
Holt	Montgomery	Smith, Iowa
Holtzman	Moore	Smith, Nebr.
Horton	Moorhead, Pa.	Snyder
Howard	Morgan	Solarz
Howe	Moss	Spellman
Hubbard	Mottl	Spence
Hughes	Murphy, Ill.	Staggers
Hungate	Murphy, N.Y.	Stanton, James V.
Hutchinson	Murtha	
Hyde	Myers, Ind.	Stark
Ichord	Myers, Pa.	Steed
Jacobs	Natcher	Steiger, Wis.
Jarman	Neal	Stratton
Jeffords	Nedzi	Studds
Jenrette	Nichols	Symms
Johnson, Calif.	Nolan	Talcott
Johnson, Colo.	Nowak	Taylor, Mo.
Johnson, Pa.	Oberstar	Taylor, N.C.
Jones, N.C.	Obey	Teague
Jones, Okla.	O'Hara	Thompson
Jones, Tenn.	O'Neill	Thone
Jordan	Ottinger	Thornton
Kasten	Patten, N.J.	Traxler
Kastenmeier	Patterson, Calif.	Treen
Kazen		Tsongas
Kelly	Pattison, N.Y	Van Deerlin
Kemp	Paul	Vander Jagt
Ketchum	Pepper	Vander Veen
Keys	Perkins	Vanik
Kindness	Pettis	Vigorito
Koch	Pickle	Waggonner
Krebs	Pike	Walsh
Krueger	Poage	Wampler
LaFalce	Pressler	Waxman
Lagomarsino	Preyer	Weaver
Latta	Price	Whalen
Leggett	Pritchard	White
Lehman	Quie	Whitehurst
Lent	Quillen	Wiggins
Levitas	Railsback	Wilson, Bob
Lloyd, Calif.	Randall	Wilson, C. H.
Lloyd, Tenn.	Regula	Wilson, Tex.
Long, La.	Reuss	Winn
Long, Md.	Rhodes	Wirth
Lott	Richmond	Wolff
Lujan	Rinaldo	Wright
Lundine	Risenhoover	Wydler
McClory	Roberts	Wylie
McCloskey	Robinson	Yates
McDade	Rodino	Yatron
McDonald	Roe	Young, Alaska
McEwen	Rogers	Young, Fla.
McFall	Roncalio	Young, Ga.
McHugh	Rooney	Young, Tex.
McKay	Rose	Zablocki
McKinney	Rostenkowski	Zeferetti

NAYS—0

NOT VOTING—58

Badillo	Helstoski	Rangel
Beard, R.I.	Henderson	Rees
Beard, Tenn.	Hinshaw	Riegle
Broomfield	Jones, Ala.	Rosenthal
Brown, Calif.	Karth	Ruppe
Cederberg	Landrum	St Germain
Cochran	McCollister	Sarbanes
Conlan	McCormack	Schneebeli
Conyers	Matsunaga	Stanton, J. William
Dellums	Meeds	
Devine	Metcalfe	Steelman
Esch	Mills	Steiger, Ariz.
Fithian	Mink	Stephens
Green	Moorhead, Calif.	Stokes
Gude		Stuckey
Guyer	Mosher	Sullivan
Harrington	Nix	Symington
Hawkins	O'Brien	Udall
Hébert	Passman	Ullman
Heinz	Peyser	Whitten

The Clerk announced the following pairs:

Mr. Badillo with Mr. Green.
Mr. Matsunaga with Mr. Conlan.
Mr. Meeds with Mr. Ruppe.
Mr. McCormack with Mr. Esch.
Mr. Fithian with Mr. McCollister.
Mr. Helstoski with Mr. Gude.
Mr. Hébert with Mr. Heinz.
Mr. Dellums with Mr. Guyer.
Mr. Nix with Mr. Steelman.
Mrs. Mink with Mr. Steiger of Arizona.
Mr. Metcalfe with Mr. Stephens.
Mr. Henderson with Mr. Mills.
Mr. Riegle with Mr. Peyser.
Mr. Stokes with Mr. Beard of Rhode Island.
Mr. Rangel with Mr. Jones of Alabama.
Mr. Conyers with Mr. Harrington.
Mr. Hawkins with Mr. Passman.
Mr. Rosenthal with Mr. Sarbanes.
Mr. St Germain with Mr. Stuckey.
Mr. Udall with Mr. Symington.
Mr. Ullman with Mr. Whitten.
Mr. Beard of Tennessee with Mr. Brown of California.
Mr. Cederberg with Mr. Broomfield.
Mr. Cochran with Mr. Devine.
Mr. Moorhead of California with Mr. Karth.
Mr. O'Brien with Mr. Landrum.
Mrs. Sullivan with Mr. Mosher.
Mr. J. William Stanton with Mr. Rees.

So the joint resolution was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

DR. HAROLD W. THOMAS ELEMENTARY SCHOOL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. DENT) is recognized for 5 minutes.

Mr. DENT. Mr. Speaker, fortunate indeed is the community of Arnold, Pa., in which resides Dr. Harold W. Thomas who has spent well over a half century in service to his country and community.

Dr. Thomas will soon be honored by having the Arnold Fourth Avenue Elementary School renamed the Doctor Harold W. Thomas Elementary School. This honor befits a man who has spent 20 years as a local school physician. This honor is appropriate for a man who has delivered over 4,000 area babies. This honor bespeaks a man who has given his entire Arnold City Council salary back to the community in the form of more than 500 trees planted to beautify parks, playgrounds, and other public areas. This honor is a fine tribute to a man who has dedicated his life to community medicine, community recreation, and community beautification and betterment.

The President of the United States has seen fit to honor Dr. Thomas with a citation which will be presented to him at the dedication ceremonies. As the President so aptly said,

Our nation will continue to be strong, secure and free as long as Americans like you meet the responsibilities of citizenship and make use of the opportunities available under our system of self-government. Your accomplishments reflect the highest standards of public service and you can take pride in knowing that your efforts have greatly improved the quality of life for your fellow citizens.

Dr. Harold W. Thomas and his community service have also been well recognized by the Arnold City Government, the Arnold Chamber of Commerce, the Arnold Fire Department, the Arnold American Legion Baseball Club, the Arnold-New Kensington School Board, and the citizens of the Arnold community.

Mr. Speaker, Dr. Thomas exemplifies all that is good in this country. His spirit of community service and dedication is a shining example of citizenship at its best. I am proud to have Dr. Thomas as one of my constituents and I applaud the Arnold community action in renaming the school in his honor.

CORRECTION OF ERRORS IN PRINTED HOUSE REPORT ON S. 22

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER) is recognized for 5 minutes.

Mr. KASTENMEIER. Mr. Speaker, the printed copy of House report No. 94–1476 on S. 22 contains a number of typographical errors, including the omission of certain material from the text which I filed in the House of Representatives on September 3, 1976. In order for the complete and accurate text of the report of the committee to be available, I asked the staff of the committee to prepare a list of these errors and omissions, with corrections. This list does not include obvious errors in spelling and punctuation where the meaning of the text is clear.

I include this list at this point in the RECORD:

CORRECTION OF ERRORS IN PRINTED HOUSE REPORT ON S. 22 (H. REP. NO. 94–1476, SEPT. 3, 1976)

Page 2: In the definition of "derivative work", following the word "fictionalization" at the end of the 2d line, add: "motion picture version, sound recording, art reproduction, abridgment,".

Page 3: In the definition of "pictorial, graphic, and sculptural works", delete "the" at the beginning of the 8th line.

Page 4: In the definition of "work made for hire", in the 11th line of clause (2) of § 101, the word "works" should read "work".

Page 4: Delete the last 2 lines at the bottom of the page.

Page 5: Delete the first 6 lines at the top of the page.

Page 10: In § 111, in the 14th line of subsection (c)(4) the phrase "the signal or such foreign station" should read "the signal of such foreign station".

Page 10: In § 111, in the 12th line of subsection (d)(1), the word "Royalty" should be inserted between the words "Copyright" and "Commission".

Page 11: Following the 1st line at the top of the page insert the following: "subclause (C) or (D), a total royalty fee for the period covered by the".

Page 14: In the 11th line, the phrase "performance and display" should read "performance or display". In the 15th line, the word "as" should be inserted at the beginning of the line and the phrase "year on which" should read "year in which".

Page 15: In § 112, in the last line, the last word "programs" should read "program."

Page 15: In § 114, in the 12th line of subsection (b), the word "copyright" should read "copyrighted".

Page 20: In § 118, in the 4th and 5th lines of subsection (d)(3), delete the repeated phrase "of section 110," and in the 4th line from the bottom of the page the phrase "body of institution" should read "body or institution".

Page 21: In the 4th line from the bottom of the page, "voluntary" should read "voluntarily".

Page 22: In § 203, following the 7th line of subsection (a)(1), insert "such author may be exercised as a unit by the".

Page 24: In § 301, in the 3d line of subsection (b)(1), the phrase "medium or expression" should read "medium of expression".

Page 25: In § 304 (a), in the 3d line, the phrase *"Provided,* That is the case" should read *"Provided,* That in the case", and in the 5th line, the phrase "the proprietor thereof, of" should read "the proprietor thereof, or of", and in the 7th line the phrase "employer of whom" should read "employer for whom".

Page 26: In the 11th line, the word "of" should be inserted between "term" and "copyright".

Page 29: In § 405, in the 2d line of subsection (a) the word "described" should read "prescribed", and in the 2d line of subsection (c) the word "obligation" should read "obliteration".

Page 29: In the 2d line from the bottom of the page, the word "provision" should read "provisions".

Page 36: In § 507, in the 1st line of subsection (a), the word "proceedings" should read "proceeding", and in the 2d line of subsection (b) the word "the" should be inserted between the words "after" and "claim".

Page 37: In § 601(b), at the end of the 4th line of clause (6), insert "or".

Page 39: In § 704, in the 4th line of subsection (b), "work" should read "works".

Page 40: In § 706, in the 1st line of subsection (b), "reproduction" should read "reproductions".

Page 41: In § 710, in the 5th line, "work" should read "works".

Page 41: In § 801, in the 1st line of subsection (b), "purpose" should read "purposes".

Page 45: In SEC. 106, in the 3d line, delete "the" between "of" and "title".

Page 45: In SEC. 110, in the 2d line, "1976" should read "1977".

Page 46: In SEC. 113, at the end of subclause (B) of subsection (a)(1), add the word "and".

Page 50: In the 4th line of the 7th full paragraph, the phrase "during the 95th Congress" should read "during the first session of the 95th Congress".

Page 51: In the 4th line of the 4th full paragraph, the phrase "of copyrightable technology" should read "of copyrightable subject matter at the present stage of communications technology".

Page 52: At the end of the page, insert "be regarded as fixed and should".

Page 54: In the 8th line of the 2d full paragraph, "work" should read "works".

Page 55: In the 7th line of the 1st full paragraph, "statute" should read "statue".

Page 56: In the 11th line of the 3d full paragraph, "fixation" should read "fixations".

Page 59: In the 14th line of the 1st paragraph, delete "is that the public should not be required to pay a "double subsidy," and substitute "in this situation, and the basically different policy considerations".

Page 61: In the 5th line from the bottom of the page, "works" should read "work".

Page 62: In the 2d line of the 5th paragraph, headed *Public distribution,* the phrase "right of publications" should read "right of publication".

Page 63: In the 2d line of the 1st full paragraph, the phrase "works records on film," should read "works recorded on film,".

Page 68: In the 1st and 2d lines of the 1st paragraph, the phrase "the minimum standards of educational fair use" should read "the minimum and not the maximum standards of educational fair use".

Page 72: In the 2d line of the 2d full paragraph, "kill" should read "will".

Page 73: In the 16th line of the 1st full paragraph, "section 70" should read "section 710".

Page 75: In the 1st full paragraph, beginning "Isolated, spontaneous . . .", in the 7th line the phrase "production or distribution" should read "reproduction or distribution", and in the 9th line the word "advantages" should read "advantage".

Page 76: In the 2d and 3d lines of the 1st full paragraph, the phrase "contribution to copyrighted collection" should read "contribution to a copyrighted collection".

Page 77: In the 5th line of the 4th full paragraph, the word "materials" should read "material".

Page 80: In the 2d line on the page, the word "views" should read "viewers".

Page 81: In the 11th line on the page, the phrase "burden" or proving" should read "burden of proving".

Page 84: In the 10th line from the bottom of the page, the reference to "section 1103 (3)" should read "section 110(3)".

Page 88: In the 6th and 7th lines of the 3d full paragraph, delete "In addition to an installation charge, the subscribers.".

Page 90: In the 1st line of the 3d full paragraph, the phrase "their transmission" should read "the retransmission".

Page 91: In the 1st line of the 3d full paragraph, the reference to "Section 11," should read "section 111,".

Page 92: In the 1st line of the 1st full paragraph, the reference to "section 11(a)" should read "section 111(a)".

Page 94: In the 11th and 12th lines on the page, the phrase "but immediately after the program," should read "but also immediately before or after the program,".

Page 94: In the 8th line from the bottom of the page, "Commission" should read "Committee".

Page 97: In the 3d and 4th lines of the 1st full paragraph, delete "Gross receipts under this provision are computed cent of gross receipts.".

Page 97: In the 10th line of the 4th full paragraph, the phrase "and copyright owner" should read "any copyright owner".

Page 100: In the 6th line of the 2d full paragraph, "exclusively" should read "exclusivity".

Page 101: In the 3d line of the 1st full paragraph, the phrase "nationwide transmission" should read "nationwide transmissions".

Page 102: In the 10th line of the 1st full paragraph, the word "make" should read "under".

Page 102: In the 8th line of the 2d full paragraph, the word "transmission" should read "transmissions".

Page 105: In the last line on the page, delete "the".

Page 107: In the 4th line of the 3d paragraph, the phrase "modifications in section 115" should read "modifications and clarifications in section 115".

Page 111: In the 5th line of the 1st full paragraph, the reference to "page 71–94." should read "pages 91–94."

Page 111: In the 6th line from the bottom of the page, the heading "PERFORMANCE OF COIN-OPERATED PHONORECORD PLAYERS" should read "PERFORMANCE ON COIN-OPERATED PLAYERS".

Page 119: Between the 1st and 2d paragraphs, insert the following: *Works affected*

Under sections 118(b) and (e) of the Committee's amendment, the establishment of rates and terms by the Copyright Royalty Commission pertains only to the use of published nondramatic musical works, and published pictorial, graphic, and sculptural works. As under the Senate bill, rights in plays, operas, ballet and other stage presentations, motion pictures, and other audiovisual works are not affected.

Section 118(f) is intended to make clear that this section does not permit unauthorized use, beyond the limits of section 107, of individual frames from a filmstrip or any other portion of any audiovisual work. Additionally, the application of this section to pictorial, graphic, and sculptural works does not extend to the production of transmission programs drawn to any substantial extent from a compilation of such works.

Page 119: In the 1st line of the next-to-last paragraph on the page, the phrase "Paragraph (3) and clause (d)" should read "Paragraph (3) of clause (d)".

Page 121: In the 5th line on the page, the phrase "right to use of license" should read "right to use or license".

Page 123: In the 18th line of the 2d full paragraph, the words "within, holding a particular geographic area" should read "within a particular geographic area".

Page 126: In the 5th full paragraph (headed "Case 2"): the reference to "August 23, 2222" in the 5th line should read "August 23, 2022"; the reference to "January 1, 2224" in the 7th line should read "January 1, 2024"; the reference to "January 1, 2214 and January 1, 2222." in the 8th line should read "January 1, 2014 and January 1, 2022.".

Page 136: In the 3d line of the 2d full paragraph, the refernce to "29 years" should read "28 years".

Page 138: In the 16th line of the 1st paragraph, the phrase "broadcasters, motion pictures, etc.," should read "broadcasters, motion picture theaters, etc.,".

Page 140: In the 1st line on the page, insert "90–141," between "89–142," and "90–416,".

Page 145: In the 6th and 7th lines of the 2d full paragraph, the reference to "subsection (e)" should read "subsection (c)".

Page 147: In the last two lines of the 3d full paragraph, the phrase "particularly copy" should read "particular copy".

Page 150: In the first line on the page, the word "on" should be inserted between "mon" and "works".

Page 150: In the 3d line from the bottom of the 1st full paragraph, the word "cause" should read "case".

Page 150: In the 2d full paragraph, in the 1st line the phrase "section 407 through all" should read "sections 407 through 411", and in the 6th and 7th lines the phrase "copies of phonorecords" should read "copies or phonorecords".

Page 151: In the 3d line from the bottom of the page, the reference to "section 407(c)" should read "section 407(d)".

Page 153: In the 9th line of the 1st full paragraph, the reference to "section 508." should read "section 408.".

Page 155: In the 1st line on the page, delete " all of the works were first published" and substitute "the renewal application and fee are received".

Page 157: In the 6th line of the 2d full paragraph, the phrase "enforce his right" should read "enforce his rights".

Page 159: In the 1st line on the page, "owner" should read "owners".

Page 159: In the 2d line of the 1st full paragraph, the phrase "owner or an exclusive" should read "owner of an exclusive".

Page 163: In the 2d line on the page "innocent" should read "innocence".

Page 163: In the 5th line of the 2d full paragraph, "infringer" should read "infringed".

Page 166: In the 7th line of the 2d full paragraph, the phrase "the real issue of whether" should read "the real issue is whether".

Page 166: In the 2d line of the 3d full paragraph, "segment" should read "segments".

Page 167: In the 6th and 7th lines from the bottom of the page, the phrase "or copies not complying" should read "of copies not complying".

Page 169: In the 1st full paragraph, in the 1st line the reference to "Subsection (a)" should read "Subsection (d)", and in the 9th line "owners" should read "owner".

Page 169: In the 10th line from the bottom of the page, "article" should read "articles".

Page 170: In the 2d line on the page, the phrase "in school" should read "in schools,".

Page 175: In the 5th line from the bottom of the page, the word "average" should be deleted, so that the phrase "increase in the average royalty fee" would read "increase in the royalty fee".

Page 176: In the 8th line of the 3d full paragraph, the phrase "rules are changes" should read "rules are changed".

Page 176: Delete the last sentence on the page, beginning "It is the intent..." and ending "... before the FCC.".

Page 180: In the 9th line of the 2d full paragraph, the phrase "rights scheduled to expire during 1976" should read "of renewal copyrights scheduled to expire during 1977,".

Page 180: In the 6th line from the bottom of the page, the phrase "dealing with free mailing" should read "dealing with the free mailing".

Page 181: In the 11th line of the 2d paragraph, the semi-colon should be replaced by a comma, so that the phrase reads "registration on that date, its copyright protection".

Page 183: In the 9th line of the 1st full paragraph, the phrase "section 108(a) or" should read "section 108(a) of".

Pages 206–209: These pages are out of order. Page 209 should be renumbered as page 206 and appear immediately after page 205, and pages 206, 207, and 208 should be renumbered as pages 207, 208, and 209, respectively, and should appear after the renumbered page 206.

PANAMA CANAL: A NATIONAL ISSUE THAT REQUIRES DISCUSSION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. FLOOD) is recognized for 5 minutes.

Mr. FLOOD. Mr. Speaker, in an address to this body of the Congress in the CONGRESSIONAL RECORD of December 9, 1975, on "Panama Canal Surrender Proposal: A Major Geopolitical Pearl Harbor," I summarized the essential facts in the highly complicated Isthmian Canal situation. Since then the question of the Panama Canal has become a national issue in the United States with the people of our country overwhelmingly opposing any dilution of their treaty-based sovereign rights, power, and authority over either the canal or its indispensable protective frame of the Canal Zone.

One of the most striking features of this interest is the number of authoritative articles or speeches by perceptive students of the subject who are not misled by deceptive propaganda that has supported the giveaway of the vital U.S. asset. Among such authors or speakers have been Dr. Donald M. Dozer, professor emeritus of Latin American history, University of California, Santa Barbara; Adm. John S. McCain, Jr., former U.S. Commander in Chief, Pacific; Harold Lord Varney, president of the Committee on Pan American Policy, Belmont, Mass.; and the late Franz O. Willenbucher, J.D., captain, U.S. Navy, retired.

In a notable address on May 27, 1976, before a seminar on the current United States-Panama treaty negotiations before a distinguished gathering cosponsored by the Fletcher School of Law and Diplomacy, the Inter American Bar Association, and other legal groups, Captain Willenbucher electrified the audience with a scholarly paper in which he described the Panama Canal challenge as a "catalyst for restoration of national will."

Captain Willenbucher's experience with canal matters started with his participation during 1935 and 1936 in the negotiations for the Hull-Alfaro Treaty of 1936–39 in connection with its defense aspects. During subsequent years, he kept in close touch with significant canal developments and thus spoke with the authority of extensive knowledge.

Because of the relevance of his address to the current national discussions of the canal question, I quote it as part of my remarks:

PANAMA CANAL: CATALYST FOR RESTORATION OF NATIONAL WILL

(By Franz O. Willenbucher, J.D., captain USN, retired)

The major elements for the establishment and implementation of a sound United States policy, concerning the maintenance, operation, sanitation and defense of the U.S. Canal Zone and Canal, situated in the Isthmus of Panama are: (a) Continued undiluted sovereign control of the Zone by the United States, and (b) The major modernization of the existing Canal through the completion of the temporarily suspended Third Locks Project, adapted to include a Pacific summit level terminal lake. All other matters, however important, are relatively secondary in character.

In order promptly to initiate this compelling policy, the present ill-advised negotiations with Panama for a "new" Panama Canal Treaty should be brought to a close, in as amicable a manner as possible, recognizing the colossal blunders which have thus far been committed by both the United States and Panama. At the same time, Panama should be brought to understand that the modernization program should be completed at the earliest possible time and that it (a) needs no new treaty, the existing treaty rights of the United States being fully adequate to complete the program, and (b) will bring to Panama massive economic benefits, since the cost of the modernization program will be upward of $1.5 billion, much of which will, of course, be spent in Panama.

The Canal must be kept under the sovereign control of the United States: (1) Because it is not only vital to the security of our people and the people of the whole Western hemisphere; but, because its continued operation, exclusively by the United States, is essential to its survival as a free and independent nation; and (2) to fulfill our global treaty-based obligation under the Hay-Pauncefote Treaty of 1901 to operate the Canal in the interest of world shipping, without discrimination at reasonable rates, in accordance with the terms of the Constantinople Convention for the Suez Canal.

The Canal cannot be successfully operated by a small technologically underdeveloped country, nor by one with inadequate financial competence, like Panama. Nor can the Canal be operated successfully in partnership with any other nation. Such an arrangement would prove in practice to be impossible and perhaps even disastrous. The Canal must be kept in operation by only one fully competent country, and that is the United States, unless the Canal were to fall into the hands of Soviet Russia which has been its design from the beginning of its existence.

The overriding question is whether the Caribbean-Gulf of Mexico sea area is to be reestablished and maintained as a vital United States national defense asset, or whether it is to become in its totality a Red-based area further to facilitate an invasion into the United States via its soft underbelly between Texas and Florida.

President Ford, less than nine years ago, on April 8, 1967, while he was House Minority Leader, wrote a letter to Dr. Donald Marquand Dozer, Republican Central Committee of Santa Barbara County, California, in which he said:

"We must protect our own national interests in the Canal Zone and throughout the world. I have expressed publicly my concern about the communist threat to the canal under lessened American authority.

"The Congress cannot ignore its responsibility to the American people as it examines and evaluates the decisions of the President in this matter."

Three months later, on July 7, 1967, House Minority Leader Ford, after reading parts of a new proposed Panama Canal Defense Treaty which had been negotiated by the Johnson Administration, obtained by the Chicago Tribune, while it was still under secrecy wraps, declared that the American people would be "shocked" at its surrender terms. The Tribune, on the next day, July 8, 1967, published the story on its first page, under a glaring headline: "Canal Pact Shocking: Rep. Ford," and subtitled: "Strengthens Red Threat, Leader Says." It quoted Minority Leader Ford as having said that "with Cuba under the control of the Soviet Union via Castro and increased communist subversion in Latin America, a communist threat to the Canal is a real danger." The situation with respect to communist infiltration into the Caribbean-Gulf of Mexico area is far worse today than it was at that time.

Senator Strom Thurmond (R-S.C.), to whom the Chicago Tribune furnished copies of the Johnson Administration treaties, read them to a shocked Senate. The Tribune quoted Senator Thurmond in its July 8, 1967 article as follows:

"The Communists first announced their intention to overthrow United States control of the canal as early as 1917. They have never lost sight of that goal. After last month's mid-East crisis, the Soviets repeated their demand that all strategic waterways be put under 'international' control. Yet that same crisis, and the shutdown of the Suez Canal by Egypt demonstrates how important it is to freedom that the Panama Canal remain in strong and responsible United States hands."

The Tribune article then reported as follows:

"Thurmond said The Tribune revelations raise some key questions about the treaties. Among the questions that must be asked, he said, are the following:

1. Do the new treaties provide for undiluted control and operation of the canal by American authorities? 2. Do the new treaties protect the investment of 4.9 billion dollars made by United States taxpayers between 1904 and 1966? 3. Do the new treaties put American and free world interests ahead of passing consideration of Panamanian politics? 4. Do the new treaties provide for a defense agreement which would provide protection equal to that the United States now enjoys?

"Thurmond said the Johnson administration has not yet presented the slightest case demonstrating the need for new treaties. He said he would use the text revealed by The Tribune to fight the treaties until they are provided to members of the Senate shortly before the ratification debate.

" 'These treaties justly ought to go down in history as the Johnson treaties,' said Thurmond. 'President Johnson initiated them, and is responsible for their contents. If they are approved by the Senate, a profound change will come over the operation of the canal.

" 'The President may well be judged in future generations by the soundness and workability of a new and untested concept—the concept of whether the canal can still serve United States interests if it no longer

is operated under the direct control of our nation.' "

The furor caused by the publication of the treaties by the Chicago Tribune and their exposure by Senator Thurmond was so great that President Johnson did not submit them to the Senate for consideration for ratification, and they were rejected by the government of dictator Omar Torrijos in 1970, notwithstanding that they were lavishly beneficial to Panama in their terms of surrender by the United States.

Notwithstanding the debacle of the Johnson Administration's attempt to negotiate new Panama Canal treaties, President Nixon reestablished negotiations with Panama during 1971; and nothing much in the way of progress took place until 1973, when Ellsworth Bunker was appointed U.S. ambassador and chief negotiator. Thereafter, on February 7, 1974, Secretary of State Kissinger initialed the joint statement with Juan Antonio Tack, Minister of Foreign Affairs of the Republic of Panama in Panama City, covering eight principles to serve to guide the negotiators in the effort to conclude proposed new treaties.

President Ford took office on August 9, 1974. In an article in the Washington Post on May 19, 1978, titled: "Panama: Ford Gave Pledge," it is stated in the first paragraph as follows: "The day Gerald Ford was sworn in as President, he assured Panama's Gen. Omar Torrijos in writing that the treaty talks would continue under the 1974 guidelines that call for the eventual transfer of the Panama Canal to Panama and elimination of a permanent U.S. interest in it, according to a member of the Panamanian negotiating team (Carlos A. Lopez-Guevara). The Panamanian official said the assurance was contained in a letter to Torrijos delivered by Ambassador Ellsworth Bunker, head of the U.S. negotiators." Ambassador Bunker, on April 7, 1976, during hearings before the Panama Canal Subcommittee of the Committee on Merchant Marine & Fisheries, House of Representatives, testified that President Ford had on several occasions in writing specifically directed the State Department on the conduct of the current treaty negotiations with Panama.

These intensive activities by President Ford in furthering the negotiations on new treaties with Panama raise serious questions, when compared to his vehemently expressed opposition to the Johnson negotiated proposed treaties, especially in view of the greatly increased communist activities in the whole Caribbean area.

Opponents of the current treaty negotiations, since they involve surrender to Panama of the people's sovereignty over the Canal Zone and Canal, are convinced that the present negotiations should be terminated, and that the Government of the United States should maintain and protect its sovereign rights and jurisdiction over the canal and zone, and should in no way cede, dilute, forfeit, negotiate, or transfer any of these sovereign rights, power authority, jurisdiction, territory or property that are indispensably necessary for the protection and security of the United States and the entire Western Hemisphere.

Thus, from its very inception, the Ford Administration has been fully committed to an unauthorized and abject surrender of the sovereign rights of the American people over the Canal Zone.

Under our system, sovereignty resides in the people; not in the President, nor in the Congress, to be negotiated away without their consent.

Several national polls indicate that more than 80% of our people oppose surrender of U.S. sovereignty over the Canal Zone. 38 Senators and 164 members of the House have co-sponsored resolutions against surrender, and the number in both Houses is somewhat greater, especially in the House where substantially more than a majority oppose surrender.

Ambassador Bunker, in his address to the World Affairs Council, Los Angeles, California, on Dec. 2, 1975, said: "No effort to improve our policy concerning the Canal can succeed without full understanding and support of the Congress and the American people." Even had no political controversy concerning surrender to Panama taken place, the State Department's hope to persuade a majority of our people to support its proposed surrender plan would have failed; now the number of opponents has grown considerably and their opposition has solidified, until it is now evident that no amount of persuasion could result in support of the State Department's blueprint of surrender.

The Ford Administration's blueprint for surrender was exposed on October 6, 1975 by Rep. Daniel Flood, one of the nation's foremost authorities on canal matters, when he placed in the Congressional Record for all to read the exact texts of three "Conceptional" treaties negotiated in Panama by U.S. Ambassador Ellsworth Bunker with representatives of the Marxist government of Panamanian dictator, Omar Torrijos. The same three proposed treaty drafts were placed in the Congressional Record in the Senate by Senator Helms (R-N.C.).

Not one word as to these startling disclosures appeared in the news media. Had even one large newspaper or one radio-television network given this disclosure the coverage to which it was entitled, the result would have shocked the American people in the same manner and to the same degree as did the exposure of the Johnson Administration's proposed surrender treaties by the Chicago Tribune in 1967.

Not only is President Ford's determination to "give-away" this valuable United States strategically essential national defense asset ill-advised, dangerous and unjustified, but, under Secretary of State Kissinger's insistence last fall, through the National Security Council, the President silenced the Joint Chiefs of Staff from expressing any opposition to the Administration's plans to the Congress, and thus to the American people.

To further its surrender plans, our State Department would have us believe that the Canal Zone is really Panamanian property; that the U.S. pressured Panama into giving us the Canal Zone in 1903; and that the U.S. is exploiting Panamanians, robbing them of Canal operating profits that are rightfully theirs.

The truth is that the United States never has been, and certainly is not now, a squatter occupying the Canal Zone. Instead, it is the Canal Zone's lawful owner, with full sovereign rights, power and authority over the Canal Zone and the Canal, established in three treaties with Panama, the 1903 treaty and its revisions in the treaties of 1936–39 and 1955, and twice, in 1907 and 1972, so recognized by the United States Supreme Court.

These sovereign powers were first properly acquired in the 1903 treaty from Panama—a treaty urged upon the United States by those who led Panama to her independence from Colombia, for the very purpose of establishing the Canal in their country, rather than to have it go through Nicaragua, then seriously under consideration in the United States Congress.

Sovereignty is supreme and independent power as opposed to dependent and conditional power. In order to make the tremendous investment required to build the Panama Canal, the United States had to have authority to do what was necessary and to insure the security of its investment. It received sovereign powers from Panama by treaty, paying Panama and paying all individual owners for the land and property acquired in the Zone. It received these sovereign powers in perpetuity. Nothing of Panamanian ownership was left within the Zone.

This is a United States canal, not a Panamanian canal. The United States has operated it not as a trustee for Panama, but as a trustee for the world commerce served by the Canal, although Panama is by far the greatest single beneficiary.

Through the years, the United States has sought to maintain good relations with our Panama neighbors. We have, through treaties, increased dollar payments to Panama, have returned outlying land and easements, considered by the United States no longer required for the defense of the Canal, and, in mistaken gestures of friendship, we have authorized the flying of the flag of Panama alongside the United States flag in the Canal Zone.

Panama received in 1974, directly or indirectly, from the United States as the result of Canal operations, more than $236 million, an annually increasing amount. It received $342 million in foreign aid from the United States for the years 1947 through 1974. All of this, resulting solely from the Canal presence, gave to Panama with its population of about 1.63 million people, about the size of Detroit, the highest per capita income of any nation in Central America and one of the highest in Latin America.

Within the past decade, with the intensification of Marxist revolutionary activity throughout Latin America, the Government of Panama has mounted a campaign to have the United States give up its sovereignty in the Canal Zone. In January, 1964, costly rioting in Panama was accompanied by Red-led mob attacks on the Canal Zone. Canal service was not interrupted because United States forces in the Zone were able to repel the attacks.

Some high United States officials have argued that the United States can give up its sovereign powers and return the Canal Zone to Panamanian jurisdiction, keeping by treaty only the right to operate and defend the Canal. They ignore history and the realities of world power.

If the United States were to give up sovereignty and depend upon a treaty to support its presence in the Isthmus of Panama, it would merely have the same type of insecure status which Britain had before it was evicted from the Suez Canal. Were we to surrender our sovereign power over the Canal Zone, the Soviet Union would be glad to negotiate a new treaty with Panama to provide for the operation and defense of the Canal, under Soviet control. And who, except the sovereign has a right to decide how his territory will be defended?

The Canal Zone is the United States Canal Zone, bought and paid for by the United States. The proposition that a sovereign who alienates his territory has a "right" to take it back is legal nonsense.

In London, on BBC, March 1, on the Buckley "Firing Line" program, while being interviewed by very distinguished British journalists, including Malcolm Muggeridge, Aleksandr Solzhenitsyn said:

"There was a time at the beginning of the Fifties, when nuclear threat hung over the world, but the attitude of the West was like granite and the West did not yield. Today this nuclear threat still hangs over both sides, but the West has chosen the wrong path. You can be taken simply with bare hands. Why on earth, then, should one have nuclear war? If you have raised your hand and are giving in, why have nuclear war? They (Soviet Russia) will take you, simply like that, without nuclear war."

Writing in Le Monde, May 31, 1975, Solzhenitsyn said:

"The victorious Western nations have transformed themselves into vanquished nations, having ceded more countries and peoples than have ever been ceded in any surrender in any war in human history. That is why it is not speaking metaphorically to say: The Third World War has already taken place and has ended in defeat. . . . Two or three decades of peaceful coexistence (or

detente I might add) as glorious as the last ones and the very concept of the West will vanish from the face of the earth."

On the opening day of the present session of Congress, Assistant Senate Majority Leader, Robert Byrd said: "Everywhere I look America is in retreat." It certainly is!

The reality is that the United States must continue to operate and defend the Canal, and that sovereignty in the Canal Zone is essential to the performance of that task. Panama's sovereignty is untrammeled in its own jurisdiction, just as that of all other countries. When it casts covetous eyes on the United States Canal Zone, we must have leaders with the courage and vision to reply to demands for weakening our soveregn control over the Zone territory with always a resounding "NO!"

The strongest substantive reasons support the necessity to terminate the present negotiations and to substitute for them the completion of the modernization program in the best interests of all concerned. Such action will also serve as the catalyst for a return of competent national leadership, and the restoration of the national will, so needed for the future security of our country!

GREAT DIFFERENCES HAVE DEVELOPED BETWEEN PENSIONS IN PRIVATE AND PUBLIC SECTORS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. ASPIN) is recognized for 5 minutes.

Mr. ASPIN. Mr. Speaker, there remains a considerable gap between the pensions generally available in the private sector and those available in the public sector.

A few charts will help demonstrate the wide disparity in benefits. Table 1 compares the different types of pensions by the different elements that go into a pension calculation, such as age at retirement and the percentage pension granted.

TABLE 1

	Private	State and local	Federal Civil Service	Military
Persons with normal retirement below age 65	5 percent	70 percent	100 percent	100 percent.
Persons under age 50 eligible to receive a pension	Virtually none	A few	None	All.
Average pension as percentage of "final salary" after 30 yr of service	Less than 40 percent	50 percent	56 percent	59 percent enlisted; 62 percent officer.
"Final salary" defined as average of	High-5 yr	High-5 yr	High-3 yr	Final paycheck.
Pension as percentage of final paycheck	Less than 35 percent	44 percent	51 percent	59 percent enlisted; 62 percent officer.
Frequency that pensions reduced by some part of social security	2/3	1/3	None	None.
Workers covered by automatic cost of living clauses	2½ percent	50 percent	100 percent	100 percent.
Proportion of inflation in last 5 yr covered by cost of living raises (for those so protected)	25 percent	Unknown	101 percent	101 percent.
Percentage of workers required to contribute to fund pension plan	25 percent	94 percent	100 percent	0.
Fringe benefits for retirees	Rare	Rare	Rare	Lots.
Vesting	10 yr	10 yr	5 yr	20 yr.

Trying to view all these components at the same time is like juggling eight Indian clubs. To simplify it, we can combine all the different elements, totaling up all the checks a retiree is going to receive in retirement and comparing that to everything he earned during his working years, as shown in table 2.

TABLE 2

[In percent]

	Private	State and local	Federal civil service	Military	
				Enlisted	Officer
Lifetime pension as percentage of lifetime salary	20–30	47	49	132	144

Note: Based on 20 working years. This excludes any cost of living benefit and all fringe benefits.

The great gulf is even clearer now. The single most important reason is the disparity of ages at retirement. The average military careerist is 42 at retirement while private pensions are generally paid at age 65. Many private plans will pay pensions at an earlier age—but also at a reduced rate. The calculations for private pensions in table 2 include plans paying at age 55.

Table 2 did not include the cost-of-living protection included in most public pension schemes, but few private plans. In table 3, I have included the cost-of-living provisions which shows the gap widening even more.

TABLE 3

[In percent]

	Private	State and local	Federal civil service	Military	
				Enlisted	Officer
Purchasing power of lifetime pension as percentage of lifetime salary	18–26	(1)	53	149	163

[1] Unknown.

Table 3 shows how the purchasing power of Federal pensions grows over 20 years under the kicker scheme. If we remove the kicker from Federal pensions, the figures in the two right hand columns of table 3 would then be the same as in the comparable columns of table 2.

Unfortunately, I have not been able to find sufficient data to make the purchasing power calculation for State and local pensions.

As for the private sector, the best cost-of-living protection unearthed in a recent survey covered three-quarters of the inflation in the past 5 years, which the average covered only one-quarter. As table 3 shows, on that basis the average private pension declines in purchasing power by about 13 percent over the years in which it is paid.

These are simplified charts, stripped of a number of nuances. But they demonstrate dramatically the great differences that have developed between pensions in the private and public sectors.

A TRIBUTE TO CHARLES P. GORRY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MORGAN) is recognized for 5 minutes.

Mr. MORGAN. Mr. Speaker, Charles P. Gorry was a talented and dedicated photographer whose pictures captured news events and personalities for millions of readers in the United States and abroad.

Over a span of four decades, his camera brought us vivid firsthand details from his assignments—on the Washington scene, throughout the country, and overseas in war and peacetime. The excellence of his work won him many awards.

Charlie was not only a first class professional, but he was also a fine human being. He was kind and unselfish, sensitive and devoted. He was a personal friend of many of us in the Congress.

We in the House of Representatives were fortunate to have Charlie's coverage of our activities, and we grieve at his untimely death.

I extend my deepest sympathies to his wife and family.

THE URBAN TREE ACT OF 1976

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. RICHMOND) is recognized for 5 minutes.

Mr. RICHMOND. Mr. Speaker, Congressman FISH is joining me today in the introduction of the Urban Tree Act of 1976. We have introduced this legislation because tree maintenance and planting programs in urban areas are now suffering as municipal budget cutters across the Nation designate tax levy moneys for police, sanitation, fire, and health care. Effects of cutbacks on essential services are highly visible while damage to trees due to inadequate care is not obvious at first glance. Unfortunately, the gradual shift from the blighted area is not readily noticeable until the damage is irreversible.

We are extremely concerned about the destruction and misuse of an extremely valuable resource of our Nation's cities—the millions of trees which line our streets. Urban trees are not only esthetically pleasing, but also serve to filter polluted air and abate noise pollution.

The woody trunks of trees are excellent sound absorbers while their leaves soak up noxious contaminants such as carbon monoxide and sulfur dioxide.

Temperature modification capacity of trees can be converted to real dollar savings as well as energy consumptive savings. Air-conditioning and heating costs for buildings surrounded by trees are

substantially lower than for buildings surrounded by concrete. Indeed, on a hot summer day air under a tree can be 10 degrees lower than unshaded areas.

