Shirley W. Lawson
Donald A. L. Leatherwood
Richard D. Lee
John E. Leindecker
Francis A. Leong
John T. Lloyd
John A. Lomenick
Cecil J. Long
Lawrence H. E. Long
Thomas J. Long
Jay W. Lunsford
William M. Lyman
James J. Lynch
Raymond R. Lynch
Paul D. Lyon
Preston O. Lytle
Ronald E. McBee
Arthur L. McCauley, Jr.
Charles F. McCowan
Harold D. McCurdy
Bruce McDonald
Albert F. McGurr
Keith A. McKee
John M. McNealy, Jr.
Larry A. McNulty
George J. McQuade
Gilbert J. McWane
Edward L. Mangel
John L. Martin
Lawrence E. Martin
Frank O. Marzette
Anthony H. Massey, Jr.
Tim I. Mathisen
Bruce Maxaner
Donald R. Mayberry
Genelito V. Medina
Nicholas S. Medved
Richard L. Michklich
Richard J. Mihok
Charles K. Miller
Hershel M. Miller
Merle J. Miller
Ralph F. Miller
Charles R. Milton
Ronald Mobley
Martin C. Moffett
George V. Mohan
James J. Montgomery, Jr.
Joseph M. Moore
Paul A. Moore
Robert W. Moore
William V. Moore
Daniel Moran, III
Terry L. Morris
Lawrence W. Morrison
Leroy R. Moser
George K. Mulder
Noah T. Mullins
Max E. Murray
Raleigh J. Nauta
Francis E. O'Halloran
Glen S. Olsen
Mark H. Otto
Raymond W. Owens
Gerald J. Padula
Robert D. Palmer
George D. Paul
Francis H. Payne, Jr.
James E. Pearsall, Jr.
Sherman J. Pearson
Thomas F. Pelis
Lawrence A. Pemberton
John E. Penner
Dieter Peplinski
Philip T. Peterson
William R. Pincek
Robert L. Pittman
William F. Ponder
Donald R. Posey
Elwood S. Pratt
Charles R. Pressley
Robert G. Provost
Glenn K. Pryor
Wade T. Pryor
Hans L. Putz
David L. Quaschnick
Charles W. Rambo
Raymond N. Rapalee
Ponciano L. Reyes
John S. Rial
Gary L. Richardson
Jerry A. Riddle
Dean P. Ringressy
Kenneth J. Ritter
Rickie L. Robinson
Tommy L. Robinson
Alberto T. Rodriguez
Ronald R. Roe
Walter S. Rogalski, Jr.
James F. Romig
Gerald R. Rominger
Marcelino E. Ronquillo
John Rossetti
Anice J. Rougeau
Cipriano C. Salonga
John W. Sanders
Thomas L. Sappington
Oronzo J. Savino
Edward G. Schell
Franz C. Schneider
Ray Schultz
Frederick A. Schwab
Edward C. Scott
Ronald A. Sewell
Gerald T. Shafer
Terry W. Shanklin
Floyd G. Sharp
Larry W. Sharp
Harvey J. Shaw, Sr.
Rodney A. Shawn
Cornelius A. Sherman II
Joseph N. Shields II
Leroy K. Shinkle
Gerald "D" Shotts, Jr.
Larry D. Shoultz
David W. Sieruta
Donald B. Simmons, Jr.
Frank L. Simpson
Leonard W. Simpson
Jerry K. Sipes
Austin L. Sizemore
John S. Skinder
David Sloan
Edward L. Slupski
James L. Smith
Richard E. Smith
Samuel B. Snodgrass, Jr.
Robert J. Sommer, Jr.
Paulino Soto, Jr.
Henry W. Spath
Clyde R. Stanfield
Dennis B. St. Clair
Bruce A. Steeves
Richard J. Stephens
Jack D. Strange
James M. Stribling
McCoy O. Strickland
Jerry R. Sully
Arthur H. Swift
Joe T. Sykes
George E. Taglioli
Juan M. Taijito
Billy A. Tankersley
Maligi F. Tato
Aureo S. Tayag
Glenn E. Taylor
Walter F. Tennis
Wayne G. Terry
David R. Thomas
Juan A. Thomas
Thomas Thompson
Raymond E. Thorn
Donald M. Thorp
John H. Tines
Daniel Tom, Jr.
James W. Treme
Robert J. Udell
William R. Vanausdal
Clifford E. Van Nostrand, Jr.
Jose Veliz
John G. Vigil, Jr.
Francis J. Vogan
Kenneth R. Waddell
Thomas G. Wagner
Robert A. Waite
James E. Walden
Charles Walker
Charles A. Walker
Ramon G. Wallen
Rex E. Walls
Lawrence P. Wandel
James W. Ward
Edward J. Westermeyer
Larry H. Whitaker
William C. Whitney
James D. Whittingham
James H. Williams
Luther O. Williams
Edward L. Wilson, Jr.
Wayne A. Wilson
Buddy V. Winslow
Orville G. Wise, Jr.
Victor L. Witek, Jr.
Thomas L. Worthen
Harvey L. Yeager
Dennis C. Younger

The following-named (U.S. Navy officers) to be appointed permanent commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

*Wayne O. Buck
*Janet R. K. Hutcheson

The following-named (U.S. Navy officers) to be appointed temporary captains in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

*Wayne O. Buck
*Janet R. K. Hutcheson

The following-named (U.S. Navy officers) to be appointed temporary commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

*Gary D. Graham
*Cyril Newman

The following-named (ex-U.S. Naval Reserve officer) to be appointed a temporary commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

*Douglas R. Elliott

The following-named (ex-Army officers) to be appointed temporary commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

*Herbert E. Cohn
*Ariel J. Thomann

The following-named (civilian college graduates) to be appointed temporary commanders in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

*Eli Breger
*Clifford L. Tartalia

The following-named (U.S.P.H.S. officer) to be appointed a temporary commander in the Medical Corps in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

*Umbert Hart

The following-named (U.S. Navy officers) to be appointed temporary commanders in the line in the Reserve of the U.S. Navy, subject to the qualifications therefor as provided by law:

*Robert J. Kennelly
*Hansel T. Wood, Jr.
*Kenneth A. Schroeder, Jr.

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*Appointment sent out Ad Interim (during the recess of the Senate). Senate recessed on 16 October 1978.

HOUSE OF REPRESENTATIVES—*Wednesday, January 31, 1979*

The House met at 3 p.m.

Chaplain James David Ford, B.D., offered the following prayer:

Heavenly Father, Creator of all the world, give us the awareness that under Your providence we are one people. We give You praise that, with Your guidance we may overcome estrangement and hostility toward others, that we may reach out in love and reconciliation. Strengthened by Your divine power, we pray always for peace on Earth, good will to all in the name of the Lord, we pray. 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.

Pursuant to clause 1, rule I, the Journal stands approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Sparrow, one of its clerks, announced that the Senate had passed a resolution of the following title:

S. RES. 28

Resolved, That the Senate has heard with profound sorrow and deep regret the announcement of the death of the Honorable Nelson A. Rockefeller, a former Vice President of the United States.

Resolved, That in recognition of his illustrious statesmanship, his leadership in national and world affairs, his distinguished public service to his State and his Nation, and as a mark of respect to one who has held such eminent public station in life, the Presiding Officer of the Senate appoints a committee to attend the memorial service for the former Vice President.

Resolved, That the Senate hereby tender its deep sympathy to the members of the family of the former Vice President.

Resolved, That the Secretary communicate these resolutions to the House of Representatives and transmit a copy thereof to the family of the deceased.

Resolved, That when the Senate recesses today, it recess as a further mark of respect to the memory of the deceased.

The message also announced that the President pro tempore, pursuant to Public Law 95–599, appointed the following Senators to the National Alcohol Fuels Commission: Mr. CHURCH, from the Committee on Energy and Natural Resources; Mr. MCGOVERN, from the Committee on Agriculture, Nutrition, and Forestry; Mr. HATFIELD, from the Committee on Energy and Natural Resources; Mr. DOLE, from the Committee on Agriculture, Nutrition, and Forestry; and Mr. BELLMON, from the Committee on Appropriations.

TRIBUTE TO RETIRED CHIEF GRADY COCHRAN OF FORT VALLEY, GA., POLICE FORCE

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

Mr. BRINKLEY. Mr. Speaker, Chief Grady Cochran retired from the Fort Valley, Ga., police force in 1970, after completing 35 years of outstanding service. As chief of police, Grady Cochran earned the respect and trust of every citizen he served, and he has continued to maintain a vital role in the life of the community.

Good commonsense and humor were Chief Cochran's secret weapons. Three examples come to mind illustrating his skills as a juvenile psychologist and marital counselor, as well as a public safety officer.

One Christmas a trio of young boys threw firecrackers from a rooftop at a passing policeman. When their ammunition was spent, Chief Cochran strolled around to the back of the buildings and calmly removed their ladder to freedom. After being stranded 2 hours on the roof that cold December night, their lesson was learned.

A second episode involved four rowdy youngsters, whose favorite pastime was chopping down shrubbery. After nabbing the culprits, Chief Cochran locked them up. Soon, he began to worry that once released, they would again be bent on destruction that same night. Applying his favorite commonsense approach, he hit upon the idea of releasing them one at a time, at 10-minute intervals, and saw to it that they were escorted home, and kept apart.

Chief Cochran's junior police force helped to establish his reputation as a skilled marriage counselor. A young boy on the force had made three reports to him outlining the dates and exact times of one couple's marital fights. The couple's fourth fight prompted a neighbor's formal complaint, citing disturbance of the peace. Catching the couple in their fight, Chief Cochran reeled off the exact details of all their previous bouts. Stunned into silence and fearing that their minds were being read, the baffled couple agreed on the spot to settle their differences and never fight again.

I submit for the RECORD and commend to the attention of my colleagues the following Macon Telegraph and News article by George Landry, saluting Chief Cochran's splendid example and distinguished career:

[From the Macon Telegraph and News, July 26, 1970]

A CITATION TO A CHIEF

(By George Landry)

Grady W. Cochran has been much, much more than just a police chief at Ft. Valley, as if that hasn't been a full-time job and more than he could say "Grace" over.

He's also had to be:

A psychiatrist, a diplomat, an ambassador-of-good-will, a marriage counselor and advisor in other people's marital difficulties.

An expert on race-relations, an idol of youth, an example, to fellow-enforcement officers, a traffic expert, a genius with those who stray on the wrong side of the law.

All these, of course, among many other things.

Grady Cochran's heart and hand reaching out to help others have been as big as the great grin that is such a familiar trademark of his.

He's like an old shoe, to use the phrase with utmost respect—it's a sheer comfort and pleasure to be around him, to see him and talk with him in the neat little office he has in back of City Hall.

Chief Cochran just can't be around you for more than a minute before breaking slap out in a hearty laugh, the kind of laugh that is contagious and makes you enjoy laughing with him.

He is as good-natured as he is efficient and perhaps it is that he is so efficient because he is so good-natured.

Being a police officer has been his life—a life of constant, potential risk and dangers, yet a good and full life of being guardian and watching over one of the prettiest little towns in Middle Georgia.

If ever there was a contest to name the dean of Middle Georgia police officers, Grady Cochran sure would get this corner's vote. Chief Cochran's retiring soon and all of us who know him will miss him. All the many years he's been my friend, it's been good to be running with him, and not from him.

COMMEMORATING 30TH ANNIVERSARY OF NATO ALLIANCE

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

Mr. CHARLES H. WILSON of California. Mr. Speaker, on August 24 of this year, the NATO alliance will be 30 years of age. Thus, the alliance was formed when most Members of the U.S. Congress were young people in high school. The alliance, in fact, is older than several Members of the House of Representatives.

The alliance has survived for 30 years, and has deterred war in the North Atlantic region, for three reasons:

The alliance has been cohesive;

The alliance has demonstrated a collective will to defend itself; and

The alliance has maintained the means of defense through constant modernization.

I need not dwell on the well-recognized fact that NATO now faces the greatest military threat in its history. The threat is real and is expanding in both conventional and nuclear terms, as well as in strategic and theater terms.

At this point, I should explain that the Armed Services Committee is aware that there is no clearly defined dividing line between theater nuclear weapons and strategic nuclear weapons where Western Europe is concerned. With the introduction of new Soviet aircraft, such as the Backfire and new missiles such as the SS–20, the dividing line is becoming blurred even in the case of the continental United States.

The addition of long-range Backfire bombers and SS–20 missiles greatly expands the threat to NATO and is in addition to SS–4 and SS–5 ballistic missiles and other nuclear-capable aircraft.

The situation is one in which the nuclear balance has rapidly turned against NATO, and which will become worse in the near future unless NATO is provided with a variety of modernized nuclear deterrent forces which truly respond to the threat.

In spite of Soviet statements about "balanced forces" and good intentions, it is not likely that the Soviet Union would welcome the modernization of NATO's nuclear forces. In fact, the persistent Soviet propaganda campaign against "neutron" weapons presents ample evidence that such NATO improvements would be subjected to similar propaganda. Yet, unless new systems are developed and deployed, improvements to short-range artillery, the Lance, and Pershing, will have little impact.

NATO strategy includes the first use of nuclear weapons if necessary. We must also assume that Warsaw Pact strategy would include a preemptive attack. For this reason, it is necessary that NATO's future systems include long-range, survivable systems providing an optimum flexibility in deployment and in command and control.

There are two obvious options which are suggested. One is the highly mobile ground-launched cruise missile, or GLCM. The other is a mobile intermediate-range ballistic missile or IRBM. Either of these systems, or a mix of both, would provide a highly survivable deterrent. Flexibility would be enhanced, since these systems could be used to strike targets inside the Soviet Union or for use against shorter-range targets. Together with other theater and tactical nuclear weapons, these systems would provide an impressive deterrent to a possible Soviet preemptive strike.

There is, I believe, substantial agreement in both the United States and in other NATO countries that NATO's forces must be modernized. However, there is a distinct lack of frank discussion about NATO's weaknesses and vulnerabilities, or how one is to go about a remedy. It seems clear, however, that these pressing issues, and the risks which they represent, are being submerged in the interest of a SALT II agreement.

In fact, the energies of the United States Department of Defense, the State Department, the Arms Control and Disarmament Agency, and the National Security Council are being spent almost exclusively toward obtaining the approval of SALT II and a nuclear test ban. There is little if any appreciation for the risks to NATO involved in SALT.

While the GLCM and IRBM systems are reasonable future options for NATO and the United Kingdom, it would appear that U.S. assistance in developing or providing the necessary technology and hardware might be circumscribed by SALT II. Two provisions of SALT II would apply.

First, the U.S. and U.S.S.R. have agreed that neither side will deploy sea-based or land-based cruise missiles with a range in excess of 600 kilometers for the duration of a protocol period.

Second, both parties have agreed not to undertake initiatives, either directly or through third countries which would circumvent or undermine the viability of the agreement.

The deployment in Europe of ground-launched cruise missiles limited to ranges of 600 kilometers or less would be of little strategic value to NATO since no targets within the Soviet Union could be threatened. If the GLCM were to be used as a theater weapon, forward basing would expose the GLCM to the risk of enemy overrun.

While the proponents of SALT minimize the effects of a range limitation on the ability to exercise a real GLCM

option, pointing out that the United States will be free to develop and test a longer range system, tremendous political pressures against production and deployment of a longer range system may well prevent any deployment of GLCM's if a SALT II treaty is signed. The Soviets were insistent upon the inclusion of cruise missile range limitations for obvious reasons and could well insist on the continuation of these limitations as a prerequisite for any SALT III negotiations.

Notwithstanding the fact that the SS–20 mobile missile and the Backfire bomber are in fact intercontinental systems, and are unrestrained by SALT, the Soviets can be expected to strenuously oppose both GLCM and NATO IRBM systems originating in the United States under the vague "noncircumvention" provision now incorporated in SALT.

It could be argued with some logic that the transfer by the United States of weapons which are of strategic value when located in Europe circumvents and undermines the purpose of SALT II; that is, to control the numbers of nuclear weapons of the U.S. and U.S.S.R. capable of striking the territory of the other country.

The Soviets could logically claim that the United States, through initiatives taken with its allies, had undermined the treaty, while protecting themselves with the fact that SALT II was negotiated with the SS–20 and Backfire clearly in mind. These are aspects of SALT II which the United Kingdom and other NATO allies should clearly have in mind, and the expected Soviet reaction is no less logical than the worldwide propaganda against neutron weapons fomented by the Soviets.

It should be clear that SALT II would do nothing to keep the nuclear strategic balance in Europe from swinging further toward the Warsaw Pact. To the contrary, SALT II may place serious impediments in the way of options to restore the balance.

By limiting NATO's self-defense options in partnership with the United States, the Soviets hope to prevent the modernization of Western European forces and to sow a spirit of disunity within the alliance. They may be willing to gamble that the West will not choose to "go it alone" with their own independent nuclear forces and to accept permanent Soviet strategic superiority in the area.