Trees in public places also represent a vital link between man and his environment. They bring a calmness and a sense of nature into a world of plastic, steel, and concrete. Undoubtedly trees permit man to view urban areas with pleasure, pride, and admiration, as he would a great painting, and to live in a more comfortable communion with nature.

The conservation, planting, and care of trees should be everyone's concern, including the Congress of the United States. We are, therefore, introducing an Urban Tree Act to authorize the Department of Agriculture to provide $10 million to urban areas for tree planting and tree maintenance.

Under this program, the Federal Government would match dollar for dollar private contributions for tree care and planting and would provide a 50 percent matching funds for municipalities. Each city would submit a coordinated arboriculture plan for the selection, planting, and maintenance of trees. That plan would outline the maintenance needs, planting opportunities, and geographic description of the communities. The Secretary of Agriculture would then be authorized to make urban tree grants to the cities.

Upon approval of the plan this legislation would provide sufficient Federal dollars to heal the badly damaged and disabled trees of our neighborhoods, while encouraging the planting of new trees along the streets of our Nation's cities.

Dr. Thomas S. Elias, Assistant Director of the Carey Arboretum, has prepared a report entitled "Trees in Urban Environments." I would like to insert this informative report into the CONGRESSIONAL RECORD to share its contents with my colleagues:

TREES IN URBAN ENVIRONMENTS

(By Thomas S. Elias)

Trees play an essential role in the man-made urban environment. Psychologically, they serve as a link between human beings and their natural surroundings, providing a more pleasant and healthful place to work, live and visit. Biologically, they serve to reduce air pollution, modify extremes of temperature and humidity, and provide shade. Economically, trees serve to increase land values and ameliorate extremes of heat and cold, thus reducing energy consumption in homes and buildings.

Today, however, trees in urban areas are in trouble. In addition to the multifaceted environmental stresses acting upon urban trees, they are now suffering also from neglect due to growing constraints experienced by cities and usually expressed by a cessation of tree planting, tree maintenance and a reduction in the number of public employees responsible for publicly owned trees.

Furthermore, urban tree populations are increasingly vulnerable to destruction by tree diseases and insect blights because of over concentration in most cities of a very few species. The tragedy of the Chestnut Blight and Dutch elm disease, which have destroyed millions of prized trees within the present century, could happen again to another large, popular type of street tree, unless tree planting practices change.

On city streets and in urban parks, the individual planted tree is usually under great stresses not present when the species evolved in the wild. In ecological perspective, a curbside tree on a street lined with towering multistoried buildings is, in effect, growing at the base of a rocky chasm. With limited exposure to sunlight, ventilation ranging from very little to raging gales, these trees must endure fluctuating levels of gaseous and particulate air pollutants, subnormal water supply—and that often contaminated with dog urine and de-icing salt. The root system is expected to thrive with limited access to soil that is physically and chemically variable, with the total absence of humus, the prior churning up of deep subsoil strata which are either relatively sterile or even toxic. The problem is further compounded by the addition of foreign substances (chunks of concrete and other construction waste), often compacted to pavement-like hardness. Tree roots can be poisoned by copper or brass pipes and even heated by steam conduits. It should not be surprising that the catalog of possible species for successful culture under these conditions represents a tiny fraction of the world's northern tree flora.

During the last century, urban centers have been growing with the advent of new and wider roads, hoards of automobiles and rapidly expanding industrial developments. The construction of new highways and the reconstruction, especially widening, of older roads have probably resulted in the loss of more street trees than all other factors combined. The increased dependency upon automobiles and trucks has necessitated greater road maintenance, especially in the removal of snow and ice from traffic ways. The accelerating use of sodium chloride, and more recently other salts and de-icers, adds one more element of stress for urban trees to tolerate.

Densely populated areas in cities also support large dog populations, whose excretions constitute a major factor in the decline and even death of trees along streets. Too often, the plots and bases of street trees are used as urinal stations for pets. The repeated deposits of urine and uric acid frequently raise the salt level beyond the tolerance limits of trees, resulting in their slow death.

An additional urban stress is soil compaction, a result of incessant pedestrian traffic on the soil over the roots of trees. Soil compaction lowers or even eliminates the air spaces among the soil particles, reducing water penetration and depriving the root system of sufficient air. In major cities, high-rise buildings form artificial canyons which concentrate and redirect winds, often at high velocities, against curbside plantings. A tree must either have a well anchored root system or be guyed with wires to prevent leaning or even toppling; furthermore, a maze of underground conduits, ducts and passageways all serve to impede proper root growth and formation.

In addition to the numerous soil stress factors, trees are subject to numerous aboveground stresses, including air pollutants such as sulfur-dioxide (SO_2), and ozone (O_3). The widespread use of coal in the generation of electricity and other industries, with lesser but increasing amounts used for space heating, are the primary sources of sulfur dioxide (SO_2), a major phytotoxic air pollutant. Sulfur dioxide taken into the leaf may react with the cells, causing injury or even death at high levels or at low levels over a long period of time. In recent years, utility companies and other industries have been required to convert back to coal-fired facilities in response to the undependable, high-priced oil supplies in contrast to the vast coal deposits available within the United States.

The growing array of physical environmental limitations coupled with the chemical and biological pressures upon trees has necessitated advances in the selection and breeding of trees genetically suited for urban use. Successful selection procedures depend upon locating races exhibiting the desired characteristics from among the often vast range of genetic variability of given species. The majority of trees currently planted in metropolitan areas are produced from selected clones, trees produced asexually by cuttings or other methods from selected individuals. If these trees were bred, their progeny from seeds would not necessarily exhibit the favorable characteristics of the parents. Hybridization programs, aimed at producing exceptional trees, can take more than twenty-five years to yield and allow time to thoroughly test a new street tree. The Ginkgo tree (*Ginkgo biloba*), being used in cities are selected from many clones of different male populations. On the other hand, the popular, if not overused, London plane (*Platanus acerifolia*), is considered to be a natural hybrid between the Oriental plane (*P. orientalis*) and the American plane (*P. occidentalis*).

The form or shape of the tree, along with the growth rate, are key elements to many selection and breeding programs. The limiting conditions of multistoried buildings, with sidewalks extending to the curb and pedestrians and vehicular traffic restricted to set routes necessitate that any tree planted in this situation be of columnar form with a trunk clean of branches to at least six feet above the ground and then with the branches sharply ascending. Other urban streetside areas require trees of maturity that will not exceed 20 to 30 feet in height, to eliminate interference with overhead utility lines. In still other areas, tall trees with wide-spreading branches may be suitable. Thus, metropolitan areas require different forms of trees to meet the various physical conditions and environmental constraints found in all cities.

Resistance to insect pests and disease is a prime consideration in breeding and selection programs directed toward the production of an improved clone of city trees. While many insect pests and diseases of urban trees can be partially controlled with spraying programs, these are not only costly labor-intensive operations but they can introduce potentially serious environmental stresses or hazards to other life forms in and around cities.

Wood strength and related characteristics are also important in street or shade tree improvement programs. The silver maple (*Acer saccharinum*), and the closely related box elder (*Acer negundo*), both have wood that is soft and brittle which will easily split under occasional winter conditions of heavy wet snow and ice buildup in freezing rain. The ability of a tree to withstand wind, snow and ice storms without sustaining excessive damage is yet another important feature required of recommended trees for city conditions. In conjunction with this, the angle at which the principal branches diverge from the trunk is another trait of consequence. Wide branching angles are usually associated with weaker branch-trunk junctions and with more frequent splitting or breaking in adverse weather conditions.

In recent years, the United States has become the foremost producer of new selections and clones of shade and street trees. Species native to North America as well as introduced Old World species have been used in tree improvement programs.

To help assure a city of healthy, aesthetically pleasing trees which have been chosen for their compatibility with environmental constraints and to make more efficient use of funds allocated for urban trees, an urban tree program or master plan is needed.

Currently, municipal approaches to urban tree programs vary widely, ranging from as-

signing administrative responsibility for an office of urban forestry or arboriculture to the city engineer, highway superintendent or some other staff member with little or no background for the task. Successful planning, planting and care of city-owned trees can only be pursued with the same thorough standards that are used for siting, installation and maintenance of street lighting, sidewalks or corridors for utility services.

The underlying theme of any city-wide master plan should be diversity of species not only as means of more successfully meeting environmental structures but also to promote visual interest. Unfortunately, the trend in urban tree planting has been towards a reduction in the numbers of species planted. This is due partly to a reduction in the number of trees initially available to cities from nurseries (or can be purchased at lower unit cost in large lots) and the pragmatic argument that one or two species of trees are easier to plant and maintain than a diversity of species. The London plane tree (*Platanus x acerifolia*), and the male ginkgo are the principal street trees of New York City. In Poughkeepsie, New York, probably a typical small city, 57% of the 8027 street trees are Norway maples, 11.6 are flowering crabapples and another 11.2% are sugar maples. Three species comprise almost 80% of all street trees in this city. In the small southeastern New York State village of Millbrook, sugar maples account for 58% of the total street tree flora, while in the nearby town of Hyde Park this species totaled 65.8%. Large, closely assembled populations of one species are particularly susceptible to the rapid buildup and spread of a disease or insect attack.

Finally, the ultimate success or failure of well-planned efforts can be lost eventually by the lack of a proper maintenance program. Street trees, like nearby street lights, sidewalks and street pavement, require periodic attention to continue functioning as originally designed. Because of their photosynthetic function, trees are often viewed as self-maintaining elements of the city which can simply be allowed to go their way without maintenance. Yearly programs of ground maintenance under the trees, pruning, spraying and fertilizing when needed will result in healthier, more aesthetically pleasing trees. The trees will live longer, eventually reducing the labor-intensive, costly, and environmentally disruptive removal of dead or dying specimens and their replacement, and will also help avert to at least minimize major damage or hazards caused by wind.

By applying our expanding knowledge of the ecological relationships between trees and city conditions, we can maintain the connection between plants and people by enhancing urban exterior spaces with an expanded catalog of tree species that have been selected or bred to meet the harsh demands of the urban environment. Trees can and should be considered essential elements of cities, for they serve as links between man and his recently separated natural heritage.

IN SUPPORT OF H.R. 15535—THE SUGAR SUPPLY ASSURANCE ACT OF 1976

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Hawaii (Mrs. MINK) is recognized for 5 minutes.

Mrs. MINK. Mr. Speaker, many are already familiar with my strong support for the U.S. sugar program in general and my active efforts in the past for the extension of the Sugar Act which terminated in December 1974. In continuation of this effort, I have joined my colleague, the Honorable BOB BERGLAND, in sponsoring the Sugar Assurance Act of 1976, a bill designed to insure the American consumer of an adequate supply and availability of sugar at a reasonable price. The version of the bill I introduced on September 13, 1976, essentially establishes a domestic base price at which raw sugar may be imported into the United States. The establishment of this domestic base price, would, in turn, reflect the average cost of producing sugar, thereby stabilizing prices of the commodity regardless of its origin.

Sugarcane is the most important agricultural crop in Hawaii. Annually, we produce about 1,500,000 tons of raw sugar, most of which is shipped to mainland refineries. Sugarcane is grown on approximately 225,000 acres of land on four of the islands in the Hawaiian chain, and the industry provides full-time employment for over 9,000 persons.

There are no alternate crops that could be economically produced for export or local consumption on the land presently being utilized for growing of sugarcane. Should curtailment of all or part of Hawaii's sugar industry become a reality, it would be a disastrous blow to the State's economy, one my State can ill afford. Sugar is the third largest industry in the State of Hawaii, contributing more than $400 million to our economy with an annual payroll of approximately $110 million.

The preamble of the expired Sugar Act states that protection of "the welfare of consumers of sugar and of those engaged in the domestic sugar-producing industry" is one of the purposes of the act. This objective is just as valid today as it was when the sugar program was started over 40 years ago.

Sugar is a deficit commodity in this country, and it is in the interest of the consumers to be assured that a substantial portion of their annual requirements is produced within our own borders. To be completely dependent on foreign suppliers, no matter how dependable some have been in the past, would subject us to the volatile world market where there is not only the usual fluctuation due to normal supply-demand factors, but also the very real possibility that the market will be influenced by political consideration as well.

To give a degree of protection to the domestic producing industry, and thereby help insure stability of supply to consumers should be one of the first objectives of any new legislation under consideration by the House.

H.R. 15535 (H.R. 15486), as introduced, would accomplish this objective. It would not propose any Government payments to growers or producers—it would not provide any outlays of tax dollars for subsidies, storage, or set-aside payments. Neither does it impose any other rules or special regulations on sugar producers that are not already in existence for all agricultural commodities. The only cost to the Federal Government would be for administrative purposes.

The price fluctuation since early 1974, culminating in the historic high of 64.50 cents per pound in November, and declining to as low as 9.30 cents per pound this past August, has been bad for sugar producers as well as consumers. It was, in part, to prevent this kind of instability that led the Congress in 1934 to enact the original Sugar Act.

I would also like to inform my colleagues that I have written to the President, requesting that he utilize his existing statutory authority to prevent the destruction of the American sugar industry. It is my opinion that by amending Executive Order No. 4334 of November 16, 1974, the President can increase the present tariff level to 1.875 cents per hundred pounds of sugar, or reduce the present foreign import quota to 3.9 million tons. Under title III of the Agricultural Act of 1949, he has the authority to direct the Secretary of Agriculture to establish a price support program for sugarcane and sugar beets. At a minimum of 70 percent of parity, the price of raw sugar would be 18.5 cents per pound, a price which would be high enough to insure the survival of our domestic sugar industry.

Congress should pass a sense of Congress resolution, urging the President to utilize his statutory authority to establish a price support program for sugarcane and sugar beets. Action on the part of the administration may spell the difference in terms of destruction or survival of the American sugar industry.

Mr. Speaker, I realize that there are no simple solutions. But we can no longer ignore the fact that sugar legislation is required. With this in mind, I call on my colleagues to support my plea for immediate consideration on the Sugar Supply Assurance Act of 1976. If we fail, long-term harm will come to the American consumer. As beet sugar production drops in the United States, through decisions to plant alternate better paying crops, prices will again rise and ultimately everyone will be hurt. If we intend to help the sugar growers stay in business, the time to act is now.

THE NATIONAL ITALIAN-AMERICAN BICENTENNIAL TRIBUTE DINNER

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. O'NEILL) is recognized for 5 minutes.

Mr. O'NEILL. Mr. Speaker, I take this opportunity to salute the Members of Congress of Italian descent who were honored at the Bicentennial dinner in Washington last week. Seldom have I seen such an event. It was truly one of the greatest gatherings in the history of Washington. The great contributions that Italians have made toward building and sustaining the United States were very much in evidence that night and I want to share the experience with my colleagues by inserting in the CONGRESSIONAL RECORD at this point the proceedings as listed in the program:

THE NATIONAL ITALIAN AMERICAN BICENTENNIAL TRIBUTE DINNER

DAIS GUESTS

Podium left

Hon. Joseph L. Alioto, Gov. Jimmy Carter, Ambassador John A. Volpe, Ambassador Roberto Gaja, U.S. Senator John O. Pastore, Mrs. Pastore, Peter W. Rodino, Jr., Mrs. Ro-

dino, U.S. Senator Walter F. Mondale, U.S. Senator Pete V. Domenici, Thomas P. O'Neill, Jr., M.C.

Dante S. Fascell, M.C., Silvio O. Conte, M.C., Joseph P. Addabbo, M.C., Joseph G. Minish, M.C., Joseph P. Vigorito, M.C., John Joseph Moakley, M.C., Jerome A. Ambro, M.C., James J. Florio, M.C., George Miller, M.C., Martin A. Russo, M.C., Leo C. Zeferetti, M.C., E. Howard Molisani, D. F. Antonelli, Jr., Edward T. Hanley, Mario T. Noto, Rev. Paul J. Asciolla, C.S.

Podium right

Jeno F. Palucci, President Gerald R. Ford, U.S. Senator James O. Eastland, Judge John J. Sirica, Mrs. Sirica, Robert H. Michel, M.C., Dominick V. Daniels, M.C., Mrs. Daniels, Jack Valenti, John H. Dent, M.C., Frank Annunzio, M.C.,

Robert N. Giaimo, M.C., Robert L. Leggett, M.C., Mario Biaggi, M.C., John M. Murphy, M.C., Teno Roncalio, M.C., Robert J. Lagomarsino, M.C., Matthew J. Rinaldo, M.C., Thomas J. Downey, M.C., John J. La Falce, M.C., James L. Oberstar, M.C., Jim Santini, M.C., Most Rev. Louis E. Gelineau, Robert A. Georgine, Enzo Stuarti, William E. Bufalino, Severino P. Severino, Msg. Geno C. Baroni.

PROGRAM

Introduction of Dais Guests: Mario T. Noto.

Posting of Colors: Joint Armed Forces Color Guard commanded by Sgt. William Aller.

National Anthem: Enzo Stuarti.

Invocation: Msgr. Geno C. Baroni.

Master of Ceremonies: Joseph L. Alioto.

Address: The President of the United States Gerald R. Ford.

Dinner

Entertainment: Enzo Stuarti.

Address: Governor Jimmy Carter.

Awards

Remarks: Geno F. Paulucci.

Remarks: Mario Biaggi, M.C.

Principal Address: Jack Valenti.

Special awards

Judge John J. Sirica, presented by Silvio O. Conte, M.C.

Dominick V. Daniels, M.C. presented by John H. Dent, M.C.

Peter W. Rodino, Jr., M.C., presented by Frank Annunzio, M.C.

Senator John O. Pastore, presented by Senator Pete V. Domenici.

Chairman's award

Frank Annunzio, presented by Geno F. Paulucci.

Benediction: Rev. Paul J. Asciolla, C.S.

THE ITALIAN AMERICAN FOUNDATON BOARD OF DIRECTORS

Geno F. Paulucci, Chairman.
Msgr. Geno C. Baroni, President.
Joseph L. Alioto, Vice Chairman.
Rose Basile Green, Secretary.
Mario T. Noto, Treasurer.
Antonio M. Marinelli.
John C. Spatuzza.
Jack Valenti.
John A. Volpe.

THE ITALIAN AMERICAN FOUNDATION

The proceeds from this Bicentennial Tribute Dinner will be used to launch The Italian American Foundation in Washington, D.C. The primary goal of the Foundation will be to identify specific issues and areas of concern that affect Italian Americans nationally.

Initially conceived by Mesgr. Geno Baroni, the Foundation became a reality following considerable local and national consultations with various Italian American communities. Floyd Agostinelli and Paul J. Asciolla joined Baroni as incorporators in the District of Columbia on December 22, 1975.

On July 27, 1976, the unique Foundation took another significant step when during that initial Board meeting, the Board was officially established and the executive director named.

Since 1820, Italians have been the second highest population group to emigrate to the United States. According to the U.S. Immigration and Naturalization Service, a total of 5.2 million Italians came to the United States. Italian Americans presently number approximately 12 to 14 million people, or six to seven percent of the total national population.

While we as Americans have a world-wide reputation for measuring and collecting data, there is much which is not known about Americans of Italian heritage. The Italian American Foundation plans to research the role of Italian Americans in the nation, in the government, and in all other levels of society. The Foundation hopes to sponsor scholarships and fellowships for Italian American studies at colleges and universities. For primary and secondary schools, the Foundation will try to stimulate and develop curricula and materials on the experience and contributions of Italian Americans to the dramatic history of this country.

Despite vast achievements and contributions, Italian Americans continue to be the victims of insidious, negative stereotyping. The Foundation will research and examine defamation issues to prepare a standing file of materials available for effectively dealing with examples of defamation when they arise.

The contributions of Italians to the formation of the history of the United States has been diverse. The Italian American Foundation will examine that diversity and become a resource center that will be available and useful for all Italian Americans.

The Executive Director of The Italian American Foundation is Paul J. Asciolla.

GREETINGS FROM THE GENERAL CHAIRMAN

With this dinner we pay homage and recognize those who have proven their worth—not only as Italians—but as Italian Americans. While this dinner pays tribute to all Italian Americans, we are especially saluting the contribution of the Italian American Congressional Delegation—a special recognition to three of them—as well as a Judge who made us all proud to be Italian Americans. These men we are honoring represent a lifetime of dedicated public service to their country. They honor all Italian Americans because they exemplify the best attributes of politics and government. The leadership example these men have given, proves that there are responsible, honorable men in government whose honesty, duty and dedication should be emulated by all Americans.

We are long overdue in pausing to recognize the contributions to the success of the United States that the millions of Italian immigrants made. It has been 200 years since the signing of the Declaration of Independence, and those of us sponsoring and supporting this Tribute Dinner are the living legacy of those immigrants who found a better life here where it was possible to achieve, become better educated and to benefit from hard, honest work.

This Country has given much to us and, we have given our best in return. The men we honor tonight are an example of dignity and service of which we all can be proud.

JENO F. PAULUCCI,
National Dinner Chairman.

SPECIAL AWARDS

Judge John J. Sirica

Who, since February 1957, during his tenure as a judge of the United States District Court, District of Columbia, having served as a Chief Judge of that Court from 1971 to 1974 when required by law to step down as Chief Judge, demonstrated in the discharge of his judicial duties,

That, law, order and morality in our nation and society can and must be preserved through tolerate, impartial and courageous discharge of the enforcement responsibilities entrusted to our judiciary by the people of this nation,

That, our nation is governed by the rule of law, and that no one individual, class or race of people, of whatever origin, rank or position, private or public station in life, can be permitted to determine which laws are exempt from obedience, and that, however worthy be the end proclaimed, no means violative of law can justify the attainment.

That, whatever the color, race or creed of the wrongdoer, the guarantee of due process and equal justice, under our system of law, is inviolable and redressable in our judiciary system with all entitlements bestowed by our Constitution,

That, to assure justice and to preserve respect for law within an ordered society, our judicial tribunals must safeguard and secure our people from those who would commit lawless invasions and trespasses upon rights and liberties guaranteed to us by our constituted authority, and,

That, compassion, tolerance, impartiality and knowledge are the cornerstones and firm pillars for equal justice, indispensable to the discharge of the awsome burdens and grave responsibilities of those who are called upon to exercise judicial judgment.

Congressman Dominick V. Daniels

Who, since 1958, as a member of the United States House of Representatives, has served with honor and distinction the people of the 14th Congressional District of New Jersey and of America, this award is presented in recognition of his

Dedication and contributions to the cause of legislation enacted for the betterment of all Americans,

Continued leadership in the reform of those aspects of American life which deny to individuals the opportunity to improve the quality of their lives, and,

Untiring vigilance in the pursuit of expanding opportunities for all Americans to create for themselves and their children ever-increasing health, happiness, and prosperity.

Congressman Peter W. Rodino, Jr.

Who, since 1948, has represented the 10th Congressional District from the State of New Jersey in the House of Representatives, United States Congress, for

His twenty-eight years of faithful, dedicated and devoted service as an elected representative of the people to the Congress of the United States, and his advocacy and unrelenting support of legislation for economic and social reforms designed to remove the poverty, starvation, disease and repression which still stalk some of our people,

His temperance, restraint, compassion and strength in advocacy of those progressive legislative causes of individual liberties and preservation of basic human rights the struggle for attainment of which never ends,

His public record as a legislator demonstrating that the causes of freedom and justice are paramount to all men, and that we were conceived and must exist as a nation governed by law and not by individual men, and

His judicious, tolerant, firm, and impartial leadership and judgment as Chairman of the House Judiciary Committee of the Congress of the United States, when he conducted with unparalleled dignity the Presidential Impeachment Inquiry during 1973–74, when the constitutional foundations of our nation were being threatened by wanton disregard for the rule of law, and accepted the awesome challenge with the words,

"Let us go forward. Let us go forward into debate in good will, with honor and decency and with respect for the views of one an-

other. Whatever we now decide, we must must have the integrity and the decency, the will and the courage to decide rightly.

Let us leave the Constitution as unimpaired for our children as our predecessors left it to us."

U.S. Senator John O. Pastore

Who, since 1950, has served with honor and distinction as a United States Senator from the State of Rhode Island, and who, before his election to the United States Senate, served as a Member of the Legislature, Lieutenant Governor, and Governor of that State,

This plaque is awarded for—

His many years of distinguished and devoted public service to the people of his state of Rhode Island and of all the United States, which have earned him the respect, affection and admiration of all peoples and an abiding place in the history of our country,

His dynamic leadership and articulate voice of reason for the causes of freedom and human rights, and achievement of legislative causes for the economic, social and political advancements of all Americans, which will be long remembered by a grateful nation after his retirement from public service,

His depth of understanding, and his extraordinary human qualities of courage, ability and dignity in tireless pursuit of compassion and justice for all men,

His wisdom, warmth and courage which are a legend destined to endure in the legislative annals and history of this nation,

His distinguished record of service to our nation in the field of foreign relations, and where his humanitarianism and background were invaluable instruments in the conduct of our National Foreign Affairs, and

His contributions to the cultural, economic and political fabric of America, demonstrating that the heritage of his forefathers and their skills and talents have contributed to a better America.

Congressman Frank Annunzio

Who, since 1964, has served with honor and distinction as a Representative in the Congress of the United States from the City of Chicago and the State of Illinois, this plaque is awarded for—

His faithful and devoted service to the people of his city and state marked with leadership in promoting the ideals of liberty and justice for all;

His compassionate assistance to and humane treatment of all people in need regardless of race, religious belief, or ethnic identity;

His dynamic leadership in advancing legislative goals based upon need and reason to achieve a better way of life for all peoples, and,

His untiring efforts as Chairman of the Congressional Steering Committee of the National Italian American Bicentennial Tribute Dinner, and as a Founder of the Italian American Foundation, which will long be remembered as a living tribute and symbol of the greatness of Italian Americans who have served the United States in public and private life with honor and distinction, and with great pride in their Italian American heritage which contributed to their greatness.

ITALIAN AMERICAN CONGRESSIONAL DELEGATION: 94TH CONGRESS

Sen. John O. Pastore, Rhode Island.

Sen. Pete V. Domenici, New Mexico.

Rep. Joseph P. Addabbo, 7th District, New York.

Rep. Jerome A. Ambro, 3rd District, New York.

Rep. Frank Annunzio, 11th District, Illinois.

Rep. Mario Biaggi, 10th District, New York.

Rep. Silvio O. Conte, 1st District, Massachusetts.

Rep. Dominick V. Daniels, 14th District, New Jersey.

Rep. John H. Dent, 21st District, Pennsylvania.

Rep. Thomas J. Downey, 2nd District, New York.

Rep. Robert J. Lagomarsino, 19th District, California.

Rep. Robert L. Leggett, 4th District, California.

Rep. Romano L. Mazzoli, 3rd District, Kentucky.

Rep. George Miller, 7th District, California.

Rep. Dante B. Fascell, 15th District, Florida.

Rep. James J. Florio, 1st District, New Jersey.

Rep. Robert N. Giaimo, 3rd District, Connecticut.

Rep. John J. La Falce, 36th District, New York.

Rep. Matthew J. Rinaldo, 12th District, New Jersey.

Rep. Peter W. Rodino, Jr., 10th District, New Jersey.

Rep. Teno Roncalio, At Large, Wyoming.

Rep. Martin A. Russo, 3rd District, Illinois.

Rep. Joseph G. Minish, 11th District, New Jersey.

Rep. John Joseph Moakley, 9th District, Massachusetts.

Rep. John M. Murphy, 17th District, New York.

Rep. James L. Oberstar, 8th District, Minnesota.

Rep. James D. Santini, At Large, Nevada.

Rep. Joseph P. Vigorito, 24th District, Pennsylvania.

Rep. Leo C. Zeferetti, 15th District, New York.

Frank Annunzio, M.C. *Chairman, Congressional Steering Committee:*

As Chairman of the Congressional Steering Committee and on behalf of my Italian American colleagues in the Congress of the United States, I extend my sincerest appreciation to the Board of Directors of the Italian American Foundation and to all who have played a part in the historic Bicentennial Tribute Dinner in our Nation's Capital honoring the Italian American Members of Congress, with special awards to Congressman Peter W. Rodino, Jr. (N.J.), Congressman Dominick V. Daniels (N.J.), Senator John O. Pastore (R.I.), and Judge John J. Sirica. This is the first time in the history of our country that so large a group of Italian Americans has assembled, and it is a tribute to the progress that Italian Americans have made in America.

SPECIAL THANKS

D. F. (Nick) Antonelli, Jr.

When the history of the Italian American Foundation is written, the quiet role of D. F. (Nick) Antonelli, Jr. will have a prominent place.

Nick Antonelli, President of PMI (Parking Management Inc.), provided space and facilities for the first and current office of the Foundation and made it possible to conduct the entire coordination of The National Italian American Bicentennial Tribute Dinner from 1725 Desales Street, N.W., a prestigious Washington, D.C. address.

While the entire P.M.I. staff was most cooperative and supportive of our activity over the past six months, the role of Glenda Maxwell, personal assistant to Mr. Antonelli, especially should be singled out.

The Board of Directors of the Foundation, the Foundation staff and a host of friends send a grateful, "Thank you" to Nick Antonelli.

THE NATIONAL ITALIAN AMERICAN BICENTENNIAL TRIBUTE DINNER COMMITTEE

Jeno F. Paulucci, *National General Chairman.*

Co-Chairpersons: I. W. Abel, Hon. Joseph L. Alioto, D. F. Antonelli, Jr., William E. Bufalino, Angelo Fosco, Robert A. Georgine, Hon. Ella T. Grasso, Edward T. Hanley, Severino P. Severino, Jack Valenti, Hon. John A. Volpe.

Congressional Steering Committee:

Hon. Frank Annunzio, IL, *Chairman;* Hon. John O. Pastore, RI, Hon. Joseph P. Addabbo, NY, Hon. Mario Biaggi, NY, Hon. Dominick V. Daniels, NJ, Hon. Thomas J. Downey, NY, Hon. James J. Florio, NJ, Hon. John J. LaFalce, NY, Hon. Robert L. Leggett, CA, Hon. George Miller, CA, Hon. John Joseph Moakley, MA, Hon. James L. Oberstar, MN, Hon. Peter W. Rodino, Jr., NJ, Hon. Martin A. Russo, IL, Hon. Joseph P. Vigorito, PA.

Hon. Pete V. Domenici, NM, Hon. Jerome A. Ambro, NY, Hon. Silvio O. Conte, MA, Hon. John H. Dent, PA, Hon. Dante B. Fascell, FL, Hon. Robert N. Giaimo, CT, Hon. Robert J. Lagomarsino, CA, Hon. Romano L. Mazzoli, KY, Hon. Joseph G. Minish, NJ, Hon. John M. Murphy, NY, Hon. Matthew J. Rinaldo, NJ, Hon. Teno Roncalio, WY, Hon. James Santini, NE, Hon. Leo C. Zeferetti, N.Y.

Congressional Liaison Committee:

Hon. Mario Biaggi, NY, *Chairman;* Hon. Frank Annunzio, IL, Hon. John Dent, PA, Hon. Dominick V. Daniels, NJ, Hon. Joseph G. Minish, NJ.

Congressional Liaison: Joseph T. Ventura.

Tribute Dinner Coordinator: Paul J. Asciolla.

Washington Arrangements Committee:

Antonio M. Marinelli, General Chairman; Francis Aluisi, Mrs. Florina Brienza, Frank Calcara, Mrs. Catherine Campanile, Virginia Cassiano, Angelo J. Catucci, Henry G. Catucci, Mrs. Margaret Catucci, Mrs. Mary G. Catucci, Mrs. Mary R. Catucci, Susan Celebrezze, Pino Cicala, Anthony Cicoria, Mello Cotton, Rev. Angelo D'Agostino S.J., M.D., Mrs. Eleanor Eisman, Peter J. Ellis, Nicholas Ferrante.

Louis J. Figliozzi, Patricia G. Forsythe, Ralph J. Gervasio, Toni Gervasio, Joseph Greco, Frank Guaragna, Phil Guarino, Toni House, George Indelicato, Paul F. Interdonato, Mrs. Clare D. Janiczek, Robert E. Juliano, Mrs. Carol M. Koontz, Sal Lauricella, Charles Leppert, Jr., Ernest A. Lotito, Mrs. Jo McAllister, Mrs. Frances Marcellino, Kim Marinelli.

Robert E. Morin, Joseph Nardi, Mrs. Mary Nicro, Stella Nicro, Mario T. Noto, Mrs. Marie Pietanza, Mrs. Angela Pisciotta, Mrs. Anne H. Ross, Ronald A. Russo, Sherry Schlis, Francis J. Santangelo, David C. Sharman, Ira B. (Jack) Sperry, Joseph Tenaglia, Louie L. Terango, Joseph Vaghi, Judith R. Ventura, Larry Vershel.

Escorts: James Scaldaferri, Mrs. Mary Scaldaferri, Mrs. Grace Atkinson, Andrea Gentilcore, Daniel Gentilcore, Anthony Gentilcore, Susan Libbee, Christina Reeves, Philip Gentilcore, Mrs. Margaret Thomas, Mary Jean Parker.

Ernest Catucci, Mrs. Kathy Catucci, Michael Baccala, Mrs. Pat Baccala, Pete Catucci, Mrs. Terry Catucci, Vincent Capitello, Angelo Rinaldi, Angelo Benedetti, Anthony Cicoria, Carolyn Rossi, Donna Marie Ferrante.

General Dinner Committee:

Hon. Jerome D. Greco, Don A. Grisanti, Renato Guadagnini, Patrick H. Guarino, Jr., Charles A. Gueli, Raymond J. Gustini, Irene H. Hannan, Bernard Hellring, Esq., Gaetano A. Iannace, D. Thomas Iorio, Carl T. Julio, Theodore Julio, Dr. Myron B. Kuropas, Salvatore J. LaGumina, Frank R. Lancelotta, Robert C. Laurelli.

Hon. Joseph A. LeFante, Hon. Charles Leppert, Jr., Gus LoPresti, Ernest A. Lotito, Joseph Maculuso, Lillian Manasseri, Mayor Salvatore Mancini, Vito Manilla, William C. Marchiondo, Mayor Michael V. Marotti, Larry Martino, Joseph Maselli, George W. Matteo, Sr., Joseph W. Melillo.

Ralph Merigliano, Anthony V. Migliaccio, M.D., George J. Minish, Armand C. Mirabelli,

Mario V. Mirabelli, Felix A. Mirando, Isadore Mollica, Dr. Salvatore Mondello, Vanni B. Montana, Joseph L. Monte, Joseph R. Muratore, William T. Murphy, Jr., Nat Naccarato, Marco C. Napoli, Prof. Pellegrino Nazzaro, Hon. Anthony Noto, Vincent J. Oddo, Jr., D.D.S.

Ernest J. Oddono, Armando Orefice, Renato M. Pachetta, Giancarlo Padovani, Hon. Frank R. Pagnotta, Donald D. Panarese, Prof. Remigio U. Pane, Judge Thomas J. Paolino, Bridget Rizzo Paolucci, John M. Parolisi, William Passalacqua, Mr. & Mrs. David Pasquariello, Ron Pasquariello, Orlando Passeri, Umberto Patalano.

Anthony Paterno, Robert E. Patricelli, Victor Pedorella, Most Rev. Joseph M. Pernicone, Giorgio L. Perna, M. Thomas Perrotti, Frank A. Petito, Nicholas Petruccelli, Vincent A. Piccone, Jr., Neil S. Piro, Miss Marie Polcari, Arthur R. Pontarelli, Ted Primavera, Angelo A. Puglisi.

Dominic C. Raffa (Mayor), Vincent A. Ragosta, Esq., Chief Judge Emeritus Paul P. Rao, Joseph J. Ricotta, M.D., Angelo M. Rinaldi, John Risalvato, Jr., Lewis Rivlin, Frank Rizzo, Hon. Frank L. Rizzo, Mayor E. Michael Roll, Hon. Albert D. Rosellini, George J. Rossi, Hon. Fred B. Roti, Paschal C. Rubino, Salvatore Ruffolo.

Edmund J. Sabatini, Nello Sabatini, Joseph G. Samartano, Dr. Peter Sammartino, Mary C. Sansone, Alfred E. Santangelo, Donald R. Sarp, Gerald L. Sbarboro, Louis Scarpetti, Anthony Scotto, Rocco C. Siciliano, Michael Sisca, Greta Smith, Jack J. Soriano, Dario Souka.

John Sparacino, Judge Louis Sparvero, John G. Spatuzza, Gordon St. Angelo, Charles A. Stanziale, Jr., Anthony S. Stasio, Frank D. Stella, Hon. Joseph S. Suno, Hon. Vincent A. Suozzi, Joseph Tarantolo, M.D., Hon. Vito J. Titone, Mary Jane Todaro, Gary A. Tomei, Dr. Emilio Tommasi, Vincent P. Trasatti.

Hon. David L. Trask, Lester Trilla, Nicholas G. Troilo, Marion A. Trozzolo, Hon. Sam Vadalabene, Richard Valeriani, Judge Francis J. Valle, Dr. Joseph F. Valletutti, Peter Viscardi, Thomas A. Vecchi, Vincent Vespia, Frank Vitale, John L. Vitale, Michael J. Vitale, Dr. Thomas Vitelli, Jerry Woods, Fabian Zaconne, James Zangari.

WITH APPRECIATION

With appreciation and heartfelt thanks to all of you who contributed so much to making this dinner successful and especially to:

Joseph J. Barcia, William F. Bufalino, Angelo J. Catucci, Nick Ferrante, Ralph J. Gervasio, Philip A. Guarino, Antonio M. Marinelli, Mrs. Jo McAllister, David C. Sharman, Joseph Tenaglia, Louie L. Terango, Joseph T. Ventura.

Alitalia Airlines—Ira B. (Jack) Sperry.

Film Conformers—Bernard Caputo.

Hotel and Restaurant Employees and Bartenders International Union—Robert E. Juliano.

The National Conference of County Officials.

The National Conference of Governors.

Society of Real Estate Appraisers—Robert Morin.

TIME, Inc.—Ann Callahan.

The U.S. Conference of Mayors.

Table wines compliments of Anthony Paterno, Paterno Imports, Gancia Wines.

Reception compliments of Milton S. Kronheim.

Dinner Music by Rock Ferrante, Jr.

BEVERLY HOSPITAL GUILD OBSERVES 25TH ANNIVERSARY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. DANIELSON) is recognized for 5 minutes.

Mr. DANIELSON. Mr. Speaker, on October 16, 1976, an organization of dedicated and civic-minded women from my district, the Beverly Hospital Guild, will be celebrating its 25th anniversary with a starlite ball at the Huntington-Sheraton Hotel in Pasadena.

The Beverly Hospital Guild of Montebello, Calif., a nonprofit organization, has a membership of 243 women who have demonstrated their deep concern for hospital patients by providing them with a variety of services designed for their comfort and convenience and to make their hospitalization more pleasant. The guild motto reads: "Service is the foundation of society" and it becomes quite apparent that members, who contributed over 50,000 hours of their time during 1975, have a deep moral commitment and belief in living up to the words of their motto. Through their efforts, they have also succeeded in raising and have contributed $250,000 over the years.

Mr. Speaker and my colleagues, I am proud to commend the entire membership of the Beverly Hospital Guild for demonstrating in such constructive ways their concern for the welfare of fellow human beings. I am also proud to bring their story to your attention as an outstanding example of community service, and I wish the members and friends of the guild a most successful and pleasant celebration at the 25th anniversary starlite ball.

CAN CONGRESS AT LAST CONTROL THE MONEY TREE?

(Mr. WRIGHT asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. WRIGHT. Mr. Speaker, I submit for the RECORD a very excellent article from the New York Times Magazine at this point:

[From The New York Times Magazine, Aug. 22, 1976]

CAN CONGRESS AT LAST CONTROL THE MONEY TREE?

(By Edwin L. Dale, Jr.)

WASHINGTON.—On the morning of March 23, 1976, a Congressman from the state of Washington named Brock Adams—a man of little national renown—became a sort of counter-President. It was the day of the North Carolina primary, and hardly anybody paid much attention when Adams presented to the new House Budget Committee, of which he is chairman, a document of 181 pages that he dubbed "the chairman's mark." But that document was a foundation stone for something the nation has never had before—a rational Congressional budget.

The success or failure of the new Congressional budget process, in which Adams and his Senate counterpart, Edmund S. Muskie of Maine, play major roles, is likely to have more effect on the nation's economy than who is elected President this year. Spending by the Federal Government and the deficit in the budget are not the be-all and end-all of the economy, but they are of critical importance. Prior to the new process in Congress—which is off to a good start but which still faces major tests before it can be pronounced a success—Federal spending was slipping beyond anyone's control, growing by a staggering 36 percent in the two fiscal years 1975 and 1976 alone.

There are several reasons for this explosive growth. One is temporary—the automatic increase in spending in such areas as unemployment compensation at a time of recession; another is the rise in the "beneficiary population" in programs like Social Security and Civil Service retirement. But one of the key reasons is the way Congress does its business. The problem was not so much that a majority of members are "big spenders," though some are. It was not even constituents' pressure for various programs and projects, though that is always important. Rather, the problem was that Congress had no way of keeping track of what it was doing. It passed bills increasing spending one at a time, with no process for adding up or controlling the total. Presidential vetoes in recent years have acted as some check on the Congressional "propensity to spend," but this has proved only a frail defense against the hurricane.

A Presidential budget necessarily copes with the issue of priorities within some overall total. But this was exactly what Congress could not do. Bills that seemed meritorious on their face would come along, one by one, and would be passed by large majorities. The resulting, almost unchecked growth of Federal spending became a serious economic and political problem. The new reform is designed to deal with that.

Congress generates spending independently of the President in several ways. One is in the form of "program" bills. The handful of members on one of the multitude of Congressional subcommittees would decide they wanted to do something about alcoholism or mental health or children's lunches or urban transit or low-income housing. Eventually many of these bills become law. While the full amounts "authorized" in the basic legislation were not always appropriated, the Appropriations Committees would almost invariably fund the new programs to some extent. Once the program began, it developed a constituency—perhaps small at the beginning, but powerful once money began to be spent—and this made future cutbacks politically difficult or impossible.

Another way of generating spending is through the "formula" or "entitlement" bills. The process can be described as "the sleepy May Wednesday afternoon bill." The House Veterans Committee, for example, would report out a seemingly technical bill changing the formula for disability compensation. There would be only a few reporters in the press gallery—and few members on the floor—during the brief debate. The bill would pass by something like 395 to 2. But within a year or two the new formula would add several hundred million dollars a year to spending—beyond control not only of the President but of the Appropriations Committees, which could not deny veterans the benefits to which they were now entitled.

In recent years, it gradually became evident to a growing number of members of Congress that the process had become an irrational engine of ever-higher spending. The new budget process is more than anything an effort by Congress to get control of itself.

Charls E. Walker, who was dismayed by the spending momentum when he was a moderately conservative Under Secretary of the Treasury in the early 70's, wrote recently: "Many 'instant historians' rate the forced resignation of Richard Nixon as the 93rd Congress's long-term claim to fame. We disagree. Our nomination is the Budget Reform Act of 1974, which established an orderly and rational Congressional budget procedure."

Although Walker did not mention it, there was another reason for the reform, and its name was Richard M. Nixon. Nixon went far beyond any previous President in using the device of "impoundment"—refusal to spend funds approved by Congress. The limits of Presidential power in this area had always been fuzzy; Nixon not only impounded more money than his predecessors but gave justifi-

cations—such as "sound fiscal policy"—that had never been used before.

Thus, the budgetary reform had two faces. One was the new procedure for a rational Congressional budget. The other was a binding new set of rules, enforceable in the courts, greatly limiting the President's impoundment powers and establishing procedures by which Congress can block or approve any impoundments he wants to make. But the key part of the Congressional Budget and Impoundment Control Act of 1974 is the new budget procedure itself. The more the reformers looked into the problem, the more intricate the reform necessarily became.

The late Justice Felix Frankfurter said in one of his more famous opinions that "the history of liberty has largely been the history of the observance of procedural safeguards." It is equally true that in a legislative body, particularly one with such independent power as the United States Congress, procedure is crucial. And the budgetary reform, at bottom, is a revolution in procedure. The essence of the change is the establishment by Congress of a ceiling on outlays and a floor on revenues—different, no doubt, from those in the President's budget, but binding on Congress.

Every April the new Budget Committees—one in the Senate and one in the House—are required to report an overall "budget resolution." This is debated on the floor and is subject to amendment. The Senate and House versions are reconciled in conference, and this first resolution must be passed in its final version by May 15.

It is not yet fully binding, but it sets clear targets, broken down into 17 broad functional categories, for the spending actions of all the other committees. Then, in September, after Congress has, as usual, passed bills one at a time, the process is repeated. The Budget Committees take a look at the state of the economy and at what Congress has already done (including any successful Presidential vetoes of spending bills) and draw up a second budget resolution, with totals that are likely to be close to those of the May resolution—but could be significantly different. A key element of this second resolution is that it can force Congress to "roll back" spending actions already taken, by means of instructions to the relevant committees to report new legislation. In the same way, the tax-writing committees can be required to produce legislation raising revenues.

In any case, once the second resolution is adopted, it is fully binding. From then until the end of the fiscal-year period 12 months later, any bill that would raise spending or reduce revenues is subject to a "point of order," which would effectively kill it.

Almost from the beginning of the effort at reform, it became clear that the new procedure would have to deal with two entirely separate questions. One is the issue of economic policy: What magnitude of spending, revenues and deficit is best for the economy in the period ahead? (The precise term is "fiscal policy," to distinguish manipulation of the budget and its deficit from the Federal Reserve's monetary policy, affecting interest rates and the money supply.) The other is the matter of national priorities, as they are affected by Federal spending. Given the total spending "pie," with large amounts of it already spoken for as a result of past laws and commitments, where should the remaining expenditures be directed? More to defense? More to public service jobs? More to helping the world's poor? More to education? More to veterans?

It was the fiscal-policy question that was probably paramount in creating awareness of the need for reform. The Presidential budget submitted each January sought a rational—if sometimes debatable—fiscal policy, but, largely because of Congress, it had become almost meaningless. By the end of the fiscal year for which the White House budget was presented, the final figures for spending, revenues and the deficit bore no relation to the original estimates. As an instrument of economic policy, the budget was erratic, unpredictable and often inflationary. Thus it is that, under the new system, the two budget committees start their hearings with testimony by economists on the economic outlook and on what a proper fiscal policy should be.

As for the question of priorities, that arose out of the fiscal-policy problem. The authors of the Congressional reform saw that it made no sense to set an overall spending ceiling in a vacuum and then let all the committees proceed in their normal fashion. And yet they did not want to—nor could they—make the new budget committees into dictators over the entire Congress. How could this problem be resolved?

The solution was to require that the totals in the budget resolution be broken down into 17 broad "functional categories," ranging from national defense to interest on the national debt. The categories are essentially the same as those used in the President's budget. The budget committees were to tackle the priorities issue, by setting ceilings for each of these categories, but not for the specific items within each grouping. In some categories, jurisdiction is shared by as many as four or five regular committees, and a system called "cross-walking" allocates shares of the total for each category among the various committees on the basis of the priorities established by the budget committees.

Thus, such powers in the House as Carl Perkins of Kentucky, chairman of the Education and Labor Committee, Jamie Whitten of Mississippi, chairman of the Agriculture subcommittee of the Appropriations Committee, and Robert Jones of Alabama, chairman of the Public Works Committee, had to struggle at a very early stage this year, as the Budget Committee deliberated, to obtain what they wanted. "Just about everyone took a cut," said a Budget Committee staff member. "We told them all that everybody is being restrained. We were tough but evenhanded, and in the end nearly all of them accepted the figures we gave them. I have no doubt that the general public climate—a deep concern about the growth of Government spending—helped a lot."

While this procedure leaves a good deal of discretion to the regular standing committees, there is no escaping the extraordinary power and responsibility of the two Budget Committees. If the process works, the basic "shape" of a whole session of Congress—how much for defense, how much for the various domestic programs—will be largely established by these 25 Representatives and 16 Senators. And they know it; their debating and voting in committee on the first budget resolution this year made that clear. There was no way they could escape a great deal of detail—and they, in fact, voted on details, though the ceilings finally agreed upon for each category do not reflect those votes, except in the totals.

The voting was in some degree partisan, particularly in the House committee. Republicans sought bigger cutbacks than Chairman Adams proposed, and in the end they voted against the resolution itself. On the other hand, Democratic liberals, such as Elizabeth Holtzman of New York, tried and failed to allocate much greater spending for domestic programs of various kinds. The same was true of liberals like Walter F. Mondale of Minnesota in the Senate Budget Committee.

In addition to setting a lid on total spending, a rational fiscal policy also requires a floor on revenues. And so the Budget Committees this year had to tackle such matters as Social Security taxes, extension of the antirecession tax reduction and how much revenue might be raised by tax "reform"—all matters previously the unchallenged turf of the House Ways and Means and Senate Finance Committees.

Not liking one part of the Senate Budget Committee's decision on revenue in early April this year, Senator Russell B. Long of Louisiana, the powerful chairman of the Finance Committee, growled, "One day we're going to have to fight them to a showdown." Therein is a perfect illustration of the ultimate menace to the whole process.

This showed up in Senate consideration of the complicated tax "reform" bill, which, as it came from Senator Long's committee, did not raise the $2 billion of additional revenues (mainly from the wealthy and corporations) that the revenue estimates in the first budget resolution counted upon. The issue remains unresolved as this is written, but it already seems that the new process may have more difficulty on the revenue than on the expenditure side. At several crucial points, Senator Muskie fought Senator Long on the floor, and lost.

Having made the fundamental decision that the new procedure would have to deal both with overall fiscal policy and with priorities, the authors of the reform moved on to the nuts and bolts and made numerous other decisions.

They established a new Congressional Budget Office (C.B.O.), whose first head is Alice M. Rivlin. Supposed to be completely nonpartisan and barred from making any specific policy recommendations, this office provides expert analysis on the economic situation and outlook, the relation between that and the budget, and some of the issues involved in choosing among priorities—including, for example, some detailed studies of defense options. As it turns out, Mrs. Rivlin and her team of experts have aroused some grumbling in the Administration and among conservative economists by indicating in their reports and testimony that the budget for fiscal 1977 should be somewhat more expansionary than the one proposed by the President, to insure against a faltering of the recovery of the economy next year. This, the critics allege, is just what the Congressional "spenders" wanted to hear. But the C.B.O. is clearly a necessary part of the process, and no one disputes its professionalism.

Next, apart from setting up the two Budget Committees with their own professional staffs, the reformers established a series of deadlines and even a new fiscal year, which now starts on Oct. 1 instead of July 1. The Congressional appropriation process had become a scandal, quite apart from its irrationality in the fiscal-policy sense. Some appropriation bills did not pass until the fiscal year to which they applied was two-thirds over. In part, this was because the necessary annual "authorization" bills for some programs took so long to be enacted. Now a set of deadlines applies to this whole process, and the other committees are apparently making a good-faith effort this year to comply with them.

Representative Al Ullman of Oregon, the chairman of the Ways and Means Committee and one of the instigators of reform, calls the entire process a "revolution," and few members would disagree with him. How, then, has it been working up to now?

The Budget Committees were organized smoothly in early 1975, each representing the full spectrum of viewpoints in the two houses. First-rate staffs, including economists, were hired, and the committees proceeded with their first-year dry run. It was by no means a purely experimental exercise. Although the budget resolutions last year were not broken down into binding amounts for categories, the overall totals for spending, revenue and "budget authority" in the second resolution were fully binding. However, the whole process almost broke down as it was barely beginning.

In the House, virtually all of the Republicans, presumably for largely political reasons but also, in some cases, out of conviction, decided to vote against the budget resolution because they could not tolerate its proposed deficit of more than $70 billion, even at a time of recession. They were joined in opposition by a large bloc of liberal Democrats who felt that the spending permitted by the resolution was not large enough to spur the economy and create more jobs. The first budget resolution passed the House on May 1 by only four votes (200–196) and the second passed Dec. 12 by only two votes (189–187).

In the Senate, by contrast, the senior Republican on the Budget Committee, Senator Henry Bellmon of Oklahoma, was determined to see the new process succeed, politics or no politics. He brought many other Republicans with him, and the result was that both budget resolutions passed by wide margins.

In any case, the experiment had been useful. The Budget Committees were learning, and so were the other committees. Adams on several occasions succeeded in preventing "entitlement" bills that would have pushed up future spending from coming to the floor. Early this year, he angered Representative James Corman of California by blocking an otherwise noncontroversial unemployment-compensation reform bill produced by Corman's Ways and Means subcommittee, on the ground that no "entitlement" bill was in order until after May 15. In the Senate, in March, a lengthy debate between Muskie and James McClure of Idaho over a food-stamp bill (also an "entitlement" bill) established some important parliamentary precedents crucial to the new procedure.

On July 1, the day after fiscal 1976 ended, Adams and Muskie held a news conference to announce that Congress had stayed within the budget resolution ceilings for fiscal 1976. "For the first time in its history," said Adams, "the Congress of the United States has developed and operated a comprehensive national budget for the Federal Government. The successful operation of this new budget process is historic not just because of the fiscal responsibility shown but also because it marks the completion of an economic policy that is distinctly that of the Congress—not the President."

The last point is a crucial one for the new President. He will, of course, continue to establish both an economic policy and a set of priorities in his own annual budgets. But Congress now has, for the first time, a mechanism for altering both. The President's budget will continue to be a kind of "starting point," but it will in no sense be the definitive budgetary statement of the United States Government.

As the two Budget Committees began their deliberations this year, for fiscal 1977, they faced a different problem. The President had sent Congress a budget proposing significant cutbacks in spending—many of which required affirmative action by Congress to alter existing law in such areas as veterans' benefits, Social Security and Medicare—combined with the "carrot" of an additional $10 billion tax reduction beyond the antirecession tax cut of 1975. The President's proposed spending figure (regarded as unrealistically low by nearly all outside observers) was $396 billion.

On the opposite side, the Congressional Budget Office had calculated "current policy" spending at $424 billion. This is a new and useful concept that estimates what spending would be under existing law and the previous year's Congressional budget actions, adjusted only for inflation and with no new spending initiatives.

But this figure was modest compared with the spending that would be produced if all the other committees of Congress had their way. In a highly important part of the new procedure, all of the committees, including the tax-writing committees had to knuckle down early in the session and work out a report to the Budget Committees on what they proposed to do this year. On the House side, the spending total resulting from this exercise was a whopping $442 billion. Furthermore, the Ways and Means and Finance Committees gave a strong signal that they would not raise Social Security taxes as the President had proposed.

Testimony from Mrs. Rivlin and numerous private economists, including some conservatives such as Paul McCracken and Herbert Stein, had suggested that the President's budget was probably too restrictive—that it might check the ongoing economic expansion in 1977 and slow down progress toward reducing unemployment. But nearly all suggested that good fiscal policy required some reduction of the deficit from the record of about $70 billion in fiscal 1976. And that could not be done if the proposals of the other committees of Congress were followed.

It was in light of all this that Adams offered his "chairman's mark" on Mar. 23 as a starting point for his committee's voting. The document had a spending total of $413 billion—and, by rejecting the President's proposed $10 billion tax reduction (even though it was an election year) it produced an estimated $363 billion in revenues for a deficit of $50 billion. This was not much more stimulative than the President's budget, with a deficit of $45 billion.

President Ford promptly blasted the Adams proposals, partly because they included a cut of $7 billion in budget authority from the President's $112 billion request for defense. As the weeks went on, his budget chief, James T. Lynn, issued statements with words like "appalling," instead of lauding the process for producing a good deal of budgetary restraint. At one point Lynn said of Congress: "They are much more inclined to break the American taxpayer than they are to give the taxpayer a break. . . . They decided to keep taxes where they are, increase Government spending by billions and gamble with postelection double-digit inflation."

As it happened, Adams's proposed defense reduction was rejected in the Budget Committee, which, sharing the new mood of caution about the Soviet Union, approved only a token cut. Category by category, the committee plodded along, taking numerous votes. There was no escaping detail—Federal pay, postal subsidies, public-service jobs, health programs. Adams's "mark" rejected as unrealistic many of the President's proposed cutbacks in benefit programs requiring changes in existing law; that accounted for almost half of the difference of some $17 billion between his spending figure and the President's. Except for a few gestures by Republicans on the committee, this position was accepted.

In the Senate, Muskie did not use the device of a "chairman's mark," though he set out with the aim of a total figure significantly below the C.B.O.'s "current policy" estimate of $424 billion. He too rejected as unrealistic many of the President's cutback proposals.

In the end, the two committees produced remarkably similar figures, in the neighborhood of Adams's original $413 billion, though there were important differences in some of the individual categories. Both rejected the President's $10 billion tax cut and his Social Security tax increase. Both provided more for such areas as health, housing and public service jobs than the President had sought, but not nearly as much as the other committees wanted.

What would happen in the House? Early in the year, Adams had said privately that he thought the odds on passage were about even at best, and he was worried until the last moment. But suddenly a sense of responsibility reared its head. Some of the liberals and some of the Republicans who had voted against the resolution last year switched in favor of it this year, and it passed on April 29 by the surprising margin of 66 votes, 221–155.

House and Senate conferees took nearly a week to compromise their differences over the various categories, though the overall totals in the two resolutions were very similar. The target figure for outlays was set at $413.3 billion, with an estimated deficit of $50.8 billion—only $6 billion higher than the President's.

The President, in a statement after the first resolution was passed, said, "The resolution fails to check growth in Federal spending. It fails to put us on the track to a balanced budget in three years. And it ignores the additional $10 billion tax cut I recommended for the American people."

Senator Frank Moss of Utah, who has played a leading role in the Senate Committee, said during the debate that for all practical purposes, the resolution amounted to a new Federal budget, replacing the President's.

"I emphasize this point," he said, "in hopes of avoiding a long summer of futile confrontation between Congress and the White House. It will be most unfortunate, if the President, using vetoes and impoundments, tries to reshape this budget to match his original proposal. If the President wants political confrontation instead of a sound fiscal policy, these differences can become a battlefield and the public will be the loser."

Regardless of whether Senator Moss or the President is right—and it is, after all, an election year—the crucial consideration for the nation at large is that the new procedure come to a successful conclusion in September and continue to work in future years. It is quite clear that this exciting, even revolutionary development in our legislature is already having an effect in curbing the Congressional propensity to spend—or, more precisely, to spend irrationally in the sense of overall totals and deficits. If the May resolution holds up, growth of Federal spending will be held to about 11 percent in fiscal 1977—a big number, but much less than the average of 17 percent a year in the three preceding fiscal years. Furthermore, despite Ford's laments, the May resolution has established what most economists would regard as a reasonable fiscal policy for the current state of the economy.

As the new process began to work, despite the early skepticism, Congress initiated steps to go even further. Legislation called "sunset"—which would automatically terminate nearly all existing programs over a five-year review cycle unless they were specifically re-authorized—has made impressive progress, though it may not be finally enacted this year. Senator Muskie has been the major proponent of this legislation, which again applies to Congress itself, and which is increasingly seen as a companion to the new budget process. The chief purpose is to make room for the new, within severe overall limits, by reducing or eliminating some of the old.

It is not necessary to agree fully with Secretary of the Treasury William E. Simon's indictment of "uncontrolled [Federal] spending" as the chief cause of inflation to hope that the new process continues to be successful. The proper share of Government spending in the total economy (now almost 40 percent, if state and local spending is included), and "tolerable" level of taxation, the "right" amount of budget deficit in a given year are all topics of legitimate debate. But it makes no sense to have these crucial matters determined haphazardly, as was the case.

Some people, of course, do not like the actual results of the process. The A.F.L.-C.I.O. has essentially opposed it from the beginning, correctly perceiving it as a means of

limiting the growth of spending. A new group called the Council on National Priorities and Resources, which is largely supported by labor, and which has done a brilliant job of reporting on this year's first budget resolution as it moved through its various stages, complained after it was all over. "The Congress is still a long way from formulating a true alternative budget to that of the President. . . . Like last year, the committees once again were preoccupied with the size of the budget deficit, to the detriment of social programs and human needs."

There is no doubt that if one is a believer in big and costly government, the new process is a setback. But it was intended to be just that. A veteran House liberal, Representative Richard Bolling of Missouri, summarized the new budget procedure this way in a recent letter to his constituents: "Since 1789 the Congress has had the constitutional responsibility to exercise close and effective control over the nation's budget and spending priorities. It has taken 187 years for Congress to provide itself with the tools to carry out this responsibility. Many say we have finally developed adequate tools because we have run out of surplus resources which used to cover up our extravagance."

FEDERAL CHARTERING OF CORPORATIONS: A HISTORICAL SURVEY

(Mr. JAMES V. STANTON asked and was given permission to extend his remarks at this point in the RECORD, and to include extraneous matter.)

Mr. JAMES V. STANTON. Mr. Speaker, a great deal of attention has recently been focused on the issue of whether the Federal Government should charter large corporations, and I am certain that Congress will be giving much more attention to the issue in the coming years. On May 22, 1975, I introduced H.R. 7481, the Corporate Citizenship and Competition Act, as the embodiment of some ideas I have on the form that Federal chartering should take, and what could be accomplished through it. The CONGRESSIONAL RECORD of that date includes a detailed statement on the provisions of my bill, and why I believe that a system of Federal chartering, which would supplement the existing State system, is necessary now.

To further the debate on this issue, I would now like to insert into the RECORD an article from the Delaware Journal of Corporate Law written by Thomas F. Liotti and Richard G. Handler. It is probably the only complete and up-to-date historical survey of Federal chartering, and I commend this excellent piece to the attention of my colleagues:

COMMENTS AND NOTES: AN HISTORICAL SURVEY OF FEDERAL INCORPORATION

In this age of shareholder democracy and open capitalism, reforms continually crop up in order to alleviate the unfettered effects of managerial power. Panaceas for particular abuses are often suggested [1] and some appear to lend piecemeal remedial relief to problem areas.[2] But no reforms strike at the very heart and fundamental foundations of contemporary corporations as do federal chartering proposals. Proponents of such plans contend that major corporations are having a field day at the expense of a helpless citizenry [3] and that liberal state incorporation statutes are responsible for the amalgamation of capital into a few hands [4] as well as the perpetuation of corporate improprieties.[5] Calls for federal incorporation are by no means being heard for the first time.[6] In the past year, two bills on the subject have been introduced in Congress [7] and Ralph Nader has just completed an extensive study of the area.[8] Additionally, hearings on the proposals for federal chartering are to commence in the Spring of 1976 before the Senate Commerce and the House Government Operations Committees.[9] For the first time in thirty (30) years, federal chartering is an issue before Congress and the implication of the idea are causing considerable controversy.[10] Therefore, an updated historical survey of the concept is in order.

IN THE BEGINNING . . .

The modern business corporation, as an entity, had its origin in seventeenth century England. In the antedated medieval period when only eleemosynary and ecclesiastical "corporations" existed, rules for creating the "incorporate person" were already developing.[11] In *Case of Sutton's Hospital*,[12] Lord Coke gathered these medieval principles together and established the modern rule that the first essential for a viable corporation was a "lawful authority of incorporation." [13]

The earliest corporations, known as trading companies, were vested with governmental authority and rights to engage in commerce under the sovereign's name. Blackstone commented, "The Founder of all corporations . . . is the king alone . . . . [his] consent is absolutely necessary to the creation of any corporation." [14] The Crown had the power to define the purposes for which a corporation was created, and if any corporation acted outside the limits of its charter, its acts would be *ultra vires* and void.[15]

Although the nature of the corporate personality precluded corporations from certain activities, there was a tendency to deny the Crown authority to limit those powers naturally incident to corporate existence.[16] Because the law of corporations was in an evolving state, activities naturally incident to corporate life were largely undefined. As a result, monarchs were cautious and took a limited view of their authority. Thus, in many instances without restraint or control, early corporations grew into monopolies and endless corporate abuses regularly occurred in England's trade industry. R. W. Boyden described these trading companies as "massive, corrupt and inefficient. They grabbed power as an excuse for the failure to do business. . . . They identified themselves with ruling groups to become politically beyond challenge . . . " [17]

Monarchs soon realized that their ability to grant corporate charters was a priceless political tool and used it to reinforce royal power. A charter from the King was an enormous economic and legal insurance for merchant adventures and their commercial schemes. A corporate form assured individual liability would be limited. With this power the King could then place the malcontent baronage in check with a "new nobility [which] depended solely on royal favor for its position." [18]

The consolidation of royal power over corporations was not complete.[19] By 1720, joint-stock companies were being developed without any sanction or regulation by the Crown. They were created either without a charter, with an obsolete charter acquired from a defunct company, or by mere contract among its members.[20] After the rampant speculative fever provoked by the grandiose machinations of the ill-fated South Sea Company,[21] Parliament responded with the Bubble Act of 1720.[22] As England's first corporate statute, its primary function was to harness the rapid growth of unincorporated joint-stock companies.[23]

EARLY AMERICA

The development of the corporate idea in America is directly related to the salient features of the 18th century English corporation. These were, first, that a corporation could be created only by the will of Parliament or of the Crown, and second, that their creation was symbolized by the granting of a charter of powers.[24]

Two of the American colonies, Virginia and Massachusetts, were chartered companies incorporated in England and existed essentially as public corporations.[25] The other colonies existed either as a proprietorship or under a colonial governor appointed by the King. Whether or not the colonies had the power to incorporate is an unsettled question. One authority maintains that colonies "probably could [not] have created or authorized the formation of private business corporations [since] such powers remain[ed] . . . in the English Government." [26] Professor Paul Harbrecht, a noted legal historian, asserts that the pre-revolutionary "American corporations had normally existed by grants from colonial proprietors, governors, or assemblies and 'not by letters of patent issued from the English crown or by acts of Parliament.' " [27]

Throughout the American colonial period English trading companies and a handful of indigenous business corporations conducted business on the American continent. Only six purely native born business corporations arose prior to the American Revolution.[28] Since the provisions of the Bubble Act were not extended to the American colonies until 1741,[29] only three of these corporations were affected by its provisions. Since there were so few corporations in America, the Bubble Act never had any appreciable effect on the colonies. Furthermore, English Corporation Law was in a suspended state under the Act. Parliament exhibited great reluctance to grant corporate charters and, paradoxically, England witnessed a rebirth of the unincorporated associations which the Bubble Act had intended to destroy.[30] Serious interest in the corporate form did not evolve until after the American Revolution.

The notion that the Federal government should charter corporations first arose under the Articles of Confederation. The federal government had only expressly-delegated powers under the Articles and no express power to grant charters.[31] Nevertheless, the Continental Congress in 1781 granted a national charter to the Bank of North America, and thereafter, acquired a majority of the bank's stock for a brief period.[32]

During the Constitutional Convention of 1787, specific proposals for federal chartering were introduced, but only briefly debated. James Madison was the foremost proponent. Midway through the convention, he submitted a proposal to the "Committee of detail (sic)" that under a separate clause the general legislature should have the power "to grant charters of incorporation in cases where the public good may require them, and the authority of a single state may be incompetent." [33] Charles Pinkney of South Carolina made a more ambitious proposal which would have provided Congress with an unqualified right "to grant charters of incorporation." [34]

No formal vote was taken on either proposal. Madison was "convinced that regulation of commerce was in its nature indivisible and ought to be wholly under one authority. . . .[35] The best guard against an abuse of the power of the States, [is] the right in the General Government to regulate trade between State and State." [36] During the final week of the Convention, Madison again proposed, in a slightly different resolution, Congressional power to grant corporate charters.[37] He sought to include this provision in Art. I, Sec. 8, Cl. 7, which empowers Congress to establish post offices and post roads.[38] During debate this proposal was

---

Footnotes at end of article.

amended to limit Congressional power to the single case of granting federal charters for the construction of canals.[39] Rufus King, a Massachusetts delegate, protested, contending that such a provision would jeopardize the Constitution's ratification since the states would be prejudiced and divided over the question.[40] Little debate followed and the proposition was defeated by a vote of eight states to three.[41] Other delegates believed federal incorporation was unnecessary, while some repudiated it as leading to mercantile monopolies.[42]

THE FIRST ERA

The federal government, under the Constitution, was established with no express incorporation powers, but the implied power to incorporate has been extended under Article 1, § 8 when "necessary and proper" to carry forth those powers expressly granted to Congress under the fiscal, war, and interstate commerce clauses. This implied power to incorporate was first exercised by Congress with the establishment of the first Bank of the United States in 1791.[43] The issue of whether to enact a federally chartered national bank resulted in a bitter struggle between the Jeffersonians and the Federalists led by Alexander Hamilton.[44] Jefferson opposed the bank's incorporation asserting that the Constitution nowhere specifically authorized the federal government to charter a corporation. He felt that a federally chartered bank would draw large aggregations of capital that could ultimately overwhelm the states and dominate the country's economy.[45] The charter of the first Bank of the United States expired in 1811, but Congress soon incorporated the Second Bank of the United States under a federal charter in 1816.[46] The Supreme Court of the United States, in *McCulloch* v. *Maryland*,[47] upheld the constitutionality of the Act, chartering the Bank of the United States, as within the power of Congress.

Chief Justice Marshall, in his celebrated opinion, declared,

"Although, among the enumerated powers of the government, we do not find the word 'bank' or 'corporation' we do find great powers to lay and collect taxes; to borrow money; to regulate commerce . . . The creation of a corporation, it is said, appertains to sovereignty. * * * In America, the powers of sovereignty are divided between the government of the Union and those of the states. * * * The power of creating a corporation, though appertaining to sovereignty, is not like [the enumerated powers] great substantive and independent power which cannot be implied. The power of creating a corporation is never used for its own sake, but for the purpose of effecting something else. No sufficient reason is therefore perceived, why [incorporation] may not pass as incidental to those powers which are expressly given, if it be a direct mode of executing them.[48]

In 1864 Congress enacted The National Bank Act[49] which still continues to provide for the establishment of national banks, or the conversion of state banks into national banks.[50]

Congressional power to incorporate privately owned corporations to carry on functions of the government had been extended to other areas besides banking. Special legislative enactments have empowered private corporations to build bridges,[51] construct and operate railroads,[52] transport resources and generally to undertake commerce.[53]

By 1800, special acts of state legislatures had created about 200 more business corporations in the United States.[54] As a natural outgrowth of colonial conditions, the commercial policy of the new states was narrow and selfish, and left the states fearful of the Crown and monopolies; that the power to incorporate became a closely guarded legislative prerogative.[55] As industry expanded in the states, businesses sought the benefits and protections of incorporation. The privilege of granting corporate status led state legislators to become politically corrupt as they accepted favors for granting corporate charters.[56] As abuses multiplied, states recognized the need to enact general incorportation statutes without special legislative favor.

The first changes came as states enacted statutes which allowed legislative approval of corporations "for any lawful purpose."[57] By 1837, North Carolina, Massachusetts, New York and Connecticut had enacted such general incorporation statutes.[58] Initially, states required that certain minima be satisfied.[59]

As commerce developed and trade among the states surged, interstate businesses began to shop around for a favorable state in which to incorporate. A new enabling, or liberal incorporation theory soon developed. "Enabling statutes were premised on the view that free enterprise acting in their own interest would serve the general social interest as well, or in the words of John Locke 'private vice makes public virtue.'"[60] Although it was "'fear [ed] . . . that a corporation was only an artificial personality and therefore did not have a soul or a conscience . . . and primae facie dangerous,'"[61] states felt they could maintain the control necessary for the public interest to be served if corporations remained local and were contained within the restrictions of their charter.[62]

By the end of the Civil War, the network of interstate railroads had substantially increased the commerce among states. As interstate commerce increased, the question developed as to whether a state could exclude a foreign corporation from doing intrastate business. The Supreme Court in *Paul v. Virginia*[63] unanimously upheld a Virginia statute which required that foreign insurance corporations must obtain a state license before they could transact business in that state. The decision recognized that a state could fix legitimate conditions upon foreign corporations doing business within a state, but could not exclude them from interstate commerce. Mr. Justice Field carefully noted that, "Issuing a policy of insurance is not a transaction of commerce."[64] Partly as a result of the *Paul* decision interstate enterprises migrated to those states with the fewest restrictions. Because of its liberal incorporation laws, New Jersey became the leader in "corporate mongering." New Jersey offered a corporate policy which interstate business could not refuse. In 1866 it permitted the holding of property and the doing of business outside the state.[65] It eliminated the obligation to file an intention to incorporate and dispensed with capitalization ceilings.[66] By the 1880's, it legalized holding companies and removed limitations on the duration of corporate charters.[67] By relaxing state restrictions, New Jersey became known as the "mother of corporations," and nursed corporate giants like the Standard Oil Trust.

New Jersey maintained her position until the vigorous trust-busting campaigns of the early 1900's. Woodrow Wilson, then New Jersey's Governor, was ridiculed by the Roosevelt Administration for allowing the massive trusts to go unchecked within the state. In his 1911 inaugural address, Wilson urged the state legislature for a change of policy. "We are much too free with grants of charters. I urge . . . changes in state law [that will] prevent the abuses which have discredited our state in recent years."[68] The New Jersey legislature responded by enacting the so called "Seven Sisters" Act of 1913 which forbade, among other things, intercorporate stockholding.[69] As New Jersey proceeded to revise its statutes, corporations quickly crossed the river into Delaware.

Delaware was more than a likely home for these new corporate orphans. In 1899,[70] the State adopted a new act of liberal incorporation laws based on the New Jersey statute and added some further corporate protections on its own.[71]

Delaware gained a reputation for giving the most away and became the favored state for incorporation. An article in the American Law Review in 1899 described the situation as follows:

"Meanwhile, the little community of truck-farmers and clam-diggers have had their cupidity excited by the spectacle of their northern neighbor, New Jersey, becoming rich and bloated through the granting of franchises to trusts which are to do business everywhere except in New Jersey, and which are to go forth panoplied by the sovereign state of New Jersey to afflict and curse other American communities. . . . It is as though a Klondike goldmine had been discovered in New Jersey, and all Delaware were on the rush to get there. In other words, little Delaware, gangrened with envy at the spectacle of truck-patchers, sand duners, clam-diggers and mosquito wafters of New Jersey getting all the money in the country into her coffers,—is determined to get her tiny, sweet, round baby hand into the grab-bag of sweet things before it is too late."[72]

The New Jersey and Delaware theories of relaxing state restrictions on corporations in order to attract revenue from corporate taxations served as a model for other eager states.[73] Legislatures reduced the rights of shareholders to challenge management activities, eliminated preemptive 'rights, made shareholders' derivative suits more difficult, shifted the balance of control to management and even removed charter limitations on the scope of corporate business.[74]

FEDERAL CHARTERING

By the late 19th Century the huge corporate trusts had expanded to such an extent that calls for national regulation and federal licensing became common. Corporations had increasingly amassed the power to become autonomous self-perpetuating oligarchies. Monopolistic concerns gained control of railroads and interstate commerce by the familiar practice of railroad rebates.[75] Anti-industrialists such as Emile Zola, Ida Tarbell and later, Upton Sinclair amassed a following as the leading muckrakers, exposing the abuses of the unchecked corporate giants. Congress responded in 1890 with the enactment of the Sherman Anti-Trust Act as an alternative to federal chartering, and the Interstate Commerce Commission (I.C.C.) as the first federal regulatory agency.[76] Federal chartering and licensing developed into a national, political and economic issue. In 1899, William Jennings Bryan, a three-time Democratic presidential candidate, endorsed federal licensing by Congress.[77]

Speaking before Congress in 1905, President Theodore Roosevelt said:

"The fortunes amassed through corporate organizations are now so large and vest such power in those that wield them that it makes it a matter of necessity to give . . . the government . . . some effective power of supervision . . . ."[78]

In 1903 a federal incorporation bill was introduced in the House,[79] but Congress again chose an alternative and created the Bureau of Corporations.[80] The Bureau's purpose was to diligently investigate the conduct and management of any business corporation, joint-stock corporation or combination which engaged in interstate commerce, and to report their findings to the President. Although the Bureau had the right to subpoena, to compel the attendance and testimony of witnesses, to compel the production of documentary evidence, and to administer oaths, its power was severely limited since the Commissioner of the Bureau of Corporations was directly under the Secretary of Commerce and Labor.[81] The

Footnotes at end of article.

Bureau of Corporations lasted only a decade, and politics can be cited for its demise.[82]

In 1902, the United States Industrial Commission issued a report endorsing federal incorporation.[83] The Commission recommended *inter alia* that states should amend their incorporation laws to require greater publicity and responsibility on the part of promoters and officers. The Commission urged that:

"If experience shall prove that these remedies are not sufficient to properly control the great corporations and combinations, it may be wise for the Congress to enact a Federal incorporation law. Should such a law be enacted, it would then be possible to increase the franchise tax upon State corporations engaged in interstate commerce so as to compel them to reorganize under the Federal law. When organized under a Federal law, it would be possible, as has been pointed out, to apply to corporations any degree of publicity or restriction that might be authorized." [84]

James R. Garfield, the Commissioner of Corporations, made the first official government pronouncement for federal incorporation two years later. Garfield's plans specifically called for a federal franchise or license system for interstate commerce.[85]

President William Howard Taft, in his message to Congress on January 7, 1910, said:

"I therefore recommend the enactment by Congress of a general law providing for the formation of corporations to engage in trade and commerce among the states and with foreign nations, protecting them from undue influence by the states and regulating their activities so as to prevent . . . those abuses which have arisen under state control." [86]

Attorney General Wickersham drafted the Taft-Wickersham Bill which was introduced in 1910 to both houses of Congress.[87] The bill provided for optional, not compulsory, incorporation. President Taft preferred this feature, believing that large corporations would choose federal charters defining their powers and duties rather than risk the chance of the offending, less definite provisions of the anti-trust law, and having to reorganize their affairs.[88]

Between 1903 and 1914, twenty major legislative proposals relating to federal incorporation or federal licensing were introduced in Congress.[89] Nearly all of the proposed legislation required the filing of annual statements with some governmental agency, usually the Departments of Commerce or Labor. Several required publicity as a deterrent to overcapitalization; some exacted severe penalties for violation of the Act, including revocation of the license or franchise; some restricted the provisions of the Act to corporations with a gross business of $1,000,000; some made $10,000,000 the point at which the corporation should be obligated to incorporate nationally; and some bills were permissive.[90]

Discussion of the need for federal incorporation and regulation was widespread during the early 1900's. The question was a popular issue forcing most business and political leaders to take a position.

President Woodrow Wilson tried to carry his New Jersey reforms into the federal government. In 1914, during an address before Congress, he firmly demonstrated his advocacy of federal incorporation by stating:

"The failure of the States to enact uniform and harmonious regulations for the guidance of these corporations creates a necessity for a proper federal incorporation law . . . The doctrine of 'State rights' with reference to trading corporations, is, in this day and generation, a jack o'lantern. That theory, when applied to the control of business and commerce, no longer dominates any of the existing political parties, whether led by a McKinley, a Roosevelt, a Taft, or a Wilson. The policy of complete central direction and control of common carriers, the telegraph, the telephone, and interstate corporations in general, has driven on with such rapidity that it has permanently eclipsed the 'State rights' doctrine of the old political schools. Artificial State lines obstruct, handicap, and needlessly burden and tax business and trade." [91]

Both major political parties endorsed modifications of federal incorporation. The Democratic Party platform of 1904 declared that trusts monopolizing any branch of business or production should not be allowed to transact business outside the state of its origin, and that such prohibition should be enforced through comprehensive law.[92] The Republican platform of 1908 provided that the federal government should be given greater supervision and control over, and secure greater publicity in, the management of that class of corporations engaged in interstate commerce.[93] By the next national election in 1912, the Democratic Party platform specifically endorsed a declaration by law of the conditions upon which corporations should be permitted to engage in interstate trade. This included the prevention of holding companies, of interlocking directors, and the control by any one corporation of a proportion of any industry causing a menace to competition.[94]

Federal incorporation was also endorsed by leading members of the bar. Francis L. Stetson, a noted lawyer and author from New York, favored the concept of voluntary federal incorporation.[95] In the President's annual address to the Kansas Bar Association, the Honorable Charles W. Smith said reform "can be accomplished through Federal control by bringing all corporations under federal incorporation laws." [96]

Judge Gary, an industrialist, and Richard Whitney, President of the New York Stock Exchange, took the stand favoring both federal incorporation and uniform laws for the several states.[97]

Despite this range of support, the Clayton Act and Federal Trade Commission Act of 1914 became law instead of federal chartering. After exhaustive hearings on the topic in 1913, the Senate Interstate Commerce Committee concluded that federal incorporation was "neither necessary nor desirable at this time." [98]

WORLD WAR I AND AFTER

During the First World War, calls for federal incorporation subsided significantly. Between 1914 and 1919, no legislation proposing federal chartering was introduced. Even the major political party platforms failed to make any reference to federal chartering or licensing. The period was marked, however, by the "rapid extension of the use of the government-owned corporation." [99]

World War I seemed to be the catalyst. Within days after war was declared on Germany in April, 1917, the United States Shipping Board Emergency Fleet Corporation was incorporated in the District of Columbia. The corporation was established under an act of Congress passed in 1916 which created the United States Shipping Board.[100]

The first government-owned enterprise incorporated, by executive order of the President, under the laws of a state, was the United States Grain Corporation previously organized in Delaware. The power to issue its order rested on the Food Control Act which authorized the President "to create and use any agency or agencies which would promote the purposes of the Act." [101]

By the end of the war, Congress had created several new government-owned corporations under the War Finance Corporation.[102] In the post-war period, Congress created twelve Intermediate Credit Banks under the Federal Farm Loan Board, and assigned capital to each bank in the amount of five million dollars subscribed by the United States.[103] By 1930 the number of government-owned corporations had grown substantially, as Congress tried to rescue an economy gripped in depression. The Cotton Stabilization Corporation was formed to take the holdings of cotton cooperatives when cotton prices plunged.[104] In order to halt the flood of home mortgage foreclosures, Congress created the Home Owner's Loan Corporation.[105] Congress also enacted the Reconstruction Finance Corporation [106] to enhance recovery, which held stocks and securities issued to it by railroads, banks, and other business institutions for loans and capital investments.