Should this occur, the Soviets will have accomplished diplomatically what they could not accomplish with arms for three decades—the destruction of the alliance and the power to militarily dominate Western Europe. This would be a very high price to pay for an arms control agreement which only theoretically limits Soviet intercontinental strategic systems.

□ 1505

GRANTING AN EXTENSION OF TIME FOR JOINT ECONOMIC COMMITTEE TO FILE REPORTS

Mr. BOLLING. Mr. Speaker, I ask unanimous consent that the Joint Economic Committee be granted an extension of time from March 1, 1979, to March 30, 1979, to file a report of its findings and recommendations with respect to the Economic Report of the President, as required by section 5(b)(3) of the Employment Act of 1946 (15 U.S.C. 1024(b)(3)); and further, that the Joint Committee be granted an extension of time from March 1, 1979, to March 30, 1979, to file the report of its findings and recommendations required under section 5(c) of the Comprehensive Employment and Training Act Amendments of 1979 (Public Law 95–524).

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

There was no objection.

RENAMING CHICAGO AS HARTKE, ILL.

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

Mr. QUAYLE. Mr. Speaker, once again a bill has been introduced in the House by the gentleman from Illinois (Mr. YATES) which would rename the Indiana Dunes National Lakeshore in memory of the late Paul Douglas, a Senator from Illinois. I must say that I admire the gentleman's persistence in what I hope will be a continued dead issue.

I certainly do not intend to degrade the memory of the distinguished late Senator from Illinois. Last year, despite the objections of a number of my fellow Hoosiers here in the House, an amendment was passed designating the "Paul H. Douglas Indiana Dunes Lake Shore." Fortunately, it died in the Senate.

There surely is a more appropriate memorial to Senator Douglas—perhaps in his own beloved State of Illinois.

I am confident that my colleagues from Indiana here in the House as well as in the other body will work in concert to oppose this Illinois intrusion on the work of hundreds of Indiana Hoosiers who labored long and hard to establish the dunes.

In the event this bill should surface, Indiana will seek reciprocity from the Illinois gang. I would offer a resolution renaming the windy city of Chicago in honor of one of Indiana's famed Senators. Under this proposed resolution Chicago would become Hartke, Ill., in honor of Senator Vance Hartke who served the people of Indiana in the other body for 18 years.

Surely renaming the Indiana Dunes has nothing to do with building President Carter's New Foundation. Therefore, I would expect him to veto it should it reach his desk. Failing this, we would launch our effort to rename Chicago.

A CONSTITUTIONAL AMENDMENT TO REQUIRE A BALANCED FEDERAL BUDGET

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

Mr. KRAMER. Mr. Speaker, today many Americans are worried—and rightfully so—about the cost of living. They are concerned whether they will have enough money to buy groceries, whether they can afford a decent home and, after a lifetime of saving, whether they can even afford to retire.

I think most of us would agree that bringing inflation under control is one of the top priorities facing the 96th Congress. However, I would submit that anything short of decisive action on our part will fail to accomplish this goal.

Today, I am introducing a constitutional amendment which would require a balanced Federal budget. My amendment would phase in a balanced budget over 3 years by setting the maximum deficit at $15 billion the first year, at $10 billion the second year, and at $5 billion the third year. Any subsequent deficit could only occur in times of war or national emergency—and then only with a two-thirds vote of both the House and Senate for each and every deficit year.

Even though recent polls show that an overwhelming majority of those surveyed favor a balanced budget, many State legislatures, with an eye toward the fate of similar balanced budget proposals in the past, are skeptical about the willingness of Congress to live within its means. To date, 24 States have joined in calling for a constitutional convention to draft such an amendment and submit it to the States for ratification. Although I was instrumental in getting a resolution of this nature through the Colorado Legislature last year, clearly the better route would be for Congress to draft and pass a constitutional amendment mandating a balanced Federal budget.

I hope that you and my other colleagues agree with me that inflation is public enemy No. 1 and, therefore, support this amendment.

A CONSTITUTIONAL AMENDMENT TO LIMIT CONGRESSIONAL TERMS OF OFFICE

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

Mr. SHUMWAY. Mr. Speaker, today I am introducing a joint resolution proposing a constitutional amendment providing for the limitation of congressional terms of office, and for the lengthening from 2 to 4 years of the terms of Members of Congress. My proposal would limit Senators to two terms of 6 years each; Representatives to three terms of 4 years each.

The fact that a great number of similar proposals have been introduced in recent years, particularly during the 94th and 95th Congresses, and that many will undoubtedly be offered during the 96th Congress, is indicative of the increasing recognition by those of us in the Congress that, more and more, our constituents feel their interests could be more effectively and responsively represented if the terms of their officials in Washington were limited. In 1977, the Gallup poll showed that fully 60 percent

of the American people supported such a measure. During my campaign for Congress this past year, I asked the people of California's 14th District for their views on this question; 67.5 percent responded that all Congressmen should be limited to 12 years in office. Even more conclusively, 73.2 percent asserted that most Congressmen have lost touch with the people back home.

Throughout the 19th century, it was quite uncommon for a Member of the House to serve for more than two terms. It was not until 1901 that, for the first time, less than 30 percent of the incoming Congress were not freshmen. In the years since, the average length of service has increased to the point where, today, the mean length of service is about five terms. While there may be some justification for the longer periods of service in this century because of the rise of the committee system and the increasing variety and complexity of the legislative issues taken up by Congress, it is also true that the perception of Congress as a desirable and attractive permanent career has grown dramatically. And it is for many of the same reasons that service in Congress has become so attractive that the American people have, to a large degree, lost faith in the ability and willingness of Congress to truly represent their best interests.

The demise of the committed citizen legislator is a serious threat to our tradition of representative democracy. Our Founding Fathers viewed the Congress as a body in which citizen legislators established the laws by which they and their fellow citizens chose to abide. It was not expected that individuals elected to Congress would remain in Washington for years on end; rather, it was felt that service in the Congress would be the same as a duty—not necessarily a pleasant one, but important if the experiment in democracy were to succeed.

We have strayed from this concept. Life as a Congressman has become so attractive that it has become increasingly difficult for us to remember just why we are here. Longevity in Washington has, in many instances, become an end in itself. My suggestion that the length of service be limited by law would, I believe, contribute to a revitalization of the Congress—a revitalization which is crucial given the problems and issues with which we are confronted today—while, at the same time, insuring that Members are closely attuned to the needs of our constituents.

Twelve years is time enough for any one of us to make our mark in Washington, to make the kind of contribution to the course of our Nation's affairs that our forefathers intended. While it can be argued with some justification that such a limitation would prematurely end the contributions of a few exceptional legislators—and the roll of those who have been outstanding Members of Congress for 12, 30, and even 40 years includes many of the leading figures in the history of our Nation—I nevertheless would argue that my proposal would provide an opportunity for many more outstanding Americans to apply their energy and talents for the benefit of their country than would otherwise be the case.

The most important reason for limiting the congressional term of office is, of course, to restore the confidence of the American people in Government. By providing for the regular turnover of congressional membership, we can make a lasting contribution in this area. Members of Congress would be chosen by their fellow citizens to represent them on a temporary basis—and would then return home to pursue their various chosen careers. We are American citizens first, Congressmen second—and the American people have every right to expect that we understand this basic fact.

We in Washington are not here to accumulate personal power. Nevertheless, given the nature of our responsibilities, our influence can be great. Unfortunately, such power and influence has, in recent years, all too often been abused. I can make no greater argument for urging my colleagues to support my resolution than to recall the words of James Madison who wrote in the Federalist Papers:

> It is a received and well-founded maxim, that where no other circumstances affect the case, the greater the power is, the shorter ought to be its duration.

In conjunction with limiting the length of service in both the House and Senate, I am proposing that the congressional term of office be increased from 2 to 4 years. My resolution provides that the House be divided into two classes, each to be elected alternately.

The requirement that we run for reelection every 2 years means most of us must begin campaigning almost immediately upon our initial elections. Given the burden of the legislative workload, as well as the many other demands on our time, such a requirement can only detract from the quality of service we are able to offer our constituents. Further, the congressional process is increasingly intricate and requires that a great deal of time be devoted to attaining a sufficient familiarity with it. A 4-year term, I believe, can satisfy these requirements; the 2-year term is, in most cases, just too short. In order to most effectively represent our constituents, we must have adequate opportunity to consider closely, evaluate, and then proceed—all with due caution and reflection.

The American people have demanded, and certainly deserve, an improvement in the quality of the work of Congress. They demand reform and, according to all the surveys of public opinion with which I am familiar, overwhelmingly support the 4-year term. My proposal is an attempt to meet this demand.

Mr. Speaker, recently I was honored for the first time with election to Congress. Throughout my campaign, the message I received most consistently and clearly from the people of the 14th Congressional District of California was that Congress was "out of touch," was "not in tune" with their problems and concerns. They believe their representatives should serve in Washington for a period long enough to make a contribution, but not for so long that they are forgotten. They also ask that, having invested their trust in us, that it not be abused—but, rather that they receive a fair return on their investment. The 4-year term would enhance this return.

Mr. Speaker, I would urge my colleagues to heed the voice of the people, and work to make Congress more responsive to it. The American people deserve no less. I believe my resolution is a needed step in this direction.

RESIGNATION AS MEMBER OF COMMITTEE ON SCIENCE AND TECHNOLOGY

The SPEAKER laid before the House the following resignation from the Committee on Science and Technology:

WASHINGTON, D.C.,
January 29, 1979.

Hon. THOMAS P. O'NEILL,
Speaker, House of Representatives,
The Capitol, Washington, D.C.

DEAR MR. SPEAKER: Since there has been some confusion regarding my committee assignments, I am enclosing copies of correspondence in which I indicated my preferences. Please see especially my letter dated December 7, 1978, in which I stated my desire to serve only on the Committee on Banking.

Therefore, I wish to resign as a member of the Committee on Science and Technology for the 96th Congress. I know that as a result of my resignation, I will forfeit my seniority on the Science and Technology Committee.

Thank you very much for your help with this matter.

Best wishes,

STEPHEN L. NEAL,
U.S. Congressman.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

□ 1510

RESIGNATION AS MEMBER OF COMMITTEE ON THE DISTRICT OF COLUMBIA

The SPEAKER laid before the House the following resignation as a member of the Committee on the District of Columbia:

WASHINGTON, D.C.,
January 30, 1979.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives,
Washington, D.C.

DEAR MR. SPEAKER: Because of the extremely heavy demand on my time as Chairman of the NATO Subcommittee, and my other committee and legislative responsibilities, I will appreciate your accepting my resignation from the District of Columbia Committee.

I feel that it would be unfair to the other members, as well as the people of the District of Columbia, for me to continue to serve on the D.C. Committee.

It has been a pleasure for me to work with the members of that committee, and with the staff.

With kind regards,

Very sincerely,

DAN DANIEL.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

RESIGNATION AS MEMBER OF COMMITTEE ON VETERANS' AFFAIRS

The SPEAKER laid before the House the following resignation as a member of the Committee on Veterans' Affairs:

WASHINGTON, D.C.,
January 30, 1979.

Hon. THOMAS P. O'NEILL, Jr.,
Speaker of the House of Representatives,
The Capitol.

DEAR MR. SPEAKER: As you no doubt are aware, earlier today the Democratic Policy and Steering Committee nominated me to fill the 25th vacancy on the Small Business Committee. As I had indicated to you, this assignment was my first preference for a secondary committee assignment. Therefore, I am delighted!

It is my understanding that I must submit to you my letter of resignation from the Veterans' Affairs Committee for transmittal to the House leadership and to Chairman Roberts. I have already personally discussed with Chairman Roberts the reasons for my leaving his committee, and while I never served as a standing member of the committee I was honored to have been chosen as a member of that body. Nevertheless, I feel that I will be much more effective to both my constituents and our country as a member of the Small Business Committee. I hope you will consider this resignation.

Should you need any further information or documentation from me to finalize resignation from the Veterans' Affairs Committee, please do not hesitate to advise me immediately.

Again, thank you for your assistance in helping me to obtain this assignment.

With warmest regards.

Sincerely,

TONY P. HALL.
Member of Congress.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

DESIGNATING MEMBERSHIP ON CERTAIN STANDING COMMITTEES

Mr. FOLEY. Mr. Speaker, as chairman of the Democratic Caucus and by the authority of the Democratic Caucus, I send to the desk a privileged resolution (H. Res. 78) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 78

Resolution designating membership on certain standing committees of the House

Resolved, That the following named Members be, and they are hereby, elected to the following standing committees of the House of Representatives:

Committee on the District of Columbia: GEORGE THOMAS (MICKEY) LELAND, Texas.

Committee on Education and Labor: DON BAILEY, Pennsylvania.

Committee on International Relations: DAVID R. BOWEN, Mississippi; FLOYD J. FITHIAN, Indiana.

Committee on Judiciary: ABNER J. MIKVA, Illinois; MICHAEL D. BARNES, Maryland; RICHARD C. SHELBY, Alabama.

Committee on Post Office and Civil Service: DONALD JOSEPH ALBOSTA, Michigan.

Committee on Science and Technology: STANLEY LUNDINE, New York; ALLEN E. ERTEL, Pennsylvania; KENT HANCE, Texas.

Committee on Small Business: TONY P. HALL, Ohio.

Committee on Standards of Official Conduct: CHARLES E. BENNETT (chairman), Florida; LEE H. HAMILTON, Indiana; RICHARDSON PREYER, North Carolina; JOHN M. SLACK, West Virginia; MORGAN F. MURPHY, Illinois; JOHN P. MURTHA, Pennsylvania.

Mr. FOLEY (during the reading). Mr. Speaker, I ask unanimous consent that further reading of the resolution be dispensed with, and that it be printed in the RECORD.

The SPEAKER pro tempore (Mr. STUDDS). Is there objection to the gentleman from Washington?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

RESIGNATION AS MEMBER OF COMMITTEE ON THE BUDGET

The SPEAKER pro tempore laid before the House the following resignation as a member of the Committee on the Budget:

WASHINGTON, D.C.,
January 31, 1979.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives,
U.S. Capitol, Washington, D.C.

DEAR MR. SPEAKER: This is to advise you that I wish to resign from my assignment on the Committee on the Budget.

Sincerely yours,

JOHN J. DUNCAN,
Member of Congress.

The SPEAKER pro tempore. Without objection, the resignation is accepted.

There was no objection.

ELECTION AS MEMBER OF COMMITTEE ON THE BUDGET

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 79) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 79

Resolved, That BILL FRENZEL, of Minnesota, be and he is hereby elected a member of the Committee on the Budget.

The resolution was agreed to.

A motion to reconsider was laid on the table.

ELECTION AS A MEMBER OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

Mr. MICHEL. Mr. Speaker, I offer a privileged resolution (H. Res. 80) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 80

Resolved, That RICHARD B. CHENEY, of Wyoming, be and he is hereby elected a member of the Committee on Standards of Official Conduct.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE WACKY WIT OF WEST VIRGINIA

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

Mr. STAGGERS. Mr. Speaker, in my native State of West Virginia, there is a famous weekly newspaper, the West Virginia Hillbilly, which is published in Richwood and edited by a very good friend of mine, Jim Comstock.

He has been described by Coronet as "the wacky wit of West Virginia," by Pearl Buck as, "my idea of what the best editor of a best country newspaper should be," and by Nation's Business as a man whose writing is "as pungent and incisive as anything being written about politics and today's society."

He probably knows more than any man alive about the yesterdays and todays of Appalachia and how it got that way.

Recently Jim Comstock was the subject of an article by Norman Corwin in Westways magazine. I would like to share his thoughts and article with my colleagues at this time.

HILLBILLY?

(By Norman Corwin)

Newspapers have been described as great engines that never sleep, with ambassadors in every quarter of the world and couriers upon every road, whose officers march along with armies and whose envoys walk into statesmen's cabinets. The description is Thackeray's and is a good one, but it applies only to behemoths, those tremendous organs whose presses roar at the pitch of a hurricane, whose Sunday edition comes in twenty sections and weighs enough to hazard a hernia if you try to pick it up off a doorstoop with one hand, and whose classified ads, if pasted end to end in a continuous strip, would, in a year's time, reach the moon and climb over a rill.

But there are other, lesser newspapers whose engines may only purr, which sleep on weekends and holidays, and whose only ambassadors may be the mailmen who deliver copies to subscribers once a week. Nevertheless they may be formidable and famous, sometimes more so than middling giant newspapers of middling cities. Three such, to name only a few weeklies in recent annals, come immediately to mind: Harry Golden's *Carolina Israelite*, Wilson Minor's *Capital Reporter* and Jim Comstock's *The West Virginia Hillbilly*.

Golden is known nationally for his books, and was even the subject of a Broadway play by Lawrence & Lee; Minor is known to Mississippi because his little paper (circulation 6,000) makes a big noise in that state's politics, and is known to Southern California because of a fine story in the *Los Angeles Times* ("Editor Rakes Mississippi Political Muck"); but Jim Comstock is better known in Appalachia, Washington, D.C., and in New York City than he is in the West, and I think that should be corrected.

In fact, next Thanksgiving I intend to thank the Editor in Chief up there for Comstock, and suggest the creation of more editors and publishers like him. Then I will follow up with a letter to the Pulitzer Prize Committee (a big step down), asking it not again to overlook an award in journalism to the man who, I regret, was once described by Pearl Buck as "my idea of what the best editor of a best country newspaper would be." My regret is that I did not say it about him first.

Jim calls himself "editor emeritus" of *The Hillbilly*, whose masthead describes it as a "Weakly Publication" put out in Richwood, West Virginia. The "weakly" is not a misprint, but a token of Comstock's inability to take himself seriously for very long at a time. However, the emeritus is entirely misleading because it means retired, as for age, whereas there is nothing retiring about him. He is as active as a cat high on nep, chasing a Ping-Pong ball. In Jim's case the ball is our life and times. Each week he writes a full

page of pieces of assorted lengths and subjects, under the heading of "The Comstock Load," which is to Appalachia what "Talk of the Town" is to *The New Yorker*. He also writes feature stories and whatever else comes into his marvelously maverick head.

There is an earthiness to *The Hillbilly* that honors its name—an occasional outcropping of humor that might be called rustic by the prim or near-prim. Example:

TOO LATE

The old farmer was standing by the woman's car over on Leaping Branch, telling her how to get to Hell's Half-Acre, when this bird flew over and let him have it on the shoulder. They were both embarrassed, the old farmer and the nice city woman. And she *was* nice, because she asked him did he want a tissue. He said no, he reckoned not, because as fast as that damn bird was flying, it'd be to Charleston by now.

Ornithological scatology? For the birds? No matter. Similar jokes are scattered throughout *Hillbilly*, saucy but never prurient, caricatures more than ribaldry, shards of country comedy. Take the story of old Doc Hyer, who every day for a month had been delivering babies all over Nicholas and Webster counties. "Every time he asked the poor girl who it was it turned out to be Morty Martin. It made old Doc Hyer mad. And then when the Widow Wilson had triplets and her daughter had twins, Doc hunted Morty down to have it out with him. He cussed him out for a while and then he said, 'Great balls of fire, man, how could you do such a thing?' Morty said shucks, it wasn't nothing, he just got a bicycle."

If that is all there were to *Hillbilly*, Comstock would not have been Pearl Buck's nomination for best editor of best country newspaper. But *Hillbilly* fights just as hard and eloquently as any newspaper anywhere, including Minor's *Capitol Reporter* and *The Washington Post*, for what it believes, and what it believes is usually on the side of decency and dignity and justice and compassion and those old, embattled, scarred angels, the freedoms. Comstock's weakly is an extension of his extraordinary self, which means that he is long on local history and short with nay-sayers, doom-criers, hucksters, shysters, exploiters, and people who push other people around; strong for West Virginia writers and artists, especially living ones, who would like to make a living; scornful of the pompous, the poohbahs; drawn as by irresistible magnet to good yarns and colorful characters and the ways, the wisdom, the passions and peccadillos of mountain folk.

Ten years ago an anthology of Comstockana was compiled and edited by Otto Whittaker, a Chicago advertising man and inveterate Comstock buff, who wrote in his introduction an appreciation that appreciates every time you read a new issue of the weekly. "Scratch his mountain hide and you open a bonanza of humility and love of God and fellow man, and see into a heart that is continually tugged-at by the mountain sorrows that mushroom all around him. He's a sparrow-watcher—a man who can't pass up a hitch-hiker, a man who persuades his readers to build a house for one whose arms are burned off, a man who goes into personal hock to build a hospital, starts a college fund for two tykes whose widowed mother lives in a wheelchair, creates an annual 'Past 80 Party' to make the aged feel once again a part of the world they helped to make, and mourns a poor, sick, skinny, bewildered and be-wretched little woman who died with her babies huddled about the bed while her husband went down the railroad track with a bottle of Sweet Lucy."

Yet through all this, Whittaker adds, there runs a delightful and indelible streak of Peck's Bad Boy. He takes delight in nagging the *Charleston Gazette*, which he suspects of looking down the left side of its nose at him. "Their photographer always takes two pictures of me in case one's good," says Jim. When the *Saturday Review* referred to *Hillbilly* as "sophisticated"—which it is—Comstock asked for a retraction. "I occasionally send something to the *Saturday Review*," he told Whittaker, "because if they publish it, it adds a little dab of intellectualism. And a little dab'll do when you live where I live and put out a paper called what this one's called."

It's a kidding depreciation, of course. Intellectuals are attracted to Comstock's writing because it has style, verve, clarity, point and wit. He has Lincoln's gift and Sandburg's ear for a good story; his pungency is wrapped in drollness as Italians wrap melon in ham; there is often a kind of Will Rogers offhandedness that is almost sleight of hand; and he has Mark Twain's radar fix on the absurdities. If this sounds like too broad a range of claims, then I propose that you see for yourself. *The Best of Hillbilly*, published by Droke, will back me up. In it, for example, you will find just ahead of the story about the bird, and following a genial joke about a hillbilly soldier, a very moving piece on his first encounter, as a boy, with death.

Love of man and dog mingles easily with love of language. Of his boxer: "As long as we have been publishing, Bounce is the only living creature that has come to us and loved us for ourselves alone. I rise early and Bounce does too, and he is invariably waiting for me at the shop. As I approach, his entire nether half shakes with enormous violence. He makes a whimpering noise as if to say that if I had been with him during the night, things wouldn't be so bad. He attempts a smile and I open the door, and he lies down and remains there until I leave."

Of himself: "I know of no member of a race, nationality or religion different than mine that I wouldn't sit down and have a meal with, except maybe cannibals."

As for language, it would be hard to find a more ingratiating excursion on a single word than this: "I don't know how long it has been since I have seen a list of favorite beautiful words. . . . Cellar-door was one. You can see that it does have liquidity of sound, a nice, rolling utterance. . . . My idea of a beautiful word would be one that is aesthetically compounded, and at the same time functionally beautiful. Recently I thought of such a word. It is short and pretty, and is perhaps the only word in the English language which immediately lifts one out of the depths of despair to the keenest joy. You don't say it trippingly like Lo-li-ta, but short and sweet and quick as if you don't want to prolong by one syllable the agony that it will immediately stop. The word is received by any ear, but only one kind of person says it. That's a fellow in a white coat with a mirror on his forehead. And the word doesn't mean a thing, isn't beautiful at all, unless it is said to you about somebody you love. The word is *benign*."

"The Comstock Load" is always on the back page of *Hillbilly*, but every now and then Jim runs a feature article starting on the front page. Recently he wrote at length about the delivery, by himself, of a bust of the poet Dylan Thomas, bought by the citizens of Richwood for presentation to the president, because Mr. Carter had let it be known that Thomas was his favorite poet. Comstock, who had been invited to the White House for a meeting at which 20 media men were to be "briefed," decided to carry the plaster cast with him. "I didn't want to chance mailing it because in one shipment from the moulders, one arrived smashed and poor old Dylan had been enough of that when he was living."

Jim had written in advance to Jody Powell, to ask if he could hand the bust personally to the President, and "Mr. Powell had his press relations person write right back that the President was a terribly busy man and hoped I would understand which I did, being busy myself."

In Washington, Jim dined at a restaurant "which lets you look down on Washington, certainly a pleasant thought." Once in the White House, the bust was taken by a guard to be x-rayed, and the briefees were conducted to the cabinet room. "We were told each member (of the cabinet) was invited to take his (name-plated) chair with him upon leaving his post if he pays the government for it. I wonder if Bert Lance took his, and if he did, did he pay for it by check."

The briefing over, Jim started for home. The bust of Dylan Thomas had by now been cleared through x-ray, and was sitting on a desk in a hall. "I bade him goodbye and he implored me not to go gentle into the dark night and leave him there all alone. I said he would be with one who loved him, rather doubting that the President ever sees him at all."

Comstock had wangled the round trip by road, from Bernie Hanna, whom he met on the street in Richwood, "and knowing that he was retired from his life of truck driving, I put it to him, and he said he would be glad to go along." So they started back for the long drive home to West Virginia, Hanna at the wheel. "I worked in the back seat while there was daylight, and up front by the light under the glove compartment writing this and other things. We arrived in Richwood at 1:30 a.m."

It was just another day in the life of Jim Comstock. The following week he received, and printed, a letter from President Carter thanking the citizens of Richwood for the bust and adding that if a Presidential library is built in the future, the sculpture will be placed there. So, I hope, will be a copy of Comstock's account of the presentation. It would be the more valuable of the two items, by far.

WILL THE NEXT AGREEMENT BE ENFORCED?

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

Mr. ALEXANDER. Mr. Speaker, yesterday I met with China's Vice Premier Deng Xiaoping during which I had the opportunity to ask a question that is on the minds of many Americans as evidenced by its wide discussion in the news media. The question I asked of the Vice Premier was as follows:

Mr. Vice Premier, when I visited your country last November I met with Third Vice Premier Li Hsien-Nien in Peking who said that the only deterrent to the goal of Soviet hegemony (world domination) is the strategic power of the United States. From your experience, what changes in Soviet policy do you foresee if the United States and the Soviet Union enter into a Strategic Arms Limitation Treaty?

The Vice Premier responded as follows:

We are not opposed to negotiations. We are not opposed to U.S.-U.S.S.R. agreements. But, we note that if an agreement is reached it should be one that is enforced.

I recall that you first began discussing arms limitations with the Soviets in 1963 (Limited Test Ban Treaty). At that time there were very great differences in the strategic power of the United States and the Soviet Union.

Nine years later you entered into a second agreement with the Soviet Union (SALT I). The U.S.S.R. used the time between the first and second agreements to catch up in military power, so that the strategic strength of

the Soviet Union came very close to that of the United States.

But, two years later by 1974, the year in which an agreement was executed at Vladivostok (protocol to ABM Treaty of SALT I) even U.S. public opinion recognized that the strength of the Soviet Union was equal to that of the United States.

Now, you are about to reach a fourth agreement (SALT II).

We are not opposed to negotiation. We are negotiating ourselves with the Soviets. The problem in agreements with the Soviets can be illustrated by the agreement that was reached between Mr. Kosygin and former Vice Premier Chou En-lai at the airport. This was a valid agreement when it was reached. The trouble with it was that when the agreement reached Moscow, the agreement was scrapped.

Nevertheless, we are still engaged in talks with the Soviet Union, but during these years we have not advanced one inch toward an agreement.

In a nut shell, we approve of negotiation, but in accordance with our own experiences with the Soviet Union, such agreements cannot restrain the hegemonist' goal (of world domination).

If we are really to work for a long term peace and stability in the world we need to carry out some down to earth work.

In a recent Newsweek editorial, January 22, 1979, columnist George F. Will postulated that the American people appear to have convinced themselves that there need be no concern for the Soviets; that Americans are not in the mood to listen to the facts about defense needs. Mr. Speaker, maybe the Chinese Vice Premier is trying to tell us something we need to know.

□ 1515

INTRODUCTION OF DISASTER RELIEF ACT OF 1979

(Mr. O'BRIEN asked and was given permission to address the House for 1 minute.)

Mr. O'BRIEN. Mr. Speaker, on Monday, I introduced H.R. 1604, a bill to amend the Disaster Relief Act of 1974, along with 13 cosponsors in the Illinois delegation. My bill, which would provide assistance to areas of the country declared by the President to be experiencing an emergency or major disaster, would make governmental bodies eligible for this assistance from the day the emergency or disaster commences.

While it has been 15 days since the President declared 24 counties in Illinois in a state of emergency, the situation has not improved. Chicago and parts of my district have measured record snowfalls. Local governments have exhausted their snow removal budgets. Major interstate highways are closed in the rural areas. Many parents are keeping their children out of school because the children cannot safely arrive at school buildings because funds are not available to adequately clear city streets and roadways.

I respectfully urge my colleagues on the House Public Works and Transportation Committee to schedule hearings on my bill and similar legislation as soon as possible so that meaningful assistance can be provided.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
January 31, 1979.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 11:50 a.m., Wednesday, January 31, 1979, and said to contain a message from the President wherein he transmits the Fifth Special Message for Fiscal Year 1979 under the Impoundment Control Act of 1974.

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

FIFTH SPECIAL MESSAGE FOR FISCAL YEAR 1979 UNDER THE IMPOUNDMENT CONTROL ACT OF 1974—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 96–46)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Appropriations and ordered to be printed:

To the Congress of the United States:

In accordance with the Impoundment Control Act of 1974, I herewith report ten proposals to rescind a total of $914.6 million in budget authority previously provided by the Congress. In addition, I am reporting six new deferrals of budget authority totalling $1,169.8 million and six revisions to previously transmitted deferrals increasing the amount deferred by $28.8 million.

The rescission proposals affect programs in the Departments of Energy, Health, Education, and Welfare, Housing and Urban Development, the Interior, and several independent agencies.

The new deferrals and revisions to existing deferrals involve programs of the Departments of Agriculture, Commerce, Defense, Energy, the Interior, Justice, Labor, Transportation, the Treasury, and the Tennessee Valley Authority.

The details of each rescission proposal and deferral are contained in the attached reports.

JIMMY CARTER.

THE WHITE HOUSE, *January 31, 1979.*

JEWISH COMMUNITY RELATIONS COUNCIL OF NEW YORK, INC., RESOLUTION URGING MOBILIZATION TO HELP "BOAT PEOPLE"

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

Mr. WEISS. Mr. Speaker, the plight of a large group of Southeast Asians, known as the "boat people," is parallel to the plight experienced by many Jews prior to World War II.

Recognizing that the United States must take leadership in aiding these brave Asian individuals, the Jewish Community Relations Council of New York, has adopted a very timely resolution urging that the United States mobilize all of its available resources to rescue and assist these refugees.

Already the United States and Israel have initiated efforts to come to the rescue of these refugees. I believe it is time for us to examine our current efforts on behalf of the "boat people" in order to determine how we can expand the ongoing international outreach program to encompass all remaining refugees.

I commend the council for their action and would like to share a copy of the resolution with my colleagues.

RESOLUTION ON VIETNAMESE BOAT PEOPLE

The Jewish Community Relations Council of New York is deeply concerned with the plight of thousands of Southeast Asian refugees who have been forced to flee their homelands. We note with particular dismay the group of more than 2500 people plying the Pacific Ocean in search of a safe haven. Reports of their tragic situation and the refusals of so many countries to allow them refuge recalls the desperate voyage in 1939 of the "St. Louis". With over 900 Jewish refugees on board, the boat was denied entry to many countries, including the United States. The soul-searching memory of hundreds of thousands of our brethren who could have been saved prior to World War II and the many boats of Jewish survivors who were turned away from Palestine after the war, compels us to speak out strongly at this time.

We appreciate the efforts of our government in the past and are mindful of the hardships that accompany an influx or refugees. However, we feel that special efforts must be undertaken immediately under the leadership of the United States to ensure that history does not repeat itself.

We applaud the government of Israel for their efforts in granting asylum to a group of "boat people" plucked from Asian waters by an Israeli freighter last year and their recent decision to grant asylum to more refugees. We hope that other countries will emulate this example.

This country has a deep-rooted tradition of support for victims of political oppression and has, in recent years, resettled large numbers of Hungarians, Cubans and Vietnamese.

We believe it is now time to mobilize all available resources, public and private, for a comprehensive international humanitarian rescue program.

□ 1520

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

WASHINGTON, D.C.,
January 31, 1979.

Hon. THOMAS P. O'NEILL, Jr.,
The Speaker, House of Representatives, Washington, D.C.

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 11:50 a.m., Wednesday, January 31, 1979, and said to contain a message from the President wherein he transmits the An-

nual Report of the Office of Alien Property for the transition quarter (7/1/76 through 9/30/76) and the 1977 Fiscal Year.

With kind regards, I am,

Sincerely,

EDMUND L. HENSHAW, Jr.,
Clerk, House of Representatives.

ANNUAL REPORT OF THE OFFICE OF ALIEN PROPERTY, DEPARTMENT OF JUSTICE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on International Relations:

To the Congress of the United States:

I herewith transmit the Annual Report of the Office of Alien Property, Department of Justice, for the transition period July 1, 1976 to September 30, 1976, and for the fiscal year ended September 30, 1977, in accordance with Section 6 of the Trading with the Enemy Act.

JIMMY CARTER.

THE WHITE HOUSE, *January 31, 1979.*

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. COAST GUARD ACADEMY

The SPEAKER pro tempore. Pursuant to the provisions of section 194(a), title 14 of the United States Code, the Chair announces, without objection, that the Speaker appoints as members of the Board of Visitors to the U.S. Coast Guard Academy the following Members on the part of the House: Mr. DODD of Connecticut and Mr. MCKINNEY of Connecticut.

There was no objection.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. MERCHANT MARINE ACADEMY

The SPEAKER pro tempore. Pursuant to provisions of the 46 U.S.C. 1126c, the Chair announces, without objection, that the Speaker appoints as members of the Board of Visitors to the U.S. Merchant Marine Academy the following Members on the part of the House: Mr. WOLFF of New York and Mr .WYDLER of New York.