By the end of the 1930's the familiar pattern of proposed federal incorporation-alternative remedy had once again turned full circle. Although the New Deal brought major regulatory legislation like the National Recovery Act; the Securities Act of 1933 and 1934; the Federal Communications Commission, 1934; the Public Utility Holding Company Act of 1935; and the Civil Aeronautics Board of 1938, calls for federal incorporation were again revived. Senators Joseph O'Mahoney and William Borah proposed legislation [107] making it unlawful for any corporation with gross assets in excess of $100,000 to engage directly or indirectly in commerce without having obtained a license from the Federal Trade Commission. Senator O'Mahoney maintained that "a corporation has no rights; it only has privileges," [108] and "sought to return to the pre-enabling act days when charters policed as well as permitted." [109] The novel features of the O'Mahoney proposal included: disclosure of the financial affairs of the corporation; outlawing of holding companies; full disclosure of proposals altering existing rights of shareholders; and prohibition against directors having a financial interest in, or being employed by a competitor. The Bill further provided that corporations violating anti-trust laws, discriminating on the basis of sex, employing child labor or failing to bargain collectively were subject to penalties including the revocation of their federal license following Federal Trade Commission (F.T.C.) hearings and an action instituted by the Attorney General of the United States in any district court.[110]

The O'Mahoney Bill was revised in form [111] and reintroduced in Congress in 1939, but, like its predecessors, it failed to muster sufficient support to become law. In his recent study, Mr. Nader makes reference [112] to Mr. O'Mahoney's final statement before the Temporary National Economic Committee in 1941 as an indication of O'Mahoney's undying faith in the cause.

"[T]o do this it will be necessary, in my judgment, to have a national charter system for all national corporations. . . . One thing is certain: We cannot hope to stop the processes of concentration if we are willing to continue to allow the States to create the agencies through and by which the concentration has been brought about.[113]

Harold Reuschlein perceived the statements of Senator O'Mahoney differently.[114] He claimed that Senator O'Mahoney lost faith in the concept of federal chartering, but, the authors do not believe his reference supports that theory.

"There are indications that Senator O'Mahoney himself has lost faith in S. 330, for in his final statement to the Temporary National Economic Committee, he said: 'This, however, is not the place to discuss the details of a federal charter system. I am concerned now only with urging the acceptance of the principle. For the details, I think it would be wise to have Congress formally authorize a national conference on corporation law to suggest the form the statute should take.' " [115]

Three factors led to the demise of the O'Mahoney-Borah bills. First, World War II seemed to focus attention elsewhere, and Congress reasserted its support for laissez-faire economics and free enterprise in order

Footnotes at end of article.

to faithfully adjust to the war effort. Federal incorporation was viewed as a possible restriction upon free flowing commerce. Secondly, it was felt that federal common law already presided over areas suggested by O'Mahoney. In short, it was felt that the National Labor Relations Board (NLRB), the Wage and Hour Division, the Securities and Exchange Commission (SEC), the Anti-trust Division of the Department of Justice, the Federal Loan Agency, among others, not only overlapped Mr. O'Mahoney's bills, but also pre-empted the need for them.[116] Thirdly, it was suggested that the $100,000 eligibility requirement for incorporation under the O'Mahoney bill would not prevent smaller corporations and subsidiaries of large corporations from engaging in the abuses outlawed by the O'Mahoney proposal.[117]

THE MODERN ERA

Subsequent to the O'Mahoney-Borah legislation, the area of federal incorporation lay dormant for 30 years until, in 1971, Ralph Nader began to reconsider the concept.[118] Others soon became interested in the idea, and the first proposal in the modern era for federal chartering appeared in a student note in a 1972 issue of the Georgetown Law Journal.[119] The proposal produced little or no reaction in Washington, and Nader, still concerned over the ill effects of liberal state incorporation statutes, focused continued attention on the subject.[120] On May 22, 1975, Representative James V. Stanton of Ohio responded to Nader's concerns by introducing legislation,[121] entitled The Corporate Citizenship And Competition Act.[122]

A revised version of the bill was introduced in Congress on July 29, 1975,[123] nearly identical to the first bill but including some minor typographical changes. Hearings on these matters, as well as the general topic of federal incorporation, are scheduled for the Spring of 1976 before the Senate Commerce Committee and before the House Government Operations Committee this Summer.[124] While the bill has not yet obtained an avalanche of support,[125] some collateral effects can be seen. For example, in an apparent effort to institute annual reporting by large corporations, similar to the reporting required under many federal chartering plans, the Federal Trade Commission has ordered 450 manufacturers, including du Pont, ICI America, and Hercules to answer detailed questionnaires on price structure, the profitability of specific lines, expenses for advertising, other selling expenses, expenses for research and development, details on depreciation, cash flows, payroll and cost of materials.[126] The difference between the Federal Trade Commission reporting methods and those suggested by Representative Stanton is that the FTC has no intention of making public the information supplied.[127] Additionally, although the information is to be used in formulating an anti-trust policy, the FTC has promised firms that it will not use any of the data in a legal action against the firms.[128] More than 100 firms are suing the FTC over the orders, claiming that the questionnaires jeopardize the proprietary nature of their businesses.[129]

More recently, Ralph Nader has begun a major campaign for federal incorporation and has completed an exhaustive study of the area.[130] The Nader Plan has many of the same features of proposals previously introduced [131] and, although not transcribed into legislative language yet, it is expected that the Plan will be the subject of debate during the Congressional Hearings on federal chartering scheduled for the Spring and Summer of 1976.[132]

CONCLUSION

In summary, throughout history, federal chartering proposals have failed time and again. At the turn of the century, following the outrage against trusts in New Jersey and the attention being drawn to corporate abuses by muckrakers, alternatives to federal chartering were enacted. The Sherman Act in 1890, the Interstate Commerce Commission Act in 1887, and the establishment of the Bureau of Corporations in 1903 were enacted as remedies to problems which federal chartering was supposed to correct. After the Taft-Wickersham Bill and the commotions preceding its introduction into Congress, the Federal Trade Commission Act and the Clayton Act were passed; and considerations of federal chartering were diverted to the war effort. Besides the Taft-Wickersham era, the next significant period for federal chartering arose with the O'Mahoney-Borah legislation. Again, an alternative remedy was found and New Deal federalism took the place of federal chartering. Congress opted for the SEC, the NLRA and the FCC instead of the more drastic concept of federal incorporation. Popular movements behind the concept were again diverted in 1941 by U.S. intervention in World War II. Now, in the 1970's, the theory has appeared once again looking for new attention, and we must consider whether it is worthy of our consideration.

Despite a long absence of thirty (30) years, federal chartering has emerged as an item of significance. The Georgetown student proposal, Representative Stanton's legislation, and Nader's study make the area fertile for exploration and debate. Congressional Hearings on the matter are forthcoming and a spokesman for Nader suggests that there will be an attempt to include federal chartering in the 1976 Democratic Platform.[133]

It would seem, however, highly questionable as to whether federal chartering legislation can be seriously considered for passage at this time. At a seminar on federal incorporation held at Georgetown University in 1972, Senator Philip A. Hart of Michigan, Chairman of the Anti-trust and Monopoly Subcommittee of the Senate Judiciary Committee, indicated that he could think of no more than six senators who would vote for federal chartering.[134] Additionally, there is even some pessimism among proponents of the idea.

According to a Stanton aide, the bill [The Corporate Citizenship And Competition Act] breaks new ground by making Congress the jury which decides that certain anticompetitive industries are illegal *per se* and dictates what changes should be made.

Stanton, who staff members identify as "a practical politician," knows the bill is an idea whose time has not yet come, the aide said.

"But if it has any chance at all, it has it in this climate," he added. Any far-reaching reform takes years of building a record, he pointed out, and now is the time to get started.[135]

If federal chartering is not viable at this time, it would seem that precedent will, in all probability, be followed; and an alternative sought. Professor William Cary, in an apparent effort to accommodate competing interests, has suggested a solution in the form of a Federal Corporate Minimum Standards Act.[136] The compromise measure calls, among other things, for:

(1) federal fiduciary standards with respect to directors and officers and controlling shareholders; (2) an "interested directors" provision prescribing fairness as a prerequisite to any transaction; (3) a requirement of certain uniform provisions to be incorporated in the certificate of incorporation; for example, authority to amend by-laws, initiate corporate action, or draw up the agenda of shareholders' meetings shall not be vested exclusively in management; (4) a more frequent requirement of shareholder approval of corporate transactions, with limits placed upon the number of shares authorized at any one time; (5) abolition of nonvoting shares; (6) the scope of indemnification of directors specifically prescribed and made exclusive; (7) adoption of a long-arm provision comparable to § 27 of the Securities Exchange Act to apply to all transactions within the corporate structure involving shareholders, directors and officers.[137]

While the authors find much merit in the proposals for advocating federal incorporation, we unfortunately see no ground swell of support for the idea. Indeed, at the time of this writing, the authors assert that popular sentiment in favor of the concept was much greater during the times of the Taft-Wickersham and O'Mahoney-Borah Bills. In the light of history, we note that federal incorporation has persistently failed to muster sufficient strength for passage. Nonetheless, corporate abuses resulting from enabling incorporation statutes remain unabated, and it would seem that federal chartering or a suitable alternative solution is of timely significance.

RICHARD G. HANDLER.
THOMAS F. LOTTI.

FOOTNOTES

[1] *See generally* J. PHELAN & R. POZEN, THE COMPANY STATE (*The Nader Report*) (1970).

[2] *See generally* Thomas F. Liotti, *Ralph Nader's Impact on Governmental Action for Consumer Protection*, unpublished Master's Thesis on file at City University of New York (1972).

[3] *See* J. Taylor Buckley, *Nader Wants U.S. to Charter Big Biz*, Sunday News Journal, Wilmington, Del., Jan. 25, 1976, at 8, col. 1.

[4] *See generally* Note, *Law for Sale: A Study of the Delaware Corporation Law of 1967*, 117 U. PA. L. REV. 861 (1969).

[5] *See* Note, *Federal Chartering of Corporations: A Proposal*, 61 GEO. L.J. 89 (1972), at 90 and 92, *citing* examples:

General Motors Board Chairman and Chief Executive Richard Gerstenberg and the 23 other directors of the company control assets of $14,174,360,000 and annual net profits of $609,087,000 and employ 695,796 persons. Under the corporate law of Delaware, G.M.'s state of incorporation, these 24 men may lend corporate funds to any employee, officer or director, determine their own salaries, bonuses and pensions, engage in de facto mergers without shareholders approval, and manage the daily business decisions of the company. Daily business decisions of General Motors have included the closing of the Detroit Die Plant, laying off 1,000 workers, and deciding whether or not to install safety glass in cars.

[6] *See infra* notes 89 and 107.

[7] *See infra* notes 121 and 123.

[8] *See* NADER, GREEN AND SELIGMAN, CONSTITUTIONALIZING THE CORPORATION: THE CASE FOR THE FEDERAL CHARTERING OF GIANT CORPORATIONS (1976). *See also* Point of View, *The Case for Federal Corporate Charters*, New York Times, N.Y., N.Y., May 9, 1976 at 14F, col. 1–4.

[9] *See infra* note 124.

[10] *See generally* Arsht, *Reply to Professor W. Cary*, 31 BUS. L. 1113 (1976), at Symposium on Federal and State Roles in Establishing Standards of Conduct for Corporate Management. *See also* Arsht, *A History of Delaware Corporation Law*, 1 DEL. J. CORP. L. 1 (1976); Crompton & Rosenthal, Sunday Forum, *Should Federal Chartering Be Required For Large Corporations*, Sunday News Journal, Wilmington, Del., Feb. 15, 1976, at 51, col. 3; Ralph S. Moyed, *Nader's Criticism Wrong, Lawyers Say*, Sunday News Journal, Wilmington, Del., Jan. 25, 1976, at 1, col. 2.

[11] Holdworth, *English Corporation Law in the 16th and 17th Centuries*, 31 YALE L.J. 382 (1921).

[12] Case of Sutton's Hospital (1613, K.B.) 10 Co. Rep. 1a, 29b as cited *Id.*

[13] *Supra* note 11.

[14] 1 BLACKSTONE, COMMENTARIES, ch. 18, *480, *472.

[15] *Supra* note 11, at 386.

[16] *Id.* at 385–86.

[17] R.W. BOYDEN, THE BREAKDOWN OF CORPORATIONS IN THE CORPORATION TAKE-OVER (A. Hacker ed. 1964) (as cited *infra* note 44, at 68).

[18] Paul Harbrecht & Joseph McCallin, *The Corporation and the State in Anglo-American Law and Politics*, 10 J. PUBLIC LAW 1, 22–23 (1961).

[19] *Id.* at 15.

[20] HENN, HANDBOOK OF THE LAW OF CORPORATIONS 16 (2d ed. 1970).

[21] Gower, *Some Contrasts Between British and American Corporation Law*, 69 HARV. L. REV. 1369, 1370 (1956).

[22] 6 Geo. 1, c. 18 (1719), 6 Geo. 4, c. 91 (1720).

[23] Gower, *Corporation Law in England and America*, 11 BUS. L. 39 (1955).

[24] 1 W. FLETCHER, CYC. CORP., *Development of Corp.*, § 2, n.5.

[25] *Id.* § 2, p. 5. Virginia was incorporated in 1606, Massachusetts was incorporated in 1629.

[26] *Id.*

[27] *Supra* note 18, at 25.

[28] S.E. Baldwin, *American Business Corporations before 1789*, 8 Am. Hist. Rev. 448, 450 (1902–03). Those corporations were: New York Company "For Settling a Fishery in These Parts," 1675; The Free Society of Traders in Pennsylvania, 1682; The New London Society United for Trade and Commerce in Connecticut, 1732; The Union Wharf Co. in New Haven, 1760; The Philadelphia Contributionship for the Insuring of Loss by Fire, 1768; and The Proprietors of Boston Pier, 1772.

[29] Samuel Arsht, *A History of Delaware Corporation Law*, 1 Del. J. Corp. L. 1, 2 (1976).

[30] *Supra* note 21, at 1371.

[31] Lowe Watkins, *Federalism of Corporations*, 13 Tenn. L. Rev. 89, 91 (1934–35). Between the Declaration of Independence and the Constitution only about two dozen business corporations existed in the states.

[32] *Id. See* Archt, *supra* note 29, at 8; *see* 2 J. Davis, Essays in the Earlier History of American Corporations (2d ed. 1917), wherein the author stated:

Congress, under the Articles of Confederation in 1781, purported to grant a charter to the Bank of North America. However, the bank was also chartered in Pennsylvania, its home state and in several other states. When Pennsylvania repealed its charter in 1785, the bank secured a new charter in Delaware and again in Pennsylvania in 1787.

[33] James Madison, The Debates in the Federal Convention of 1787 (ed., Gaillard Hunt and James Scott), 420 (International ed. 1920).

[34] *Id.*

[35] *Id.* at 570.

[36] *Id.* at 557.

[37] *Id.* at 564. The new resolution read "to grant charters of incorporation *where the interest of the U.S. might require and legislative provisions of the individual States* may be incompetent" (emphasis added to indicate differences between first and second proposals).

[38] *Id.* at 563–64.

[39] *Id.* at 564.

[40] *Id.* King's suspicions were well founded. "In ratifying the Constitution, four states (Mass., N.H., N.C., and R.I.) recommended that it be amended by provision that Congress should erect no company (or no company of merchants) with exclusive advantages of commerce, and New York asked for a further prohibition of all grants of monopolies. Attempts to carry such measures were made in the First Congress, and renewed in 1793, but without success." *supra* note 28, at 464.

[41] *Id.* Virginia, Pennsylvania and Georgia voted aye.

[42] *Id. See* FEDERAL TRADE COMMISSION, Report on Utility Corporations, No. 69A, at 76 (Sept. 15, 1934) [hereinafter cited as *F.T.C.* that it be amended by provision that Congress Report]. *See generally* Note, *Federal Chartering of Corporations: Constitutional Challenges*, 61 GEO. L.J. 123, 125 (172).

[43] *Supra* note 31, at 92–95.

[44] R. Nader & M. Green, Corporate Power in America 74 (1973).

[45] M. Mintz & J. Cohen, America, Inc., 360 (1973).

[46] Watkins, *supra* note 31, at 92.

[47] 17 U.S. (4 Wheat) 316.

[48] *Id.* at 407–11.

[49] 13 Stat. 12 U.S.C. §§ 21, 33, 100 (1864). The constitutionality of the National Bank Act was upheld in Bank v. Searing, 91 U.S. 29 (1875).

[50] 12 U.S.C. § 35.

[51] Watkins, *supra* note 31, at 92. *See also* Luxton v. N.R. Bridge Co., 153 U.S. 525 (1894).

[52] *Id. See also* Ames v. Kansas, 111 U.S. 449 (1884). Pacific R.R. Removal Cases, 115 U.S. 1 (1884); California v. Pacific R.R., 127 U.S. 1 (1887).

[53] Nader & Green, *supra* note 44, at 68. For a list of corporations chartered by special act of Congress, *see* Senate Report No. 30, 80th Cong., 1st Sess. 4–13 (1947).

[54] J. Davis, *supra* note 32, at 8–26.

[55] *Supra* note 20, at 18.

[56] Nader & Green, *supra* note 44, at 69; *see also* 31 Yale L.J., at 385, wherein the author states: "In the evolution of [corporate] law, the disturbing influence of semi-political considerations may be suspected."

[57] *Id.* at 68.

[58] *Id.*

[59] *See* Liggett v. Lee, 288 U.S. 517, 85 A.L.R. 699, 713–23 (1913), for a list of early statutory history. Some minima were limitations upon amount of authorized capital, limitation upon the scope of business corporation powers, filing fees, franchise taxes, etc.

[60] Nader & Green, *supra* note 44, at 69; *see also* Latty, *Why Are Business Corporation Laws Largely Enabling?*, 50 Corn. L. Rev. 599 (1965).

[61] *Id.*

[62] *Id.* Charters had limitations governing size and scope. In New York, entities seeking incorporation had to have capitalization of $100,000 and could incorporate for only one activity; furthermore, corporations had a limited existence specified in years. *See* Liggett v. Lee, *supra* note 59, at A.L.R. 714.

[63] 75 U.S. (8 Wall.) 168, 19 L. Ed. 357 (1868).

[64] *Id.* at 19 L. Ed. 361. In "Paul," a New York insurance company claimed that the Virginia statute requiring a license violated the privileges and immunities clause in that the New York corporation was a citizen within the meaning of Art. IV, § 2, of the U.S. Constitution. The court held that "The term 'citizen' as there used applies only to natural persons, members of the body politic owing allegiance to the state, not to artificial persons created by the legislature and possessing only the attributes which the legislature has prescribed. . . . Special privileges enjoyed by citizens in their own states are not secured in other states by this provision," at 361.

[65] Nader & Green, *supra* note 44, at 69.

[66] *Id.*

[67] *Id.*

[68] Minutes of Assembly of New Jersey, Jan. 17, 1911, as cited in 85 A.L.R. 721 n.37.

[69] *Id.* N.J. Laws 1913, Chap. 18. The act was repealed four years later. N.J. Laws 1917, Chap. 195.

[70] Act of March 9, 1899, Ch. 273, 21 Del. Laws 445; *see* Chicago Corporation v. Munds, 20 Del. Ch. 143, 172 A.2d 453 (1932); *see also* Arsht, *supra* note 29, at 5–7.

[71] Any class of stock could be issued with or without voting powers; shareholders lost pre-emption rights; transfer taxes were eliminated; annual meetings could be held outside the state; directors did not have to own company stock to qualify for a directorship; tax rates were lower than they were in New Jersey; directors had the power to issue new stock without shareholder's approval as well as retire preferred stock, change bylaws and change the terms of authorized stock prior to sale. As cited in Nader & Green, *supra* note 44, at 70.

[72] *Little Delaware Makes a Bid for the Organization of Trusts*, 33 Amer. L. Rev. 418, 419 (1899). *See also* Nader & Green, *supra* note 44, at 70.

[73] Note, *Michigan—To Out Delaware*, 18 Wayne L. Rev. 913, 914 (1972).

[74] Mintz & Cohen, *supra* note 45, at 358.

[75] *See* Swift & Co. v. United States, 196 U.S. 375 (1905), where the U.S. Justice Department obtained a regulatory injunction against Swift and the meat packers for getting less than lawful rates from railroads to the exclusion of competitors.

[76] Watkins, *supra* note 31, at 92.

[77] F.T.C. Report, *supra* note 42, at 58.

[78] *Id.* at 18.

[79] H.R. 66, 58th Cong., 1st Sess. (1903) by Rep. Henry W. Palmer.

[80] 32 Stat. 827 (1903).

[81] *Id.*

[82] New York Times, Feb. 13 (1903), at 8, cols. 1–2. "It will appease the public clamor against the trusts and it will do the trusts and combinations no harm. It will fool the people and that is the purpose of the Republican Congress." *See also* Nader, *supra* note 8, at 79.

[83] F.T.C. Report, *supra* note 42, at 22.

[84] *Id.* at 24.

[85] *Id.* at 4. *See also* Brabner & Smith, *Federal Incoporation of Business*, 24 Va. L. Rev. 159, 169 (1937).

[86] *Id.* at 8. It should be noted that in the presidential campaign of 1912, President Taft changed his attitude and opposed federal chartering after the Progressive Party Platform had declared for regulation through federal incorporation. F.T.C. Report, *supra* note 42, at 9. *See also* Brabner & Smith, *supra* note 85, at 152.

[87] H.R. 20142, 61st Cong., 2d Sess. (1911), S. 6186, 61st Cong., 2d Sess. (1910). The significant features of the bill were the following:

1. Incorporation was to be voluntary.
2. The Commissioner of Corporations was to be vested with authority to examine the articles and to ascertain that they comply in all respects with the terms of the law.
3. Holding companies were disallowed.
4. No corporation was to engage in the banking business.
5. A corporation could purchase any property that it needed for regular business, but would be required to file in the office of the Commissioner of Corporations information re: any stock issued in payment of such property including number of shares issued, the terms and other material information.
6. A statement of the value of property was to be made by independent appraisers and filed with the Commissioner.
7. An annual report was to be filed with the Commissioner.
8. There was a penalty for failure to supply the report.
9. The Commissioner had to approve an increase in capital stock.
10. No dividends could be paid except from surplus or net profit, and capital stock could not be released. F.T.C. Report, *supra* note 42, at 38–39.

[88] Watkins, *supra* note 31, at 93.

[89] Chronological List of Congressional Bills Proposing Federal Incorporation or License:

1. November 9, 1903; H.R. 66, 58th, 1st by Congressman Henry W. Palmer. (Introduced again as H.R. 362, 59th, 1st Dec. 4, 1905.)
2. January 5, 1904; H.R. 8883, 58th, 2d by Congressman N. D. Sperry.
3. January 4, 1905; S. 6238, 58th, 3d by Senator Heyburn. (This bill was reintroduced Dec. 21, 1905, as S. 2398, 59th, 1st.)
4. January 6, 1906; H.R. 10704, 59th, 1st by Congressman Pollard.

5. December 4, 1905; H.R. 473, 59th, 1st by Congressman Martin. (This bill was reintroduced in enlarged form on Jan. 25, 1906, as H.R. 13095; and again on Mar. 26, 1909, as H.R. 5174, 61st, 1st; again on Apr. 4, 1911, as H.R. 35, 62d, 1st; and in 1913 as H.R. 172, 63d, 1st.)

6. May 25, 1906; S. 6287, 59th, 1st by Senator Newlands.

7. December 4, 1907; S. 383, 60th, 1st by Senator McCumber. (This bill was reintroduced as S. 133, 61st, 1st, and as S. 825, 64th, 1st.)

8. February 3, 1908; S. 4874, 60th, 1st by Senator Knute Nelson. (Reintroduced as S. 1259, 61st, 1st; and again as S. 4387, 63d, 2d; and as S. 1310, 64th, 1st.)

9. February 7, 1910; S. 6186, 61st, 2d by Senator C. D. Clark; and February 7, 1910, H.R. 20142, 61st, 2d by Congressman Parker, identical (being bills known as "Taft-Wickersham bills".)

10. April 20, 1911; S. 1377, 62d, 1st by Senator John Sharp Williams. (Reintroduced Jan. 23, 1913, S. 1138, 63d, 1st.)

11. July 26, 1911; H.R. 12809, 62d, 1st by Congressman Adamson. (Reintroduced Dec. 3, 1913, H.R. 9763, 63d, 2d.)

12. January 15, 1912; H.R. 17932, 62d, 2d by Congressman E. W. Roberts of Massachusetts.

13. January 24, 1912; H.R. 18662, 62d, 2d by Congressman William Sulzer of New York.

14. April 14, 1913; H.R. 2488, 63d, 1st by Congressman Smith of Texas.

15. August 24, 1913; H.R. 26414 and 26415, 62d, 2d by Congressman A. P. Gardner of Massachusetts.

16. April 7, 1913; H.R. 1890, 63d, 1st by Congressman Morgan of Oklahoma.

17. April 28, 1913; S. 1617, 63d, 1st by Senator Cummins.

18. December 20, 1913; H.R. 11167 and 11168, 63d, 2d by Congressman Stanley and by Congressman McGillicuddy, respectively.

19. January 22, 1914; H.R. 12123, 63d 2d by Congressman Stanley.

20. February 27, 1914; S. 4647, 63d, 2d by Senator Knute Nelson. As cited in F.T.C. Report, *supra* note 42, at 32.

[90] F.T.C. Report, *supra* note 42, at 42.

[91] *Id.* at 17.

[92] The World Almanac and Encyclopedia, at 102 (1905).

[93] The World Almanac and Encyclopedia, at 158 (1909).

[94] The World Almanac and Encyclopedia, at 687 (1913).

[95] 18 Case and Comment, at 512–15 (1911–1912).

[96] F.T.C. Report, *supra* note 42, at 61.

[97] *Id.* at 22, 92. *But see id.* at 108, for contra views by the American Bar Ass'n.

[98] *Id.* at 10.

[99] Watkins, *supra* note 31, at 96.

[100] *Id.*

[101] *Id.*

[102] *Id.* The Act created the United States Spruce Production Corporation, incorporated under the laws of the State of Washington; the United States Housing Corporation, incorporated in New York; the United States Sugar Equalization Board, incorporated in Delaware.

[103] *Id.* at 97.

[104] *Id. See* Sumner H. Slichter, Modern Economic Society 440–47 (Holt ed. 1931).

[105] 12 U.S.C. §§ 1461–63a as cited *id.* at 97. For an important case decided on Tenth Amendment grounds and carrying important implications for federal incorporations, *see* Hopkins Federal Savings and Loan Ass'n v. Cleary, 296 U.S. 315, 335, 100 A.L.R. 1403 (1935), where the Supreme Court held that the provisions of the Home Loan Act of 1933 that provided for the conversion of state building and loan associations into federal savings and loans upon a majority vote of the stockholders present at a meeting legally convened and not conditioned upon the consent of the state or in compliance with state laws was unconstitutional. Justice Cardozo, speaking for the court, held that:

The Home Owners' Loan Act, to the extent that it permits the conversion of state associations into federal ones in contravention of the laws of their place of creation, is an unconstitutional encroachment upon the reserved powers of the states.

[106] 15 U.S.C. §§ 601–17.

[107] S. 3072, 75th Cong., 3d Sess. (1938). Before the O'Mahoney Bill, between 1914 and 1932, the following bills proposing legislation relating to federal incorporation or licensing were introduced:

1. August 11, 1919: S. 2754, 66th, 1st by Senator Kellogg.

2. June 6, 1929: Amendment to S. 6, 71st, 1st by Senator Couzens.

3. January 6, 1930: S. 2847, 71st, 2d by Senator Brookhart.

4. April 3, 1917: H.R. 315, 65th, 1st by Congressman Walsh (relating to interlocking directorates).

5. May 14, 1917: H.R. 4425, 65th, 1st introduced by Congressman Jones. Reintroduced as H.R. 15399, 65th, 3d on January 30, 1919 (relating to sale of securities).

6. May 20, 1919: H.R. 1186, 66th, 1st by Congressman Steele. This is same as S. 2754, introduced by Senator Kellogg on August 11, 1919 (licensing interstate corporations).

7. May 4, 1921: S. 1612, 67th, 1st by Senator Capper (regulation of sale of securities).

8. June 6, 1930: H.R. 12810, 71st, 2d by Congressman McKeown (prevention of monopolies of commodities in interstate commerce). As cited in F.T.C. Report, *supra* note 42, at 42.

[108] J. O'Mahoney, *Federal Charters and Licenses for Corporations*, 22 J. Nat'l Educ. Ass'n. 27 (1938), as cited in Nader, *supra* note 8, at 82.

[109] *Id.* NADER, *supra* note 8, at 82.

[110] *Id.* at 82, 83. Another similar bill was introduced by O'Mahoney in 1937 but it achieved no notoriety. *See* S. 10, 75th Cong., 1st Sess. (1937).

[111] S. 330, 76th Cong., 1st Sess. (1939).

[112] Nader, *supra* note 8, at 83.

[113] *Id.*

[114] H. G. Reuschlein, *Federalization—Design for Corporate Reform in a National Economy*, 91 U. Pa. L. Rev. 91 (1942).

[115] *Id.* at 115.

[116] *Id.* at 116.

[117] Stevens, *Uniform Corporations Through Interstate Compacts and Federal Legislation*, 34 Mich. L. Rev. 1063, 1088 (1966).

[118] Shanahan, *Reformer: Urging Business Change*, N.Y. Times, Jan. 24, 1971, 63 at 9, col. 1–2. *See also* Addresses by Senator Fred Harris and Ralph Nader, *The Case of Federal Incorporation* (A Presentation to the Conference on Corporate Accountability) Oct., 1971.

[119] Note, *supra* note 5, at 98–121. Specific provisions of the proposal include:

1. That a possible standard for mandatory federal chartering might follow that of the New York Stock Exchange. Under that standard, corporations with over $14 million of assets and more than 3,000 shareholders would be subject to the federal corporation law and required to obtain a charter from a Federal Corporation Commission. Corporations required to register under section 12(g) of the SEC Act of 1934 would be given the option of remaining state chartered or incorporating under federal law.

2. That a federal corporation code would limit a corporation to one line of business.

3. Conglomerates would be discouraged from holding shares in other companies and parent companies would not be permitted to control shares of a subsidiary.

4. The corporation would not have an indefinite life and would be required to renew its charter every 30 years after a determination by the Corporation Commission that such renewal would not contravene the public interest.

5. An annual report would have to be filed with the Commission including a list of shareholders with stock interests above five percent.

6. Actual voting and beneficial interests in shares would be disclosed in the report.

7. Results of affirmative action and equal opportunity plans would have to be disclosed as well as data on air, water and waste pollution. Also, data on incidence of job accidents would be included in the report.

8. Copies of the report would be made available to the public at cost and mailed to shareholders without charge.

9. Under the proposal, corporations subject to the provisions of the Act would have to clearly define the duties of its officers and agents and would be held strictly liable for breaches of duty.

10. Individual liability would not be precluded by corporate liability and negligent management which creates or allows corporate lability, would be accountable to the corporation and its shareholders for the fines, penalties and judgments assessed against the company.

11. Criminal liability would attach for breaches of supervisory duties and where a corporation has been convicted of a criminal charge, the Attorney General or any other attorney could be authorized by the trial court or the Commission to initiate proceedings to determine, collect, and distribute damages to all injured parties in the class which the statute was designed to protect.

12. Directors would be paid and not chosen from inside the corporation.

13. A shareholder committee, rather than directors, would determine executive compensation.

14. Indemnification would be permitted where it was found that a director acted in good faith and under the reasonable belief that his actions were in the best interests of the corporation.

15. Cumulative and class voting, appraisal rights, rights of inspection and access to proxy machinery would be provided for as well as a method of encouraging meritorious derivative suits.

[120] Nader & Green, *supra* note 44.

[121] H.R. 7481, The Congressional Record of The United States of America, Proceedings and Debates of the 94th Congress, First Session, Vol. 121, Washington, D.C., Thurs., May 22, 1975, No. 83, introduced at H4699.

[122] *Id.*, text of the proposed Act at H4664–H4667. Specific provisions of the bill include:

1. The bill proposes the establishment of a Federal Chartering Commission to grant to corporations with an annual sales volume of two billion dollars and with at least half of these sales derived from manufacturing or mining. (It is estimated that 100 corporations will initially have to comply with the Act and that most of these will be oligopolies in the auto, petroleum and steel industries.)

2. The Federal Corporate Chartering Commission members are to be appointed by the President with confirmation by the Senate. Two members are to be from industry, two from labor, one representing consumers, one from the academic community and one member is to be at large, but not representing industry or labor. Commission members are to be compensated and no more than four may belong to the same political party. The Commission shall have a Director appointed by itself as well as a General Counsel to act as the chief legal officer of the Commission.

3. Corporations subject to the Act must file the names and duties of the principal executive officers and the board of directors of the corporation. They must also transmit to the Commission product line reports, voting stock ownership reports, debt structure reports and Federal income tax reports. All of this information is to be made available to the public.

4. No person serving on the Board of Directors or as an officer of any corporation required to be chartered pursuant to the Act, shall serve at the same time on the Board of Directors or as an officer of any other corporation which is required to be chartered

under the Act or on the board of any financial institution.

5. The Commission shall have the power to devise plans for the reorganization of oligopolies. The purpose of the reorganization plans is to maximize competition, minimize vertical integration and not impair the economies of scale. Furthermore, in their reorganization plans Commission members must provide for the protection of employee pension, health, and other benefit plans, and shareholder interests.

6. In granting new charters to reorganized corporations, the Commission may define the permissible scope of operations by product line and provide for limitations on the holding of assets.

7. Congress may disapprove reorganization plans by concurrent resolution and corporate challenges to the plans may be brought in the United States District Court for the District of Columbia.

8. Under the Act, any interested person may bring a civil suit to compel the Commission to institute reorganization proceedings.

9. For a failure to register or for breach of director status (being a member of two boards) there is a civil penalty of not less than $10,000 for each day after the day upon which the Commission finds that a violation has occurred. Other persons who violate the Act are liable for a $1,000-diem fine from the date of the violation and persons failing to comply with reporting and public disclosure requirements may be prosecuted by the Attorney General and fined not more than $10,000, or imprisoned not more than one year or both.

10. No person shall be indemnified for such penalties from the corporation with which he is associated.

11. The Commision also has the right to revoke charters or seek injunctive relief in the District Court where the corporation is located in order to prevent it from engaging in interstate commerce and to secure compliance with the Act.

12. The Commission must report to Congress annually and make recommendations as to the inclusion or deletion of various corporations from compliance with the provisions of the Act.

[123] H.R. 9026, The Congressional Record of The United States of America, Proceedings and Debates of the 94th Congress, First Session, Vol. 123, Washington, D.C., Tues., July 29, 1975, No. 123, at p. 25599.

[124] Information supplied by Joel Seligman, The Corporate Accountability Research Group, and Congressman James V. Stanton (Democrat, Ohio).

[125] Co-sponsors include: Rep. Baucus, Bedell, Brown of California, Downey of New York, Eilberg, Gonzalez and Harris. *Supra* note 123. *See*, Editorial, *Unwise in any Form*, Sunday News, N.Y., N.Y., May 30, 1976, at 79, col. 1.

[126] *See The U.S. Economy and Corporate Giants*, 121 Cong. Rec. p. 30155, Sept. 24, 1975.

[127] *Id.*

[128] *Id.*

[129] *Id.*

[130] Nader, *supra* note 8.

[131] *Id.* at 86–326. Specific provisions of The Nader Plan include:

1. That corporations with a sales volume of $250 million would be the only companies subject to his bill. According to Nader, only 700 corporations out of 1.8 million currently operating in the United States would be affected by his proposal.

2. The plan calls for corporations under the federal system to hire a full-time, wholly outside board of directors with a full-time staff to supervise the performance of management. The board would be comprised of nine members and would have the power to set salaries and make major management decisions. Each board member would act as a general director and specialize in a particular aspect of the corporation such as employee welfare, community relations, or consumer protection. The board would also be required under the act to file environmental "impact" statements.

3. Shareholders with more than one percent of stock or representing more than 100 individuals would be permitted to nominate three persons to the board.

4. Only shareholders could vote for directors and cumulative voting would be permitted under the plan.

5. The act also would permit the affected community to vote on what to do about health hazards caused by a corporation. Only three directors or three percent of the voting shares need find that the corporation is causing a public health hazard.

6. The Nader plan would increase disclosure requirements for air pollution violations, toxic substances in work areas, minority hiring, substantiation of advertising claims, tax returns, costs and profits per product line, expenditures for lobbying, federal contracts obtained and the 100 largest security holders in each class of stock issued.

7. The plan calls for a Bill of Rights for employees encompassing First Amendment guarantees of free speech, thus protecting employees reporting violations of the federal incorporation statute. The Bill of Rights would also prohibit invasion of employee privacy on the job by use of listening devices and cameras. The Bill would also permit an employee full access to his or her personnel file for purposes of inspection.

[132] *Supra* notes 121, 123.

[133] *Supra* note 124.

[134] *See* Schwartz, *Symposium, Federal Chartering of Corporations: An Introduction*, 61 Geo. L.J. 71, 83 (1972).

[135] *The Corporate Citizenship And Competition Act*, 121 Cong. Rec. p. 19643, June 18, 1975.

[136] Cary, *A Proposed Federal Corporate Minimum Standards Act*, 29 Bus. L. 1101 (1974).

[137] *Id.* at 1115.

CHAIRMAN BROCK ADAMS OF HOUSE BUDGET COMMITTEE CALLS GOP BUDGET "FALSE"

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, I believe that all Members of the House will read with interest the statement issued today, September 21, 1976, by the distinguished chairman of the Budget Committee of the House of Representatives, the gentleman from Washington, the Honorable BROCK ADAMS.

Chairman ADAMS made his statement following the release today by the House Republican leadership of false figures concerning the cost of Democratic programs.

The text of Mr. ADAMS' excellent statement follows:

ADAMS CALLS GOP BUDGET FIGURES "FALSE"; SAYS THEY COUNT COSTS OF MANY PROGRAMS TWICE

The cost figures of Democratic programs released by the House Republican Leadership, today, are, in many instances, just plain false.

They are not just a little bit false; they are a wild flight of fantasy bearing no relation to the real world. They would know how wrong these figures are if they had participated in the budget process.

They have put a number of phoney figures in their statement. Phoney because they are counting the costs of several programs not once, but twice.

Of course, if you do this enough, you can come up with any figure you like.

The figures of the House GOP Leadership are the same false scare tactics that were used against the budget process last year when they said the deficit would be $100 billion, and we proved them wrong.

The gross error of the Republicans comes in stating that these are all additional costs. This is not true, since nearly all of these costs are already included in the budget and the projections for the next four years, as shown by the Budget Resolution Report.

These figures are already included in the budget process base, with the exception of a few programs.

Our Budget Resolution shows a surplus between $50–60 billion by Fiscal Year 1980 as these programs would be phased in.