There was no objection.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. MILITARY ACADEMY

The SPEAKER pro tempore. Pursuant to the provisions of 10 U.S.C. 4355(a), the Chair announces, without objection, that the Speaker appoints as members of the Board of Visitors to the U.S. Military Academy the following Members on the part of the House: Mr. MURPHY of New York; Mr. LONG of Maryland; Mr. CONTE of Massachusetts; and Mr. GILMAN of New York.

There was no objection.

APPOINTMENT AS MEMBERS OF BOARD OF VISITORS TO U.S. NAVAL ACADEMY

The SPEAKER pro tempore. Pursuant to the provisions of 10 U.S.C. 6968(a), the Chair announces, without objection, that the Speaker appoints as members of the Board of Visitors to the U.S. Naval Academy the following Members on the part of the House: Mr. MCKAY of Utah; Mrs. SPELLMAN of Maryland; Mr. KEMP of New York; and Mrs. HOLT of Maryland.

There was no objection.

□ 1525

LATE HONORABLE LEO J. RYAN

The SPEAKER. Under a previous order of the House, the gentleman from California (Mr. JOHNSON) is recognized for 20 minutes.

Mr. JOHNSON of California. Mr. Speaker, I have asked for this special order so that all Members would have an opportunity to participate in the eulogies and memories and tributes to the late LEO RYAN of the 11th District of California.

GENERAL LEAVE

Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on the life, character, and public service of the late Honorable LEO RYAN, of South San Francisco.

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

There was no objection.

Mr. JOHNSON of California. Mr. Speaker, I yield such time as he may consume to the distinguished majority leader, the Honorable JIM WRIGHT of Texas.

Mr. WRIGHT. Mr. Speaker, in the Congressional Directory, where Members of Congress are permitted to edit or even to compose their own biographies, LEO RYAN's is one of the briefest. Only seven lines recite the barest facts of his remarkably eventful 53 years.

This reveals one facet of the character of Congressman LEO J. RYAN. He was not given to extensive self-advertisement, nor to the superficial trappings and social floss of political life.

He was his own man, at times introspective and never fully predictable. There was nothing stale or stereotyped or unoriginal in LEO's makeup. He defied the confinement of glib political labels.

LEO RYAN was a brave and compassionate man who thought his own thoughts, fought his own fights, and followed his own convictions. Yet what is "integrity" but that?

This above all. To thine own self be true;
And it follows as the night the day
Thou Canst not then be false to any man.

In local, State, and Federal office, LEO was a friend of the disadvantaged, the disenchanted and the dispossessed—those who most need a friend in high places. He took on their habiliments, tasted their anguish with them, and in their service he went literally to the ends of the Earth.

In the 1960's, after the Watts riots spread shockwaves of fear throughout the land, LEO RYAN's insatiable curiosity and his innate sympathy would not let him rest. Then a member of the California legislature, he concealed his idenity moved in with a black family and took a job as a substitute teacher in the ghetto, there to learn as well as teach—and to serve where the need was greatest.

In 1970, to learn the real truth which no outsider can ever truly know about our prison system and prison life, Assemblyman RYAN assumed the identity of a prisoner and lived for 8 days as an inmate at Folsom Prison.

Repelled by reports of the cruel wholesale slaughter of seal puppies, Congressman RYAN went to Newfoundland to see for himself.

Perhaps it is not an irreverence to suggest that LEO RYAN's ever willing readiness to go where there is suffering is in some ways akin to the response of Isaiah who said "Here am I, Lord. Send me."

And last fall when friends and constituents came to LEO with alarming horror stories about human captivity and bizarre inhumanities carried on against loved ones in a remote jungle colony in faraway Guyana, LEO went to see and to serve.

It was there, while helping to free captives, that he met his death.

Greater love hath no man than this, that a man lay down his life for his friends.
So he died for his faith? (wrote Crosby) That is fine, more than most of us do;
But, say, can you add to that line
That he lived for it, too?

It seems to me that in only slightly less dramtic ways, LEO RYAN throughout his life has been giving his life to people.

As a volunteer in the U.S. Navy during World War II at the age of only 18, he offered his life to our country.

As a teacher, LEO's first occupation, he gave his life to youngsters.

As a mayor of his community, as State assemblyman and as a Member of the U.S. Congress, he has given the greater part of his life to the public.

There must be in this a consolation for LEO's loved ones—for it is in giving that we receive and in dying that we are born to eternal life.

And the King shall say to those on his right hand, Come ye blessed of my Father and enter into the kingdom prepared for you from the foundation of the world, for I was an hungered and ye gave me to eat; I was thirsty and ye gave me drink; I was naked and ye clothed me; I was sick and in prison and ye came unto me . . . for inasmuch as ye have done it unto one of the least of these, my brethren, you have done it unto me.

And that is the legacy into which our brave and generous friend, LEO RYAN, is now embraced.

Mr. JOHNSON of California. Mr. Speaker, I thank the gentleman from Texas, our majority leader, for his participation.

Mr. Speaker, I yield to the gentleman from Missouri, the chairman of the Rules Committee (Mr. BOLLING).

Mr. BOLLING. Mr. Speaker, I thank the gentleman from California. I would like to associate myself with the remarks already made.

LEO RYAN was a good friend of mine. We talked together a lot. I found him thoroughly consistent in one thing: He was a completely dedicated public servant. He cared about the people that he represented, and he was absolutely fearless—as his death demonstrates—in his efforts to serve them.

Some of the things that he did may have appeared to some to be Quixotic. They were not. He moved in to try to help people when nobody else would. He was a man of great courage, great character, and a very, very fine representative of the people. I will miss him, as will we all.

I thank the gentleman from California.

Mr. JOHNSON of California. I thank the gentleman from Missouri for his participation.

Mr. Speaker, I would like at this time to yield to the chairman of the Government Operations Committee, the Honorable JACK BROOKS of Texas. LEO RYAN was a member of his committee.

Mr. BROOKS. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, we have taken up our duties in the Government Operations Committee this year saddened by the loss of our colleague, LEO RYAN. LEO headed the Subcommittee on Environment, Energy, and Natural Resources for 4 years, and did so in the vigorous, full-spirited manner that characterized his approach to his responsibilities as a Member of Congress.

Under his leadership, the subcommittee made significant contributions with its investigations of dam safety, nuclear power costs, aircraft noise, and the need to protect California's redwood forests. He did not swerve from the course he thought was right because of opposition or because of controversy. He followed where the facts led him. It was in this spirit he undertook his fateful journey to Guyana, with the tragic results that still shock the World.

His career here was all too brief. He had much to contribute; much to accomplish. Besides the sense of personal loss I feel, I mourn the loss the Congress and the Nation have suffered by his death.

□ 1530

Mr. JOHNSON of California. Mr. Speaker, I thank the gentleman from Texas (Mr. BROOKS), the chairman of the Government Operations Committee, for his participation.

I yield now to the dean of the California delegation, the Honorable BOB WILSON of San Diego.

Mr. BOB WILSON. Mr. Speaker, I thank the gentleman from California (Mr. JOHNSON).

Mr. Speaker, LEO RYAN is gone, a victim of a tragedy that staggers the imagination, and we are all the poorer for his passing.

LEO RYAN was first of all a teacher, and in his all-too-brief time as a Member of this body, he taught us new meanings to the words "involvement" and "responsibility," and he set an example for the thousands whose lives he touched.

LEO was a man possessed of a keen sense of adventure, and of living life to its fullest. It was typical of him to travel to a virtually unknown part of the globe because he felt that there were those there who needed his help.

LEO RYAN was always a people-oriented man who consistently came down on the side of the human being as opposed to the bureaucracy. One of the finest examples of his caring attitude was his outspoken advocacy of the pardon of Patricia Hearst, an effort in which I was proud to join. And I could not be happier that the matter has just been brought to a successful conclusion. This was LEO RYAN at his best.

His spirit affected us all, and as dean of the California delegation, I know I express the sentiments of all of us from California, including many of his colleagues who have retired in recent years, when I say that LEO RYAN was a friend of mankind and will be sorely missed.

Mr. JOHNSON of California. Mr. Speaker, I thank the dean of the California delegation for his participation.

I yield now to the gentleman from California, the Honorable GEORGE DANIELSON.

Mr. DANIELSON. Mr. Speaker, I thank the gentleman from California (Mr. JOHNSON) for yielding.

Mr. Speaker, my friendship with LEO RYAN dates back to 1962, when we both were elected to the California State Assembly. LEO and I served together in the assembly for 4 years, and our friendship continued after I was elected to the State senate, and we continued to work together in the legislature on an almost daily basis during the 4 years I served in the senate. I was indeed pleased when I was able to welcome LEO, in 1972, to join us in the 93d Congress.

I knew LEO, not only as a close friend, but also as a dedicated, hard worker in both the California Assembly and the U.S. Congress. Although LEO's work with the International Relations Committee consumed more and more of his time during his last years in Congress, his many interests went far beyond the area of foreign affairs. I served with LEO on the International Relations Committee for 2 years.

Having been a teacher before his election to the California Assembly, LEO maintained a firm commitment to the improvement of our public education system, and strongly believed that the education of our Nation's youth must be one of our greatest priorities. LEO often remarked to me that too much emphasis was placed upon satisfying the demands of school officials, without focusing enough attention upon the needs of the students in our public school system. In this area, as in everything he worked for throughout his life, LEO RYAN demonstrated his great concern for his fellow human beings. It was this great concern for others which brought about the tragic end to his life.

I join my colleagues in mourning the loss of my good friend LEO RYAN, and know that he will be missed, not only by his friends, but by all those who benefitted from his dedication to public service.

□ 1535

Mr. JOHNSON of California. Mr. Speaker, I thank the gentleman from California (Mr. DANIELSON) for his participation.

I now yield to the gentleman from California (Mr. JOHN L. BURTON) such time as he may consume.

Mr. JOHN L. BURTON. Mr. Speaker, I thank the gentleman for yielding.

I have known LEO RYAN since 1958 when he was on the city council of South City. The first time he ran for the State assembly and lost, many of us from San Francisco were as disappointed as our Democratic brethren in South City over this loss.

LEO—or, as many of us who served with him in the State legislature called him—REO, was urged to run again in 1960. For someone who was really not a politician but an educator, he was, as has been said before, one who had a very astute political sense and he decided to sit out that year and wait until 1962. In 1962 he ran and was elected to the State assembly. There he became a member of the committee on education. The educational establishment in the State of California was never the same as a result of LEO, who was a true maverick on any and every issue. He was a person who in every instance marched to the beat of his own drum. And when people in this Congress sometimes would come up to me and said, "What's with LEO? Why is he voting that way?" the only answer anyone could give, who knew LEO as I did, was, "That's LEO RYAN, and that's how it is, and that's how he is going to do it. And there is no sense in trying to talk to him, because when he makes up his mind, he does it with full knowledge of every issue involved, and you are not going to talk him out of the position he has taken."

He was always in political trouble in his district if you could believe some of the political activists. The one instance in which he was in "great political trouble" was the year that he ended up winning the Republican nomination in the primary on a write-in vote. That is what kind of trouble he was in.

Then he was in big trouble in the Congress one year if anyone listened to the activists' reports, and if anyone had listened to Secretary Simon, but LEO won by a margin bigger than he did the previous election.

I am going to miss LEO a great deal because we served in the State legislature, and we were on the rules committee of the California Assembly for several years. For four of those years I had the privilege of being chairman when LEO was a member of that committee. He was the one who encouraged me back in 1967 to go on that committee on rules in the California State Assembly because he said it was more important than any chairmanship in the State legislature. I could not believe it at that time; but after lunch was over, LEO convinced me and I did pursue my interest on rules, which leads me to this point in time when I have a special interest in the

House Committee on House Administration.

It was a very weird fact that when I returned from a recess, in my office was a letter from LEO asking me to accompany him on his trip to Guyana. I will never be able to answer the question throughout the rest of my life of what would have happened, and what I would have done had I gotten this letter before they had left, and what my response to him would have been.

Again, we are all going to miss LEO RYAN. I am even going to miss him to the extent that I will miss people coming up to me and asking me, "What's with LEO? Why did he do that?" The answer will always be: "LEO did it because that is the way LEO was."

Mr. Speaker, I extend condolences at this time to his mother Autumn, to his children and to their mother, and especially to Flo Stevens who was his second wife and a very close personal friend of mine because she had worked with LEO and me in the State legislature, and so I would add special condolences to Flo.

Mr. Speaker, I thank the gentleman, my colleague from California (BIZZ JOHNSON) for yielding me this time.

□ 1340

Mr. JOHNSON of California. Mr. Speaker, I thank the gentleman from California (Mr. JOHN L. BURTON) for his dissertation.

Mr. Speaker, I now yield such time as he may consume to the Honorable Speaker of the House of Representatives, the gentleman from Massachusetts (Mr. O'NEILL).

Mr. O'NEILL. Mr. Speaker, I want to thank the dean of the California delegation for affording me the opportunity to participate in this special tribute to LEO RYAN, a dear friend and colleague.

It is with a deep sense of loss that I rise to join my colleagues in paying tribute to the late LEO RYAN, whose tragic and premature death has saddened all of us who serve in this House of Representatives.

We are truly saddened, because LEO RYAN passed away in the prime of his life, long before the completion of his noble life objectives; we are also saddened because LEO RYAN died in a far away place, on a foreign soil, rather than among his close friends and loved ones. We are further saddened because a Member of Congress died while investigating allegations of injustice to American citizens in response to urgent pleas for help from his own constituents.

Those of us who knew LEO knew him to be a very dedicated and compassionate man, a champion of causes which enhanced the plight of the less fortunate of our society. LEO RYAN was a public servant of the finest caliber. He was a doer, a willing participant in the heroic causes of mankind. In addition, LEO was an active and enthusiastic legislator who always had his feet planted firmly in the soil of his beloved State of California.

My own personal friendship with LEO really developed from the fact that he had spent his boyhood days in Massachusetts and that his dad was the editor of one of the former Boston newspapers. LEO knew so much about the area from which I come, about the beauty of our fall and our autumn foliage, and how he loved to reminisce about those days in Andover, Mass., where he lived during his adolescent years.

Consequently, because of the fact that we both spent our youth in the same region, we became extremely friendly.

I had the pleasure of going to California 3 years ago to campaign for LEO. It was a typical Democratic fund-raising dinner. LEO's friends were all gathered together here. I remember so well how eloquently he spoke that night. He told his many friends that he was expecting a heated re-election contest. He gave to them the credo and the motto by which he lived: "I am my brother's keeper. I believe in truth and veracity."

LEO RYAN tackled many of the problems of the day and gave his viewpoints to his friends, even though those viewpoints were not in agreement with many of those who were present that night at the fundraiser.

One would have to have had the utmost respect for a man like LEO. I will never forget that night. LEO was so outspoken, so clear in setting down a pattern with respect to what he truly believed about public service.

The 96th Congress will miss the wise counsel of LEO RYAN, and I know the House Committee on International Relations will particularly miss this genuine crusader on behalf of human rights, human dignity, and human justice. Once LEO RYAN believed in the righteousness of the cause, there was no turning back.

He was, indeed, a beautiful individual. My wife Millie and our family join in expressing the deepest of sorrow to his mother and to his family. May God always hold him in the palm of His hand.

Mr. JOHNSON of California. Mr. Speaker, I thank the beloved Speaker for his participation here today.

I now yield such time as he may consume to the gentleman from Ohio (Mr. SEIBERLING).

Mr. SEIBERLING. Mr. Speaker, I thank the distinguished gentleman from California (Mr. JOHNSON), the dean of the California delegation. I want to commend him for holding this special order in tribute to our beloved late colleague, LEO RYAN.

□ 1545

If the Members remember the Federalist Papers, they will recall that Alexander Hamilton, one of the authors of the Constitution, and his colleagues were concerned about what they believed were the propensities of legislative bodies to venality and demagoguery. In one of the Federalist Papers he said that the reputation of the British Parliament of those days for corruption and venality was well known, but, he said, there are always some men of character and independence who were able to provide the standards by which the level of the whole body was raised.

I think our House of Representatives, of course, has demonstrated that those same Founding Fathers structured our Government in a way that overcame some of the weaknesses of the body he referred to. Nevertheless, LEO RYAN was an example of the kind of person Alexander Hamilton was referring to—a man of character, integrity, and upright qualities who helped elevate the level of thought, integrity and humanity in our institution.

LEO RYAN was a man of independence and a man of compassion, a person who believed that it was not enough to talk or even to vote to help his fellow human beings. He believed in direct action and personal involvement.

Some of the letters that were written to the Washington Post and to my hometown papers after the terrible events in British Guyana were very revealing.

I would like to read one excerpt from one of those letters to the Washington Post and then I will include the two of them following my remarks. I quote now from a letter by a person named Joseph Webb from Washington, D.C.:

> My whole heart goes out to the innocents who were slain. Representative Leo Ryan was on a mission of mercy. He was responding to anguished cries for help that were being screamed by people whose blinded eyes were opened.

LEO felt sorrow and compassion for people who had been trapped by their own dependence and by the kind of demagoguery that is always present in every generation. We do not have to go back very far to recall what happened to mankind when an entire nation was trapped by a charismatic psychopath, Adolf Hitler. If there had been more men like LEO RYAN in the right places at the right time, the horror of nazism might have been exposed and blocked before it had reached such enormous proportions.

In any case, we can honor and admire LEO for his humanity and his willingness to help his fellow man. I am proud to join with other Members in paying tribute to him.

The letters referred to are as follows:

NOVEMBER 26, 1978.

The catastrophe in Guyana throws a chilling light on a question that has been asked by historians and social scientists about a recent period in European history. Were Adolf Hitler and the Nazi experience really unique to one time and place—a "German sickness" that even to Germany was an aberration?

There are the clearest of parallels in the early nature and methods of the Nazi movement and the more lately deceased Peoples Temple: the special feeling of closeness and mutual affinity within the group while the outer world is faced with a siege mentality; the thin veneer of community-service projects approved by "businessmen, civic leaders and politicians" masking the ugly reality of the group; the turning of child against parent. Deplorably noteworthy as well was the posture of lethargic indifference by authority in the face of continued and documented abuse to human beings until a violent and irreversible tragedy took place.

Whether it be called "Nazism" or "Peoples Temple," or by any other name, what we confront in essence is a dangerous and ominous flaw in the psychology of humanity: the apparently inherent predisposition to be mobilized, directed and dominated in the mass by the force of a single psychopathic personality possessing extraordinary oratorical power and representing a transcendent father or security figure.

If a severe deterioration in social conditions ever permitted the emergence of somethink like the Peoples Temple on a large

scale in human society in a nuclear age, it could mean the end of mankind.

MILNER BENEDICT.

CHEVERLY.

NOVEMBER 26, 1978.

The situation in Guyana is an extreme example of the ritualism that permeates all of the world's formal religions. Blind belief in anything—even a concept of God—can result in the same horrifying spectacle right here at home. After all, was not the Rev. Jim Jones' cult founded on American soil?

My whole heart goes out to the innocents who were slain. Rep. Leo Ryan (D-Calif.) was on a mission of mercy. He was responding to anguished cries for help that were being screamed by people whose blinded eyes were opened. He went to Guyana as a liberator, and he returned to America as a martyr.

I can only feel sorrow and compassion for those who committed this atrocity. In reality, they had died long before they drank that deadly, poisonous concoction.

Within a world where humans have forgotten how to be human, I have seen the depths to which my fellow man can stoop. Perhaps, one day, humankind will fully extend its arms, then I shall see the heights we can reach.

JOSEPH WEBB.

WASHINGTON.

Mr. JOHNSON of California. I thank the gentleman for his contribution and for his kind words.

Mr. Speaker, I now yield such time as he may consume to the gentleman from Illinois (Mr. ERLENBORN).

Mr. ERLENBORN. I thank the gentleman for yielding.

Mr. Speaker, LEO RYAN was a curious combination of daredevil, investigative reporter, and public official.

Most of us are content to have our staff study reports of conditions which may need legislative correcting, discuss the matter amongst ourselves in this Chamber, then issue press releases on our carefully considered positions. LEO was not that kind of legislator. His previous forays into dangerous situations have been well-documented. His trip to Guyana was not his first to look, firsthand, at a problem.

LEO RYAN charted his own course, figuratively and literally. When LEO came to a decision, we listened to his reasoning carefully, knowing that it was not reached cursorily, but after a great deal of thought.

Most of us, Mr. Speaker, do not possess LEO's nerve, stamina, mettle, or valor. That is our failing. LEO RYAN set a standard that will be difficult for those of us remaining to meet.

Mr. JOHNSON of California. I thank the gentleman from Illinois for his remarks and for his participation.

Mr. Speaker, I now yield such time as he may consume to the gentleman from North Carolina (Mr. FOUNTAIN).

Mr. FOUNTAIN. I thank the gentleman for yielding. I want to join my colleagues in paying tribute to LEO RYAN. Mr. Speaker, countless questions have been asked about the November tragedy in Guyana. Yet, there have thus far been few solid answers as to how and why this horrible and unbelievable event occurred.

Doubtless few single incidents in our lifetimes have caused more words to be written or provoked more searching for elusive reasons to help in explaining just what happened.

However, today we temporarily lay aside those concerns in order to pay homage and tribute to our fallen colleague LEO RYAN. At the same time, let us honor the memory of the journalists who lost their lives on that forsaken jungle airstrip far from home. Let us also remember the special needs of the wounded whose physical and emotional scars may not have healed over.

Mr. Speaker, LEO RYAN served three terms in this House. But in that short span of 6 years, he established a deserved reputation as a tireless worker who never shied away from tackling any problem or any issue with determination and perseverance, even when he found himself almost alone in his thinking.

LEO and I sat together on two committees—International Relations and Government Operations. He chaired the Government Operations Subcommittee on Environment, Energy, and Natural Resources, upon which I served in the 95th Congress as ranking majority member.

Largely as a result of our committee work, I knew LEO RYAN as a dedicated and conscientious member who possessed a certain streak of independence. It was in the end that quality which led him to go to Guyana on behalf of his California constituents to view the situation firsthand, based on his own private investigation.

Regrettably, LEO and some in his party were unable to escape the terrible consequences of what they learned. They paid a precious price which set off a chain of inhuman events rarely before witnessed by a civilized society.

Mr. Speaker, I hope that one meaning we extract from the tragedy in Guyana will be the dangers—potential and real—of misuse and abuse of the freedoms we proudly use and defend, such as the constitutional guarantee of freedom of religion.

For instance, we ought to examine what consequences might ensue when freedom loses its intended purpose and becomes instead a menace to other rights and to other citizens. In so doing, we should be guided by the ancient maxim of law and logic which states that while a man has a right to swing his fist, that right ends where another man's nose begins. The Guyana tragedy should remind us that even our most basic freedoms are not absolute—they are in fact subject to the bounds of law, of rationality, of commonsense, and of respect for the equally valid rights of others.

Hopefully, a realistic and responsible examination of the tragedy in Guyana, keeping in mind the dangers of extremism, will enable us to give greater meaning to LEO RYAN's life and to his untimely death.

I join with my colleagues in extending heartfelt sympathy to the Ryan family.

☐ 1550

Mr. JOHNSON of California. Mr. Speaker, I thank the gentleman from North Carolina for his participation.

Mr. Speaker, I yield to the gentleman from California (Mr. MOORHEAD).

Mr. MOORHEAD of California. Mr. Speaker, I wish to thank the chairman of the California delegation for holding this special order for our friend, LEO RYAN.

The tragic circumstances under which LEO died have been so tremendous that few of us have been able really to understand the full extent of them; but that cannot obscure the great loss that each one of us feels in the death of our friend and colleague. We cannot lose a capable, productive Member of the House like LEO RYAN without being the poorer for it.

LEO RYAN and I were Members of the class of 1973. Prior to that, we spent 6 years together in the California Assembly, although he was 4 years my senior in that body.

During that dozen years of association, LEO always showed great independence. He was careful to examine issues in great detail and to come to his own conclusions, some times divergent from the majority of the House, whether the assembly or the Congress; but he would always have sound logic and reasons for his conclusions and usually he would be able to take many others along with him in his position.

He was a hard worker, a good friend of California, especially California education, out of which community he himself came before he became a part of the political community.

During his brief stay in Washington he made a real impact on the national political scene. He will be missed for a long time. I think each one of us misses him as a friend.

☐ 1555

Mr. JOHNSON of California. Mr. Speaker, I thank the gentleman from California (Mr. MOORHEAD) for his participation.

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

Mr. BADHAM. Mr. Speaker, I, too, take this time today to honor the memory of LEO RYAN of the 11th District of the State of California whose home was in south San Francisco.

LEO and I were alumni of the lower house of the California legislature, the assembly, and we were classmates of the 1962 class. I became close to LEO because one could tell immediately upon meeting LEO that here was a man who had something to offer. It was my pleasure to know LEO well over the years, and when I joined him in the Congress, our friendship became even closer. I had the opportunity to know LEO as an author, as a sailor, as a legislator, and as an advocate—and a strong one—for those things in which he most strongly believed.

There are, of course, all kinds of people in this world and all kinds of legislators. We see cause-oriented people, issue-oriented people, party-oriented people, bureaucrat-oriented people, and so on. I would classify LEO as a people-oriented legislator.

LEO was one of those legislators whose strongest advocacy was in behalf of people for whom he felt, and felt strongly, were not being heard or who were being heard incorrectly.

This legislative body will sincerely and sorely miss the LEO RYAN's. This body

should pay homage to the LEO RYAN's, in the hope that we can have more LEO RYAN's to take over where one left off through most tragic and unfortunate circumstances.

Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. JOHNSON of California. Mr. Speaker, I thank the gentleman from California (Mr. BADHAM) for his contribution.

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

● Mr. LEWIS. Mr. Speaker, in the California Legislature we have at least made efforts to see that new members did not spend a lot of time early in their service speaking on the floor, but since it was my privilege to be one of LEO RYAN's close friends in the legislature, I very much appreciate the dean of this delegation yielding this time to me today to express a few of my feelings about my colleague, LEO RYAN.

LEO was many things to those of us who worked with him in California. He was, first and foremost, a teacher and a friend. Beyond that, he was, for me, one of the toughest men I ever met in my life. LEO was also a very passionate man, a man who loved very deeply.

It was in his capacity as a teacher and a friend that many of us involved in education grew to watch him closely very early in our services because LEO was a fellow who, a teacher himself, insisted that we ought to look at the educational establishment in a little different manner. Many of the Members will be interested to know that in his home district, right in the heart of his district, was the home of the powerful California Teachers Association, and yet LEO RYAN found it within himself to praise his peers and at the same time fight them intensely when he thought they were wrong.

I would guess that that association worked no harder against any other Member of the House than LEO RYAN, because he had the guts to stand up and talk about the fact that too often they were wrong in dealing with the children of California.

I never will forget that LEO first described to me what he considered to be the most reactionary of all establishments, and that, as he described it, was the educational establishment in our society. He did not just talk about organized teachers; he talked about organized school boards, organized administrators, and third level bureaucrats in the Department of Education, and his concern was that kids were missed because of their concern about their own individual bailiwicks.

LEO RYAN was a friend. I spent hours with him listening to him discuss his philosophy about mankind, about politics, about life. I am afraid that many of my colleagues missed that in LEO because often we do not have the time to listen. He was a man who we found, if we were willing to listen, had an awful lot to say that would change one's own view of things, and particularly the way one ought to handle himself in public affairs.

LEO was a man who loved passionately. He loved his family. He talked about his children often in our after-hour sessions. He loved his colleagues and was often frustrated about the fact that many did not understand him and did not understand his indirect and unusual way of handling problems.

He would never walk away from a fight. He was always ready to express his views regardless of what the establishment might think.

Mr. Speaker, in closing, I would like to add to my remarks to the House a message received from LEO RYAN's family. It is as follows:

We would like to express our appreciation to the members of the House of Representatives for taking this time to remember our father, Leo Ryan, and to acknowledge the contributions he made to his constituents and to all the people of this country.

The fact that our father was in Guyana at all illustrates his unique political philosophy. He had just come through an exhausting campaign and had been reelected to his fourth term in Congress by a comfortable margin. By all rights he should have taken some time off to rest and relax. Instead, he traveled to an obscure little country in South America, deep in the heart of a tropical jungle, to get answers to questions asked by his constituents that he could not get elsewhere.

It was this need to get information first hand that characterized our father's career. Everyone has by now heard of the trips to Folsom prison, to Watts during the riots of the 1960's, and to the ice floes in Newfoundland to investigate the seal hunts, but these are just the most publicized examples of his work. He was often accused of seeking publicity on an issue to further his own political ambitions, but anyone who knew him would know that this was not the case. The publicity he sought was to focus attention on an issue or to help solve a problem. He was a politician who cared more for the people he served than for the office he held. The tragedy of the situation is not just that we have lost our father, but that his district and indeed the whole country have lost an exceptional leader.

We hope that the Congress of the United State will see fit to continue on in his spirit, to complete the investigation he started. It is the unfortunate truth that there still exist in this country many organizations (or sects or cults) that regularly engage in the repression of human rights in the name of religion. We believe that there is still the definite possibility of another Jonestown happening in this country at any time. We hope that the Congress will carry the investigation through to its logical conclusion, to find a solution to this immediate problem so that our father's life will not have been lost in vain.

Mr. Speaker, it is my privilege to extend this message from his family to the House.

I thank the gentleman from California (Mr. JOHNSON) for allowing me to participate today in this special order.●

Mr. JOHNSON of California. I thank the gentleman from California very much for his very fine remarks and for the statement from the family.

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

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

Mr. WEISS. Mr. Speaker, I thank the gentleman for yielding, and I appreciate his requesting this special order so that we may pay homage to the memory of LEO RYAN.

Mr. Speaker, it is never easy to accept the death of a friend and colleague, particularly when his passing is completely unexpected and when it comes, like a cruel intruder, at the very prime of his life.

LEO RYAN's murder shocked all of us who worked with him and it horrified every American.

Here was a man who was not content to let assertions and ideas go unexamined. He refused to live vicariously, choosing instead to participate fully and to meet challenges directly.

This course inevitably involved risks at times. LEO RYAN knew that he had not taken a safe or easy route, but he knew, too, that it was the only one with which he could be satisfied.

This was the outlook that led him to live for a time in the Watts section of Los Angeles immediately following the disturbances there. It was the philosophy that motivated him to pose as a prisoner so he could have an unvarnished understanding of conditions in penal institutions. And it was this sense of direct involvement that led him finally to Guyana.

There is a certain tragic symmetry in the fact that LEO RYAN was killed in the course of action, in the pursuit of his duties and ideals.

Mr. Speaker, it is fitting, too, that tomorrow marks the successful culmination of one of his last great causes—the commutation of Patricia Hearst's sentence by the President and her release from jail.

I know from my work with him on the Government Information and Individual Rights Subcommittee of the Government Operations Committee and on the floor of the House that LEO RYAN was a most conscientious and able Congressman. He had enormous talents and he did not squander them. He always sought to do his best to fulfill his own demanding concept of the type of legislator and the type of man he ought to be.

It is a privilege to have known LEO RYAN. I will miss him greatly as will the entire House.

Mr. JOHNSON of California. I thank the gentleman from New York for his very kind remarks.

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

Mr. JOHNSON of California. I yield such time as he may consume to the gentleman from Wisconsin, the chairman of the International Relations Committee, the Honorable CLEMENT J. ZABLOCKI.

Mr. ZABLOCKI. Mr. Speaker, I commend our colleague, Congressman BIZZ JOHNSON, chairman of the Public Works Commission, for arranging time to pay tribute today to a man of great courage and dedication—our late and valued colleague, LEO J. RYAN of California. Those of us who served with LEO RYAN on the Committee on International Relations were keenly aware of his fiercely independent spirit. He was a big man, with a strong personality and a missionary zeal for the helpless and those in need.

In addition to courage, LEO also had

great compassion, and it was this quality which, more than anything else, led him to the jungles of Guyana in an attempt to assist the relatives of the Jonestown inhabitants. It was his decision, and a courageous one, to make a personal visit to the People's Temple commune and investigate the charges that people were being held against their will and were being otherwise mistreated. Although he was aware of some of the risks involved in such an undertaking, it is clear that no one really anticipated the extreme level of violence which LEO was to encounter there.

By all accounts, LEO conducted himself, during his visit to Jonestown with great bravery and concern for others. To the very end, his first concern was for those in greatest need, in greatest danger. He initially decided to stay behind in Jonestown, after sending out those defectors who wished to leave under his protection. Finally, after a knife attack, the Deputy Chief of Mission of the American Embassy, who was also present, had to order the Congressman to leave with the others. Upon reaching the airstrip, like a good captain, he ordered those fleeing Jonestown to board the airplane first while he waited on the airstrip to insure that everyone was taken care of. Those who boarded the plane were able to shut the door after the attack began and save themselves. LEO RYAN was gunned down helplessly outside.

LEO RYAN was a member of the Committee on International Relations for all of his 6 years in the House and participated actively in the work of the committee during that period. He was a member of the Subcommittee on International Operations which oversees Department of State operations, including the protection of American citizens abroad—the focus of LEO's fatal study mission to Guyana. He was also a member of the Subcommittee on International Organizations dealing with the United Nations, human rights, and during the last Congress, with an investigation of Korean-American relations. He also served with distinction on behalf of the committee as chairman of the U.S. congressional delegation at its 13th meeting with a delegation of the European Parliament.

In legislation before our committee, LEO was a vigorous advocate of human rights, intelligence reform, and the protection of harp seals and whales.

Mr. Speaker, LEO RYAN was an activist in the best sense of that term—that he could make a difference. He frequently did so and he will be missed.

Today at the organizational meeting of the International Relations Committee a resolution was adopted to rename the Committee to Foreign Affairs. Two years ago LEO sponsored such a change. Today's Committee action is in no small measure a tribute to him.