After President Nixon in 1970, we had a recession; and again after Ford in 1974–75 we had recession. If we continue to have recessions, we will continue to have deficits, and there will never be any new programs regardless of what they may or may not cost. We don't want another recession. Our present deficit would be a surplus, if we had been at full empoyment. The Democratic program is to produce full employment which will pay for these programs without any increase in taxes.

"PEKING POLITICS: A WESTERNER'S GUIDE," AN ESSAY BY JOHN K. FAIRBANK

(Mr. BRADEMAS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. BRADEMAS. Mr. Speaker, the recent death of Mao Tse-tung lends added significance to an excellent article, "Peking Politics: A Westerner's Guide," by the distinguished scholar, John K. Fairbank, Francis Lee Higginson professor of history at Harvard University, and from 1959 to 1972 director of the East Asian Research Center at Harvard.

The article, published in the September 1976 issue of Harvard magazine follows:

PEKING POLITICS: A WESTERNER'S GUIDE

(By John K. Fairbank)

In 1976 the Chinese and the American peoples both await the emergence of new leadership, but new leaders emerge in China and America in rather different ways. American election procedures, though arbitrary and mystifying to foreigners, are almost too public. Jimmy's lunch enters us all. His drink is our drink. China's procedures are more secret, on the old theory that the public should be cared for but not be kept informed. For two thousand years the dynastic succession was arranged behind palace walls. Still today, when party dictatorship has taken the place of dynastic family rule, the man in power cannot retire until death mercifully removes him. It is a modern touch to show Chairman Mao's senility in photographs intended to prepare the public for his demise, but no way has yet been found for today's Son of Heaven to retire, much less be removed from office.

Peking's secrecy enhances the Chinese reputation for inscrutability but breeds uncertainty. It suggests a lack of institutional development. Personality remains dominant over procedure in the succession, as in so many other aspects of administration.

Peking's secrecy suggests something else too: that the terribly fierce "power struggle" we hear about in our media is in fact narrowly confined to the top echelon, still essentially a palace affair at the central committee or even politburo level. For example, in April an all-day riot occurred on the big square before the Gate of Heavenly Peace (T'ien An Men). It was the only news hap-

pening in months. Pundits are still debating which side started it, who let it go on all day, who stopped it. If the forces arrayed in this once-in-a-year disorder are still so imprecisely known to the Chinese public (known in reality, not merely in the propaganda diatribes of the "radical" media), one can hardly conclude that China is divided in conscious camps lined up to fight on the signal of Mao's demise.

When we are unacquainted with a foreign culture we seem condemned to understand it in terms of our own. Thus our media tells us of the Peking power struggle of radicals against pragmatists as though a Chinese Ronald Reagan and Mayor Daley were readying a High Noon shoot-out. Aside from Mao's wife, Chiang Ching, and the ghost of Chou En-lai, the cast is otherwise obscure because Chinese names look so alike in English.

OPAQUE

Peking politics is indeed made more opaque to us by the issues and terms it uses. China's political discourse is not only moralistic. It mixes together allusions to figures like the First Emperor of the Ch'in, founder of the unified empire in 221 B.C. (who may be regarded variously as a cruel tyrant or a progressive one), and recent Marxist-derived terms like "capitalist-roader" (a man who may be a faithful party member but still favors using material incentives to stimulate production; not a capitalist but someone heading in a materialistic direction). Between Chinese folklore and Marxism, both alien to the American mind, we confront a jumble of terms whose obvious vigor is matched only by their capacity to befuddle. Since Chinese political argumentation is usually indirect and allusive, its opacity is a measure of our own ignorance.

History can help us. To begin with Mao Tse-tung and Chou En-lai, in addition to being major leaders of the Chinese Communist Revolution, have performed two typical historical roles, those of emperor and loyal minister. By its end in 1912, when Mao was an advanced teen-ager in school, the Chinese monarchy had evolved for more than two thousand years. Unfortunately, our study of China is so underdeveloped that this, the world's oldest, ruling institution has not really been analyzed in political-science terms even today, partly, no doubt, because the records are too extensive for historians and too difficult for political scientists. We know that the Chinese monarchy came out of the same political tradition that produced the examination system for the selection of talent. This was under the T'ang, 200 years before Charlemagne tried to revive a central government in the West. Having been the inventor of bureaucracy almost a thousand years earlier, the Chinese state proceeded to create very sophisticated institutions for the exercise of central power. This mighty tradition, lasting into the twentieth century, overhangs Chinese politics even today.

TRAITS

We may conclude, therefore, that many of the traits demonstrated by Chairman Mao as the top power holder in the Chinese Communist Party since 1935 and in the People's Republic of China since 1949 have been derived from attitudes and practices of the Chinese past. The secret of his performance need not be sought by speculative reference to his presumed but unreported regard for his mother or his much touted rivalry with his father. Once he became the top figure in China, he was subject to the pull of traditions embedded in Chinese thought and practice over the millennia.

Typically, a Chinese emperor as Son of Heaven stood above the rest of mankind, answerable to his ancestors and to the grand principles of the polity and Confucian morality, but not easily contained or controlled by any human agency. The emperor was the final arbiter in the selection of talent for office; as the judge of men, he had to balance ability against loyalty and stand or fall by the performance of his officials. His actions were therefore unbounded by regulations. Representing the dynastic interest, he had to be a law unto himself, capricious, unpredictable, and ruthless. Officials might be cashiered for no reason (other than their excellence and the emperor's jealousy). Those who rose highest were in the most precarious position. They might wield the imperial power one day and be in chains or exile the next. The very uncertainty of the imperial favor was a device to keep officials on their best behavior.

For instance, specialists in administration have been fascinated to find that the Ch'ing emperors (1644-1912) devised a top-secret "eyes alone" communications system early in the eighteenth century. Palace memorials from officials all over the empire might be sent for opening by the emperor only, and his comments on the memorial could then be sent back for receipt only by the memorialist in person. Thus the Ch'ing emperor had his informants widespread among his bureaucrats almost before Western rulers had bureaucracies.

Chou En-lai stands forth as the ideal minister, loyal to Mao since 1935, selfless in his devotion to duty, flexible and pragmatic in administration, and charismatic in his capacity to influence Chinese and foreigners alike. Only a man of talent who had inherited the tradition of the Duke of Chou (who dutifully wielded power on behalf of a boy emperor almost three thousand years ago) could have been prime minister of the People's Republic for a quarter of a century without forming his own faction. Chou En-lai succeeded in avoiding the number-two position until the very end, but remained throughout the one individual able to settle differences, work out compromises, get things done, and keep the administration moving. Surely one key to his record was the capacity never to challenge the top authority and yet to save it from its excesses and reintegrate the administration when Maoist campaigns had torn it apart. The fact that Chou at the end began to stand forth as a leader of moderates against radicals suggests that even he could not forestall the decline of Mao's leadership. When both were still competent, they made a balanced team, and retrospect will probably enhance Chou's contribution to the Mao-Chou combination.

The fact that both these leaders were members of the new revolutionary generation, pledged to the destruction of an old order and creation of a new one, does not by any means remove them from the grip of Chinese tradition. The whole Chinese Revolution has been a struggle against the past. Revolutionaries in contention have commonly used the past against each other. This continuity does not deny the innovations of recent times. But for an American public seduced by ideas of the perfectability of man in a new environment and by simplistic doctrines of behaviorism—as though the past did not largely control the present—it seems hard to grasp. Just as the syntax of sentences is less changeable than their content, so the basic patterns of Chinese political life may persist when the substance of ideas and policies has been turned upside down. For example, the Confucian ideal of harmony extolled for so many centuries has given way under Mao to the Social Darwinist idea of struggle, imported from the West. But in both cases the ideas take the shape of an official orthodoxy, which China's widespread government cannot do without.

CONFIGURATION

When we come to the "struggle between two lines" of recent decades, we face first of all a configuration visible in many revolutions and developing countries. On the one hand there is the gradual evolution of technological development under the general heading of industrialization, or, more broadly, the application of science to modern problems. On the other hand, there is the fervor of revolutionary effort that sees the struggle as a moral drama, the good revolution against the evils of the old order. In these terms, the moderates are "pragmatists," as newsmen like to label them, who seem to us somehow more knowable and preferable to the opposition "radicals" and their doctrinaire jargon. On the whole, we are able to understand the technological developers in spite of their socialist abhorrence of free corporate enterprise. Teng Hsiao-p'ing with his disregard of whether a cat is black or white as long as it will catch mice seems like an intelligible figure, whereas the radicals speak a wild language and seem bent only on power seizure or economic disruption.

At this point, however, we are in danger of leaving the Prince of Denmark out of our revolutionary *Hamlet*. For the Chinese Revolution is certainly social as much as economic, and its social target is the destruction of the old ruling-class tradition. One cannot appreciate this fact without reference to Chinese history, particularly China's early success in the creation of a ruling class that could almost monopolize literacy, the higher culture, office holding, and the amassing of wealth, while remaining no more than 5 or 10 percent of the population. The sophistication of this ruling class and its capacity to co-opt talent from the masses and maintain its status and traditions is one of the great stories of social history. Among other things, the Chinese ruling class produced the Chinese historical record. We have thus been obliged to see China's past mainly through ruling-class eyes. From this point of view, the great mass of the farming population remained largely unheard from, working, starving, or rebelling, as the case might be, but always subject to the manipulation and guidance of a small stratum, who worked with their minds and ruled those who worked with their muscles.

Since this ancient ruling-class tradition was outworn by the twentieth century, one primary aim of the great revolution has been to wipe out its system of elitism by spreading the privileges of literacy, learning, mobility, and political participation to the great mass of the people. This is indeed a democratic revolution in the broad sense. Yet, ironically, in the very process of its fulfillment there comes from the new citizenry the old quest for rising in status and privilege to make one's way into an upper stratum. The fact is that the ideals of the old ruling class had penetrated the masses.

The secret of its continuity was that it remained the goal for all talent within the population. Thus, talent today is easily seduced by ideas of hierarchic status and special perquisites. The very thing that the revolution in Mao's eyes must expunge seems to reappear in those who have led the revolution. This accounts for his belief that there must be a continuing revolution, meaning a continuing series of campaigns sporadically trying to wipe out old evils. One can sympathize with an old man who in the 1960s sees privilege reappearing in the new bureaucracy. One can admire his inventive guile and finesse in fielding teen-agers as Red Guards unexpectedly to attack the Party headquarters and rout out his wayward comrades—the inconceivable act that still gives Moscow nightmares.

Having said all this, however, we must remember that the ideals of the Maoist Revolution are hardly democratic in the American sense, since there is still such a high degree of manipulation of the populace. In recent years the Maoist faction has skillfully taken over the media, and now uses them to carry on its righteous attack against capitalist-roaders and other monsters and freaks. But what is the Maoists' complaint?

Here the American observer is again obfuscated by a Chinese tradition that equates undesirable policy with bad morals. This is a feature of Chinese political thinking that has never been satisfactorily explained. It seems to derive from the great doctrine of the unity of theory and practice; that is, that conduct expresses character, that what one says should be manifest in what one does. Once this tradition became established, one could not make the Western distinction beween policy and morality. On the contrary, a policy is part of an official's conduct. If his policy becomes disesteemed, then his moral character is similarly impugned. One result of this concept is that it is impossible to have a "loyal opposition," because a person who is opposed to one's policies is ipso facto opposed to one's character and one's self. One cannot make the pluralistic Anglo-Saxon distinction between loyalty to the chief of state and disagreement with his current policy.

In contemporary China, however, we see an even more startling tradition in action—the denunciation of the evil character of persons in power. This reminds one of the censors of the traditional empire, who had the function from early times of impeaching other officials and even remonstrating with the sovereign over his conduct. Censors were trained by their classical studies to assert the primacy of basic Confucian principles and attack all worldly or self-seeking deviations. As late as the 1870s and '80s, chauvinist officials were memorializing the emperor to denounce all contact with foreigners and, specifically, all compromise with the French, with whom the Chinese were fighting on the frontier of Indochina. This ancient element in Chinese politics has been known as "pure discussion" (*ch'ing-i*). We can best think of it as corresponding to the strident Americanism or anticommunism of our own political scene, combined with the hellfire and brimstone of our older evangelism. The wielder of *ch'ing-i* puts himself in an unassailable theoretical position. Typically he is not in a position of responsibility himself. Against such critics one cannot win. On the other hand, the ruler is ill-advised to follow their advice except as a means of chastising or shaking up the bureaucracy.

The two lines in Chinese policy argumentation and the two camps that espouse them can hardly be compared with alternative national parties like our Democrats and Republicans. The contrast is greater between economic growth and social change, and between administrators getting on with human tasks and ideologists asserting claims of perfect principle. The administrators on the whole seem almost by definition to be in power in the government and in the armed services, while the ideologists have generally controlled the media. For this reason one cannot see a balance of power, since the radicals obviously have the upper hand in words but can seldom follow up with executive action.

BASIC FAULT

All such efforts to understand Chinese politics suffer from the basic fault that they are made by analogy to our own experience. We must remember that the aims of the administrators and the pronouncements of the ideologues are both very different from their equivalents in the United States. For example, we are not a predominantly farming country with a tradition of close-knit, almost collective life in the villages. We have not customarily left it to a small elite to manage the upper levels of our literate national life.

When Chairman Mao and Prime Minister Chou were in their heyday, the chairman could give his blessing to periodic campaigns for social change, while the prime minister would keep the administration functioning. The end of this working alliance, so successful over so many years, left Chairman Mao and those around him without a balance wheel. Where formerly the great leader could preside over the two lines and push one line only periodically, now the Maoist position has become that of an embattled and strident faction. The situation has deteriorated and left China prey to uncertainty. Nevertheless, we may expect the two lines to be represented in future policy divisions, for they have come out of the dual nature of the Chinese Revolution as an effort to strengthen the Chinese state by economic modernization and at the same time to change the character of Chinese life by social revolution in favor of the common citizen. The fact that revolutions wax and wane does not invalidate their aims.

In the Chinese case, the dependence of central authority upon ideological orthodoxy and morale, especially among the ruling bureaucracies, makes China particularly vulnerable to the waxing-and-waning process. For a regime that rules by moral authority rather than by due process of law, the major calamity is demoralization and the corruption that comes with it. Yet the ideals of the revolution will not die, and periodic efforts to combat bureaucratism and special privilege are to be expected, for the People's Republic has behind it the long tradition of Confucian reformism. Chinese history underlies the revolution, and Americans who would understand it must understand Chinese history first (advt.).

Mao Tse-tung as a founder can hardly have a formal successor. Prime Minister Hua Kuo-feng is Chou En-lai's and Teng Hsiao p'ing's successor. New power holders will emerge in due course, but Mao will remain unique in the annals of the People's Republic, as Sun Yat-sen (uniquely called the Tsung-li) and Chiang Kai-shek (the Tsung-ts'ai) have done as leaders of the Kuomintang. We may hope that the search for new power holders will lead to institutional development, to procedures that stress executive function more than moral personality.

The Ch'ing emperor had no successor after 1912 until the Kuomintang party dictatorship provided a platform for the rise of Chiang Kai-shek. The heirs of Mao Tse-tung and Chou En-lai now face the task of following procedures that will legitimize a new leadership. The tripod of party, army, and administration that sustained Chiang Kai-shek in his day has grown beyond recognition under the People's Republic, but it is still a tripod of three echelons that must coalesce at the top in one person.

RIGHT TO PRIVATE RECORDS ACT

(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 protection of our citizens' privacy has received Federal recognition. Yet the job remains unfinished and it will remain uncompleted until all records bearing on privacy are protected from needless and unacceptable intrusions, be it at Federal, State, or private hands.

Congressman BARRY GOLDWATER, JR. and I today are proposing legislation which will close some loopholes and end some exceptions which would otherwise permit continued needless and unacceptable scrutiny of the private affairs of our citizens by State and municipal government authorities and persons in the private sector.

The House Judiciary Subcommittee on Courts, Civil Liberties, and the Administration of Justice has reported legislation, H.R. 214, to the full committee. This bill places controls on access by the Federal Government to bank records, telephone toll records, and credit records. Our legislation is similar to title I of H.R. 214 as reported. It places limits on State and local government's access to these records, as well as limiting access by persons in the private sector. Our proposal, "The Right to Private Records Act," requires where records are to be examined: First, an individual's written consent to allow dissemination of his or her records; or second, an administrative subpena which the individual could challenge; or third, a judicial subpena with notice to the individual, except in cases where a criminal or civil investigation would be jeopardized; or fourth, a court authorized search warrant with notification to the individual. A listing would have to be kept of all record disclosures. Individuals can under the bill sue for actual and punitive damages. Violators are subject to imprisonment for not more than 1 year and a fine of not more than $1,000 or both.

In addition, to deal with the problem of eavesdropping on conversations, the legislation provides for limits on so-called supervisory monitoring of customer conversations with employees of governmental and private organizations incident to the rendering of services. Written notice, valid for only a 30-day period, must be given to an employee that he or she might be monitored for the purpose of training and evaluation of performance.

State and local governments and persons and organizations in the private sector should not be permitted unrestricted access to citizens' credit, bank or utility records on whim or for sufficient reason when the Federal Government will be prohibited from these odious practices.

Citizens should be secure in their belief that no government agents—Federal or local—or representatives in the private sector or simply another private citizen can have access to the files of other citizens except under rigid restrictions and crime-regulated procedures. Our bill expands the concept of citizen privacy. If it is passed, it will be a welcome and helpful addition to the Koch-Goldwater legislation enacted into law on December 31, 1974, known as the Federal Privacy Act.

Much remains to be done in the area of personal privacy, and our partnership on this issue establishes what those who are concerned already know; namely, that the right of privacy transcends political partisanship.

The monitoring by Federal Government agencies of telephone calls had by their employees with citizens calling on business, without the knowledge of the employees and citizens, was brought to my attention by a constituent. I am appending the correspondence that I had on that subject to this statement. Frankly, I do not like the idea of the telephone monitoring at all. I agree with the statement made by Chief Justice Oliver Wendell Holmes characterizing electronic surveillance "as such dirty business." There are those who take the position that it is simply a method by which it can be ascertained whether employees are carrying out their duties in a responsible way when so much of their job is conducted on the telephone. If that is the case then there must be safeguards, and this bill imposes a reasonable restraint by requiring the consent of the employee and by prohibiting the employer from requiring such consent as a condition of employment.

Pertinent letters follow:

STEVEN K. HERLITZ, INC.,
New York, N.Y., April 13, 1976.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR ED: While in Salt Lake City, there was quite a furor among the population when they learned, more or less accidentally, that their calls to Internal Revenue were being recorded. Internal Revenue locally defended themselves by stating that it is mentioned in the tax forms that calls may be monitored.

If it is illegal for the citizens at large to record telephone conversations without first notifying the other party, then the same law should apply to our governmental agencies.

I strongly feel that Congress should take a good look at all of our regulatory agencies to see in how many areas they actually violate the law. Your comments will be appreciated.

Sincerely,

STEVEN K. HERLITZ.

HOUSE OF REPRESENTATIVES,
Washington, D.C., April 30, 1976.

Hon. DONALD C. ALEXANDER,
Commissioner, Internal Revenue Service,
Washington, D.C.

DEAR COMMISSIONER ALEXANDER: Enclosed you will find a letter I received from a constituent of mine concerning certain alleged practices of the IRS.

I would greatly appreciate your comments on the matter so that I may advise my constituent.

Sincerely,

EDWARD I. KOCH.

INTERNAL REVENUE SERVICE,
Washington, D.C., June 3, 1976.

Hon. EDWARD I. KOCH,
House of Representatives,
Washington, D.C.

DEAR MR. KOCH: This is in reply to your inquiry in behalf of Mr. Steven K. Herlitz who wrote you concerning taxpayer telephone inquiries monitored in Taxpayer Service.

Although we do not record telephone inquiries from taxpayers, as suggested in your constituent's letter, our supervisory personnel do make random samples of calls received in Taxpayer Service. This information appeared on both the 1974 and 1975 tax packages mailed to individuals.

It is the goal of Taxpayer Service to offer prompt, courteous, and accurate assistance so all taxpayers may meet their tax obligations with as little inconvenience as possible. In order to meet this goal effectively, several quality review procedures are employed. One method used to evaluate the quality of responses to taxpayers is periodic monitoring of telephone inquiries. In most of the calls, the taxpayer remains completely anonymous; only the taxpayer's question and the tax assistor's answers are heard. This method of review is beneficial to both the taxpayer and the Service by ensuring the correctness of employee responses and enabling us to readily identify unusual problem areas that may affect a large number of taxpayers.

We hope this information is helpful to you in responding to your constituent and thank you for the opportunity to comment on this important matter.

Sincerely yours,

JACK G. PETRIE,
Chief, Taxpayer Communications Branch.

HOUSE OF REPRESENTATIVES,
Washington, D.C., June 14, 1976.

Mr. JACK G. PETRIE,
Chief, Taxpayer Communications Branch,
Internal Revenue Service,
Washington, D.C.

DEAR MR. PETRIE: Thank you for your recent response concerning my inquiry with regard to monitoring of telephone calls in Taxpayer Service.

I appreciate that your agency wants to offer taxpayers prompt and efficient service, but I am still concerned with the monitoring that your agencies engages in.

I understand that the F.C.C. prohibits recording (with few exceptions) of two-way conversations unless both parties knowingly consent (Tariff F.C.C. No. 263 p. 18.1) I also understand that there are no laws that prevent most forms of monitoring.

I find few differences between recording and monitoring, and I question the disparity in the law's treatment of these listening techniques. I believe the guidelines governing monitoring ought to be clearly defined.

I would welcome your views on the above, and any other proposals you might have for legislation in this area.

Sincerely,

EDWARD I. KOCH.

JUNE 15, 1976.

Mr. RICHARD E. WILEY,
Chairman, Federal Communications Commission, Washington, D.C.

DEAR MR. CHAIRMAN: I have received the enclosed letter from the I.R.S. which verifies a complaint by a constituent concerning the monitoring of telephone calls to that office. As a member of the Privacy Study Commission, this issue became one of immediate concern to me.

I would be interested in knowing whether this above procedure of eavesdropping without permission of both parties is permissible or in any way covered by statutes or regulations.

I understand that the F.C.C. prohibits recording (with few exceptions) of two-way conversations unles both parties knowingly consent (Tariff F.C.C. No. 263, p. 18.1) I also understand that there are no laws that prevent most forms of monitoring.

I find few differences between recording and monitoring, and I question the disparity in the law's treatment of these listening techniques. I believe the guidelines governing monitoring ought to be clearly defined.

The argument that the I.R.S. should be allowed to randomly monitor calls to help train employees is not persuasive. At the very least, government should promulgate rules that would ensure that individuals be given adequate notice of monitoring activities. The law's silence in this area leaves too much discretion in the hands of governmental agencies, and does not give the individual citizen enough protection.

I would appreciate your comments on this subject, and any suggestions you might have as to how monitoring of calls can be significantly curtailed

Sincerely,

EDWARD I. KOCH.

FEDERAL COMMUNICATIONS COMMISSION,
Washington, D.C., August 19, 1976.

Hon. EDWARD I. KOCH,
House of Representatives, Longworth Office Building, Washington, D.C.

DEAR MR. KOCH: I regret the delay in responding to your letter of June 15, 1976, to Chairman Wiley, concerning telephone monitoring by supervisory personnel of the Internal Revenue Service (IRS) of calls to its "Taxpayer Service."

Supervisory and training assistance equipment, such as that used by the IRS, is available through the Bell System to businesses, institutions and government agencies whose employees receive from and, in some instances, place to members of the public, large volumes of calls. Its purpose is to assist such subscribers in evaluating the quality of telephone service being rendered by employees handling business calls. It is provided pursuant to rates and regulations set forth in tariffs filed with state regulatory agencies. Such regulations generally impose restrictions on the use of such equipment, including the condition that the subscriber inform its employees that their business telephone contacts over the subscriber's business lines are subject to observation. Presumably, some non-Bell telephone companies also supply similar monitoring equipment pursuant to their duly established tariffs on file with state regulatory agencies.

To our knowledge, there are no federal statutes prohibiting the use of supervisory and training assistance equipment. The Omnibus Crime Control and Safe Streets Act of 1968 makes unlawful the interception and disclosure of wire and oral communications by use of an "electronic, mechanical, or other device." (See 18 U.S.C. 2511.) However, the use of supervisory and training assistance equipment would not appear to constitute an unlawful interception since the definition of "electronic, mechanical or other device" specifically excludes any telephone instrument, equipment or facility, or any component thereof, furnished to the subscriber or user by a communications common carrier in the ordinary course of business and used by the subscriber or user in the ordinary course of business. (See 18 U.S.C. 2510 (5)(a).) As you know, 18 U.S.C. 2510 et seq. is administered by the Department of Justice.

This Commission's jurisdiction over common carrier communications services is generally limited to interstate and foreign communications. With respect to such services, the Commission has sought to ensure privacy of communications. As you are aware, it has required tariff provisions concerning the use of recording devices for two-way conversations in connection with interstate and foreign Message Toll Telephone Service (MTS) and Wide Area Telephone Service (WATS) to require that a subscriber employ the use of an automatic tone warning device (beep tone). Enclosed is a copy of a recent Commission "Notice of Inquiry," Docket No. 20840, relating to the beep tone requirement.) The Commission has not ordered tariffs for interstate services to require a similar warning when monitoring devices are used, nor has it adopted any rule or regulation which would prohibit a telephone subscriber from monitoring calls made over its telephone stations. However, the Commission recognizes and fully supports the right of privacy in telecommunications and has so indicated in recent Congressional testimony. Our staff is presently in the preliminary stages of an in-depth inquiry into all aspects of privacy in telecommunications, with the goal of establishing comprehensive national regulatory policies.

I trust you wil find the foregoing and enclosed informative and responsive to your inquiry. If I may be of further assistance, please let me know.

Sincerely,

VERONICA M. AHERN,
(For Walter R. Hinchman, Chief, Common Carrier Bureau).

AMERICAN CYANAMID CO. DISTRIBUTES POISON PEN LETTERS

(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, yesterday I received a misleading telegram from the American Cyanamid Co. concerning the Export Administration Act Extension, H.R. 15377. This telegram undoubtedly was also received by every other congressional office, but I am appending it along with my reply to them because I want the record to be clear. This telegram is an outrage. Either the American Cyanamid Co. is badly misinformed or it is intentionally misleading Members of Congress by characterizing the antiboycott provisions of H.R. 15377 as "discrimina-

tory." In fact, from their telegram it is clear that the American Cyanamid Co. prefers continued boycotts of other American citizens by American citizens and of countries friendly to the United States, rather than cause upset to some of its clients who would like to be able to direct American trade and foreign policy by requiring Americans to discriminate against other Americans. I repeat—what an outrage.

The Export Administration Act Extension contains language modified from H.R. 11463 and H.R. 13151, the proposals made by Representative JAMES H. SCHEUER and myself, and cosponsored by 76 other Members of Congress. In the Senate, this legislation was introduced by Senator ADLAI STEVENSON, JR., and recently passed the Senate as S. 3084.

The proposed language of the Export Administration Act would prohibit an American company from refusing to do business with another American company or with a country friendly to the United States in response to a requirement or request made for the purpose of enforcing a boycott against a country friendly to the United States. In addition, the bill would prohibit the furnishing of information about the religion or national origin of a company's employees, officers, or directors, where such information is sought for the purpose of boycotting a friendly country or discriminating against an American citizen. The proposed language would also allow private damage suits against companies who violate the boycott prohibitions in order to achieve a business advantage over another firm. In this instance, an injured company suing for redress would have to show that "but for" the defendant company's compliance with an illegal boycott that the injured company would have received the contract in question. Except for the private right of action, which was added by the International Relations Committee in their markup of this legislation, the boycott provision in the Export Extension Act is almost identical to the proposal made by Congressman SCHEUER and myself.

I urge my colleagues to become familiar with this legislation and to support its passage, when the House considers H.R. 15377 tomorrow. When the facts are considered, I am sure that most Members will agree that in order to eliminate discrimination against American citizens and against countries friendly to the United States that we must adopt the Export Extension, as written.

I am appending for the RECORD a copy of the letter I received from American Cyanamid and my reply. Apparently American Cyanamid distributes not only pesticides but also poison pen letters:

Hon. EDWARD I. KOCH,
House Office Building,
Washington, D.C.

DEAR CONGRESSMAN: Stongly urge you vote against export Administration Act extension—H.R. 15377—or alternatively substitute language of S. 3884 for provisions in House bill concerning foreign boycotts. House bill as presently written will under present practices of many Arab nations result in the discontinuance of this company's business with these nations. Involved are annual sales in the twenty to thirty million dollar range and the adverse impact on domestic jobs related to these sales. In particular the outlawing of the furnishing of information, as compared to the required reporting of information requests, will have have the effect described above. In addition the provision for treble damage suits is punitive.

It is this company's policy to comply with all United States laws and regulations and to abstain from any restrictive or discriminatory practices, of any sort. We have trade with both Israel and the Arab countries. If the House legislation becomes law under present practices our trade with the Arab countries would cease and in effect we would be forced to discriminate against these nations.

Very truly yours,
J. C. BLAUVELT,
Senior Vice President,
American Cyanamid Co.

HOUSE OF REPRESENTATIVES,
Washington, D.C., September 21, 1796.

Mr. J. C. BLAUVELT,
Senior Vice-President, Ameriacn Cyanamid Co., Wayne, N.J.

DEAR Mr. BLAUVELT: I have your telegram of September 20th on H.R. 15377, the Export Administration Act Extension, and your statement is either ill-informed or intentionally misleading. You claim that your company "would be forced to discriminate against these (Arab) nations." In fact, this bill would compel you not to discriminate against any nation friendly to the United States as a result of foreign demand.

I'm placing your telegram and my response to you in the Congressional RECORD, so that others who may be misled by your statements will be better informed. Apparently your company distributes not only pesticides but also poison pen letters.

All the best,
Sincerely,

EDWARD I. KOCH.

TERRORISTS ARE OPERATING AGAINST CHILEAN REFUGEES IN WASHINGTON, D.C.

(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, this morning Orlando Letelier, former Foreign Minister, Defense Minister, and Ambassador to the United States of the Allende government in Chile, was murdered when a bomb exploded in his automobile as he drove to work. Mr. Letelier, who had taken refuge in the United States and had become director of the Transnational Institute, recently had his citizenship taken away from him by the Chilean Government and had reportedly expressed fear for his life in recent weeks. His assistant, Roni Karpen of the Institute for Policy Studies, was also killed and Michael Moffett of the IPS was seriously injured.

There is not yet evidence as to who is responsible for these brutal murders. But what is clear is that the United States must condemn these murders, apprehend the terrorists, and bring them to justice. We must see to it that the Chilean refugees who have sought asylum, and other refugees similarly situated, are protected.

I have today joined with Congressman TOBY MOFFETT and many other of our colleagues in sponsoring a resolution condemning the murders and asking for appropriate Federal authorities to fully investigate the murders. We cannot be fearful of what we will find. We must find out the truth. Only then can we decide what if any steps must be taken to insure that no more of the refugees which we have taken in will be subjected to terrorist attack.

I hope that the FBI will press this investigation. There must be no delay.

A NEW HORIZON FOR THE ELDERLY—THE FOSTER GRANDPARENT PROGRAM

(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, as chairman of the House Subcommittee on Health and Long-Term Care, you may be sure that I am well aware of the unique problems currently facing the elderly during these inflationary times. Because I believe it is time to act to keep our older Americans healthy, independent, and functioning in the family and community they love and deserve to be with, I am pleased to direct my colleagues attention to a program under title IX of the Older Americans Act which is fulfilling this very promise—the Foster Grandparent program.

The Foster Grandparent program was designed to promote meaningful volunteer opportunities for our older Americans, who as foster grandparents provide supportive services to children with special needs and disabilities, for a small stipend, in health, education, and welfare settings.

I have received many favorable letters from foster grandparents reporting their personal experiences and involvements with this worthwhile program. I would like to share with my colleagues several of these letters—the enthusiasm for foster grandparents is evident. I insert the following letters in their entirety at this point in the RECORD:

Congressman CLAUDE PEPPER,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: I am very happy being a Foster Grandparent. If I were not a Foster Grandparent, life wouldn't mean much. I would just be by myself, alone and lonely, striving and hoping for something to come along to change my very lonesome life.

Congressman Pepper, being one of the lucky chosen ones, I now have a mission to help the sick children. They need me as much as I need them. I am at last useful in giving of myself to others. I make them happy. There is no way to explain what it means to hear someone say, "Grandma, I miss you, will you stay with me all the time?"

When I start talking or writing about this program, there is no end to my joy, my gratitude for this program.

I hope you will like my writing enclosed.

Thank you.

Grandma IDA MARRALLY.

I have no specialty to bring such as crocheting, knitting, beading, painting, sewing or any art—so let me tell you what is in my heart—

As we all know there is a poem written by a child telling what a grandma means to them. Now let me tell you what a grandchild means to me:

I'm walking tall again
I'm feeling young again
My patience extended
My blood pressure descended
And my grandchild loneliness has ended.

I am at last useful in giving and sharing
I've joined the parade of loving and caring
I am now easing a child's pain
Yes, in that there is so much to gain.

With all my love,

Grandma IDA.

Congressman CLAUDE PEPPER,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: I have been with the Foster Grandparent program for four years. In the beginning I was at the Parkway Home for children in Miami. When it was phased out there, I was transferred to Jackson Memorial Hospital where I am now with the Foster Grandparent program. I am very pleased that I am able to be with the program. It is wonderful in these years and I hope I help the children as much as it helps me to feel wanted and needed. I am sure the children like to have us with them, especially if they are alone and the parents are working and not able to be with them all the time.

At this point in my plans I didn't know what to continue doing. So this program turned out just right for me.

Thank you for your interest.

With best wishes to you.

Sincerely,

BELLE SWARTZ.

Congressman CLAUDE PEPPER,
Washington, D.C.

DEAR SIR: As a foster grandmother at Jackson Memorial Hospital, the opportunity of being with young children is interesting and fulfilling. As an elder citizen the contact with the children serves two purposes: it gives them a feeling of being loved and cared for by a grandparent rather than father and mother, and it gives us the feeling of being cognizant of the difference between these children and our own as they anticipated life. We all hope that we make the day happier and less lonely for the children and that gives me a feeling of having contributed to life. If I were not a Foster grandmother I would see friends from time to time, depend on the public library for reading matter, and take part in church activities when bus service made it possible. Being up in years does not mean that people have to retire to a rocking chair. If I get bored I can jog around the block and help my circulation. Thank you for listening and the best of health to you.

Sincerely,

Mrs. CATHERINE IVEY.

DEAR MR. PEPPER: It has been nice to know that you are interested in our Foster Grandparent Program.

As a Grandma at the Jackson Memorial Hospital since 1972, I can just say that I feel absolutely happy. Though I've two grandchildren of my own, and that of course enriches my life, something great has been added to it. To share love with those poor sick children that feel unhappy out of home; to hold in my arms a child that is so close to death will never enjoy life, makes me feel that no matter my age, I'm still useful.

I consider this program a wonderful one. It gives us older people the chance to work, and at the same time, it helps and benefits many human beings in distress.

This program has already completed several years in this great country, and I hope it'll continue.

As a Cuban, I send you my best wishes in all your activities.

Cordially yours,

LOLA S. AVILES.

DEAR CONGRESSMAN PEPPER: I am proud to be a foster grandparent. It makes me happy to be useful in helping to make others happy. If I wasn't doing something I don't think I would be living. Thank God for wonderful people like you. I think this program is the most wonderful thing that could ever happen to people like me.

Thank you.

ANNA SAINT.

Congressman C. PEPPER,
U.S. House of Representatives,
Washington, D.C.

DEAR SIR: As I have never written a letter to a Congressman or any Senator in Washington, I am a little nervous. Please forgive me if I make a mistake. But, I do want so much to tell you how happy I am to be a Foster Grandparent. I am working in Jackson Memorial Hospital in Miami. Being 75 years old and working with children has made me 50 years old. I am working in the new wing. W. Wing 5. I have worked with the children for two years. I just love working with these wonderful, sick children. They love us and we love them very much.

They come into the Hospital very frightened, but we comfort them and tell them that we are their Foster Grandmas in the Hospital. So now they call us by our names. My name is Grandma Ann. We just love our darling children, and we are so proud to be called Grandmas. Even nurses call us by that name.

Dear Sir, this is the most rewarding program that ever was thought of. I pray that there will never be an end to it. One might say we are almost as good as private nurses. We have a new beautiful playroom, with two wonderful young play ladies, Kyle and Gail. I start at 1 P.M. and we make the children rest till 2 P.M. If they are well enough, we take all the well children to the playroom, but if they don't feel good, we bring toys to them and play with them in the room or bed. We watch their T.V. and other things that we are allowed to do. Nurses are very busy, because there is a shortage of nurses. They are very happy having us.

Most of these children never knew what love means. Grandmas have lots of love left over to share for many children. Children recover much faster if somebody is with them when they are in the hospital. We make it very pleasant for them.

I am so happy to be part of this Foster Grandparents program. I wanted so much more to do then sitting in the shopping centers and thinking all the time. Now I don't have time for thinking. I just love being with the children. So, again I will say, may this program live forever, as it is very needed.

We have just been blessed with a new Director, she is good to us as is her assistant, and we have four play ladies that are wonderful with children.

Dear Mr. Pepper, we all thank you for this wonderful program and I know the children thank you too.

I do hope that some day the old people will get this same program. I have been many times in the hospital, but the nurses are so busy, that it is hard to get a drink of water. I am sure, you will be happy to receive this report of how good we are doing. Please write to me and let me know you received this letter. My address is on the envelope. Health, happiness, and we all love you.

ANNA MISK.

OSMAN MALICK

(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 have been privileged over the past 9 months to have in my congressional office, as an Asia foundation fellow of the American Political Science Association congressional fellowship program, the very able professor and chairman of the Department of Political Science in the Government College in Lahore, Pakistan, Mr. Saeed Osman Malick.

Mr. Malick was especially interested in the workings of the House Rules Committee, on which I am privileged to serve, as well as in the detailed operations of the Congress as a whole, and accompanied me to hearings on numerous occasions.

I hope that his stay with us has been beneficial to him and will be of valuable use to him in his contacts with the students and people of his nation. For my part, I know it has been a rewarding experience and a personal pleasure to have him with us. He has not only been a willing assistant in my office, but also an outstanding ambassador of good will for the people of Pakistan. Almost immediately after his arrival in our office, Mr. Malick produced literature on and tales of life in Pakistan, its history, heritage, customs, and ceremonies.

Knowing very little about Pakistan when Mr. Malick arrived, my staff and I now feel we understand something of this newly independent, yet ancient and historic land.

Mr. Malick was not totally unprepared for his introduction to the American political system. Before coming to the United States, he had the opportunity to attend the London School of Economics, and while in residence there wrote his thesis on the Vice Presidency of the United States of America.

It is my hope that the sum of the experience he gained while on my staff and in England will be of significant value for Mr. Malick in the exercise of his responsibilities in the Department of Political Science in Lahore. I am sure his position will afford him the opportunity to make important contributions to his people for many, many years to come.

I hope it will be a source of great satisfaction for him to know that we were pleased to have the opportunity to make his acquaintance and demonstrate for him, as best we could, the way in which our own democratic government works for the well-being of the people.

INTERNATIONAL AVIATION POLICY

(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 am privileged to have in my district one of the great air gateways of the United States—Miami International Airport. Consequently, I have been deeply concerned about the development of international aviation policy and particularly about the Civil Aeronautics Board's recent failure to recognize the importance of the Miami gateway in making its recommendations to the President in the transatlantic route proceeding.

On September 8, Mr. L. B. Maytag, the chairman and president of National Airlines, made a significant speech to the Wings Club in New York on international aviation policy. I would like to call it to the attention of our colleagues and all who read this RECORD:

REMARKS BY L. B. MAYTAG

Tomorrow is an important day in aviation. And that, all things considered, may well

qualify as the aviation understatement of the year.

For tomorrow marks the opening of bilateral talks in London between the United States and the United Kingdom.

It is unquestionably one of the most critical bilateral conferences ever. It will focus on the very foundation—the lifeline—of most international aviation policy.

The outcome will have profound effects. Not for a year or two, or even for the next decade. Rather, a course is being charted that could influence international aviation, for better or worse, well into the next century.

My hope is for a sound, long-term relationship stemming from those meetings, one that proves beneficial to airline interests on both sides of the Atlantic.

I will not attempt to discuss the details of Bermuda. I leave that to the vitally concerned experts who will draw up their chairs to that conference table.