□ 1605

Mr. JOHNSON of California. I thank the gentleman from Wisconsin, the chairman of the International Relations Committee, for his very fine tribute to one of his members.

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

Mr. KINDNESS. Mr. Speaker, I thank the gentleman for yielding to me.

Mr. Speaker, it is always sad to learn of the untimely passing of a fellow Member of the House. It was particularly shocking to learn of the bizarre and brutal murder of our colleague from California, LEO J. RYAN.

I had the opportunity to serve with LEO on the Government Operations Committee, and the Subcommittee on Environment, Energy, and Natural Resources, which he chaired. Although we differed greatly at times and on a number of issues, I can say that LEO made the work of the subcommittee interesting and challenging. I shall never know whether his pleasure in the contest was as great as mine, but there was no question that he always met in the contest the views with which he was confronted and with which he may have disagreed.

His devotion to solar energy development, dam safety, radiation protection, and other energy and environmental issues will be sorely missed.

In LEO's work with the subcommittee, I was always impressed with his dogged determination and persistence to learn about an issue under investigation. Much has been said and written about his desire to see things first hand. For example, once while a State legislator, he had himself taken to Folsom Prison in shackles and handcuffs so he could observe prison conditions there without being detected. This instance and others exemplify his drive to fully understand the facts of a situation.

It was this personal involvement in the issues he pursued that took LEO to Guyana last November. Several of his constituents had asked him to help them learn about a cult known as the People's Temple, because their relatives had gone to the small Latin American nation and had become virtual captives of the group.

LEO was aware of the possibility of danger in Jonestown, yet be believed it was his duty to pursue the matter personally. I think all of us admire the dedication and bravery LEO displayed by refusing to be satisfied with a bland State Department inquiry, and ignoring the risk, to go size up the cult group for himself.

It is fitting that this tribute to LEO RYAN comes just before the completion of another matter he cared deeply about. Tomorrow Patricia Hearst will be released from prison, her sentence for bank robbery having been commuted by the President earlier this month. LEO was concerned about Ms. Hearst's safety in prison and he felt she had been punished enough. I am sure his interest in the Hearst situation helped encourage the Justice Department to consider the question of commuting her prison sentence. LEO would be pleased that his efforts in her behalf have been successful.

LEO's 22 years of public service are a legacy of which his family can be justifiably proud. Today's tribute is well deserved.

I wish to join LEO's mother, sisters, and children in mourning his death and extend to them my sincere sympathy.

Mr. JOHNSON of California. Mr. Speaker, I thank the gentleman from the State of Ohio (Mr. KINDNESS) for his very kind words. He was a member of the same committee LEO served on in the Government Operations Committee.

Mr. Speaker, I yield now to the gentleman from California (Mr. LAGOMARSINO) such time as he may consume.

Mr. LAGOMARSINO. Mr. Speaker, I thank the gentleman for yielding to me. I commend the gentleman from California (Mr. JOHNSON) for taking the time for this special order so that we might pay tribute to our departed comrade, LEO RYAN.

I had the privilege, as several of us in this Congress did, of serving with LEO RYAN not only here in the Congress, but in the California State Legislature. As my colleague from California (Mr. LEWIS) pointed out a few minutes ago, LEO RYAN's courage, bravery, and ability to buck great odds, and his willingness to do so, did not start when he arrived here in Washington. It was carried on with the same zeal and ardor in Sacramento.

Very often LEO was one of only a handful, or in some cases the only one, who would start a movement, start a program, introduce an idea into the legislature. He did not always win, but he had a pretty good batting average considering the fact that on many of these issues he represented a very, very small minority on that issue.

I will never forget the evening that I heard of LEO's death.

My wife and I were at a party and we had just heard a discussion on the car radio about LEO's mission to Jonestown. It was not over 15 or 20 minutes after we had turned the radio off and gone into this party that someone came in and said he had heard that a congressman had been killed in a foreign country. He did not have to say who it was. I knew immediately it was LEO, because of his brave attitude in going down there on behalf of his constituents. It really struck home to me because just before he had left on that trip he had asked me to go with him, and due to a number of circumstances I was unable to do so.

The year 1978 was a very sad year for the California congressional delegation. We lost two very outstanding Members, Bill Ketchum and LEO RYAN. It occurred to me even as I heard of LEO's death, that in many ways LEO RYAN and Bill Ketchum were very much alike. They were both bulls in a china shop, so to speak, and they both had great courage, and neither one lacked the will to speak up on the interests they were so very much involved in. They both had the interests of the common folks at heart.

I well remember also that at Bill Ketchum's funeral the officiating minister, who had known him for many years, recounted that he had been in the hospital some time before that and he had received a get well card which said:

Don't just lie there. Bitch a little bit.

He said that described Bill Ketchum very well; and I think that described LEO RYAN also.

We should take a lesson from LEO's life and public service: We should be involved more heavily than we are at times and fight harder for what we believe in.

I know his family misses him, and the State of California and the entire Nation will miss him as well.

Mr. JOHNSON of California. I thank the gentleman from California (Mr. LAGOMARSINO) for his very fine remarks and tribute to a great Congressman from California.

I yield now to the gentleman from Vermont (Mr. JEFFORDS) such time as he may consume.

Mr. JEFFORDS. Mr. Speaker, I thank the gentleman from California for yielding.

Mr. Speaker, I rise also to commemorate LEO RYAN.

I had the opportunity and good fortune to go with LEO RYAN on one of his missions. It dealt with a wrong that LEO felt strongly about. I had the opportunity to travel with him off the coast of Labrador to protest the killing of the baby harp seals. That was an experience which I, of course, will never forget. It was one which made me feel very close to LEO in the short time that I did have an opportunity to work with him. He demonstrated to me what could be accomplished if someone was willing to go out and not be afraid to confront the problems head on. We had experiences there which required a considerable amount of courage. LEO rose to the challenge. He was not afraid to confront the Canadian Government. He was not daunted by the emotional reactions of local officials. He acted with forcefulness and a zeal to accomplish the goal for which we were there. Yet at the same time he acted with the kind of responsible conduct which would result in finding answers without unduly antagonizing those he confronted.

On that trip I grew to admire LEO. He taught me much. LEO had a long history of going to the scene—he used every weapon at his command—including the press—to maximize information and exposure regarding the issue of concern. He had a real knack for getting at the truth.

I also had the opportunity to work with him on the resolution which made Sun Day a national day. It was his resolution which did that. I served on the board of directors of the Sun Day organization. LEO and I traveled together down to the Mall on Sun Day to talk to the thousands of young people who had gathered there to express their desire to do something about solar energy. I was amazed at and admired the way LEO was able to stand in front of that group and turn them on and get an enthusiastic response from them.

Both of these issues reflect LEO's character—in supporting something, he gave 150 percent.

He was a man of causes. They were generally the right kind of causes. Where he saw the need to protect something that was being violated—be they young animals, or a fragile and developing technology. In Guyana, of course, it was more than that, the lives of his constituents and their relatives.

But most of all I think I will remember LEO RYAN for what he accomplished in enhancing the diminished image of this body. That terrible day in Guyana occurred at a time in our history when we have many problems with some Members of Congress that embarrass and taint us all. To me he demonstrated to this body, to the Nation, and to the World, another side, a noble side, and I believe a more representative side.

□ 1615

LEO is not alone in this kind of representation—many other Congressmen also are activists like he was—but in an era where public opinion of Congress is low and where the trials of some hog the front pages, it is a reminder of what Congress can be when we look at LEO's example.

Certainly he was an example of greatness in his ability to go out and confront people and to seek out and try to solve those problems of concern of his constituents. But he also demonstrated to the American people that there are a number of Congressmen who were willing to go so far as to risk their own life in the pursuance of the goals of their jobs. Hopefully, his sacrifice will, at least momentarily, take the public's mind off some of the other less noble problems that this body has faced with its Members. I believe that he did a great service to Congress, to us, in demonstrating to the American people that there are many Members willing to sacrifice not only their time, effort, and money but their very lives for the cause of their constituents.

What I have just said about Members of Congress is also true of faithful dedicated staff who work the same long hours, and take the same risks. It would not be proper for me to end without mentioning Jackie Speier. As you know Jackie suffered a double tragedy. She lost a man she admired, and who admired her. She also suffered violent physical harm because of her willingness to assist LEO in his mission.

Jackie Speier traveled with us on to the ice flows of Labrador. I noted with admiration her ability to negotiate difficult issues under pressure and trying circumstances. I noted her courage in facing the emotional confrontations that we encountered. It did not surprise me to find that she was at LEO's side when he died.

I would like to include at this time some reflections that I had about that adventure on the ice with LEO and Jackie. This article appeared in the May 1978 issue of New England Outdoors magazine:

In the early morning hours of March 11th, 3 small helicopters lifted off a pad near St. Anthony's, Newfoundland, and began a spectacular 200-mile flight north over pristine frozen wilderness. The choppers carried myself, Congressman Leo Ryan of California, several members of the internationally-based Greenpeace Environmental Foundation, Congressional aides, and Canadian press and officials on the way to view first hand the killing of young Harp Seal pups on the thick ice off the east coast of Labrador.

"First-hand observation" is a many-edged instrument. The edges are multiplied when American Congressmen visit abroad to view an event over which emotions have run high recently. The activist Greenpeace organization has successfully focused the world's attention on the annual Harp Seal "hunt," "slaughter," "harvest," or "assassination," depending on which term fits *your* perception of the rationale for the destruction of these young mammals (i.e., is it for "economic," "luxury," "subsistence" or "traditional" reasons).

As a hunter myself, I can assure sportsmen that this is no "hunt." Whereas, traditionally, sealers braved ice and storm in small boats to locate the seals to take a few pelts, today modern craft and spotting techniques have taken all the risk out of it. There is no element of surprise, and no contest.

Last year both Houses of the Congress passed a resolution asking the Canadian government to reassess its policy of permitting the kill. This year the first Congressional visit again drew the attention of the world's media. Why was I there? What are my reactions?

First, the Canadian press took us to task last year for legislating without sufficient information. We'd never been up there. Who were we to talk? Were the Yanks so damn perfect? Second, we've got a fast-growing organization in the Congress called the Environmental Study Conference, now numbering 270 House Members and 70 Senators, of which I am the House Chairman. The ESC membership, I think, would benefit from whatever facts I could gather. Lastly, we were invited both by Greenpeace and the Canadian Ministry of Fisheries to be their guests.

Although we were, then, invited guests, we discovered a remarkable degree of both private and official paranoia over the visit. We were, it seemed, rather in the genre of skunks at a lawn party. What kind of irrational blokes were we to traipse around a sub-freezing ice flow observing a practice which civilization, these many eons, has not made much improvement upon.

Our emotions and sympathies fluctuated rapidly; it is admittedly difficult to sort out the balance of benefits and detriments, rights and wrongs, essentials from nonessentials, particularly on the spot on a blood-stained remoteness. No one can come away from the destruction of pups still in the process of nursing from their mothers without being affected. It was difficult to watch the reaction of the mothers without feeling a sense of general shame. Yet, too, suppose the pups were completely protected, would the herd grow too large, unbalanced due to the absence of the seal's traditional predator, the polar bear? What also of the economic benefit accruing to that minority of Newfoundlanders whose income is substantially improved by the proceeds from the pelts?

The crucial perspective is ecological balance. What is the proper level of herd management? What is "optimum" size given the ecology of the area? Indeed, do we understand well enough the "workings" of this "ecological balance?" Opinions on such basic questions as the growth of the herd vary widely, in large part because, as the Canandian Department of Fisheries and Environment admits, "population assessment is extremely difficult." Aerial census techniques using ultraviolet film have been developed,

and this and other methods have led the Canadian government to set annual "sustainable yield" figures, i.e., catch ceilings which would still maintain population size. A ceiling of 180,000 was thus established for 1978 (this includes adults, but most of the take will be pups). Other, highly reputable organizations such as the International Union for the Conservation of Nature, have disputed Canadian estimates, even to the point of officially calling for a moratorium on the killing. They claim the herd is being depleted.

With reputable scientists on both sides, it is clear that new analysis is in order to determine what the size of the herd should be, and what the level of kill should be to sustain that size. It is not enough, certainly, to be content with the comments of one TV commentator who maintained that unrestricted killing would be all right since it looked to him as if the seals were "thick as fleas down there."

Other, more regrettable, events occurred on the ice, illustrating how easily the emotions of the issues can overtake us as individuals and, yes, as governments too. When we landed on the ice a Newfoundland government Minister, dressed as a sealer, provoked arguments with the visitors. We were not, of course, aware of his official position, but when we were informed later that it was in fact a government Minister who told us to "go back to the U.S. and mind your own business," we were certain he did not speak for the central government which had invited us. He shortly thereafter resigned his post.

Likewise, it was bizarre when, in an incident which occurred after I left the ice, Canadian Fisheries officials arrested the President of Greenpeace, Dr. Pat Moore, for, as the charge read, "sitting on a seal." Since Pat had not interfered with anyone nearby hunting that seal, and since traditional property law invests ownership in one who catches the quarry, it is strange legal regime which arrests a person for catching his own seal.

Further, there seemed to be unnecessary local official harassment of all the visitors by denying or making very difficult access to the ice, and by threatening Canadian helicopter crews with being "accessories" to unstated offenses if they transported individuals anywhere in the direction of a seal without a government permit to be in the sealing "area." "Area" was conveniently never defined or delineated, despite repeated inquiries by a respected Canadian lawyer accompanying the group. Overreaction can be understandable, but it always is regrettable.

Other than tightening up methods for identifying proper herd management, I will be recommending to the ESC several other matters for its consideration. Although the method of killing may be humane to the pups, I am concerned that it has an unnecessarily terrifying and shocking impact on the mothers. Perhaps ways may be devised to remove the pups (they can be easily picked up) from the scene before their destruction. Or, herd management principles may allow destruction of only young adults rather than pups.

Second, I would like to ask for a thorough review of American protection of marine mammals, including the fur seals in Alaskan waters, various species of whales including particularly the Bowhead, and the porpoise. Perhaps it is time to enlist the support of other nations in more rational protection of marine mammals, through using various international forums and educational and study programs.

Lastly, we should be making very certain that Americans as individuals or officials are never guilty of restricting access to anyone who desires to observe what we are doing in our "outdoors." First-hand observation" has its very good points, on balance. It changes your perspective on things.

☐ 1620

Mr. Speaker, I now yield such time as he may consume to the gentleman from California (Mr. PATTERSON).

Mr. PATTERSON. Mr. Speaker, I thank the dean of the California delegation for yielding, and I wish to associate myself with his remarks.

Mr. Speaker, it was a great shock to all of us last November when we received the tragic news from Guyana about Congressman LEO RYAN's death. LEO's death left a void within the forces of those visionaries who dare labor for a world where equality, justice and love are more honored in practice than in rhetoric.

During the 4 years that I knew LEO, I respected and admired his dedication to those whose voices and concerns were seldom heard and often ignored by persons in positions of power and influence. Indeed, throughout his public career LEO was the representative of the powerless and a voice for the less fortunate in our society—even when they were not his immediate constituents.

Those of us who remain in this Chamber will miss his insight and direction for the complex difficulties which plague our society. For idealists and visionaries like LEO RYAN, foolish enough to throw caution to the winds and express their ardor and faith in some supreme deed, have advanced mankind and have enriched the world.

Mr. JOHNSON of California. Mr. Speaker, I thank the gentleman from California (Mr. PATTERSON) for his participation.

I yield such time as he may consume to the gentleman from Texas (Mr. HIGHTOWER).

Mr. HIGHTOWER. Mr. Speaker, it was my pleasure to serve on the Environment, Energy, and Natural Resources Subcommittee of the House Committee on Government Operations during the 95th Congress under the chairmanship of LEO J. RYAN of California.

This committee put in many hours of hearings on very crucial questions of nuclear energy waste and other issues of vital concern to the preservation of our environment.

The chairman was hardworking and hardhitting in his approach to every issue. He was not reluctant to describe things as he saw them, and to put difficult questions to the witnesses in order to get the very necessary information that Congress must have if it is to effectively deal with its many problems.

LEO RYAN was conscientious in carrying out his committee and congressional responsibilities.

The fact that LEO RYAN never hesitated to take up a difficult task was another example of the strength of his character and his bravery. The way he moved ahead with assignments or responsibilities that might well have been postponed or assigned to others was evidence of his dogged determination to see a job well done. I do not think that he could be characterized as "fearless" because the term "fearless" could imply an absence of knowledge or reason for concern. "Brave" is the better word which implies a knowledge of danger overcome by a personal strength of character.

LEO RYAN knew that political opposition could be real and formidable yet he did not hesitate and would apparently even court it by his approach to some difficult problems.

In his final mission there were certainly enough reasons for a more cautious or less brave spirit to stand aside and let others investigate the tragedies that were taking place in South America. In his own way he assumed the responsibility that he knew was his, and became one of the few Members of Congress assassinated while in the course of carrying out a difficult congressional responsibility. His name will be honored and his memory must be preserved. In his life and service he demonstrated qualities of character that must be emulated in the years ahead if our Nation is to have the type of brave men and women who will recognize the cost of freedom and be willing to pay that price in meeting the challenge of those who would destroy the Nation itself.