However, I would like to focus on those bilaterals and route recommendations already a matter of record, and the basic goals which I believe the United States should pursue in international air transport matters.

I'm deeply concerned—disturbed is probably a better word—about the artificial restraints being imposed upon development of U.S. international aviation.

For there now exists golden opportunities for the United States to grasp that which is already rightfully ours. The opportunity is there, but we are wasting it through neglect, indifference and oversight.

U.S. leadership in developing international air transportation is unquestioned. Nor has there been any deviation in our government's view that the national interest requires continuing that pacesetting role.

But it must be consistent with this nation's foreign commerce objectives. Perhaps you've heard that same contention before. Certainly the company I represent has tried to present this viewpoint forcefully to various government agencies.

Our case is essentially this: regularly scheduled U.S. flag carriers stimulate foreign commerce. Nurture it. And bring it home. They open new trade relationships. They generate new business. They convenience passengers. Shippers. And—what we all started out carrying in our pioneer days—the mails.

Therefore, in today's transatlantic competitive climate, as I see it, the U.S. should pursue four basic goals:

1. To establish direct, scheduled U.S. flag services to all important transatlantic markets.

2. To develop additional, much-needed tourism to the United States.

3. To assure that any new U.S. flag services will be profitable.

4. To avoid over-concentration of our flag services in any one country or at any one gateway abroad.

Let's examine each of these fundamental goals. Nowhere are they more timely nor better applied than across the Atlantic.

First, in keeping with U.S. goals of increasing global trade and bolstering the U.S. dollar in world markets, more direct U.S. air services are essential in all key transatlantic markets.

That does not necessarily mean more airlines. It does mean, however, more diversified services by established U.S. transatlantic carriers.

The serious deficit in the U.S. transportation account with Western Europe underscores the need for U.S. carriers to improve their position.

For the year ended March 31, 1976, as an example, U.S. citizens' fare payments to Western European carriers were some $1.4 billion greater than U.S. carriers' receipts for the transportation of Western Europeans.

New U.S. competition in markets now served solely by foreign flags not only would tend to reduce this huge deficit; it would also offer the American traveler or shipper more than a simple choice of airlines. It would create service quality benefits from such direct competition.

This type of competitive quality upgrading bolsters U.S. and foreign carriers alike. The customer-with-a-choice is the ultimate winner.

And, while it may seem obvious, we cannot ignore the fact that new U.S. flag services in more of these important foreign markets will increase employment for the U.S. labor force. Not only in the airlines, but in the aerospace and related industries which employ hundreds of thousands of workers. This ripple effect means that many segments of the U.S. economy can benefit greatly.

Secondly, we need to bring more tourists—and their francs, marks, krone, lira—to the U.S. Improved U.S. flag carrier service into more of the transatlantic markets can accomplish that goal.

For U.S. airlines have both incentive and marketing expertise to interest visitors and businessmen from abroad to see not just one city, but an area; not just one area, but a state; not just a state, but the whole country.

We've always been a nation on the move. Travel runs through our veins. And we know how to sell what we know best.

But one of their primary missions is to develop the U.S. originating market. And there are entire segments of the European population which represent a barely-tapped market for U.S. tourism. Direct service by U.S. carriers from more of these countries could swell tourist dollars to the United States.

Thirdly, these new U.S. flag services will have to be profitable.

Only financially healthy U.S. carriers will possess the stability and incentive to capture our rightful share of foreign markets. Their success would guarantee a heathy contribution to the transportation account of our unfavorable balance of payments.

U.S. airlines must fly with assurance that they can be strong financially. Otherwise, it would be impossible to maintain the quality necessary to stimulate this new business and keep employment levels high.

But financial strength will be severely eroded or wiped out entirely if our airlines are hamstrung by overcrowded gateways or failure to exercise route rights which create drastic traffic imbalances.

Happily, in the past few months we have seen an overall economic improvement in U.S. and foreign aviation. There is ample room for healthy competition between American and foreign airlines. But those competitive parameters must be more precisely defined.

All signs point to solid transatlantic traffic growth this year. Scheduled IATA North Atlantic passengers from the United States surged 12 per cent between January and May. Indications are that there will have been a 15 per cent increase in U.S. citizen departures to Europe for the first eight months of 1976.

When I refer to more precisely defined parameters, I am suggesting that it makes sense for our airlines to operate on an area-to-area concept.

Carriers would be assigned to meet regional service needs by a network of routings tying together new U.S. coterminals with several major European gateways. This is in stark contrast to the alternative "piecemeal" approach.

"Piecemeal" aviation selects several carriers to serve a series of individual point-to-point transatlantic markets.

More carriers, however, do not automatically produce more service. It's possible to add airlines "piecemeal," yet still serve fewer markets than with less airlines flying area concept patterns.

The area approach allows a carrier to use effective back-up traffic support from multiple points. It can then provide the highest volume and spread of services.

And it offers flexibility. Service can be contracted or expanded to meet changing economic conditions. This can be done without sacrificing large numbers of flights, by combining traffic flows at the various U.S. and European coterminals.

I believe the area concept provides the best opportunity to design a long-range U.S. air transportation system which effectively serves vital U.S. aviation interests.

But this approach also requires a variety of direct-route foreign gateways. Which brings us to the fourth basic need: Avoiding an over-concentration of U.S. flag services in any one country, or at a single overseas gateway.

I am disturbed, for example, that the current transatlantic recommendations for new air services from one-fourth of the United States—namely, the entire South—concentrate almost entirely on London.

Why, when 80 per cent of the South's traffic will be traveling on elsewhere? When only 20 per cent has London as its origin or final destination in Europe?

By proposing to route new services to Britain, instead of overflying Britain into other European gateways—countries with which we already have bilateral agreements but are not using the authority—we are saturating only one foreign destination with U.S. services.

That over-concentration to a single point is short-sighted. It is potentially dangerous. For it exposes U.S. air services to the whim and discretion of a foreign government which could slam its airport doors at the slightest hint of real or imagined disagreements.

During the first half of this year, two-thirds of all passengers departing the United States were bound for the European continent—not the United Kingdom. Despite this, U.S. flag service patterns required one-half of all European-bound passengers to deplane in Great Britain.

Clearly, the passengers are not concentrating on the United Kingdom to the same extent as the U.S. flag carrier services.

The point is that by spreading our routing into other European gateways already open to us, we could be flying passengers directly to their real choice of destination. Circuitous and time-consuming routings would be eliminated.

We also would be entering new foreign markets needed to stimulate growth for both airlines and U.S. commerce.

In my opinion, the latest transatlantic route proposals create a grand funneling to complicate the Grand Tour.

While U.S. flag services are often interrupted by London stops on their routes to Amsterdam, Brussels and other European cities, the foreign flags are flying nonstop directly from their home countries.

These foreign airlines are filling a gap from some U.S. cities by providing the nonstop service preferred by passengers and shippers. At certain gateways they lack U.S. carrier competition, despite our having available, but unused, bilateral rights to that foreign carrier's country.

Because of our failure to develop a wide range of competing U.S. flag services, some of these airlines have had extremely good results.

Air France in 1975, for example, carried 68 per cent of the U.S.-France traffic. That figure edged up to 70 per cent during the first quarter this year. During the same period, KLM carried some 98 per cent of the U.S.-Netherlands traffic.

This competitive imbalance is unfortunate, at the very least. It is ludicrous considering that U.S. flag services from some cities where Air France or KLM had no competition—or even service—could begin almost immediately with our government's approval.

The United States has air traffic rights to serve Paris and Amsterdam. It already has made concessions for these rights.

We've created an aviation muddle. And it will be further complicated if more carriers are being forced into London.

There is always give-and-take in negotiating a new agreement with the United Kingdom—or with any other nation, for that matter. The existing London recommendations, however, will simply add a new and more complex dimension to what is already looming as an incredibly difficult diplomatic challenge.

If we seek to use another country's gateway, we must be prepared to give something from the U.S. in return. This might involve foreign carriers seeking monopoly routes and blocking U.S. carriers from providing overseas service from new U.S. cities or imposing undue restrictions on U.S. capacity.

Certification of several new airlines into the United Kingdom does not necessarily mean one revised agreement. It creates, in effect, the need for a new pact involving interests for each carrier. It can mean, quite simply, giving away too much.

We must use the most precise analysis to determine new route awards. Logic dictates that they be made in direct ratio to how many complications are injected into our negotiations with another country when an additional carrier, or route, is sought.

We need to enter into those competitive markets where we logically have more to gain, than in markets where additional agreements still must be ironed out in scrupulous detail during extended negotiations.

The United States should not have paid something for nothing. We have already fully paid—in concessions—for rights under agreements which simply need to be activated. We can best serve our own interests by starting to use those rights to mount U.S. services now.

We must develop our own gateways. For there are definite limitations and constraints in developing any U.S. gateway, so long as it remains tied and bound to a solitary European point.

Parceling up the world into traffic patterns may be aviation's most difficult task. It takes the wisdom of Solomon, the patience of Job and the endurance of Ulysses.

As I said earlier, we must be guided by four basic goals:

Establishing direct, scheduled U.S. flag services to all critical transatlantic markets.

Developing tourism to the United States from Europe.

Assuring that any new U.S. flag services will be profitable.

And avoiding over-concentration of our flag services in any one country or at any one foreign gateway.

THE 136 MEMBERS OF CONGRESS OPPOSE SYNFUELS RULE AND WASHINGTON POST OPPOSES PROGRAM

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, although I would have thought the avalanche to bring back the already defeated, blotted synfuels giveaway was more like a tiger than a cat, I do agree with the Washington Post statement that:

> The House needs to remind itself that the animal has a voracious appetite. The farther it goes in these last days of the session, the more Congress is likely to regret it in years to come.

I recommend the editorial published on Monday of this week which is printed below. And then I urge all to look at the following "Dear Colleague" which was circulated today and has the names of those 136 Congressmen from both sides of the aisle who will fight the rule that could bring this bill before us.

With this kind of opposition and controversy, this is certainly not legislation that should be considered in the end-of-session rush.

[From the Washington Post, Sept. 20, 1976]

SYNTHETIC FUELS AND SUBSIDIES

That bill to subsidize synthetic fuels has more lives than a cat. The House of Representatives threw it out the window last December, but now it's back meowing at the door. The House needs to remind itself that the animal has a voracious appetite. The farther it goes in these last days of the session, the more Congress is likely to regret it in years to come.

This bill would provide $3.5 billion in federal loan guarantees, and $500 million in price supports, to get new processes operating on a commercial scale. Most of the money would go into the manufacture of gas from coal and the extraction of oil from shale. The Rules Committee, reflecting the prevailing spirit in the House, voted last week to send this synthetic fuels bill to the floor for passage—but not the bill to set standards for strip-mining. The synthetic fuels bill implies strip mining of western coal in a very big way. It would be wanton to begin these stripping operations under the present inadequate rules. But that is only one reason among many for putting the cat out again.

This $4 billion would build plants capable of turning out the equivalent of about 200,000 barrels of oil a day (present U.S. consumption is running about 17 million barrels a day). These plants would go into production sometime in the 1980s. The oil and gas would be extremely expensive by present standards. The technology already exists, and is at work in a good many places around the world. But the bill's authors say, accurately, that American companies cannot get construction loans to build these plants here.

A coal gasification plant, big enough to run efficiently, would cost perhaps a billion dollars. The bill would ensure a test of the process at that gigantic scale, under the special conditions of American safety and environmental requirements. The pilot projects would provide a depth of experience for investment in further plants that might then come into production in the 1990s in numbers large enough to make a serious contribution to the country's oil and gas supply. If the product is expensive in comparison with current oil and gas prices, it is not greatly out of line with the other esoteric sources of oil and gas now in prospect. There you have the argument for the bill.

Perhaps you will have noticed that this technology, even if successful, will not begin to contribute significantly to American energy requirements until the 1990s. That amounts to fiddling while Rome freezes. Thinking ahead is all very well, but the truly basic choices lie in the next 10 years. The one policy that can pay off most rapidly is, of course, conservation. But it is hard to find any evidence of a sustained effort at conservation in this country.

This bill threatens, in a lighthearted and ill-considered way, to set dangerous precedents. Until now, it has generally been the rule that the government supports the development of new technology, but leaves commercial application to private companies. There have been exceptions, notably in nuclear energy with its special security requirements. But it's a pretty good rule on the whole. The technology of coal gasification is well known. If companies cannot raise money at this stage to build the plants, that makes you think about the whole idea. As for oil shale, the lenders watch experienced oil companies drop the Colorado shale leases for which they have paid millions of dollars, and they have to wonder whether it's such a grand investment after all.

Consider what's happening here. Congress keeps voting to hold oil and gas prices down. Consumers see prices level off and, among other consequences, the swing to small cars slows sharply. The next consequence, already visible, is further increase in oil imports. Congress, understandably, gets anxious. It begins to push production methods that lie many years in the future and that are too expensive and uncertain for the banks to finance without a federal safety net. Isn't there something askew here?

Energy is going to cost more in the future. The country may as well get used to that unwelcome thought. It is a great deal better to meet that cost directly, through the prices that the customer pays, than indirectly through everybody's taxes and a cat's cradle of federal loan guarantees and price supports. It would be nice to think that we could avoid the inconveniences, of conservation merely by pouring money into new plants for the 1990s. But there may not be enough money to do it that way. There certainly isn't enough time.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

DEFEAT THE UNPRECEDENTED, RESTRICTIVE SYNFUELS RULE—AND GET HOME FOR CHRISTMAS!

DEAR COLLEAGUE: We are writing to urge defeat of the extraordinary, unprecedented modified closed rule granted for a new substitute to the Synfuels Bill (H.R. 12112), for the following reasons:

1. The rule permits extraordinary reconsideration of legislation already defeated in this Congress.

2. The rule makes unprecedented provision for primary consideration of a substitute substantially different from H.R. 12112—on which there are no hearings, committee report or impact assessment—and which contains, in addition to loan guarantees, $½ billion in price supports specifically rejected by the Science and Technology Committee, breaking the budgetary provision for H.R. 12112 by $750,000,000.

3. There is no justification for a modified closed rule which will impede full and fair consideration of this complex (multi-billion dollar legislation.

4. New evidence against this program—GAO disapproval and discovery that key ERDA studies on plant size are missing—indicate that the legislation should be reconsidered in committee before floor action.

5. The legislation is too controversial for end-of-session consideration; the program is opposed by a broad bipartisan spectrum of the House and public groups.

6. Synfuels and energy independence development will be enhanced by defeat of this program and pursuit of the $416 million ERDA R.D.&D. program, as recommended by GAO.

We urge you to join us in defeating the rule.

Sincerely,

Herbert E. Harris, Joseph L. Fisher, Ken Hechler, Millicent Fenwick, Elizabeth Holtzman, Thomas N. Kindness, Norman Lent, Walter B. Jones, William L. Hungate, Robert A. Roe, Philip H. Hayes, Kenneth L. Holland, Martha Keys, James J. Howard, and Larry McDonald.

Margaret Heckler, Albert H. Quie, Joseph E. Karth, Robert W. Kastenmeier, James Weaver, Robert N. C. Nix, William D. Ford, Phillip Burton, Abner J. Mikva, Lindy Boggs, Berkley Bedell, Joseph P. Addabbo, Stephen J. Solarz, Gladys Noon Spellman, and James V. Stanton.

Fortney H. Stark, Morris K. Udall, Edward W. Pattison, Frederick W. Richmond, Walter E. Fauntroy, Max Baucus, Edward P. Beard, Mario Biaggi,

Jonathan Bingham, Michael T. Blouin, Bella S. Abzug, Clifford Allen, Gerry E. Studds, John Brademas, and William M. Brodhead.

James T. Broyhill, Cardiss Collins, Norman E. D'Amours, Samuel L. Devine, Louis Stokes, William (Bill) Clay, Don Edwards, Barber Conable, Paul E. Tsongas, Shirley Chisholm, Lawrence Coughlin, John Burton, Bob Carr, James J. Delaney, and Bob Eckhardt.

Joshua Eilberg, David W. Evans, Robert J. Cornell, Edward Mezvinsky, Paul Findley, W. S. Stuckey, Jr., Anthony Toby Moffett, Tennyson Guyer, Charles E. Grassley, Bill Frenzel, Charles B. Rangel, Ron Paul, Richard L. Ottinger, John E. Moss, and George Miller.

Harold E. Ford, Parren J. Mitchell, James L. Oberstar, Robert W. Kasten, Jr., James M. Collins, Stephen L. Neal, Richard Nolan, Lionel Van Deerlin, Richard F. Vander Veen, Otis G. Pike, David R. Obey, Dante Fascell, Thomas N. Downey, Robert Duncan, and James J. Florio.

Don Bonker, Sam Gibbons, Dominick Daniels, Charles C. Diggs, Jr., Hamilton Fish, Tim L. Hall, Ron Dellums, Tom Harkin, Les Aspin, Floyd Fithian, Christopher J. Dodd, Robert F. Drinan, Donald M. Fraser, Butler Derrick, and James A. Haley.

Lee H. Hamilton, Robert W. Edgar, Michael Harrington, Edward I. Koch, Leonor K. Sullivan, Neal Smith, Charles Rose, Benjamin S. Rosenthal, J. Edward Roush, Clarence Long, Matthew F. McHugh, Frank Thompson, Jr., James D. Santini, Paul S. Sarbanes, and Roy A. Taylor.

John D. Dingell, Patricia Schroeder, John Melcher, John F. Seiberling, Philip R. Sharp, Andrew Maguire, Peter W. Rodino, Jr., Charles W. Whalen, Jr., Andrew Young, Charles A. Vanik, Joseph P. Vigorito, James H. Scheuer, Sidney R. Yates, and Lester L. Wolff.

EXPLANATION OF NEW REVISED FULL EMPLOYMENT BILL

(Mr. HAWKINS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. HAWKINS. Mr. Speaker, on Thursday, September 16, 1976, the full Committee on Education and Labor met and voted out an amendment in the nature of a substitute to H.R. 50, the Full Employment and Balanced Growth Act of 1976, previously reported by the committee on May 14, 1976. Last Friday, September 17, 1976, Chairman CARL PERKINS inserted the revised substitute amendment in the CONGRESSIONAL RECORD at pages 31021 to 31028.

Following my introductory remarks, I am inserting in the RECORD an explanation and text of the differences between the new amendment and the bill originally reported out by the committee on May 14, 1976. Also, I am inserting two memorandums dealing with the questions of costs and planning, as well as a chart on inflation comparisons. It is important that the Members realize the great importance of this legislation.

The new amendment is fully responsive to earlier criticisms of the earlier version of the bill. In addition, the bill in its current form embodies very important provisions not contained in any existing legislation, as follows:

First. Strict standards for restraint of inflation, to the effect that inflation be reduced as rapidly as possible, and in no event to exceed the rate at time of enactment, so that the full employment measures in the bill cannot add to inflation;

Second. Very strict standards and criteria for public service or public employment jobs, accompanied by elimination of prevailing wage and Bacon-Davis provisions as to these jobs, which will serve to limit severely the number and cost of these jobs—and prevent these jobs competing with any job in the private sector;

Third. Detailed standards to maximize private employment, and to prohibit any governmental planning of the private sector;

Fourth. A wide range of standards and requirements to limit public costs and to hold them to very low levels in comparison with the Federal revenue benefits and GNP benefits which the movement toward full employment and full production will yield; and

Fifth. A revised specific definition of the full employment goal, which will be noninflationary and hold down costs.

EXPLANATION OF FURTHER AMENDMENTS

(Further amendments to May 14, 1976, version of H.R. 50 (as reported by House Committee on Education and Labor), August 30, 1976)

The further amendments following this explanation take into account concerns expressed by many Members since the bill was reported on May 14, 1976.

The provisions on the first page and on the first third of the second page of the amendments strengthen greatly the anti-inflation provisions of the bill.

First, the goal of reducing unemployment to 3 percent within four years is limited to adult Americans 20 years of age or older instead of 16 and older. This reduces the inflationary pressures which might arise if the provisions were extended to all those aged 16 and over. This change is accompanied by a provision that all reasonable efforts shall be made under the bill to reduce unemployment among teenagers aged 16–19 and to reduce the ratio of the rate of unemployment of teenagers to the rate of unemployment among those 20 years of age and older as rapidly as feasible.

Second, the anti-inflation provisions are strengthened by including, in the Full Employment and Balanced Growth Plan, the objective of holding the annual rate of consumer and other price increases to levels consistent with reasonable price stability through the use of the additional microeconomic measures in Title II of the bill.

Third, it is set forth as an objective or goal that the rise in the annual rate of consumer and other price increases in any given year shall not be above such rates on the date of enactment of the Act. This answers the claim that the reduction of unemployment under the bill would add to inflation.

Fourth, the proposed last-resort job amendments, as discussed below, remove any concern that these might add to inflation.

Fifth, the provision is retained to the effect that the President shall review the goals and timetable each year and propose any necessary corrective measures.

The final paragraph of these anti-inflation amendments merely deletes the provision relating to export licensing.

It should be stressed that these new anti-inflation amendments must be viewed in connection with the very strong anti-inflation provisions in Section 107 of the bill. Operating even more strongly against inflation will be the fact that reductions in unemployment and idle plant and increases in production and sales reduce inflation, a fact increasingly recognized and supported by more and more empirical evidence set forth very fully in the hearings on the bill.

And operating very strongly against inflation are the long-range planning provisions in the priority provisions in Section 104 of the bill on pages 38 and 39, relating to such matters as avoiding shortages by the adequate development of energy, food, etc.

The bill also contains numerous other references to anti-inflation objectives.

The provisions contained on the bottom two-thirds of page 2 and on page 3 of the amendments answer all of the criticisms to the effect that the last-resort jobs on reservoir projects might become too numerous, might draw people away from private employment, and might be at wages which are too high or which conflict with private employment. These new amendments provide categorically that no one shall be eligible for a last-resort job who leaves or refuses to to accept a private job, a countercyclical job as provided in Title II. They provide that such last-resort jobs shall be concentrated in the lower ranges of skill and pay and shall in no event include work of the type to which the Bacon-Davis Act applies.

The new amendments include the provision that the last-resort jobs shall not be initiated until two years after enactment, nor without a finding by the President, transmitted to the Congress, that all other means of employment are not yielding enough jobs to meet the unemployment reduction goals of the Act. The eligibility provisions of Section 206 subsection (e)(4) are revised to provide that no one shall be eligible for a last resort job who has been unemployed for less than eight weeks, and also strike out the wage provisions in Section 206 subsection (e)(4) which led some to believe that people might be moved from private jobs to last-resort jobs if the wages on the private jobs did not meet certain criteria, including the prevailing wage. As amended, the wage provisions relating to last-resort jobs are to the effect that these jobs shall pay not less than the minimum wage and not less than the wage paid by the same employer for people doing the same types of work. Less than this would be unworkable, and would degrade previously existing wage standards.

The provisions on the first two-thirds of page 4 of the amendments enlarge the priority enumeration provisions of the bill on pages 38 and 39, and add to the countercyclical provisions, to assure appropriate attention to employment, production, and well-being among the farm population and in rural areas more generally.

The provisions on the last third of page 4 and the top of page 5 of the amendments provide more flexibility, so as to make some of the policies and programs more responsive to differing conditions in different States and localities, instead of being related only to nation-wide averages.

The provisions from near the top of page 5 through the first third of page 6 of the amendments are designed to make it absolutely clear, in response to the concern of a number of the members of the House, that the Act is designed to improve the policies and programs of the Government, and not to "plan the whole economy," and to stress the predominant reliance upon the expansion of jobs in the private sector by stating the order in which additional jobs shall be encouraged.

The provisions on the middle of page 6 of the amendments are designed to meet the concern of large numbers of women's groups and some minority groups that the reduction of unemployment to 3 percent of the labor force as a whole will leave excessively high rates of unemployment among these groups.

The provisions from near the bottom of page 6 through the middle of page 7 of the amendments, defining "fiscal drag", "bal-

anced growth", and "frictional unemployment" are self-explanatory. The definition of balanced growth is especially important.

The provision on page 7 of the amendments relating to interest rates maintains the provision for Government loans under Section 204 (to help deal with regional and structural problems) at the long-term cost of the money to the Government, but takes out the word "low" before "rates of interest", because it is too indefinite, and because the intent is not to provide for loans at less than the cost of the money to the Government.

The provision on page 7 of the amendments in re fiscal policy maintains the objective of a balanced Federal Budget but omits the reference to the criterion of a surplus because that would be meaningless without defining the size of the surplus, which would not be practical.

CHANGES TO STRENGTHEN ANTI-INFLATION PROVISIONS

In Section 104, change Section 3A subsection (d) of the amendment to the Employment Act of 1946 provided for therein, on page 37 lines 12 through 25, to read as follows:

"(d)(1) In carrying out the provisions of paragraph (1) of subsection (c), the full employment goal shall be consistent with a rate of unemployment not in excess of 3 per centum of adult Americans 20 years of age or older in the civilian labor force, to be attained as promptly as possible, but within not more than four years after the enactment of the Full Employment and Balanced Growth Act of 1976. Concurrently with this, the objective shall be to reduce unemployment among those aged 16–19 as rapidly as feasible, including reduction of the ratio of the rate of unemployment among teenagers to the rate of unemployment among those 20 years of age and older as rapidly as feasible. Toward the reduction of unemployment among teenagers, there shall be full utilization of Section 205 of the Full Employment and Balanced Growth Act of 1976, and utilization of other provisions of that Act to the extent relevant. In addition, the President shall from time to time make such other recommendations to the Congress as he or she seems desirable to facilitate the reduction of unemployment among teenagers.

"(2) In achieving the goals set forth in subsection (c), the President shall include the objective of holding the annual rate of consumer and other price increases to levels consistent with reasonable price stability. To accomplish this objective, the President shall take full advantage of the specific structural programs called for in Title II of the Full Employment and Balanced Growth Act of 1976, which promote the achievement of the full employment goal established in paragraph 1 of subsection (c) without excessive price increases. In selecting appropriate policies and programs for achieving full employment, the President shall have the objective of preventing a rise in the annual rate of consumer and other price increases above such rates on the date of enactment of this Act. Achievement of reasonable price stability shall be sought through the methods set forth in Section 107 and elsewhere in the Full Employment and Balanced Growth Act of 1976, and shall not be sought through any weakening of the goals and timetable relating to reduction of unemployment."

"(3) Within one year of the date of enactment of the Full Employment and Balanced Growth Act of 1976, the President shall review the full employment goals and timetable required by this section and report to Congress on any obstacles to their achievement, and, if necessary, propose corrective economic measures to insure that the full employment goals are achieved.

In Section 107(a), amending Section 3 of the Employment Act of 1946 by adding at the end thereof a new paragraph (d), make the following change: On page 44 strike lines 22 through 25, and on page 45 strike line 1, and substitute "(4) establishment of stockpile.

CHANGES TO PREVENT EMPLOYMENT ON RESERVOIR PROJECTS OF PERSONS REFUSING TO ACCEPT OR HOLD ANOTHER JOB, INCLUDING, TOWARD THIS END, SOME CHANGES IN WAGE PROVISIONS

In Section 206 subsection (d), strike the first sentence on lines 3–9 of page 59, and substitute the following:

Only to the extent that adult Americans able, willing, and seeking work are not provided with the private job opportunities which are the first and major purpose of this Act, nor provided with job opportunities under Section 206(c) or through other programs under this Act, such opportunities shall be provided by the President through reservoirs of federally operated public employment projects and private nonprofit employment projects approved by the Secretary of Labor. Such projects shall not be put into operation less than two years after the enactment of this Act, nor without a finding by the President, transmitted to the Congress, that other means of employment are not yielding enough jobs to be consistent with attainment of the goals and timetable for the reduction of unemployment set forth in this Act. The Congress hereby establishes the policy that such projects shall be so designed as not to draw any workers from private employment to such reservoir projects. The jobs under such reservoir projects shall be useful and productive jobs. Nonetheless, such jobs shall be mainly in the lower ranges of skills and pay, and toward this end the number of reservoir jobs shall, to the extent practicable, be maximized in relationship to the appropriations provided for such jobs.

In Section 206 subsection (d), on page 59 line 18, substitute comma for period, and add "and to achieve the objective for the reduction of unemployment among teenagers as set forth in paragraph 1 subsection (d) of Section 3A of the Employment Act of 1946.

In Section 206 subsection (e), strike all of paragraph (4) on lines 15–23 of page 60, and substitute the following:

(4) appropriate eligibility criteria to limit access to the program authorized under subsection (d), including but not limited to such criteria as household income, duration of unemployment (not less than eight weeks), and refusal to accept or hold a job other than a job under subsection (d) except for good cause as determined by the Secretary of Labor, including refusal to accept or hold a job subject to reference under subsection (c) paragraph (2), in order to seek a reservoir project job under subsection (d): and

In Section 402, strike *all* of that part of the section beginning with "In providing employment under this Act" on page 76 line 1 and substitute: The President shall insure that any person employed in a reservoir project under Section 206(d) or in any other job utilizing funds provided in whole or part under this Act shall be paid not less than the pay received by others performing similar work for the same employer, and in no case less than the minimum wage under the Fair Labor Standards Act of 1938 as amended. No person employed under Section 206(d) shall perform work of the type to which the Bacon-Davis Act, as amended (40 U.S.C. 276a-276a-5) applies. Any recommendation by the President for legislation to implement any program under this Act, requiring the use of funds under this Act, and submitted pursuant to the requirements of this Act, shall contain appropriate wage provisions based upon existing wage standard legislation.

AMENDMENTS TO EXTEND MORE EFFECTIVE ASSISTANCE TO FARM AND OTHER RURAL AREAS

Amend Section 104 of H.R. 50 (amending the Employment Act of 1946 by adding a new Section 3A) as follows:

In said new Section 3A, paragraph (e) subparagraph (1) on page 38 line 19, strike out "food" and the comma following "food"

In the same new Section 3A, paragraph (e), add after subparagraph (1) ending on page 38 line 23 a new subparagraph (2) as follows:

"(2) development of policies and programs related to (a) food and fiber requirements for full employment and balanced growth and to help combat inflation, (b) the needed labor force and capital in agriculture to meet food and fiber requirements, (c) the income needs of farmers to encourage production of food and fiber in accord with the above requirements and to move farm families toward parity of income with others, (d) measures to discourage the excessive migration of farm families to urban areas, including encouragement of supplementary nonfarm work and income for farm families, and (e) improved equalization of necessary public facilities and services for farm families with those provided for other families;

In the same new Section 3A, paragraph (e), renumber subparagraphs (2)–(5) to (3)–(6).

In Section 202 (b)(2)(G) on page 51, line 15, after the word "communities" add "(including rural areas)".

AMENDMENTS TO MAKE POLICIES AND PROGRAMS MORE RESPONSIVE TO VARIOUS STATE AND LOCAL CONDITIONS

In Section 203, change paragraph (b) on page 53 to read as follows:

As a primary effort to meet the requirements of this section, the President shall within ninety days after the date of enactment of this Act transmit to the Congress legislation creating a permanent grant program related to the stabilization and needed growth of State and local budgets. In formulating this proposal, the President shall endeavor to meet criteria that establish programs which are funded to take account of the fiscal needs and budget conditions of the respective States and localities and their own efforts, with accent upon the rates of unemployment in these States and localities.

In Section 204(b)(3) on page 55, line 16, after the word "average" insert "or otherwise suffering severe economic dislocation".

AMENDMENT TO CLARIFY EXTENT OF FEDERAL GOVERNMENT ACTION OR "PLANNING" UNDER THE ACT, AND TO EMPHASIZE PREDOMINANT RELIANCE UPON PRIVATE EMPLOYMENT

In Section 102, amending Section 2 of the Employment Act of 1946, on page 34 after lines 9, add the following:

"(d) The Congress further declares that it is the purpose of the Full Employment and Balanced Growth Act of 1976 to coordinate, integrate, and improve the policies and programs of the Federal Government, toward achievement of the objectives of such Act through better management, increased efficiency, and attention to long-range as well as short-range problems. Although it is the purpose under the Act to seek diligently and to encourage the voluntary cooperation of the private sector of the economy in helping to achieve the objectives of the Act, no provisions of the Act are intended nor shall be used, with respect to any portion of the private sector of the economy, to provide for Government control of production or employment or allocations of resources, except to the extent authorized under other legislation.

"(e) The Congress further declares that it is the purpose of the Full Employment and Balanced Growth Act of 1976 to maximize and place primary emphasis upon the ex-

pansion of private employment, and all programs and policies under the Act shall be in accord with this purpose. In moving toward the goals for reduction of unemployment, the objective shall be to maintain trends in the ratio of private employment to civilian public employment similar to those from 1947 to the time of enactment of the Full Employment and Balanced Growth Act of 1976, which would mean a numerical growth in private employment several times as large as the numerical growth in civilian public employment. Toward this end, the effort to expand jobs to the full employment level shall be in this order of priority: (a) expansion of conventional private jobs through improved use of fiscal and monetary policies and other policies made available under the Full Employment and Balanced Growth Act of 1976; (b) expansion of private employment requiring Federal assistance in connection with some of the priority programs specified in such Act; (c) expansion of public employment under other programs specified in such Act, not including the reservoir projects under Section 206 of such Act; and (d) only as a last resort under Section 206 of such Act and subject to the limitations therein, the creation of reservoirs of public and private nonprofit employment projects."

AMENDMENT TO REDUCE DIFFERENCES IN RATES OF UNEMPLOYMENT AMONG VARIOUS IMPORTANT GROUPS

In Section 401, on page 75 after line 18, add the following:

(e) In moving to reduce unemployment in accord with the goals and time table set forth in this Act, every effort shall be made to reduce the differences between the rates of unemployment among women, minorities, and other labor force groups and the overall rate of unemployment, with the ultimate objective of removing them entirely. Insofar as these differences are due to discrimination, the non-discrimination provisions of this Section, as well as other provisions of the Act, shall be utilized. Insofar as these differences are due to lack of training and skills, occupational practices, and other relevant factors, the Secretary of Labor shall take such action as he or she can to achieve the objectives of this paragraph; shall make studies, develop information, and make recommendations toward remedying these differences and include these in the annual Manpower Report of the President; and, if deemed necessary, make recommendations to the Congress within 90 days related to the objectives of this paragraph.

AMENDMENTS BY WAY OF DEFINITIONS

At the end of the Table of Contents, add "Sec. 404. Definitions." After Section 403, ending on page 77 line 9, add the following:

DEFINITIONS

SEC. 404. "Fiscal drag" as used in Section 106 means tax and expenditure rates which, in combination, substantially impede attainment (or maintenance) of full employment, production, and purchasing power.

"Balanced growth" in the Full Employment and Balanced Growth Plan means projecting and achieving (1) the relationship between production or supply capability and demand and (2) the relationships among the growth rates of private investment, private consumer expenditures, and public outlays, and also (3) the purchasing power, including important components of each element, required to achieve and then maintain full employment and production and appropriate servicing of national priorities, these to be promoted by the programs and polices set forth in this Act and by encouragement of voluntary cooperation within the private sector (for example, between labor and management) and between the Government and the private sector.

"Frictional unemployment" means the lowest level of unemployment, determined on the basis of evolving experience, consistent with labor mobility, changing job patterns, freedom of job choice, and sufficient job search on a voluntary basis.

AMENDMENT IN RE INTEREST RATES

In section 204, paragraph (b), subparagraph 1, on page 55 line 5 strike the word "low" before "rates of interest".

AMENDMENT IN RE FISCAL POLICY

In section 106, amending the Employment Act of 1946, in Section 3B(a)(2) of page 42, line 23, strike "or create a surplus".

FACT SHEET NO. 1

COST

The Congressional Budget Office, in a study prepared for the Joint Economic Committee, estimated that the last-resort public employment which would be created under the bill would cost 17.5 billion dollars in the first year, and decline to about 8 billion net annually after 24 months because of decreased welfare and unemployment compensation and tax revenues collected from employed people who were previously unemployed. This estimate, set forth on page 21 of Position Paper No. 1 issued by Senator Humphrey and Congressman Hawkins, is based upon the goal of reducing unemployment to 3 percent within 4 years for those aged 20 and over, as provided for in the amended bill. But the estimate takes no account of the factors and offsets detailed below.

(1) This CBO estimate of costs, based upon the unamended bill, is high because it estimates that many of the public service jobs would displace private employment, and this the amended bill specifically prohibits. Also, the CBO estimate of 3 million last-resort jobs is much too high, because it does not allow for the increases in private jobs toward full employment which the bill, especially in its amended form, attaches predominant stress upon in many ways, and because it does not allow for the severe limitations upon last-resort jobs in the amended bill.

(2) But even taking the CBO estimates as stated, they do not allow for the multiplier effects of the additional last-resort jobs. More important, they do not allow for the increased GNP and increased federal revenues which would result from the movement of the economy toward full employment and full production within 4 years, contrasted with even "optimistic" projections of economic developments under current national policies and programs. These GNP benefits of the bill are set forth on page 20 of Position Paper No. 1, and are also set forth in the Committee Report on the bill.

It is conservatively estimated that, during the 4 calendar years 1977–1980, the GNP under the legislation would average annually about 181 billion fiscal 1977 dollars higher than under projectioins of current national than under projections of current national the CBO or by the Administration) and that in consequence federal revenues would average annually about 36 billion higher. In the fourth year alone, the GNP under the bill, contrasted with projections of current national policies and programs, would be about 250 billion dollars higher, and federal tax revenues would be about 50 billion dollars higher.

Thus, under the bill, the net gain to federal revenues after the first 24 months would be 28 billion dollars annually (36 minus 8). In terms of GNP the net gain annually would be 173 billion (181 minus 8).

(3) The above benefits do not include the incalculable benefits to the nation and the people of substituting employment for the misery and alienation of unemployment.

FACT SHEET NO. 2

PLANNING

The Democratic Platform and the bill are completely consistent as to planning.

The Platform calls for "consistent and coherent economic policy . . ." The Platform says:

"Of special importance is the need for national economic planning capability. This planning capability should provide roles for Congress and the Executive as equal partners in the process and provide for full participation by the private sector, and state and local government. Government must plan ahead just like any business, and this type of planning can be carried out without the creation of a new bureaucracy but rather through the well-defined use of existing bodies and techniques. If we do not plan, but continue to react to crisis after crisis, our economic performance will be further eroded . . .

"The lack of formal coordination among federal, state and local governments is a major obstacle to full employment."

The Platform thus calls for planning of Federal policies and programs, with cooperation from others, but does not contemplate any Government planning of the private economy. The amended bill makes crystal clear the same intent, as follows:

"(d) The Congress further declares that it is the purpose of the Full Employment and Balanced Growth Act of 1976 to coordinate, integrate, and improve the policies and programs of the Federal Government, toward achievement of the objectives of such Act through better management, increased efficiency, and attention to long-range as well as short-range problems. Although it is the purpose under the Act to seek diligently and to encourage the voluntary cooperation of the private sector of the economy in helping to achieve the objectives of the Act, no provisions of the Act are intended nor shall be used, with respect to any portion of the private sector of the economy, to provide for Government control of production or employment or allocations of resources, except to the extent authorized under other legislation.

"(e) The Congress further declares that it is the purpose of the Full Employment and Balanced Growth Act of 1976 to maximize and place primary emphasis upon the expansion of private employment, and all programs and policies under the Act shall be in accordance with this purpose. In moving toward the goals for reduction of unemployment, the objective shall be to maintain trends in the ratio of private employment to civilian public employment similar to those from 1947 to the time of enactment of the Full Employment and Balanced Growth Act of 1976, which would mean a numerical growth in private employment several times as large as the numerical growth in civilian public employment."