LEO RYAN was a brave man.

I share in a special way the loss of our colleague because he was also a friend.

☐ 1625

Mr. JOHNSON of California. I thank the gentleman for his comments.

I now yield such time as he may consume to the gentleman from California (Mr. PANETTA).

Mr. PANETTA. I thank the gentleman for yielding, and I thank him for allowing the Members of this body to have the opportunity to recall the memory of LEO RYAN.

Mr. Speaker, it is with great sadness that I rise to join my colleagues in memorializing our friend, LEO RYAN.

LEO RYAN, during the several years he served in Congress, was always a great credit to this Chamber. The work he accomplished on behalf of his district, our State, and the Nation was formidable, and he earned the everlasting respect of everyone who knew and worked with him.

We will remember LEO best, though, for his great courage—the kind of courage that led him to risk, and tragically give, his own life to save the lives of others, caught in the grasp of an evil, powerful force. This dedication to helping others, the willingness to put others ahead of himself, should serve as an example for all who strive to work in the public interest. I believe this will be the most important legacy of LEO RYAN.

I would like to express my deepest sympathy to LEO's family. They, of course, will miss him more than anyone. But it is a credit to his life that LEO RYAN will also be remembered by the people of California, and by this entire Nation for his great ability, his courage, and his integrity of purpose. Let us hope that by alerting the world to a horrible situation, by exposing this evil to the light of day, LEO did not die in vain.

● Mr. REUSS. Mr. Speaker, it was typical of LEO RYAN to take political and physical risk to get to the bottom of a problem. It was also typical of him not to be satisfied with Government assur-

ances without checking out the situation for himself.

His colleagues knew LEO RYAN as a legislator with an inquiring mind and a passionate commitment to what was right. He knew his district intimately, and no legislation or administrative action which affected that district got by without his discerning scrutiny.

LEO RYAN understood that his duty to his constituents could take him beyond Washington, beyond the borders of his district, and out of the country. He died in the line of that duty.

We will miss LEO RYAN. But he left behind him an example of public service which will sustain and inspire us.●

● Mr. LLOYD. Mr. Speaker, I am grateful for the months which have passed since Guyana and now, since I can sift the morbidity and desperation of the place and its people from LEO RYAN'S life, which was hopeful, independent, and always straightforward. Those qualities were evident to me from the beginning when LEO and I, as fellow Democrats and Californians, became co-workers. As news of his committee work, particularly in those areas regarding individuals and their rights and responsibilities in a democratic society, came back to me, I understood that those qualities were only chapter headings to a personality open to the potential of the poorest citizen.

When LEO RYAN died, the resulting publicity painted a black picture for those who like to participate personally in helping others and see things for themselves, as LEO did. The stories also cast clounds on entire agencies, professions, and philosophies which, in less tragic times, generally are considered helpmates and guides for the troubled. None of this is a fitting memorial to LEO RYAN, who thought that the hands-on approach was not only preferable, but also necessary to getting the full picture. As an educator, city and State official, Member of Congress and humanist, he gave those organizations, jobs, and philosophy a life which no Guyana can take away.

The winter of LEO RYAN'S death should be allowed to break up. His life is most important and his deeds held before us as true representation.●

● Mrs. SPELLMAN. Mr. Speaker, France's Gen. Charles de Gaulle would have had us believe that "every man of action has a strong dose of . . . hardness and cunning." He was willing that those traits be regarded as high qualities indeed if the man could "make of them the means to achieve great ends."

I cannot help but think of my disagreement with his evaluation, Mr. Speaker, as we pause today to eulogize one of this Chamber's own great "men of action," the late Representative LEO J. RYAN.

I am proud to say that LEO RYAN was my friend. I had the distinct honor of serving with this dedicated Californian on the Post Office and Civil Service Committee and I can speak firsthand of his total lack of "hardness," of his complete lack of "cunning." Rather he was known for his honesty, his inquisitiveness, his zest for life, and his steady impartiality in matters of all kinds. In LEO RYAN, we knew a man of compassion, a man of candor.

We all witnessed his compassion for the wronged and oppressed and his desire, always, to see justice done. And most of all, Mr. Speaker, we know how LEO RYAN blended these qualities to achieve the "great ends."

As with other such "men of action," LEO was never one to be satisfied with secondhand reports or hearsay evidence. When a problem arose, he wanted to see things for himself—to go to the source, the scene of the controversy.

It was this quality that led LEO RYAN to don prison denims for a firsthand look at conditions in California's correctional system and to brave Arctic winds to investigate the senseless slaughter of hundreds of baby seals.

And, ultimately, it was this desire to witness things firsthand that led LEO RYAN to the remote South American airstrip where he, too, was senselessly killed in an outbreak of carnage that rivals any our Nation has seen.

His death was tragic in many respects. LEO RYAN was a true friend who will be sorely missed in this body as well as in his city and his home State. His passing not only deprived us of a source of sound counsel and sage advice but it served to cut short an ever-brightening political career.

Amid our sadness over LEO'S death, however, we can all take refuge in the realization that the Nation is better off today because this "man of action" lived.

He spent his last few hours as he had spent his life, seeking truth and justice—firsthand—regardless of the personal consequences. His mission to Guyana, while ending in tragedy, served to insure that others would not suffer even worse fates at the hands of a depraved man and his unseeing followers.

I think, Mr. Speaker, this is how LEO RYAN would want us to remember him on this special day. I feel certain he would want us to recall him as the "man of action" he truly was. I know, Mr. Speaker, all my colleagues will join me in expressing the profound sense of sadness and loss we feel at his untimely passing.●

● Mr. JONES of North Carolina. Mr. Speaker, one of the advantages of being a Member of the U.S. Congress is the opportunity to create friendships which are sincere and lasting. I am referring to the relationship between the late LEO RYAN and myself.

Although with varying backgrounds between the two of us, to say nothing of the geographical difference between North Carolina and the State of California, this did not prevent us from enjoying one another's presence from time to time. One thing I admired about LEO in addition to his dedication to his job, was his fine sense of humor. Quite often on rollcall votes, when we had voted the same way, one of us would say to the other," one of us has voted wrong, I don't know which one it might be!"

Certainly his untimely death was indicative of his life's work in that, as we all know, he gave his life as a personal sacrifice while trying to help others. To his family I again extend condolences, and to some degree share with them a sense of loss, for I feel I have lost a true friend.●

● Mr. MOORHEAD of Pennsylvania. Mr. Speaker, it was with great shock and sadness that I learned of the death of my friend and colleague, LEO J. RYAN, and I am honored to join in paying a well deserved tribute to his service in the House.

His untimely death cut short a career of exemplary public service. Before entering Congress he had already distinguished himself as a teacher, school administrator, author, city councilman, and mayor in the State of California. During his three terms in Congress he demonstrated an intelligence and competence which won him the respect of all of us.

I had the honor of working with LEO RYAN when we served together on the Environment, Energy and Natural Resources Subcommittee of the Committee on Government Operations. He succeeded me as chairman of that subcommittee, of which I remained a member; so I had the opportunity to observe first hand the outstanding contributions he made in these areas. He was also well known for his keen interest in the concerns of his constituents, and for his insistence on investigating first hand matters within his legislative responsibility. That he died in the performance of his duties as a Congressman exemplifies his extraordinary dedication to public service.

A man of indefatigable energy and courage, both physical and moral, his absence in the Congress will be keenly felt.●

● Mr. HORTON. Mr. Speaker, the violent and untimely death of LEO RYAN was a shock to us all. The circumstances of his passing will long be remembered as among the most tragic and bizarre. LEO'S unexpected death is a loss to the House and to those of us who worked with him on the Committee on Government Operations.

LEO brought to the Congress and the committee a background of experience as an educator, school administrator, city councilman, mayor, and State legislator. This experience helped him to quickly grasp the crux of an issue and pursue it vigorously.

The members of the Committee on Government Operations will remember him for his commitment to protection of our environment, development of alternate energy sources, and concern for strong autonomous, local control of public schools. He was an active and effective committee member.

I add my voice to those who today pay their respects to LEO J. RYAN and join in this tribute to his memory.●

● Mr. BINGHAM. Mr. Speaker, it is highly appropriate that we take the time today to pay tribute to our friend and colleague, the late LEO J. RYAN.

I do not wish at this time to discuss the question of whether the State Department and its representatives were in any way at fault in connection with Mr. RYAN'S visit to Jonestown which ended so tragically. But I would like to say that LEO RYAN obviously felt that he should visit Jonestown in the line of

duty and that, as a man of great courage, it was in character for him to do so whether or not he felt he would be in any danger.

I had the privilege of serving with LEO RYAN on the International Relations Committee. His comments were always thoughtful and well expressed, and his participation was constructive. It is interesting to note that 2 years ago Mr. RYAN actively supported the idea of changing the committee's name back to "Foreign Affairs." His view did not prevail then, but its wisdom was recognized earlier today when the committee decided thus to reassume its traditional name.

I do not mean to suggest that LEO RYAN and I were always in agreement on the issues. Indeed we had our differences. But I always found that LEO was an honorable, as well as a formidable, opponent in debate.

LEO RYAN'S qualities as a legislator, as an investigator, and as a human being became very clear to me on a fact-finding trip we took together to the Middle East in January 1974. The questions he asked were penetrating and revealed a remarkably wide knowledge of the countries we visited, and his friendly nature and sense of humor made him an excellent traveling companion.

We shall miss LEO RYAN very much in the House and on the Foreign Affairs Committee. I join with my colleagues in extending to LEO'S family our deepest sympathy. ●

● Mr. DERWINSKI. Mr. Speaker, we were all shocked to learn of the tragic death of our gallant colleague, LEO RYAN. Today, we pay tribute to a fine man, outstanding legislator, and a dedicated public official whose death was a result of his desire to effectively serve his constituents.

LEO will certainly be remembered as a man of the highest ideals, and it was more than a great tragedy that his career was cut short before he had the opportunity to accomplish all the things he was capable of and wanted to do. His investigative qualities and appetite for information and truth were insatiable.

LEO was wholeheartedly responsive to the needs of our Nation and of his district. He displayed courage and determination in serving the inquiries of his constituents by taking his fateful trip to Guyana. He had all the qualities and talent that are essential to the makeup of an effective legislator.

We served together on the International Relations Committee, where I found LEO to be tirelessly dedicated, conscientious, and always constructive. LEO set an example of hard work and outstanding leadership.

I had hoped to join LEO in Guyana, but it was the fortunes of fate that intervened. Hopefully, this tragic turn of events will give rise to our need to fully look into the circumstances that surrounded the Jonestown community.

In the death of LEO RYAN, we have lost a great man, a great leader, and a great statesman. The country has lost a man of great stature, and we have lost a good friend and a good human being.

Mrs. Derwinski joins with me in extendin our heartfelt sympathy to the entire Ryan family. ●

● Mrs. HOLT. Mr. Speaker, on November 18 last year, the world was shocked by the senseless killing in Guyana that took the life of LEO J. RYAN, our colleague representing the 11th District in San Mateo County, Calif. At a time when our country is at peace with other countries in the world, it does not seem so obvious that we are indeed quite involved in wars against extremism, in wars against bigotry, and in wars against ignorance. LEO RYAN was one of those warriors who chose to go on one of those battlefields. It was a dangerous undertaking. He was a sincere and dedicated Member of Congress who was deeply concerned about his constituents held hostage by the Jones cult. He went beyond the call of normal duty and paid dearly for it.

LEO RYAN was a teacher by training and he was always trying to understand his charges—his students. He was compassionate and was always concerned about their problems. He was sensitive to the educational needs of the deaf. This was manifest in his service as a member of the board of governors of Gallaudet College, the National College for the Deaf, in Washington, D.C. He was a decent human being.

Mr. Speaker, LEO RYAN is and will be missed in this Chamber. ●

● Mr. NATCHER. Mr. Speaker, I was deeply saddened and shocked to receive word of the passing of our beloved and esteemed colleague, LEO J. RYAN.

He was one of the truly great humanitarians in the House. I know of no Member who was more interested in the welfare of the people of this country and especially of those who needed help than our friend, Representative RYAN. He was a man of courage and he always believed that in order to ascertain the truth you must at first hand, know all of the facts. He exemplified the best qualities of a public servant and he was unswervingly loyal to our country. It was a privilege to know LEO J. RYAN and to work with him as a Member of the House of Representatives. He will long be remembered as a dedicated and conscientious legislator whose interest in the health and welfare of the people throughout the Nation was translated into action.

He was a patriotic citizen, a devout Democrat and a man of reason and integrity.

Mr. Speaker, our departed friend and colleague enjoyed the friendship and the respect of his colleagues throughout the Congress and while we shall greatly miss his presence, the results of his work in terms of a richer and better life for countless people will stand as a monument to him in his district, State, and the Nation.

His fine family has every right to be proud of his distinguished record and my heartfelt sympathy is with the Ryan family. It is my prayer that they will be comforted in the knowledge that LEO J. RYAN deserves the highest tribute of all—that of a just and honorable man. ●

● Mr. YATRON. Mr. Speaker, I am deeply saddened to speak today of the violent death of my good friend and colleague, the Honorable LEO J. RYAN, who gave his life while attempting to help his constituents and the American people.

LEO RYAN'S untimely death has cut short a career of public service which exemplified the best in American politics. Before entering the Congress he had already achieved a record of distinction as city councilman and mayor of South San Francisco and as a State assemblyman. During his almost three terms in the House he quickly demonstrated an intelligence and competence which won him the respect of all his colleagues.

I had the privilege and honor to serve on the House International Relations Committee with Congressman RYAN and through my many discussions and meetings with him I came to know him as a man of indefatigable energy and courage, both physical and moral.

Congressman LEO J. RYAN dedicated his public life to preserving the rights of the people of the 11th District of California and the American people he loved so dearly.

I deeply enjoyed my years working with him and I consider it a deep personal privilege to have known him. His absence in the Congress will be keenly felt. ●

● Mr. RHODES. Mr. Speaker, the untimely death of LEO RYAN has left everyone of us saddened. He died as he lived, in service to his constituents. Congressman RYAN was a hard-working, dedicated public servant who was held in genuine affection by all who knew him, regardless of their political persuasion.

His concern for the well-being of his people exemplifies the highest tradition of service, and I know I speak for all of my colleagues on my side of the aisle when I say that we shall miss him. ●

● Mr. WOLFF. Mr. Speaker, I rise to join my colleagues in memorializing our late friend and colleague, LEO RYAN. This distinguished body has had in its midst many people of courage, many Members whose public service has aided not only their constituents, but the entire Nation.

LEO RYAN epitomized these traits. He approached his role of serving his constituency with a sense of mission. He was of the people and never far from their concerns. Where others have come to Washington to represent their constituents, and have soon become removed from them, LEO RYAN remained in touch and involved.

What is most extraordinary about LEO RYAN is the compassion he displayed for his constituents and his determination in getting the facts about the People's Temple. On the face of it, it seems incredible that he persisted in investigating the People's Temple. Jim Jones was hailed from all sides as a religious sociologist, a civil rights worker whose inspiration uplifted the hopeless poor. Jones had friends among the powerful, and had held public office in San Francisco. The few dissenting voices about his character and his mission were often and easily discounted in the face of the intense support from his followers and friends. When reports of mistreatment and involuntary residence at Jonestown came to RYAN through his constituents,

he at first employed the normal channels of investigation, the proper Federal agencies. Most people would have quit when positive reports of the Jonestown commune came back from the State Department. Few would have checked further after the State Department reported that they had interviewed many members of the cult in privacy. But RYAN knew his constituents well enough to be skeptical of such reports, and he cared enough about them to do more than his duty.

RYAN was the kind of investigative Congressman that this Nation needs and values. His courage in getting to the bottom of the People's Temple situation was unparalleled. He was undaunted by warnings of personal danger in his mission to Guyana. His trip was not a "media event" or a publicity stunt to get himself in the news.

LEO RYAN's compassion and perseverance can be a lesson to us all. His tragic death and the ghastly events which followed horrified the Nation and the world. The entire situation has sparked a national debate concerning the nature of cults and the role of the Federal Goverment in investigating them. Long-avoided questions concerning religious freedom versus the phenonmenon of cults are being addressed head-on. In-depth discussion of these questions is long overdue.

We in the Congress can say that we respect the ideal that LEO RYAN represented, and will hold him as a example of a public servant who envisioned his role as one of unqualified pursuit and promotion of America's most cherished values.●

● Mr. GORE. Mr. Speaker, I want to add my own comments to this tribute that we are paying today to LEO RYAN.

As a new Member of the 95th Congress, I had the privilege of serving with LEO RYAN for only 2 years. During that short time, I came to know him as a friend and to respect him as a colleague. He was a man of great ability and dedication. He worked hard and cared deeply about the issues he worked on, especially issues affecting human rights in this country and throughout the world.