[Fact sheet No. 3]

U.S. ECONOMIC PERFORMANCE, UNDER VARIOUS NATIONAL ADMINISTRATIONS WITH VARIOUS APPROACHES TO NATIONAL ECONOMIC POLICY [1]

Truman 1947–53 [2]:	
Real average annual economic growth rate	4.9%
Average annual unemployment (full-time)	4.0%
Unemployment:	
First year	3.9%
Lastyear	2.9%
Average annual inflation	3.0%
Inflation rate (C.P.I.):	
First year	7.8%
Last year	0.8%
Average annual surplus or deficit, Federal budget (fiscal years, billions)	+$2.4

Eisenhower 1953–61:	
Real average annual economic growth rate	2.4%
Average annual unemployment (full-time)	5.1%
Unemployment:	
First year	2.9%
Last year	6.7%
Average annual inflation	1.4%
Inflation rate (C.P.I.):	
First year	0.5%
Last year	1.2%
Average annual surplus or deficit, Federal budget (fiscal years, billions)	—$2.3
Kennedy-Johnson 1961–69:	
Real average annual economic growth rate	4.8%
Average annual unemployment (full time)	4.7%
Unemployment:	
First year	6.7%
Last year	3,5%
Average annual inflation	2.6%
Inflation rate (C.P.I.):	
First year	1.1%
Last year	5.4%
Average annual surplus or deficit, Federal budget (fiscal years, billions)	—$6.4
Nixon-Ford 1969–75:	
Real average annual economic growth rate	1.6%
Average annual unemployment (full-time)	5.6%
Unemployment:	
First year	3.5%
Last year	8.5%
Average annual inflation	6.6%
Inflation rate (C.P.I.):	
First year	5.9%
Last year	9.1%
Average annual surplus or deficit, Federal budget (fiscal years, billions)	—$15.3

[1] To allow for momentum effects of policies, the first year of one Administration is also treated as the last year of the preceding Administration. All 1975 figures, except Federal Budget, estimated.

[2] 1946–1947 not included because greatly affected by transition from World War II.

CONFERENCE REPORT ON H.R. 14260

Mr. PASSMAN submitted the following conference report and statement on the bill (H.R. 14260) making appropriations for foreign assistance and related programs for the fiscal year ending September 30, 1977, and for other purposes:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14260) "making appropriations for Foreign Assistance and related programs for the fiscal year ending September 30, 1977, 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 amendments numbered 9, 11, 13, 25, 28, 30, 36, 39, and 43.

That the House recede from its disagreement to the amendments of the Senate numbered 8, 10, 12, 14, 15, 16, 18, 22, 29, 41, 42, and 45, and agree to the same.

Amendment numbered 1: That the House recede from its disagreement to the amendment of the Senate numbered 1, and agree to the same with an amendment as follows: In lieu of the same proposed by said amendment insert "$505,000,000"; and the Senate agree to the same.

Amendment numbered 2: That the House recede from its disagreement to the amendment of the Senate numbered 2, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$214,000,000"; and the Senate agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$67,000,000"; and the Senate agree to the same.

Amendment numbered 6: That the House recede from its disagreement to the amendment of the Senate numbered 6, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$187,000,000"; and the Senate agree to the same.

Amendment numbered 19: That the House recede from its disagreement to the amendment of the Senate numbered 19, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$1,734,700,000"; and the Senate agree to the same.

Amendment numbered 31: That the House recede from its disagreement to the amendment of the Senate numbered 31, and agree to the same with an amendment, as follows: In lieu of the section number named in said amendment insert the following: "109"; and the Senate agree to the same.

Amendment numbered 32: That the House recede from its disagreement to the amendment of the Senate numbered 32, and agree to the same with an amendment, as follows: In lieu of the section number named in said amendment insert the following: "110"; and the Senate agree to the same.

Amendment numbered 33: That the House recede from its disagreement to the amendment of the Senate numbered 33, and agree to the same with an amendment, as follows: In lieu of the section number named in said amendment insert the following: "111"; and the Senate agree to the same.

Amendment numbered 34: That the House recede from its disagreement to the amendment of the Senate numbered 34, and agree to the same with an amendment, as follows: In lieu of the section number named in said amendment insert the following: "112"; and the Senate agree to the same.

Amendment numbered 37: That the House recede from its disagreement to the amendment of the Senate numbered 37, and agree to the same with an amendment, as follows: In lieu of the matter stricken and inserted by said amendment insert the following: "of section 105 of the Foreign Relations Authorization Act, Fiscal Year 1977, $15,000,000"; and the Senate agree to the same.

Amendment numbered 38: That the House recede from its disagreement to the amendment of the Senate numbered 38, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$90,477,000"; and the Senate agree to the same.

Amendment numbered 40: That the House recede from its disagreement to the amendment of the Senate numbered 40, and agree to the same with an amendment, as follows: In lieu of the sum proposed by said amendment insert "$270,000,000"; and the Senate agree to the same.

Amendment numbered 44: That the House recede from its disagreement to the amendment of the Senate numbered 44, and agree to the same with an amendment, as follows: In lieu of the section number named in said amendment insert the following: "505A"; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 3, 5, 7, 17, 20, 21, 23, 24, 26, 27, and 35.

OTTO E. PASSMAN,
CLARENCE D. LONG,
DAVID R. OBEY,
BILL CHAPPELL,
EDWARD I. KOCH,
CHARLES WILSON,
GARNER E. SHRIVER,
SILVIO O. CONTE,
LAWRENCE COUGHLIN,
ELFORD A. CEDERBERG,
Managers on the Part of the House.

DANIEL K. INOUYE,
GALE W. MCGEE,
LAWTON CHILES,
JOHN L. MCCLELLAN,
EDWARD W. BROOKE,
MARK O. HATFIELD,
CHARLES MCC. MATHIAS, JR.,
MILTON R. YOUNG,
Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14260), making appropriations for Foreign Assistance and related programs for the fiscal year ending September 30, 1977, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

TITLE I—FOREIGN ASSISTANCE ACT ACTIVITIES

Funds appropriated to the President

Economic Assistance

Amendment No. 1: Food and nutrition, Development Assistance: Appropriates $505,000,000 instead of $475,000,000 as proposed by the House and $535,000,000 as proposed by the Senate.

The managers agree that $1,500,000 of the reduction is to delete all funds proposed for Mozambique from this appropriations account.

Amendment No. 2: Population planning and health, Development Assistance: Appropriates $214,000,000 instead of $200,000,000 as proposed by the House and $228,300,000 as proposed by the Senate.

Amendment No. 3: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate earmarking $15,000,000 for programs providing training to auxiliary or paramedical personnel engaged in the delivery of health and family planning services to rural areas.

Amendment No. 4: Technical assistance, energy, research, reconstruction, and selected development problems, Development Assistance: Appropriates $67,000,000 instead of $70,000,000 as proposed by the House and $64,000,000 as proposed by the Senate.

The managers agree that the reduction of $3,000,000 below the House figure is to be distributed as follows: $1,000,000 of the reduction is to be applied against proposed funding of the Asia Foundation and the balance of the reduction, $2,000,000 is to delete all funds proposed for Mozambique from this appropriations account.

The managers are of the opinion that geographic, sociological, and economic considerations merit serious consideration of construction of an airport facility capable of accommodating jet aircraft at Thoto-Ea-Moli in the country of Lesotho. It is the desire of the managers that the Agency for International Development conduct a study on the feasibility of supporting the construction of such a facility.

The managers on the part of the Senate and the managers on the part of the House are in agreement that the common interests of Pri-

vate and Voluntary Organizations (PVOs) and the United States Government with regard to the activities of PVOs in providing an alternative to official development assistance are best served by actions which strengthen the private and voluntary character of the PVOs.

The conferees are further in agreement that a relationship between the Agency for International Development and the PVOs which creates a heavy dependence on the part of the PVOs for United States Government funding of their overhead and personnel compensation costs is harmful to those interests.

The conferees, therefore, direct the Agency for International Development to establish funding guidelines which will restrict United State Government general support grants to any Private and Voluntary Organization to an amount which does not exceed fifty percent of the annual cash requirement for overhead and personnel compensation costs of such organization.

The conferees further direct the Agency for International Development to prepare within a reasonable time, but no later than March 1, 1977, a registry of Private and Voluntary Organizations eligible for United States Government assistance. It is the opinion of the conferees that any Private and Voluntary Organization which does not certify to the Agency for International Development its most recent financial statement together with its current budget (such information to provide a detailed accounting of sources of income, pay and allowances of principal officers, and such other budgetary indicators as may be required by the Agency for International Development) shall be ineligible for inclusion in the registry and, therefore, ineligible for United States Government funding.

While these requirements have not been incorporated into the language of the bill this year, it should be understood that the failure of the Agency for International Development to implement these directives will result in more direct action during the consideration of the fiscal year 1978 appropriations bill.

Amendment No. 5: Loan allocation, Development Assistance: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which provides that of the amount made available for loans, not to exceed $210,000,000 shall be available for loans repayable in forty years, not to exceed $60,000,000 shall be available for loans repayable in thirty years, and not to exceed $30,000,000 shall be available for loans repayable in twenty years.

Amendment No. 6: International organizations and programs: Appropriates $187,000,000 instead of $170,000,000 as proposed by the House and $197,000,000 as proposed by the Senate.

The managers agree that a $2,500,000 reduction should be applied against the Organization of American States.

Amendment No. 7: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum named in said amendment, insert "$100,000,000".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 8: United Nations Environment Fund: Appropriates $10,000,000 as proposed by the Senate instead of $5,000,000 as proposed by the House.

Amendment No. 9: American schools and hospitals abroad: Appropriates $19,800,000 as proposed by the House instead of $17,300,000 as proposed by the Senate.

The managers agree that the entire amount of these funds should be used to carry out the regular programs under section 214 of the Foreign Assistance Act of 1961, as amended. The Agency for International Development should study the feasibility of operating and refitting the U.S.S. Sanctuary for the possible use as a hospital ship.

Amendment No. 10: Indus Basin Development Fund, grants: Appropriates $15,750,000 and includes necessary appropriation language as proposed by the Senate.

Amendment No. 11: Contingency fund: Restores necessary appropriation language proposed by the House and deleted by the Senate and appropriates $5,000,000 as proposed by the House.

Amendment No. 12: Lebanon Relief and Rehabilitation assistance: Appropriates $20,000,000 and includes necessary appropriation language as proposed by the Senate.

Amendment No. 13: Deletes language proposed by the Senate and restores language proposed by the House which will terminate the availability of the unobligated balances of the contingency fund for use in fiscal year 1977.

Amendments Nos. 14, 15 and 16: Delete the word "general" in three instances as proposed by the Senate.

Amendment No. 17: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

"None of the funds made available under this Act for "Food and nutrition, Development Assistance," "Population planning and health, Development Assistance," "Education and human resources development, Development Assistance," "Technical assistance, energy, research, reconstruction, and selected development problems, Development Assistance," "International organization and programs," "United Nations Environment Fund," "American schools and hospitals abroad," "Indus Basin Development Fund, grants," "International narcotics control," "Middle East special requirements fund," "Security supporting assistance," "Operating Expenses of the Agency for International Development," "Military assistance," "International military education and training," "Inter-American Foundation," "Peace Corps," "Cuban refugee assistance," "Special assistance to refugees from Cambodia, Vietnam, and Laos in the United States," "Migration and refugee assistance," or "Assistance to refugees from the Soviet Union or other Communist countries in Eastern Europe," shall be available for obligation for activities, programs, projects, type of material assistance, countries, or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligation under any of these specific headings for fiscal year 1977 unless the Appropriations Committees of both Houses of the Congress are previously notified fifteen days in advance."

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

It will be noted that the conferees have agreed to a modification of this provision as it appeared in Public Law 94-330 and in the Senate passed version of H.R. 14260. The conferees removed a reference to approval of the Appropriations Committees of reprogrammings and inserted in lieu thereof a reference to prior notification of the two Committees. This agreement was achieved only after protracted negotiations between the managers on the part of the House and the managers on the part of the Senate and is based on the firm expectation of the conferees that the Executive Branch will follow the historical pattern of honoring objections to the obligation of funds for activities, programs, projects, type of materiel assistance, countries or other operations not justified or in excess of the amount justified to the Appropriations Committees for obligations under any of the above mentioned specific headings.

The managers agree that any activity, program, project, type of materiel assistance, or other operation specifically set forth by recipient or country and by amount to be obligated in fiscal year 1977 in the fiscal year 1977 Congressional Presentation Document shall be deemed to have been justified and the Committees informed. Similarly, amounts not in excess of the amounts proposed therein for obligation in fiscal year 1977 shall be deemed to have been justified and the Committees informed.

Any activity, program, project, type of materiel assistance, or other operation not specifically set forth by recipient or country and by amount to be obligated in fiscal year 1977 in the fiscal year 1977 Congressional Presentation Document shall be deemed not to have been justified and the Committees not informed. Similarly, amounts in excess of the amounts proposed therein for obligation in fiscal year 1977 shall be deemed to not have been justified and the Committees not informed.

Middle East Special Requirements Fund

Amendment No. 18: Appropriates $23,000,000 as proposed by the Senate instead of $35,000,000 as proposed by the House.

Security Supporting Assistance

Amendment No. 19: Appropriates $1,734,700,000 instead of $1,674,400,000 as proposed by the House and $1,745,500,000 as proposed by the Senate.

Amendment No. 20: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter inserted by said amendment, insert the following:

"$17,500,000 shall be allocated for Cyprus, $55,000,000 shall be allocated for Portugal,".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Amendment No. 21: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which allocates $14,000,000 for Botswana and for regional training programs, $20,000,000 for Zaire, and $20,000,000 for Zambia.

Amendment No. 22: Deletes duplicate language proposed by the House which earmarked $10,000,000 for Cyprus relief assistance.

Amendment No. 23: Reported in technical disagreement.

The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a provision making available $7,000,000 upon ratification of the Treaty of Friendship and Cooperation between Spain and the United States.

The managers are aware that the earmarking provisions contained under this heading may be at variance with those contained within certain authorizing legislation. It is the intent of the conferees that when such variances occur, funds shall be obligated on the basis of earmarkings contained herein. Once these earmarkings are satisfied, the remainder of the funds could be made available for other activities and projects that have been justified to the Congress within each program activity.

Operating Expenses of the Agency for International Development

Amendment No. 24: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the sum proposed by said amendment, insert "$192,000,000".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The managers have viewed with concern the trend which has characterized AID's United States employee staffing pattern in recent years. That is, the percentage of AID's United States employees in Washington has increased while the percentage of United States employees overseas has declined. With the intent of reversing this trend, the managers expect that the full amount of the reduction in this appropriations account will be applied to AID-Washington Operating Expenses.

Amendment No. 25: Deletes language proposed by the Senate which would have placed a limitation of $84,300,000 on AID-Washington Operating Expenses.

Military Assistance

Amendment No. 26: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a provision making available $15,000,000 upon ratification of the Treaty of Friendship and Cooperation between Spain and the United States.

International Military Education and Training

Amendment No. 27: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which inserts a provision making available $2,000,000 upon ratification of the Treaty of Friendship and Cooperation between Spain and the United States.

General provisions

Amendment No. 28: Section 102: Deletes the language proposed by the Senate and restores the House language which exempts the contingency fund from the restriction that not more than 20 percent of the funds made available can be obligated during the last month of availability.

Amendment No. 29: Deletes language proposed by the House which prohibited assistance to Angola and Mozambique.

Amendment No. 30: Deletes language proposed by the Senate which would have limited the amount of compensation an individual, who is employed as an expert or consultant, could receive if the individual was also receiving an annuity or retired pay from the United States.

Under the provisions of the Foreign Assistance Act, certain government retirement annuitants, who are intermittently reemployed as experts or consultants, are permitted to receive both their full annuity or retired pay as officers of the uniformed services and full compensation for the time they are reemployed.

This exceptional practice, which is permitted only for annuitants acting as experts or consultants under the Foreign Assistance Act, is commonly referred to as "double dipping." It had its origins in the early days of the Marshall Plan at a time when the United States had no trained cadre of foreign assistance specialists. In the intervening period, the Agency for International Development, as well as many other organizations in both the public and private sectors, has developed a large pool of personnel resources highly trained in foreign assistance specialties.

The conferees see no justification for the continuation of this outmoded practice which constitutes an unreasonable burden on the American taxpayer and serves to perpetuate excessive compensation for a favored few. Nowhere else in the Federal government is such a practice permitted.

The conferees, therefore, strongly urge the repeal of section 626(b) (75 Stat. 451) of the Foreign Assistance Act of 1961, as amended, which authorizes this exception to the general provisions of law prohibiting such dual payments. The result of such action would be that annuitants and retired officers of the uniformed services employed under section 626(a) of the Foreign Assistance Act of 1961 (75 Stat. 451), as amended, would be subject to the general provisions of law restricting the simultaneous receipt of full annuities or retired pay and full compensation as experts or consultants.

Amendment No. 31: Section 109: Changes section number but retains language proposed by the Senate which places a limitation of $108,000 on official residence expenses of the Agency for International Development for fiscal year 1977.

Amendment No. 32: Section 110: Changes section number but retains language proposed by the Senate which places a limitation of $20,000 on entertainment expenses of the Agency for International Development for fiscal year 1977.

Amendment No. 33: Section 111: Changes section number but retains language proposed by the Senate which places a limitation of $96,000 on representation allowances of the Agency for International Development for fiscal year 1977.

Amendment No. 34: Section 112: Changes section number but retains language proposed by the Senate which places a limitation of $75,000 on entertainment expenses relating to the Military Assistance, the International Military Education and Training and the Foreign Military Credit Sales programs for fiscal year 1977.

TITLE III—FOREIGN ASSISTANCE (OTHER)

Independent agency

ACTION—International Programs

Peace Corps

Amendment No. 35: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment, insert the following: "$80,000,000: *Provided*, That of this amount $49,563,000 shall be available for the direct support of volunteers: *Provided further*, That no less than $3,600,000 of this amount shall be available only for the overseas technical support of volunteers".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Department of State

Migration and Refugee Assistance

Amendment No. 36: Appropriates $10,000,000 as proposed by the House instead of $15,000,000 as proposed by the Senate.

Assistance to Refugees From the Soviet Union and Other Communist Countries in Eastern Europe

Amendment No. 37: Changes the authorization reference language to conform with the authorization act as finally signed into law.

Funds Appropriated to the President

International Financial Institutions

Investment in Asian Development Bank

Amendment No. 38: Appropriates $90,477,000 instead of $60,318,000 as proposed by the House and $120,635,000 as proposed by the Senate.

The managers agree that these funds should be allocated as follows: Paid-in-capital—$24,127,000 and Callable capital—$66,350,000.

Investment in Inter-American Development Bank

Amendment No. 39: Restores language proposed by the House which defines the funding programs involved and deletes the Senate proposed language.

Amendment No. 40: Appropriates $270,000,000 instead of $220,000,000 as proposed by the House and $440,000,000 as proposed by the Senate. The managers agree that these funds should be allocated as follows: Paid-in-capital—$20,000,000, Callable capital—$200,000,000 and Fund for Special Operations—$50,000,000.

Investment in International Development Association

Amendment No. 41: Appropriates $375,000,000 as proposed by the Senate instead of $320,000,000 as proposed by the House.

INVESTMENT IN AFRICAN DEVELOPMENT FUND

Amendment No. 42: Appropriates $10,000,000 and includes necessary appropriation language as proposed by the Senate.

TITLE V—GENERAL PROVISIONS

Amendment No. 43: Section 505: Restores language proposed by the House and deleted by the Senate which prohibits military assistance, international military education and training and foreign military credit sales to Uruguay.

Amendment No. 44: Section 505A: Changes the section number but retains language proposed by the Senate which places a limitation of $1,626,000 on funds made available in fiscal year 1977 to the Office of the Inspector General of Foreign Assistance.

Amendment No. 45: Retains language proposed by the Senate which provides for the withholding of funds from the international financial institutions if the United States' representative to these institutions cannot obtain information concerning the compensation and related benefits of employees of the institutions.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1977 recommended by the Committee of Conference, with comparisons to the fiscal year 1976 amount, the fiscal year 1977 budget estimates, and the House and Senate bills for fiscal year 1977 follow:

New budget (obligational) authority, fiscal year 1976	$5,420,353,909
Budget estimates of new (obligational) authority, fiscal year 1977	[1] 5,817,770,000
House bill, fiscal year 1977	4,833,498,000
Senate bill, fiscal year 1977	5,393,765,000
Conference agreement	5,133,707,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1976	−286,646,909
Budget estimates of new (obligational) authority, fiscal year 1977	−684,063,000
House bill, fiscal year 1977	+300,209,000
Senate bill, fiscal year 1977	−260,058,000

[1] Includes $320,550,000 of budget estimates not considered by the House, contained in S. Docs. 94–190, 94–212, 94–219, and 94–220.

OTTO E. PASSMAN,
CLARENCE D. LONG,
DAVID R. OBEY,
BILL CHAPPELL,
EDWARD I. KOCH,
CHARLES WILSON,
GARNER E. SHRIVER,
SILVIO O. CONTE,
LAWRENCE COUGHLIN,
ELFORD A. CEDERBERG,
Managers on the Part of the House.

DANIEL K. INOUYE,
GALE W. MCGEE,
LAWTON CHILES,
JOHN L. MCCLELLAN,
EDWARD W. BROOKE,
MARK O. HATFIELD,
CHARLES MCC. MATHIAS, JR.,
MILTON R. YOUNG,
Managers on the Part of the Senate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. MATSUNAGA (at the request of Mr. O'NEILL), for this week, on account of official business.

Mr. DELLUMS (at the request of Mr. O'NEILL), for today, on account of a necessary absence.

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. BONKER) to revise and extend their remarks and include extraneous material:)

Mr. DENT, for 5 minutes, today.
Mr. ANNUNZIO, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. KASTENMEIER, for 5 minutes, today.
Ms. ABZUG, for 30 minutes, today.
Mr. FLOOD, for 5 minutes, today.
Mrs. BOGGS, for 30 minutes, today.
Mr. BAUCUS, for 10 minutes, today.
Mr. ASPIN, for 5 minutes, today.
Mr. MORGAN, for 5 minutes, today.
Mr. AUCOIN, for 5 minutes, today.
Mr. RICHMOND, for 5 minutes, today.
Mrs. MINK, for 5 minutes, today.
Mr. O'NEILL, for 5 minutes, today.
Mr. DANIELSON, for 5 minutes, today.
Mr. ADAMS, for 60 minutes, September 22.
Mr. ALEXANDER, for 60 minutes, September 28.
Mr. BURLISON of Missouri, for 60 minutes, September 28.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. WRIGHT, to extend his remarks in the body of the RECORD, notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $786.50.

Mr. JAMES V. STANTON 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 $1,144.

Mr. BRADEMAS and to include extraneous matter.

Mr. HAWKINS 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 $706.50.

(The following Members (at the request of Mr. WALSH), and to include extraneous matter:)

Mr. CONABLE.
Mr. RHODES.
Mr. ASHBROOK in two instances.
Mr. MICHEL in two instances.
Mr. WIGGINS.
Mr. GUYER.
Mr. WYDLER.
Mr. HANSEN.
Mrs. PETTIS in two instances.
Mr. SHUSTER.

(The following Members (at the request of Mr. BONKER), and to include extraneous matter:)

Mr. GAYDOS.
Mr. FORD of Michigan.
Mr. GONZALEZ in three instances.
Mr. ANDERSON of California in three instances.
Mr. EDWARDS of California in two instances.
Mr. SANTINI.
Mr. JONES of Oklahoma.
Mrs. SCHROEDER in two instances.
Mr. DENT.
Mr. VANIK.
Mr. ROSENTHAL in 10 instances.
Mr. EVINS of Tennessee in two instances.
Mr. MCDONALD.
Mr. RANGEL.
Mr. YOUNG of Georgia.
Mr. COTTER.
Ms. ABZUG.
Mr. CARNEY.
Mr. EILBERG in three instances.
Mr. DRINAN.
Mr. BLOUIN.
Mr. BRECKINRIDGE.
Mr. JOHN L. BURTON.
Mr. HAWKINS.
Mr. MAZZOLI.
Mr. UDALL.
Mr. HARKIN.
Mr. OTTINGER.

SENATE BILL AND CONCURRENT RESOLUTIONS REFERRED

A bill and concurrent resolutions of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 784. An act to authorize the Secretary of Commerce to sell two obsolete vessels to Mid-Pacific Sea Harvesters, Inc., and for other purposes, to the Committee on Merchant Marine and Fisheries.

S.J. Res. 173. Joint resolution authorizing and requesting the President to issue a proclamation designating the seven calendar days beginning September 26, 1976, as "National Port Week"; to the Committee on Post Office and Civil Service.

S.J. Res. 213. Joint resolution to provide temporary authority for qualified individuals to hear and determine claims under title IV of the Coal Mine Health and Safety Act of 1969, as amended; to the Committee on Education and Labor.

S.J. Res. 214. Joint resolution to require the Secretary of Agriculture to dispose of surplus peanuts at competitive market prices; to the Committee on Agriculture.

ENROLLED BILL SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 14973. An act to provide for acquisition of lands with the international Tijuana River flood control project, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2004. An act to eliminate a restriction on use of certain lands patented to the city of Hobart, Kiowa County, Okla.;

S. 2090. An act to make the provisions of section 1331(e) of title 10, United States Code, retroactive to November 1, 1953;

S. 2286. An act to amend the Act of June 9, 1906, to provide for a description of certain lands to be conveyed by the United States to the city of Albuquerque, N. Mex.; and

S. 2511. An act to authorize the Secretary of Agriculture to convey certain lands in the State of Idaho, and for other purposes.

ADJOURNMENT

Mr. BONKER. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 32 minutes p.m.), under its previous order, the House adjourned until Wednesday, September 22, 1976, at 10 o'clock a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4053. A letter from the Secretary of the Treasury, transmitting the annual report of the Hoover Institution on War, Revolution, and Peace on the expenditure of funds received by the Institution as grants from the United States, pursuant to section 4 of Public Law 93-585; to the Committee on House Administration.

4054. A letter from the Secretary of Transportation, transmitting the fourth semiannual report on the effectiveness of the civil aviation security program, pursuant to section 315(a) of the Federal Aviation Act of 1958, as amended (88 Stat. 415); to the Committee on Public Works and Transportation.

4055. A letter from the Secretary of Transportation, transmitting a progress report on the implementation of the national transportation policy, pursuant to section 3(b) of Public Law 91-258; jointly, to the Committees on Public Works and Transportation, and Interstate and Foreign Commerce.

RECEIVED FROM THE COMPTROLLER GENERAL

4056. A letter from the Comptroller General of the United States, transmitting his review of the revised deferral of budget authority contained in the message from the President dated September 14, 1976 (H. Doc. No. 94-610), pursuant to section 1014(c) of Public Law 93-344 (H. Doc. No. 94-619); to the Committee on Appropriations and ordered to be printed.

4057. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during August 1976, pursuant to section 234 of Public Law 91-510; to the Committee on Government Operations.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. STEED: Committee on Small Business. Report on small business investment company program (Rept. No. 94-1633). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. S. 726. An act to direct the Secretary of the Interior to convey, for fair market value, certain lands to Valley County, Idaho (Rept. No. 94-1634). Referred to the Committee of the Whole House on the State of the Union.

Mr. PASSMAN: Committee of conference.

Conference report on H.R. 14260 (Rept. No. 94–1642). Ordered to be printed.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 11061. A bill to amend the Land and Water Conservation Fund Act of 1965, as amended; with an amendment (Rept. No. 94–1643). Referred to the Committee of the Whole House on the State of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. SARBANES: Committee on the Judiciary. H.R. 1555. A bill for the relief of Walter Laqueur and his wife Barbara; with amendments (Rept. No. 94–1635). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 13417. A bill for the relief of Dae Ho Park and Maria Park (Rept. No. 94–1636). Referred to the Committee of the Whole House.

Mr. COHEN: Committee on the Judiciary. H.R. 14075. A bill for the relief of Tulsedei Zalim; with an amendment (Rept. No. 94–1637). Referred to the Committee of the Whole House.

Mr. FISH: Committee on the Judiciary. H.R. 14470. A bill for the relief of Rául Eduardo Ringle (Rept. No. 94–1638). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. S. 2618. An act for the relief of Chea Hyo Suk (Rept. No. 94–1639). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. S. 2942. An act for the relief of Kenrick Withington Brookes (also known as Kenrick Withington Clifton) (Rept. No. 94–1640). Referred to the Committee of the Whole House.

Mr. EILBERG: Committee on the Judiciary. H.R. 14693. A bill for the relief of Milos Forman; with an amendment (Rept. No. 94–1641). Referred to the Committee of the Whole House.

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 (for herself and Mr. DELANEY):

H.R. 15647. 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 Mr. CONABLE:

H.R. 15648. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to change a requirement for State plans in order to maximize sentencing discretion of judges in certain juvenile cases; to the Committee on Education and Labor.

By Mr. GRASSLEY:

H.R. 15649. A bill to amend the Internal Revenue Code of 1954 and certain other provisions of law to provide for automatic cost-of-living adjustments in the income tax rates, the amount of the standard, personal exemption, and depreciation deductions, and the rate of interest payable on certain obligations of the United States; to the Committee on Ways and Means.

By Mr. HANSEN (for himself, Mr. ABDNOR, Mr. BROYHILL, Mr. GRASSLEY, Mr. JOHNSON of Pennsylvania, Mr. Mr. SHRIVER, and Mr. THONE):

H.R. 15650. A bill to establish a commission and task force to review all Federal Government programs, determine what economies and efficiencies can be achieved through program consolidation, review the functions carried out by each level of government, and make recommendations for more clearly defining the respective responsibilities of such levels, and for other purposes to; to the Committee on Government Operations.

By Mr. KETCHUM (for himself, Mr. DENT, Mrs. HOLT, Mr. BURGENER, Mr. TREEN, and Mr. KINDNESS):

H.R. 15651. A bill to amend the Voting Rights Act of 1965 to limit certain aspects of its coverage for other than racial groups; to the Committee on the Judiciary.

By Mr. ROE:

H.R. 15652. A bill to authorize the Secretary of Housing and Urban Development to make grants to local agencies for converting closed school buildings to efficient, alternate uses, and for other purposes; to the Committe on Banking, Currency and Housing.

H.R. 15653. A bill to amend the Internal Revenue Code of 1954 to encourage business to purchase surplus school or hospital buildings from governmental and nonprofit entities by providing rapid amortization for such buildings; to the Committee on Ways and Means.

By Mr. ST GERMAIN (for himself, Mr. HANLEY, and Mr. LAFALCE):

H.R. 15654. A bill to amend Public Law 93–100 to eliminate the prohibition on depository institutions situated in New York and New Jersey from offering negotiable order of withdrawal accounts; to the Committee on Banking, Currency and Housing.

By Mrs. SCHROEDER:

H.R. 15655. A bill to provide that a former spouse of a Federal employee who is married to such employee for 20 years or more shall be entitled to a portion of such employee's annuity and to a portion of the annuity of any surviving spouse of such employee; to the Committee on Post Office and Civil Service.

By Mr. YOUNG of Florida:

H.R. 15656. A bill to strengthen the capability of the Government to detect, prosecute, and punish fraudulent activities under the medicare and medicaid programs, and for other purposes; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. KOCH (for himself and Mr. GOLDWATER):

H.R. 15657. A bill to establish restrictions on the disclosure of certain financial, toll, and credit records, and for other purposes; jointly, to the Committees on Banking, Currency and Housing and the Judiciary.

By Mr. LUNDINE (for himself, Mr. PATTERSON of California and Mr. NOLAN):

H.R. 15658. A bill to provide for a program to be carried out through the Secretary of Labor, of demonstration projects and an advisory committee to promote economic stability by increasing employment opportunities and improving productivity; to the Committee on Education and Labor.

By Mr. MURTHA:

H.R. 15659. A bill to provide for the burial in the Memorial Amphitheater of the National Cemetery at Arlington, Va., of the remains of an unknown American who lost his life while serving overseas in the Armed Forces of the United States during the Vietnam conflict; to the Committee on Veterans' Affairs.

By Mr. RICHMOND (for himself and Mr. FISH):

H.R. 15660. A bill to authorize the Secretary of Agriculture to make grants to States for urban forestry and for other purposes; to the Committee on Agriculture.

By Mr. BRODHEAD (for himself, Mr. BADILLO, Mr. BENITEZ, Mr. BLANCHARD, Mrs. BOGGS, Mr. BROOMFIELD, Mr. BROWN of Michigan, Mr. CEDERBERG, Mr. CONYERS, Mr. DOMINICK V. DANIELS, Mr. DE LUGO, Mr. DIGGS, Mr. GRASSLEY, Mr. JENRETTE, Mr. JONES of North Carolina, Mr. LAGOMARSINO, Mr. LOTT, Mr. MATSUNAGA, Mr. PERKINS, Mr. SOLARZ, Mr. VANDER JAGT, and Mr. ZEFERETTI):

H.J. Res. 1104. A resolution providing for the designation of the week beginning October 3, 1976, and ending October 9, 1976, as "National Gifted Children Week"; to the Committee on Post Office and Civil Service.

By Mr. PAUL (for himself, Mr. KINDNESS, Mr. HALL of Texas, Mr. SYMMS, Mr. COLLINS of Texas, Mr. ASHBROOK, Mr. KETCHUM, Mr. MELCHER, Mr. ROUSSELOT, Mr. KELLY, Mr. HUGHES, and Mr. LOTT):

H. Con. Res. 763. A resolution to disapprove the Firearms Control Regulations Act of 1975 passed by the Council of the District of Columbia; to the Committee on the District of Columbia.

By Mr. DOWNING of Virginia:

H. Res. 1557. A resolution to provide funds for the expenses of the investigations and studies to be conducted by the Select Committee on Assassinations; to the Committee on House Administration.

By Mr. EILBERG:

H. Res. 1558. A resolution opposing the granting of permanent residence in the United States to certain aliens; to the Committee on the Judiciary.

By Mr. MOFFETT (for himself, Mr. MILLER of California, Mr. HARKIN, Mr. CONABLE, Mr. GUDE, Mr. BONKER, Mr. YOUNG of Georgia, Mr. HARRINGTON, Mr. JOHN L. BURTON, Mr. FRASER, Mr. DELLUMS, Mr. EDWARDS of California, Ms. ABZUG, Mr. METCALFE, Mr. SEIBERLING, Mr. MINETA, Mr. ROSENTHAL, Mr. FAUNTROY, Mr. UDALL, Mr. BINGHAM, Mr. RIEGLE, Mr. KOCH, Mr. MAGUIRE, Mr. DRINAN, and Ms. MEYNER):

H. Res. 1559. A resolution expressing the sense of the House of Representatives condemning the murders of Orlando Letelier and Ronni Karpen Moffitt; to the Committee on the Judiciary.

By Mr. PAUL (for himself, Mr. KINDNESS, Mr. HALL of Texas, Mr. SYMMS, Mr. COLLINS of Texas, Mr. ASHBROOK, Mr. KETCHUM, Mr. MELCHER, Mr. ROUSSELOT, Mr. KELLY, Mr. HUGHES, and Mr. LOTT):

H. Res. 1560. A resolution to disapprove the Firearms Control Regulations Act of 1975 passed by the Council of the District of Columbia; to the Committee on the District of Columbia.

By Mr. WRIGHT (for himself and Mr. HARSHA):

H. Res. 1561. A resolution to provide for the printing of the transcript of the proceedings in the Committee on Public Works and Transportation of September 21, 1976, incident to the presentation of a portrait of the Honorable Robert E. Jones to the Committee on Public Works and Transportation; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII,

Mr. CHAPPELL introduced a bill (H.R. 15661) for the relief of Lillian June Demers, which was referred to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

581. By the SPEAKER: Petition of the Board of Supervisors, Los Angeles County, Calif., relative to Federal assumption of the administration of welfare programs; to the Committee on Ways and Means.

582. Also, petition of the Rockland County Legislature, New City, N.Y., relative to the deduction of Federal excise taxes from winnings on racing events; to the Committee on Ways and Means.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted, as follows:

H.R. 15

By Mr. ASHBROOK:

Section 6(b) of the bill be amended by striking paragraph (5) thereof beginning on line 16, page 27, and renumbering the following paragraphs accordingly.

Section 6(b)(8) be amended by inserting after the word "schedule" on line 17, page 28, the following: "for the activities described in section 3(a)(1)".

Section 9(a) of the bill be amended by deleting the words "a reasonable time" on line 14, page 33, substituting therefor the words "two weeks".

By Mr. BAUMAN:

Section 16 of the bill be amended by inserting between the words "sums" and "as" on line 5, page 39, the following: ", not in excess of $1 million for any fiscal year,".

By Mr. BUTLER:

On page 38, strike out all of line 23 down through line 2 on page 39, and redesignate the following sections accordingly.

By Mr. COCHRAN:

On pages 13 and 14, strike out paragraph (5) of section 7(b) and insert in lieu thereof the following new paragraph:

"(5) a description of each specific area of legislative or executive activity concerning which the organization engaged in activities described in section 4(a):".

By Mr. GRASSLEY:

That the bill be amended by inserting the following new section 12 on line 1, page 37 thereof, and renumbering the following sections of the bill accordingly:

"REPORTS BY MEMBERS OF CONGRESS"

"SEC. 12. (a) Each Member of Congress shall submit to the Comptroller General, not later than thirty days after the last day of each quarterly filing period, a report listing all organizations and individuals who have directed to such Member or any of his employees oral or written communications within the scope of Section 3(a)(1) during that filing period.

"(b) Such report shall be in a form to be prescribed by the Comptroller General, and shall include the name of each individual and organization concerned, the date and place of each communication, and the issue sought to be influenced."

By Mr. HECHLER of West Virginia:

On page 38, between lines 17 and 18, insert the following new section:

"SUNSHINE IN GOVERNMENT

"SEC. 14. (a) Each officer or employee of the General Accounting Office who—

"(1) performs any function or duty under this Act; and

"(2) has any known financial interest in any organization subject to such Act,

shall, beginning on February 1, 1977, annually file with the Comptroller General a written statement concerning all such interests held by such officer or employee during the preceding calendar year. Such statement shall be available to the public.

"(b) The Comptroller General 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 provisions for the filing by such officers and employees of such statements and the review by the Comptroller General 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 Comptroller General may identify specific positions within such agency which are of a nonregulatory or 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 or any regulation issued thereunder, shall be fined not more than $2,500 or imprisoned not more than one year, or both."

By Mr. KETCHUM:

That the bill be amended by inserting the following new section 15 on line 23, page 38 thereof, and renumbering the following sections of the bill accordingly:

"ADJUSTMENT TO DOLLAR AMOUNTS BASED UPON PRICE INDEX"

"SEC. 15 (a) At the beginning of each calendar year (commencing in 1978), as there become available necessary data from the Bureau of Labor Statistics of the Department of Labor, the Secretary of Labor shall certify to the Comptroller General and publish in the Federal Register the per centum difference between the price index for the 12 months preceding the beginning of such calendar year and the price index for the base period. Each dollar amount established by section 3 and section 6 shall be increased by such per centum difference. Each amount so increased shall be the amount in effect for such calendar year. However, for the purposes of this paragraph the Comptroller General shall have the authority to adjust such amounts to the nearest dollar.

"(b) For purposes of this section—

"(1) The term 'price index' means the average over a calendar year of the Consumer Price Index (all items—United States city average) published monthly by the Bureau of Labor Statistics; and

"(2) The term 'base period' means the calendar year 1976."

By Mr. KINDNESS:

Page 21, line 2, insert immediately before the period the following: ", and, with respect to the activities of its Washington representative, a State or unit of local government".

Page 21, immediately after line 17, insert the following new paragraph:

"(12) The term 'Washington representative' means any agent or employee of a State or of a unit of local government who maintains a business address in the standard metropolitan statistical area which includes the city of Washington, District of Columbia, and whose function includes engaging in the activities described in section 3(a)."

Page 22, line 6, insert "or" immediately before "rule".

Page 22, line 7, strike out "or the award" and all that follows through "submission of bids)" in line 8.

Page 22, line 10, strike out "or".

Page 22, line 14, strike out the comma and insert in lieu thereof "; or".

Page 22, immediately after line 14, insert the following new paragraph:

"(3) makes or causes to be made by its members, officers, directors, agents, or employees twelve or more oral communications to one or more Federal officers or employees in any quarterly filing period."

Page 27, line 1, insert a comma immediately after "(1)".

Page 27, line 2, strike out "and" and insert immediately after "(2)" the following: ", and of any member, officer, director, agent, or employee of such organization who makes twelve or more communications referred to in section 3(a)(3)".

Page 27, line 3, strike out "such retention" and insert in lieu thereof the following: "the retention of any person under section 3(a)(1)".

Page 27, line 4, strike out "employment" and insert in lieu thereof the following: "the employment of any employee described in section 3(a)(2)".

Page 27, line 20, insert immediately after "efforts," the following: "the individuals principally responsible for conducting or directing such activities with respect to each of such twenty-five issues,".

Page 23, line 15, insert "or" immediately after the semicolon.

Page 23, line 25, strike out "; or" and insert in lieu thereof a period.

Page 24, strike out line 1 and all that follows through line 8.

Page 23, strike out line 16 and all that follows through line 25 and insert in lieu thereof the following new paragraph:

"(5) a communication on any subject to a Member of the Senate or of the House of Representatives, or to an individual on the personal staff of such Member, from any person who is a resident of the State, or of the congressional district within the State, represented by such Member; or"

Page 27, line 20, insert immediately after "efforts," the following: "the individuals principally responsible for conducting or directing such activities with respect to each of such twenty-five issues,".

By Mr. MICHEL:

Section 3(b)(5) of the bill be amended by inserting between the words "more" and "in" on line 12, page 22, the following: "(excluding time spent in travelling to and from the making of oral communications, and in waiting to see a Federal officer or employee to make an oral communication)".

Section 3(b)(5) of the bill be amended by striking the comma following the word "State" at the beginning of line 21, page 23, and by striking everything appearing thereafter on the same line and page.

By Mr. MIKVA:

(Amendment offered to the amendment in the nature of a substitute offered by Mr. FLYNT.)

On page 20, immediately after line 13, insert the following new subsection:

"(e)(1) No organization shall make expenditures reportable under section 6 to or for the benefit of any Federal officer or employee that exceed $100 in value in the aggregate in any calendar year: *Provided*, That, for the purposes of this limitation all reimbursed expenditures made by persons employed or retained by the organization shall be considered to have been made by the organization: *Provided further*, That this limitation shall not apply to any loan of money in the ordinary course of business on terms and conditions that are no more favorable than are generally available or to any honorarium within the meaning of section 328 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441(i)).

"(2) Any organization which knowingly and willfully violates this subsection shall be fined not more than $10,000 for each such violation."

On page 38, immediately after line 17, insert the following new subsection:

"(e)(1) No organization shall make expenditures reportable under section 6 to or for the benefit of any Federal officer or employee that exceed $100 in value in the aggregate in any calendar year: *Provided*, That, for the purposes of this limitation all reimbursed expenditures made by persons employed or retained by the organization shall be considered to have been made by the organization: *Provided further*, That this limitation shall not apply to any loan of money

in the ordinary course of business on terms and conditions that are no more favorable than are generally available or to any honorarium within the meaning of section 328 of the Federal Election Campaign Act of 1971 (2 U.S.C. 441(i)).

"(2) Any organization which knowingly and willfully violates this subsection shall be fined not more than $10,000 for each such violation."

By Mr. MOORHEAD of California:

Section 6(b)(2) of the bill be amended by substituting a comma for the semicolon at the end thereof on line 18, page 26, and by adding thereafter the following: ", or any loan made on terms and conditions that are no more favorable than those available to the general public;".

Section 6(b)(3) be amended by adding after "$500" on line 24, page 26, the following: "However, this shall not apply to a reception, dinner or similar event connected with an international exhibit, or events sponsored by trade or industry associations where substantial numbers of member companies participate and share in the cost of such event."

By Mr. ROUSSELOT:

Section 17 of the bill be amended by striking subsection (a) on lines 7 through 9 of page 39; by striking "(b)" on line 10 of the same page; and by striking the words "sections 4, 5, and 6 and the provisions of sections 10, 13 and 14", substituting therefor the words "this Act".

By Mr. SISK:

Section 3(a)(1) of the bill be amended by striking everything beginning with the word "or" on line 8, page 22, up to and including the word "communication" on line 10 of the same page.

Section 5(b) of the bill be amended by deleting the word "five" on line 19, page 25, and substituting therefor the word "two".

By Mr. SYMMS:

Section 6(b)(4) of the bill be amended by striking "(A)" on line 7 of page 27; by striking the word "or" on line 12 of the same page; and by striking everything on lines 13, 14 and 15 of the same page.

By Mr. WAGGONNER:

Section 2(8) of the bill be amended by striking everything beginning with the word "national" on line 21, page 20 up to and including "employees)" on line 25 of the same page.

Section 3(a) of the bill be amended by striking everything after the number "(1)" on line 21 of page 21 up to and including the word "person" on line 23 of page 21, substituting therefor the following: "retains another person who spends 20 percent of his time or more in any quarterly filing period".

Section 3(b) of the bill be amended by adding at the end thereof on line 4, page 24, a new paragraph (7) to read as follows:

"(7) activities of organizations that have been granted Section 501(c)(3) tax treatment under the Internal Revenue Code."

By Mr. WIGGINS:

Page 20, line 25, strike out "and" insert in lieu thereof "or".

Page 21, line 2, insert immediately before the period the following: ", but does not include any government or governmental agency".

H.R. 12112

By Mr. HECHLER of West Virginia:

(Amendment to the amendment recommended by the Interstate and Foreign Commerce Committee to section 1 of amendment in the nature of a substitute offered by Mr. TEAGUE (page and line references to Union Calendar bill No. 674).)

On page 125, strike line 9 and all that follows down through the period on line 5 on page 126 and insert therein the following:

"SUNSHINE IN GOVERNMENT

"(s)(2) Each officer or employee of the Administrator and the Secretary of the Treasury who—

"(A) performs any function or duty under this Act; and

"(B) has any known financial interest (i) in any person subject to such Act, or (ii) in any person who applies for or receives any grant, contract, or other form of financial assistance pursuant to this Act;

shall, beginning on February 1, 1977, annually file with the Administrator or said Secretary, as appropriate, a written statement concerning all such interests held by such officer or employee during the preceding calendar year. Such statement shall be available to the public.

"(2) The Administrator and said Secretary shall—

"(A) act within ninety days after the date of enactment of this section—

"(i) to define the term 'known financial interest' for purposes of paragraph (1)(B) of this subsection; and

"(ii) to establish the methods by which the requirement to file written statements specified in paragraph (1) of this subsection will be monitored and enforced, including appropriate provisions for the filing by such officers and employees of such statements and the review by the Administrator and said Secretary of such statements; and

"(B) report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

"(3) In the rules prescribed in paragraph (2) of this subsection, the Administrator and said Secretary may identify specific positions within such Administration and Department, as appropriate, which are of a nonregulatory or nonpolicymaking nature and provide that officers or employees occupying such positions shall be exempt from the requirements of this subsection.

"(4) Any officer or employee who is subject to, and knowingly violates, this subsection or any regulation issued thereunder, shall be fined not more than $2,500 or imprisoned not more than one year, or both."

By Mr. MILLER of California:

(Amendment to the amendment recommended by Interstate and Foreign Commerce Committee to section 1 of amendment in the nature of a substitute offered by Mr. TEAGUE (page and line references to Union Calendar bill No. 674).)

On page 108, line 34, strike all after "except" to the end of line 36 and insert the following: "that paragraphs (2) through (4) of this subsection, and subsections (c)(1), (4), and (8), (d), (g)(2) through (4), (m), and (n) through (y) of this section shall also apply to such guarantees, and the".

On page 109, line 5, after "Section" insert the following: "or under the Geothermal Energy Research, Development and Demonstration Act of 1974, as modified by this section".

On Page 121, strike out lines 13 through 27 and insert in lieu thereof the following: "(2) if the cost of such demonstration or modular facility exceeds $200,000,000, such guarantee or commitment to guarantee shall not be made or entered into unless specifically authorized by legislation enacted by Congress after the date of enactment of this Act."

By Mr. OTTINGER:

(Amendment to the amendment recommended by Interstate and Foreign Commerce Committee to section 1 of amendment in the nature of a substitute offered by Mr. TEAGUE (page and line references to Union Calendar bill No. 674).)

On page 112, line 34, insert after the period the following new sentence: "The Administrator shall consult with the Environmental Protection Agency in making this review and giving such approval."

On page 27908 of the Congressional Record on August 26, 1976, in subsections 19(a)(1) and (2) and (b)(1)(A) strike "oil shale," and after the words "domestic resources," insert "(other than oil shale)".

On page 27908 of said Record in subsections 19(b)(1)(A) strike the first proviso.

On page 27909 of said Record in subsection 19(b) strike all of paragraphs (5)(A) and (B) and insert therein the following:

"(5) Nothing in this section shall be construed to authorize financial assistance for facilities of any kind for the conversion of oil shale to synthetic fuels."

In section 19(c) of the Federal Nonnuclear Energy Research and Development Act of 1974 (as added by the first section of the amendment in the nature of a substitute offered by Mr. Teague): strike out "and" at the end of paragraph (8), and insert after paragraph (8) the following:

"(9) in the case of a demonstration facility which converts any coal (including lignite) from a surface mine to synthetic fuel, the Administrator has determined that regulations have taken effect under Federal legislation (applicable to surface mining operations on federally-owned and nonfederally-owned land) the principal purpose of which is the reduction and control of adverse environmental effects resulting from surface mining operations in the United States;" and

(3) redesignate paragraph (9) as paragraph (10).

Strike the last word.

Strike the requisite number of words.

By Mr. STARK:

(Amendment to the amendment recommended by Interstate and Foreign Commerce Committee to section 1 of amendment in the nature of a substitute offered by Mr. TEAGUE (page and line references to Union Calendar bill No. 674).)

On Page 108, line 13, insert "(i)" after "(B)".

On page 108, strike the sentence beginning on line 19 and ending on line 22 and insert therein the following:

"(ii) The authority of the Administrator to enter into any guarantee or to make any commitment to guarantee under this section terminates on September 30, 1981. Such termination does not affect the carrying out of any contract, guarantee, commitment, or other obligation entered into pursuant to this section prior to that date, or the taking of any action necessary to preserve or protect the interests of the United States in any amounts advanced or paid out in carrying on operations under this section."

Page 110, insert after line 8 the following:

"(7) The Administrator shall not receive or approve any applications for financial assistance under this section until after March 1, 1977."

On page 111 insert after line 28 the following:

"(9) The obligation provides that the Administrator shall, after seven years, but not later than ten years, after issuance of such obligation, determine, in writing, whether to terminate Federal participation in the demonstration facility, taking into consideration whether the Government's needs for information to be derived from the project have been substantially met and whether the project is capable of commercial operation. Such determination shall be published in the *Federal Register*. In the event that the Administrator determines that such termination is appropriate, he shall notify the borrower and provide a minimum of two years and not more than three years in which to find alternative financing. If the borrower is

unable to secure such financing, the Administrator may elect not to terminate upon agreement by the borrower to pay an additional fee of not less than 1 per centum per annum on the remaining obligation to which the guarantee applies."

By Mr. TEAGUE:

On page 27909 of the August 26, 1976 CONGRESSIONAL RECORD (Mr. TEAGUE's substitute) at the end of subsection (b)(3) in the first column, after the period, insert the following: "In no case shall the bonds, debentures, notes, and other obligations guaranteed under this section be purchased or financed with Federal funds, under the Federal Financing Bank Act or otherwise, except as provided in subsection (n)."

By Mr. UDALL:

(Amendment offered to the amendment in the nature of a substitute offered by Mr. TEAGUE.)

On page 27909 of the CONGRESSIONAL RECORD of August 26, 1976, in section 19(c):

(1) Strike out "and" at the end of paragraph (8)

(2) insert after paragraph (8) the following:

(9) in the case of a demonstration facility which converts any coal (including lignite) from any surface mine (on federally-owned or nonfederally-owned land) to synthetic fuel, the Administrator has determined that any such coal is, or will be mined under lawfully binding reclamation standards requiring the surface mine operator as a minimum to—

(A) conduct surface coal mining operations so as to maximize the utilization and conservation of the solid fuel resource being recovered so that reaffecting the land in the future through surface coal mining can be minimized;

(B) restore the land affected to a condition at least fully capable of supporting the uses which it was capable of supporting prior to any mining, or higher or better uses of which there is a reasonable likelihood, so long as such use or uses do not present any actual or probable hazard to public health or safety or pose any actual or probable threat of water diminution or pollution, and the operator's declared proposed land use following reclamation is not deemed to be impractical or unreasonable, inconsistent with applicable land use policies and plans, involves unreasonable delay in implementation, or is violative of Federal, State, or local law;

(c)(3) with respect to all surface coal mining operations backfill, compact (where advisable to insure stability or to prevent leaching of toxic materials), and grade in order to restore the approximate original contour of the land with all highwalls, spoil piles, and depressions eliminated (unless small depressions are needed in order to retain moisture to assist revegetation or as otherwise authorized pursuant to this Act): *Provided, however,* That in surface coal mining which is carried out at the same location over a substantial period of time where the operation transects the coal deposit, and the thickness of the coal deposits relative to the volume of the overburden is large and where the operator demonstrates that the overburden and other spoil and waste materials at a particular point in the permit area or otherwise available from the entire permit area is insufficient, giving due consideration to volumetric expansion, to restore the approximate original contour, the operator, at a minimum, shall backfill, grade, and compact (where advisable) using all available overburden and other spoil and waste materials to attain the lowest practicable grade but not more than the angle of repose, to provide adequate drainage and to cover all acid-forming and other toxic materials, in order to achieve an ecologically sound land use compatible with the surrounding region: *And provided further,* That in surface coal mining where the volume of overburden is large relative to the thickness of the coal deposit and where the operator demonstrates that due to volumetric expansion the amount of overburden and other spoil and waste materials removed in the course of the mining operation is more than sufficient to restore the approximate original contour, the operator shall after restoring the approximate contour, backfill, grade, and compact (where advisable) the excess overburden and other spoil and waste materials to attain the lowest grade but not more than the angle of repose, and to cover all acid-forming and other toxic materials, in order to achieve an ecologically sound land use compatible with the surrounding region and that such overburden or spoil shall be shaped and graded in such a way as to prevent slides, erosion, and water pollution and is revegetated in accordance with the requirements of this section 19 (c)(8);

(D) stabilize and protect all surface areas including spoil piles affected by the surface coal mining and reclamation operation to effectively control erosion and attendant air and water pollution;

(E) remove the topsoil from the land in a separate layer, replace it on the backfill area, or, if not utilized immediately, segregate it in a separate pile from other spoil and, when the topsoil is not replaced on a backfill area within a time short enough to avoid deterioration of the topsoil, maintain a successful cover by quick growing plant or other means thereafter so that the topsoil is preserved from wind and water erosion, remains free of any contamination by other acid or toxic material, and is in a usable condition for sustaining vegetation when restored during reclamation, except if topsoil is of insufficient quantity or of poor quality for sustaining vegetation, or if other strata can be shown to be more suitable for vegetation requirements, then the operator shall remove, segregate, and preserve in a like manner such other strata which is best able to support vegetation;

(F) restore the topsoil or the best available subsoil which has been segregated and preserved;

(G) protect offsite areas from slides or damage occurring during the surface coal mining and reclamation operations, and not deposit spoil material or locate any part of the operations or waste accumulation outside the permit area;

(H) create, if authorized by applicable law, permanent impoundments of water on mining sites as part of reclamation activities only when it is adequately demonstrated that—

(i) the size of the impoundment is adequate for its intended purposes;

(ii) the impoundment dam construction will be so designed as to achieve necessary stability with an adequate margin of safety compatible with that of structures constructed under Public Law 83-566 (16 U.S.C. 1006);

(iii) the quality of impounded water will be suitable on a permanent basis for its intended use and that discharges from the impoundment will not degrade the water quality in the receiving stream;

(iv) the level of water will be reasonably stable;

(v) final grading will provide adequate safety and access for proposed water users; and

(vi) such water impoundments will not result in the diminution of the quality or quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses;

(I) plug all auger holes to a minimum of six feet in depth with an impervious and noncombustible material (such as clay) to prevent the flow of water in or out of such holes.

(J) minimize the disturbances to the prevailing hydrologic balance at the minesite and in associated offsite areas and to the quality and quantity of water in surface and ground water systems both during and after surface coal mining operations and during reclamation by—

(i) avoiding acid or other toxic mine drainage by such measures as, but not limited to preventing or removing water from contact with toxic producing deposits; treating drainage to reduce toxic content which adversely affects downstream water upon being released to water courses; casing, sealing, or otherwise managing boreholes, shafts, and wells and keep acid or other toxic drainage from entering ground and surface waters;

(ii) conducting surface coal mining operations so as to prevent, to the extent possible using the best technology currently available, additional contributions of suspended solids to streamflow or runoff outside the permit area above natural levels under seasonable flow conditions as measured prior to any mining, and avoiding channel deepening or enlargement in operations requiring the discharge of water from mines;

(iii) removing temporary or large siltation structures from drainways after disturbed areas are revegetated and stabilized;

(iv) restoring recharge capacity of the mined area to approximate premining conditions;

(v) replacing the water supply of an owner of interest in real property who obtains all or part of his supply of water for domestic, agricultural, industrial, or other legitimate use from an underground or surface source where such supply has been affected by contamination, diminution, or interruption proximately resulting from mining.

(vi) preserving throughout the mining and reclamation process the essential hydrologic functions of alluvial valley floors in the arid and semiarid areas of the country; and

(vii) such other actions as the regulatory authority may prescribe;

(k) with respect to surface disposal of mine wastes, tailings, coal processing wastes, and other wastes in areas other than the mine working or excavations, stabilize all waste piles in designated areas through construction in compacted layers including the use of incombustible and impervious materials, if necessary, and assure the final contour of the waste pile will be compatible with natural surroundings and that the site can and will be stabilized and revegetated according to the provisions of section (19)(c)(8);

(L) refrain from surface coal mining within five hundred feet from active and abandoned underground mines in order to prevent breakthroughs and to protect health or safety of miners: *Provided,* That an operator shall be permitted to mine closer to an abandoned underground mine: *Provided,* That this does not create hazards to the health and safety of miners and an operator may mine near, through, or partially through an abandoned underground mine working where such mining through will achieve improved resource recovery, abatement of water pollution or elimination of public hazards and such mining shall be consistent with the provisions of this Section (19)(c)(8);

(M) design, locate, construct, operate, maintain, enlarge, modify, and remove, or abandon, in accordance with the standards and criteria developed pursuant to subsection (e) of this section, all existing and new coal mine waste piles consisting of mine wastes, tailings, coal processing wastes, or other liquid and solid wastes and used either temporarily or permanently as dams or embankments;

(N) insure that all debris, acid forming materials, toxic materials, or materials constituting a fire hazard are treated or disposed of in a manner designed to prevent contamination of ground or surface waters or sustained combustion;

(O) insure that explosives are used only

in accordance with existing State and Federal law and the regulations promulgated by the regulatory authority, which shall include provisions to—

(i) provide adequate advance written notice by publication and/or posting of the planned blasting schedule to local governments and to residents who might be affected by the use of such explosives and maintain for a period of at least two years a log of the magnitudes and times of blasts; and

(ii) limit the type of explosives and detonating equipment, the size, the timing and frequency of blasts based upon the physical conditions of the site so as to prevent injury to persons, damage to public and private property outside the permit area, adverse impacts on any underground mine, and change in the course, channel, or availability of ground or surface water outside the permit area;

(P) insure that all reclamation efforts proceed in an environmentally sound manner and as contemporaneously as practicable with the surface coal mining operations;

(Q) insure that the construction, maintenance, and postmining conditions of access roads into and across the site of operations will control or prevent erosion and siltation, pollution of water, damage to fish or wildlife or their habitat, or public or private property: *Provided*, That the retention after mining of certain access roads may be permitted where consistent with State and local land use plans and programs and where necessary may permit a limited exception to the restoration of approximate original contour for that purpose;

(R) refrain from the construction of roads or other access ways up a stream bed or drainage channel or in such proximity to each channel so as to seriously alter the normal flow of water;

(S) establish on the regraded areas, and all other lands affected, a diverse, effective, and permanent vegetative cover native to the area of land to be affected and capable of self-regeneration and plant succession at least equal in extent of cover to the natural vegetation of the area; except, that introduced species may be used in the revegetation process where desirable and necessary to achieve the operators proposed postmining land use;

(T) assume the responsibility for successful revegetation, as required by paragraph (S) above, for a period of five full years after the last year of augmented seeding, fertilizing, irrigation, or other work in order to assure compliance with paragraph (S) above, except in those areas or regions of the country where the annual average precipitation is twenty-six inches or less, then the operator's assumption of responsibility and liability will extend for a period of ten full years after the last year of augmented seeding, fertilizing, irrigation, or other work: *Provided*, That when a long-term intensive agricultural postmining land use is proposed, the applicable five- or ten-year period of responsibility for revegetation shall commence at the date of initial planting for such long-term intensive agricultural postmining land use: *Provided further*, That when there is proposed such a long-term, intensive, agricultural postmining land use as part of the mining and reclamation plan, exception to the provisions of paragraph (S) above may be waived; and

(U) assure that the proposed surface coal mining operation, if located west of the one hundredth meridian west longitude would—

(i) not interrupt, discontinue, or prevent farming on alluvial valley floors that are irrigated or naturally subirrigated, but, excluding undeveloped range lands which are not significant to farming on said alluvial valley floors and those lands that if the farming that will be interrupted, discontinued, or prevented is of such small acreage as to be of negligible impact on the farm's agricultural production or,

(ii) not adversely affect the quantity or quality of water in surface or underground water systems that supply these valley floors in (i) of section 9(c)(8)(U):

Provided, That this paragraph (U) shall not affect those surface coal mining operations which in the year preceding the enactment of this Act produced coal in commercial quantities, and were located within or adjacent to alluvial valley floors or had obtained specific permit approval by the State regulatory authority of jurisdiction to conduct surface mining operations within said alluvial valley floors."

(3) Redesignate paragraph (9) as paragraph (10).

H.R. 14496

By Mr. HUGHES:

On page 141, after line 7, insert the following new paragraph:

"(7) The plan shall provide for the elimination of ocean dumping as any part of such plan after 1981."

On page 156, after line 6, insert the following new title, and renumber subsequent titles and sections accordingly:

TITLE VI—LOAN GUARANTEES

AUTHORITY OF ADMINISTRATOR

SEC. 601. (a) The Administrator is authorized, in accordance with the provisions of this section and such rules and regulations as he shall prescribe, and after consultation with the Secretary of the Treasury, to guarantee and to make commitments to guarantee the bonds, debentures, notes, and other obligations issued by or on behalf of—

(1) any State, municipality, or inter-municipal agency, or

(2) in the case of facilities or equipment for the utilization of recovered resources, any other person, institution, organization, corporation or partnership,

for the purpose of financing the construction and startup and related development costs of commercial demonstration facilities necessary to the creation of resource conservation or resource recovery systems for municipal solid wastes, including the construction or modification of commercial demonstration facilities or acquisition of equipment necessary for the utilization of recovered resources, including fuel, produced by such system: *Provided*, That the outstanding indebtedness guaranteed under this Act at no time exceeds $250,000,000: *Provided further*, That no guarantee or commitment to guarantee shall be undertaken under this Act after September 30, 1979.

(b) An applicant for a loan guarantee under this Title shall provide evidence in writing to the Administrator in such form and with such content and other submissions as the Administrator deems necessary to protect the interest of the United States. Each guarantee and commitment to guarantee shall be extended in such form, under such terms and conditions, and pursuant to such regulations as the Administrator, with the concurrence of the Secretary of the Treasury deems appropriate.

CONDITIONS OF LOAN GUARANTEES

SEC. 602. The Administrator shall guarantee or make a commitment to guarantee under section 601 of this title, with respect to a facility of a resource conservation or resource recovery system, or component thereof, only if—

(a) the facility for which the guarantee is provided is a critical element of the proposed resource conservation or resource recovery system, which has not been commercially demonstrated in such an application;

(b) such system is certified by the State to be consistent with any applicable State and areawide plans or programs;

(c) the applicant agrees that such system will be consistent with any applicable guidelines and plans established pursuant to title IV of this Act, and will meet the requirements of title III of this Act;

(d) the Administrator is satisfied that the proposed resource conservation or resource recovery system is appropriate for the area to be served, that the proposed system does not duplicate or displace existing resource conservation or resource recovery services in the area, and that a realistic plan for achieving operational and financial self-sufficiency within a reasonable time exists for the proposed system, including adequate new and stable markets, such as a long-term contractual commitment for a significant proportion of the recovered resources;

(e) such system will comply with effluent limitations under the Federal Water Pollution Control Act and with new source emission limitations or requirements of air quality implementation plans under the Clean Air Act;

(f) the Administrator is satisfied that competition among private entities for the construction or operation of the system or facility to be assisted under this title will be in no way limited or precluded;

(g) the amount guaranteed does not exceed 75 per centum of the total project cost of the facility assisted, and the balance of project cost is provided as follows:

(1) in the case of governmental applicants, from general tax revenues or assessments or the proceeds of bond sales; and

(2) in the case of private applicants, from invested or borrowed capital not subject to any public loan, guarantee, or grant program;

(h) the Secretary of the Treasury and the Administrator are satisfied that the financial assistance applied for is not otherwise available from private lenders or from other Federal agencies on terms which in the opinion of the Secretary and the Administrator will permit the creation of the resource conservation or resource recovery system, and such assistance is necessary to encourage financial participation in such facility by private lenders or investors; and

(i) the Administrator has determined that there will be a continued reasonable assurance of full repayment.

NONREVOCABILITY OF GUARANTEES

SEC. 603. Except in accordance with reasonable terms and conditions contained in the written contract of guarantee, no guarantee issued or commitment to guarantee made under this title shall be terminated, canceled, or otherwise revoked. Such a guarantee or commitment shall be conclusive evidence that the underlying obligation is in compliance with the provisions of this title and that such obligation has been approved and is legal as to principal, interest, and other terms. Subject to the conditions of the guarantee or commitment to guarantee, such a guarantee shall be incontestable in the hands of the holder of the guaranteed obligation, except as to fraud, or material misrepresentation on the part of the holder.

PROCEDURES ON DEFAULT

SEC. 604. (a) If there is a default by the borrower as defined in regulations promulgated by the Administrator and in the guarantee contract, the holder of the obligation shall have the right to demand payment of the unpaid amount from the Administrator. Within such period as may be specified in the guarantee or related agreements, the Administrator shall pay to the holder of the obligation the unpaid interest on and unpaid principal of the guaranteed obligation as to which the borrower has defaulted, unless the Administrator finds that there was no default by the borrower in the payment of interest or principal or that such default has been remedied. Nothing in this title shall be construed to preclude forbearance by the holder of the obligation for the benefit of the borrower which may be agreed upon by the parties to the guaranteed obligation and approved by the Administrator.

(b) In the event of a default on any guarantee under this title, the Administrator shall notify the Attorney General, who shall take such action as may be appropriate to recover the amounts of any payments made under subsection (a) of this section (including any payment of interest under Section 605 of this title) from such assets of the defaulting borrower as are associated with the commercial demonstration facility, or from any other security included in the terms of the guarantee.

(c) For purposes of this title, patents, and technology resulting from the commercial demonstration facility shall be treated as project assets of such facility in accordance with the terms and conditions of the guarantee agreement. Furthermore, the guarantee agreement shall contain a provision specifying that patents, technology, and other proprietary rights which are necessary for the completion or operation of the commercial demonstration facility shall be available to the Government and its designees on equitable terms, including due consideration to the amount of the Government's default payments.

EMERGENCY PAYMENTS AUTHORIZED

SEC. 605. With respect to any obligation guaranteed under this title the Administrator is authorized to enter into a contract to pay, and to pay, the holders of the obligation for and on behalf of the borrowers from the fund established by this title the principal and interest payments which become due and payable on the unpaid balance of such loan if the Administrator finds that—

(a) (1) the borrower is unable to meet such payments and is not in default;

(2) it is in the public interest to permit the borrower to continue to pursue the purposes of such demonstration facility; and

(3) the probable net benefit to the Federal Government in paying such principal and interest will be greater than that which would result in the event of a default;

(b) the amount of such payment which the Administrator is authorized to pay shall be no greater than the amount of principal and interest which the borrower is obligated to pay under the loan agreement; and

(c) the borrower agrees to reimburse the Administrator for such payments on terms and conditions, including interest, which are satisfactory to the Administrator.

FEES

SEC. 606. The Administrator shall charge and collect fees for guarantees of obligations authorized by this title in amounts sufficient in the judgment of the Administrator to cover the applicable administrative costs and probable losses on guaranteed obligations, but in any event not to exceed 1 per centum per annum of the outstanding indebtedness covered by the guarantee.

AUTHORITIES SUBJECT TO APPROPRIATION

SEC. 607. Notwithstanding any other provision of this title, authorities made available under this title shall be effective only to the extent and in such amounts provided in advance in appropriation Acts enacted after the date of enactment of Resource Conservation and Recovery Act of 1976.

On page 151, after line 21, insert the following new section, and redesignate section 409 as 410:

REMOVAL OF SLUDGE AND OTHER SOLID WASTE FROM WATERS AND SHORELINES

SEC. 409. (a) DEFINITION.—As used in this section the term "remove" or "removal" refers to the removal of sludge or other solid waste from the water or shorelines (including public and private property) or the taking of such other actions as may be necessary to minimize or mitigate any dangers to health or the environment presented by sludge in such areas.

(b) ASSISTANCE TO STATE AND LOCAL AUTHORITIES.—(1) Whenever the Administrator determines that (A) any navigable waters of the United States or any adjacent shoreline has been affected by the deposit of sludge or other solid waste from any source (including sludge or solid waste which has migrated to such area from a disposal site) and (B) such sludge or solid waste in such area presents a danger to the health or the environment, he may make grants and provide technical assistance to the State and local authorities having jurisdiction over the affected areas for the removal of such sludge or waste.

(2) No grant may be made under this subsection for an amount which exceeds 75 per centum of the total amount expended by the recipient State or local government for purposes of the removal for which such grant was made.

(c) ENVIRONMENTAL PROTECTION AGENCY TASK FORCE.—(1) The Administrator shall establish or designate a task force consisting of personnel who shall be trained, prepared, and available to provide the necessary technical assistance (including equipment and material where necessary) for the removal of sludge or other waste pursuant to subsection (b).

(2) The task force established or designated under this section shall—

(A) carry out a system of surveillance and notice designed to alert areas which are or, may be, adversely affected by the deposit or migration of sludge and other solid waste in the navigable waters of the United States and the adjacent shorelines, and

(B) provide such technical assistance (including equipment and material where necessary) as may be necessary to remove such sludge or other solid waste.

(d) OTHER AUTHORITIES NOT AFFECTED.—(1) Nothing in this section shall be construed to affect or impair any authority under section 311 of the Federal Water Pollution Control Act (relating to oil and hazardous substances) or under any other provision of such Act or of the Marine Protection Research and Sanctuaries Act of 1972.

(2) The provisions of this section shall apply whether or not any deposit or migration of any sludge or other solid waste was in violation of any applicable Federal, State, or local law or regulation and shall not affect the determination of the criminal or civil liability of any person respecting such deposit or migration.

(e) There are authorzed to be appropriated $10,000,000 for fiscal year 1978, $12,000,000 for fiscal year 1979, and $15,000,000 for fiscal year 1980 for grants for the removal of such sludge or waste.

H.R. 15377

By Mr. HECHLER of West Virginia:

On page 23, after line 9, insert the following new section:

"SUNSHINE IN GOVERNMENT

"SEC. 18. (a) Each officer or employee of the Secretary of Commerce who—

"(1) performs any function or duty under this Act or the Export Administration Act of 1969 which is amended by this Act; and

"(2) has any known financial interest in any person subject to such Acts, or in any person who obtains any license, enters into any agreement, or otherwise receives any benefit under such Acts;

"shall, beginning on February 1, 1977, annually file with the Secretary a written statement concerning all such interests held by such officer or employee during the preceding calendar year. Such statement shall be available to the public.

"(b) The Secretary 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 provisions for the filing by such officers and employees of such statements and the review by the Secretary 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 Secretary may identify specific positions within such agency which are of a nonregulatory or nonpolicy-making 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 or any regulation issued thereunder, shall be fined not more than $2,500 or imprisoned not more than one year, or both."

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 17, 1976, page 31130:

HOUSE BILLS

H.R. 15326. August 30, 1976. Public Works and Transportation. Stipulates that the first costs of all bridge construction for the Atlantic Intracoastal Waterway Bridges project in North Carolina and Virginia shall be borne by the United States.

H.R. 15327. Augsut 30, 1976. Post Office and Civil Service. Permits postage-free mailing of correspondence to any Member of Congress by residents of the State or district represented by such Member which is sent to the Member's official business address.

H.R. 15328. August 30, 1976. Interstate and Foreign Commerce. Directs the Secretary of Health, Education, and Welfare to establish a National Diabetes Advisory Board to insure the implementation of a long range plan to combat diabetes. Authorizes the Secretary to make grants to scientists who have shown productivity in diabetes research for the purpose of continuing such research. Authorizes, under the Public Health Service Act, the appropriation of specified sums for the purposes of making grants to centers for research and training in diabetic related disorders.

H.R. 15329. August 30, 1976. Judiciary; Post Office and Civil Service; House Administration. Expands the prohibition of the employment by any public official of any relative of such public official in an agency in which such official serves or over which such official exercises jurisdiction or control to cover the legislative branch.

States that any amount paid to a relative of a public official in violation of Federal nepotism laws shall be a debt due the United States. Sets criminal penalties for the violation of such laws.

H.R. 15330. August 30, 1976. Ways and Means. Amends the Internal Revenue Code to exempt farmers or farm operators from the highway use tax on heavy trucks if the farmer (1) uses such vehicle primarily for farming purposes, and (2) is not a corporation with gross receipts in excess of $950,000 or with gross receipts more than 50 percent of which are from activities other than farming.

H.R. 15331. August 30, 1976. Agriculture Prohibits the importation of palm oil and palm oil products unless the Secretary of Agriculture certifies that such products are pure and wholesome and meet sanitation

standards. Authorizes the Secretary to establish such standards, and to inspect such imports. Requires that such imports meet the packaging and labeling requirements in effect in the United States and specify the country of origin. Makes all palm oil in the United States subject to the Federal Food, Drug, and Cosmetic Act. Sets forth labeling requirements for palm oil in the United States. Prescribes penalties for violation of this Act.

H.R. 15332. August 30, 1976. Education and Labor. Directs the Commissioner 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. 15333. August 30, 1976. Public Works and Transportation. Authorizes the Secretary of the Army, acting through the Chief of Engineers, to construct a replacement lock and dam on the Mississippi River. Withdraws all authority with respect to channel construction and modification on the Upper Mississippi River.

Directs the Upper Mississippi River Basin Commission to prepare a master plan for the management of the Upper Mississippi River.

H.R. 15334. August 30, 1976. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 15335. August 30, 1976. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 15336. August 30, 1976. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 15337. August 31, 1976. Ways and Means. Amends the Internal Revenue Code to increase the maximum allowable deduction for charitable contributions by corporations.

H.R. 15338. August 31, 1976. Ways and Means. Amends the Internal Revenue Code to allow as a credit against the income tax a limited amount of specified higher education expenses, including tuition, fees, books and supplies, incurred by the taxpayer for himself and any dependents.

H.R. 15339. August 31, 1976. Education and Labor. Amends the Education Amendments of 1972 to exempt from the sex discrimination prohibition of such Act mother-daughter or father-son events held by elementary or secondary schools.

H.R. 15340. August 31, 1976. Small Business, Government Operations, Banking, Currency, and Housing. Amends the Small Business Act to expand assistance under such Act to minority small business concerns. Establishes the Office of Minority Small Business Assistance Personnel to work with all Government agencies having procurement powers. Provides statutory standards for contracting and subcontracting by the United States with respect to minority concerns. Creates a Commission on Federal Assistance to Minority Enterprise.

H.R. 15341. August 31, 1976. Armed Services. Authorizes additional appropriations and amends the Department of Defense Appropriation Authorization Act, 1977, to increase appropriations authorized under such act for specified military uses for fiscal year 1977. Repeals appropriations authorized under such act for research and development of the Trident missile system. Reduces the average personnel strength of the Naval Reserves required under such act. Authorizes additional appropriations for naval vessel procurement by the Navy during the period July 1, 1976, through September 30, 1976.

H.R. 15342. August 31, 1976. Education and Labor. Amends the Age Discrimination in Employment Act of 1967 to eliminate the age limitation with respect to the requirement that all personal actions affecting employees or applicants for employment in Federal agencies, the U.S. Postal Service, or the District of Columbia government be taken without regard to such employees' or applicants' age.

H.R. 15343. August 31, 1976. Public Works and Transportation. Authorizes the Secretary of the Army, acting through the Chief of Engineers, to implement a 5-year demonstration program to increase the average annual diversion of water from Lake Michigan.

H.R. 15344. August 31, 1976. Public Works and Transportation. Authorizes the Secretary of the Army, acting through the Chief of Engineers, to implement a 5-year demonstration program to increase the average annual diversion of water from Lake Michigan.

H.R. 15345. August 31, 1976. Public Works and Transportation. Authorizes the Secretary of the Army, acting through the Chief of Engineers, to implement a five year demonstration program to increase the average annual diversion of water from Lake Michigan.

H.R. 15346. August 31, 1976. Interstate and Foreign Commerce. Amends the Public Health Service Act to direct the Secretary of Health, Education, and Welfare to establish a National Arthritis Advisory Board to assure the most effective utilization and organization of arthritis resources.

Directs the Secretary of Health, Education, and Welfare to establish a National Diabetes Advisory Board to insure the implementation of a long range plan to combat diabetes.

Directs the Secretary of Health, Education, and Welfare to establish a National Commission on Digestive Diseases. Requires the Commission to develop a long range plan for the use of national resources to deal with digestive diseases.

H.R. 15347. August 31, 1976. Agriculture. Establishes within the Department of Agriculture an Office of Rural Energy Assessment to identify, develop, and compile data pertaining to fuel and other energy needs of persons residing in rural areas.

H.R. 15348. August 31, 1976. Interstate and Foreign Commerce. Reaffirms the intent of Congress with respect to the structure of the common carrier telecommunications industry rendering services in interstate and foreign commerce. Grants additional authority to the Federal Communications Commission to authorize mergers of carriers when deemed to be in the public interest. Reaffirms the authority of the States to regulate terminal and station equipment used for telephone exchange service. Requires the Federal Communications Commission to make specified findings in connection with Commission actions authorizing specialized carriers.

H.R. 15349. August 31, 1976. Government Operations. Requires any Federal agency proposing a new rule or any committee of Congress reporting legislation which may have a significant impact on costs to the public to prepare a Regulatory Cost/Benefit Assessment.

Sets forth procedures for preparing such Assessment.

H.R. 15350. August 31, 1976. Veterans' Affairs. Authorizes the Administrator of Veterans' Affairs, in providing therapeutic and rehabilitation activities, to provide for the participation of patients and members in Veterans' Administration health facilities in the assemblage of poppies or other similar projects carried out at such facilities, which are sponsored by a national veterans service organization or its auxiliary.

H.R. 15351. August 31, 1976. Education and Labor. Amends the Fair Labor Standards Act to exclude from coverage under the mandatory overtime provisions persons primarily engaged in selling or servicing motorcycles.

H.R. 15352. August 31, 1976. Ways and Means. Amends the Internal Revenue Code to allow an income tax deduction to an individual for expenses incurred in commuting to and from work.

H.R. 15353. August 31, 1976. Government Operations; Armed Services. Prohibits the designating of any official information as "Defense Data" unless the disclosure of such informaton would be detrimental to national defense.

Provides for the automatic termination of the classification of such information two years after such designation is made. Requires the Comptroller General to monitor the implementation and adherence to this Act.

H.R. 15354. August 31, 1976. Government Operations. Requires the Secretary of the Treasury to prepare and make public annual consolidated financial statements for all expenditures of the United States utilizing the accrual method of accounting.

H.R. 15355. August 31, 1976. Post Office and Civil Service. Repeals provisions specifying restrictions on, and requirements for, the private carriage of letters. Eliminates criminal penalties for such carriage.

EXTENSIONS OF REMARKS

THROUGH THE EYES OF THE HANDICAPPED

HON. JIM SANTINI

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, September 21, 1976

Mr. SANTINI. Mr. Speaker, handicapped individuals have considerable obstacles to overcome. To a handicapped individual, the ability to perform simple tasks—abilities which we take for granted—may require the will and the strength of a modern-day Hercules to carry out.

As the father of a handicapped child, I have close personal interest in the rights and welfare of our handicapped. The time for recognition of the unique needs and problems of the handicapped is long overdue.

I would like to share with my colleagues a news article which recently appeared in the Nevada State Journal which focuses on the obstacles encountered in day-to-day living by handicapped persons:

WORLD OF HANDICAPPED—NEVADA WILL HOST TWO CONFERENCES

(By Lee Adler)

Most avid moviegoers remember "The Incredible Shrinking Man"—that movie in which Mr. John Q. Citizen suddenly and mysteriously is reduced by a radioactive cloud to the size of an ant.

His whole perspective changes. The family cat takes on the proportions of a mastodon.