The incredible series of events which followed LEO RYAN's death has left all of us, I am sure, with unanswered questions about how such a grotesque tragedy could occur. But for those of us in this House, the tragedy is keenly felt. We have lost a friend, and this House has lost a valued Member. We will miss LEO RYAN very much.●

● Mr. RANGEL. Mr. Speaker, it was with great sorrow that I learned of the death of my friend and colleague LEO RYAN.

LEO's compassion for the poor and disadvantaged, a compassion which set the tone of his long and distinguished career of public service, finally led him to his death in Guyana. The motives that guided him to that strange country could not have been better; in LEO we find the rare quality of true and pure altruism. If one must die so young it is best to die for a cause so just.

From serviceman to schoolteacher, from schoolteacher to elected official, LEO RYAN led a life of unceasing service. Time and again, he put the causes of others above his own safety. No more can be asked of any public servant, and the people of California have lost a dedicated and irreplacable representative. Likewise, we in Congress have lost a dedicated and irreplacable friend and colleague.

We must long remember the fearlessness with which LEO championed the cause of the poor and underprivileged. His compassionate crusades for the championless will serve as an inspiration for us all.●

● Mr. MILLER of Ohio. Mr. Speaker, I too at this time wish to pay tribute to our departed colleague, LEO J. RYAN.

His tragic and untimely death shocked the Nation and took from this body one of its most vigorous and dedicated Members.

The fervent commitment be made to public service never waned. He was independent of mind and intense in spirit. LEO RYAN's dogged determination and persistence in seeking out the truth will long be remembered by those of us who served with him and those citizens of California's 11th Congressional District who he so ably served.●

● Mr. GOLDWATER. Mr. Speaker, I join my colleagues in expressing my sorrow at the tragic death of LEO RYAN, Democrat, conservationist, political activist, concerned citizen—whatever label could be applied to this man—LEO RYAN was above all a leader of uncommon courage and a gentleman of the first order. He was my friend, and his loss will be felt by this Congress.

Throughout his years in this Chamber, LEO RYAN consistently demonstrated the kind of interest and concern for people which should be the motivating force behind the career of any politician. I looked to him as a man who truly cared about his constituents, and about injustice wherever he sensed it might exist.

Despite the known danger, this great concern for others led LEO RYAN to his fate in Guyana. He lost his life seeking to expose inequity, and in so doing revealed the monstrous injustice taking place in that little-known corner of the world.

It may be that LEO's need to know and his spirit of overcoming obstacles to that knowledge will outlast any lesser achievements that the rest of us claim. That was LEO RYAN's true spirit and his enduring legacy.●

● Mr. RODINO. Mr. Speaker, I want to join my colleagues in commemorating the life and work of LEO RYAN. As a Congressman from California, he served his constituents and his Nation with intelligence, determination, and integrity. LEO RYAN knew his own mind and followed his conscience on the issues. He was forthright with his colleagues and true to his word.

Mr. Speaker, LEO RYAN's tragic death in the South American jungle will not easily slip from our memories. His was a lifetime of concern for individuals. His instincts always were to try to understand what troubled people and to get at the cause of the problem. He travelled to Guyana because of his pursuit of truth and social justice. In his life as in his death LEO RYAN showed tremendous courage.

We have lost a proud American and a good human being.●

● Mr. EDWARDS of California. Mr. Speaker, I am honored to join with my fellow colleagues to eulogize and commemorate the outstanding work of our late friend and and colleague, LEO J. RYAN. A truly unique individual, LEO's tragic and untimely death signals a tremendous loss to this congressional body, as well as to others who knew and depended upon him.

A congenial activist with whom I had the pleasure of serving the people of the San Francisco Bay Area for over 6 years, LEO exhibited a special interest in understanding the concerns of his constituents. This interest ran especially deep for the oppressed and helpless. LEO demonstrated his concern in the way he committed himself to problem-solving. In an effort to better grasp the issue, it was typical of LEO to personally undertake the fact-finding mission. During his 10 years in the California Assembly, LEO once spent 8 days as an inmate in the Folsom Prison to understand prison conditions. Following the Watts riots in Los Angeles, Calif., LEO took an assumed name, moved in with a black family, and became a substitute teacher in the area, hoping to discover the reasons for the unrest.

A determined and persistent spirit, gifted with a probing mind, LEO tackled issues with a zeal worthy of the attention and respect of his constituents and colleagues alike. It was this same sense of mission and gusto which characterized LEO's life that brought him to his senseless death while investigating constituent concerns surrounding the mysteries of Guyana. Regrettably, his spirit no longer graces us.

I would like to take a final moment to express my deepest felt sympathies to the Ryan family and loved ones. Your loss is a great one. LEO was a fine man and an accomplished Congressman. His contributions to the welfare of the people of the San Francisco Bay Area and the people of this country are great ones. We are immensely proud of LEO and he shall be fondly remembered, I am sure, by us all.●

● Mr. ROYBAL. Mr. Speaker, I join with my colleagues in paying tribute to the memory of the late Congressman LEO RYAN of California's 11th District. His many friends here in Congress will certainly miss this hard and dedicated worker who will be remembered for his willingness to set aside his own safety in order to better serve his constituents.

He was a man of action and of principle who was unafraid to tackle any issue. And his quest for solutions to difficult human problems led him to live as an inmate at Folsom Prison and to substitute teach in Watts long before his fateful trip to Guyana.

LEO served his constituents faithfully and well during his 6 years in Congress and had been easily reelected to serve in the 96th Congress just prior to embarking on his fact-finding trip to Guyana. It is, indeed, regrettable that LEO was not given the opportunity to

follow through on the many issues and causes he felt so strongly about.

We are all deeply saddened by the senseless death of this able and dedicated public servant.●

● Mr. FORD of Michigan. Mr. Speaker, the tragic death last month of LEO RYAN took from us a respected colleague, a good friend and a dedicated public servant. His death has created a void that will be difficult to fill.

I had the privilege of serving with LEO RYAN on the Post Office and Civil Service Committee. He was a conscientious, hard-working member of the committee, whose enthusiasm was an inspiration to all of us.

LEO was the kind of legislator who worked at his job 24 hours a day, 7 days a week. He was a Congressman in the very finest sense of the word. He was also an extremely fine human being, and was respected by every Member of this House.

My wife, Martha, and I extend our heartfelt condolences to LEO's family and loved ones.●

● Mr. SHUMWAY. Mr. Speaker, like most Americans, I was not only saddened to learn of the tragic death of LEO RYAN—I was appalled. When the Federal flags are lowered to half mast across our Nation to mark the loss of one of our Members, it is seldom from so violent a cause.

As a Member newly elected to the 96th Congress, I did not have the privilege of working with LEO RYAN, nor can I claim as many of my colleagues can to have known him personally over the years. However that does not lessen the level of my respect for him as a legislator, and as a man.

As a legislator myself, I admired his dedicated efforts on behalf of California's 11th Congressional District.

As a man who believes in the value of truth, I admired his determination to ferret out the truth in every situation, no matter what dangers his search might incur.

Finally, as a fellow human being, I lament the bizarre and vicious forces which robbed LEO RYAN of his life, and I deplore the fact that the contributions of so fine a man were clouded amid the lurid coverage which chose to lionize his enemies rather than to eulogize his memory.

My wife and family join with me in extending sincere condolences to those whom LEO RYAN left behind.●

● Mr. BAFALIS. Mr. Speaker, it is with a great deal of sorrow that I rise to join my colleagues in paying tribute to the late LEO RYAN, who died so tragically in Guyana.

LEO RYAN came to the Congress the same year I did, as a Member of the 93d Congress. But it was obvious from the start he was not to be a run-of-the-mill Member of Congress.

All of us believe in service to our constituents. After all, that is why we are here. But LEO RYAN was willing to take that extra step, make the extra effort to assist those who needed—or thought they needed—his help.

That is why he was in Guyana. The reports of individuals held against their will in Jonestown were too persistent, too damning to be ignored by LEO RYAN. It was a matter which cried for examination, even though an examination meant he had to go to Guyana.

We all know what happened when LEO RYAN arrived in the People's Temple commune and the terrible aftermath so there is no need for us to recount that here.

But, what we must do is remember the example LEO RYAN set, remember that the people's problems are our problems and be willing to take the extra step, ask the extra question and give that extra effort to help them.

That is what LEO RYAN did. And it was in the highest traditions of the House of Representatives.●

● Mr. MURTHA. Mr. Speaker, shortly before Congress adjourned last fall, I sat in the House of Representatives with LEO RYAN and talked about the session that was about to conclude. During the discussion, we talked about his concerns about the Peoples Temple cult and the research he had done into the possible damage this group was doing to the individuals who had joined it. At that time I knew virtually nothing about the group, but listened with great interest as he talked about possibly going to visit the cult in Guyana, and the dangers of such a mission.

While I knew little about the cult or their operation, I did know LEO RYAN's concern for the people he represented and the people of this country. That had become personally clear to me in 1977 when the Johnstown area—which I represent—suffered a disastrous flood. LEO RYAN sent his committee staff out to investigate the situation and offered me the complete assistance of himself and his staff as the community struggled to recover from the terrible flood. After the work was done and the community beginning to get back on its feet, he talked to me about the Federal laws on dam safety, water runoff, and weather forecasting to see what could be done to prevent such tragedies from occurring elsewhere.

Thus, I well knew of LEO RYAN's concern for people and his efforts to improve their lives through his Government service. Therefore, I was not surprised he went to Guyana, desipte the risks involved. That kind of concern is in the highest tradition of the U.S. Congress.

We all learned from LEO RYAN's dedication and concern, and we will all miss him.●

● Mr. BRINKLEY. Mr. Speaker, I wish to pay tribute to LEO RYAN, whose legacy as a courageous champion of human rights is an example for us all.

We remember LEO as a leader who never hesitated to take a stand and make a mark. We remember both his serious commitment to the highest standards of public service and the lighthearted sparkle of his Irish wit.

Characteristically, LEO's last mission demonstrated his determination to investigate widespread reports of human abuse, even in the face of great personal risk.

In defining moral courage, John Kennedy once said:

> A man does what he must—in spite of personal consequences, in spite of obstacles and dangers and pressures—and that is the basis of all human morality.

LEO RYAN was such a man, and I shall miss him.●

● Mr. CORMAN. Mr. Speaker, the shocking and ruthless slaughter of LEO RYAN remains vivid in the minds of all Americans. For those of us who served with him, the horrors of paranoia and senseless brutality leave a numb and hollow feeling. LEO was by far one of the most conscientious and responsible men ever to serve in Congress. He will be remembered for many reasons, but his total commitment to the people of the 11th District of California can never be denied.

While our service together in Congress was brief, and our areas of concentration different, I was afforded the opportunity to travel abroad with LEO, and experience firsthand his keen ability to perceive critical international issues and immediately act to bring some degree of resolution to conflicts and problems. He was an outstanding representative of the United States wherever he traveled.

LEO's inquiring mind and commitment to his constituents won their trust and confidence in his leadership and concern for their needs and problems. It was this dedication to those people which resulted in his untimely death.

LEO's zest for life and unquenchable thirst for truth, fairness, and freedom will long be remembered by all who worked with him, and especially, those people he devoted each day to helping. His work will continue, but his determination and selfless dedication to public service will be hard to equal. His presence and achievements as a member of this body will be sorely missed.●

● Mr. RICHMOND. Mr. Speaker, today we honor the memory of our colleague, and our friend, LEO RYAN, as decent, dedicated, and good-natured a man as anyone could ever hope to meet. While maintaining his infectious good humor, he nevertheless carried out his responsibility to his constituents and to his fellow citizens with the utmost seriousness.

Throughout his career in public service, LEO RYAN believed it was his duty as an elected official to experience firsthand the problems his constituents faced as the best means of resolving those problems. He defied the risk of danger in his quest for the truth, wherever that quest led him. It was on just such a mission, in a faraway jungle—on yet another personal effort to find the facts he needed to help his fellow Americans—that he gave his life.

We will all miss this warm, sensitive, and compassionate man whose exemplary sense of duty guided his every action in public life.●

● Mr. WHITTEN. Mr. Speaker, I would like to join the many friends and associates who today rise to pay tribute to our colleague, Congressman LEO RYAN.

It was saddening to all of us to learn of Congressman RYAN's tragic death, but it was not surprising to those who knew him to hear that he was busy in what he conceived to be service to his

district, State, and country when he met his untimely end.

LEO RYAN's contributions will be long remembered.

To his bereaved family we extend our deepest sympathy.●

● Mr. DELLUMS. Mr. Speaker, it is with great sadness that I recall today the image of LEO J. RYAN, the man and the Representative.

The dramatic events surrounding LEO's tragic death are of a dimension that is difficult to ponder. Words cannot describe, nor thoughts conceive, the horror that occurred at Jonestown. LEO knew that there might be trouble, yet went forth courageously because he knew that concerned relatives of the People's Temple members were depending on him.

Throughout his career, LEO RYAN was a man who cared about people's welfare, who cared about the impact of laws upon society, and who took up the cudgel himself when it came time to take a stand on controversial issues. His eagerness to do all he could for the 11th District of California, and for the Nation as a whole, was exemplary.

Of course, he will be missed by all of us, but it goes deeper than that. LEO stood for something that we all cherish more highly than even life itself—that is, dedication to the cause of humanity and justice. The manner of LEO's death speaks for the nature of his dedication to that cause. It is with humble admiration that I reflect upon his courage, vision, and compassion in having been willing to die for the sake of rescuing American citizens trapped in a situation that was threatening their most basic freedoms. I can think of no more noble purpose than that. ●

● Mr. CHARLES H. WILSON of California. Mr. Speaker, in paying tribute to my friend and colleague, LEO RYAN, I am reminded of the words by John Donne:

> No man is an island, entire of itself; every man is a piece of the continent, a part of the main; if a clod be washed away by the sea, Europe is the less, as well as if a promontory were, as well as if a manner of thy friends or thine own were; any man's death diminishes me because I am involved in mankind; and therefore, never send to know for whom the bell tolls, it tolls for thee.

I had the privilege and distinct honor of knowing LEO since he first came to the Congress in 1973. As members of the California delegation, we worked together on a variety of projects beneficial to the State and also served together on the Post Office and Civil Service Committee.

Public services meant a great deal to LEO RYAN—it meant a personal commitment and involvement in any matter that came to his attention. When I reread the words of John Donne, I was particularly struck by the phrase, "any man's death diminishes me because I am involved in mankind." LEO RYAN could have said those words. It was not in his nature to work solely for himself, but for the good of everyone. No problem in society was too complicated or sensitive for his interest.

In the past several years, we have been hearing a great deal about "investigative journalism." For LEO RYAN, "investigative representation" was his trademark and his contribution to the people of this country.

Receiving reports from various Government agencies was just not enough for him. And, unfortunately, his commitment to "seeing something for himself" not only proved there is a need for such involvement, but also tragically resulted in his untimely death.

We who served with him in the Congress know how hard he worked on legislative and constituent matters. His priorities were people and their problems.

In a much larger sense, we in the Congress not only owe him our gratitude, but society as a whole should also be thankful there was a LEO RYAN. If it is possible to the public's conscience, then LEO RYAN fit the bill. He raised the level of public awareness on so many different issues, it would be impossible to reiterate them all at this time. That awareness has had a profound effect on many, many people so that in solving one problem for a person or a group of people, he managed to benefit larger segments of society. Suffice to say, LEO RYAN believed in solving problems and placing himself and his reputation on the line to figure out solutions.

His motto was—you cannot solve a problem unless you personally know the facts. That meant employing all the tools open to a Representative—committee meetings, briefings, information from colleagues and constituents, and of course, seeing something firsthand. To illustrate just one way person involvement is a must is to consider the amount of money the Federal Government spends. When you authorize billions of dollars, it makes sense to see precisely how that money is being spent.

He was thorough, dedicated and extremely hardworking. He was widely respected by both his peers and the people he represented. It is my hope that the legacy LEO RYAN left us will continue on.●

● Mr. DERRICK. Mr. Speaker, there is no way for any of us to address the death of Congressman LEO RYAN. For this senseless tragedy, away from our shores and in harm's way, has numbed us all. Yet in its aftermath what still remains is the legacy and testament of a man who was willing to serve those whom he represented regardless of cost or danger.

It is compelling to hold up such a life as the pinnacle of public service. Certainly, LEO RYAN's achievements warrant such an accolade. I know I need not tell my colleagues in the Congress or the people of California's 11th District that he cannot be replaced. As this historic and important 96th Congress begins, we shall all miss LEO RYAN very much.●

● Mr. FUQUA. Mr. Speaker, no doubt we were all equally shocked and dismayed by the tragic death last year in Guyana of our former colleague, LEO J. RYAN. As one who served with him on the Committee on Government Operations from the time he was first elected to Congress, I can attest to the fact that his trip to that foreign land was not an uncommon act when one considers the uncommon nature of LEO RYAN.

He always showed great courage and remained true to his convictions. As chairman of the Environment, Energy and Natural Resources Subcommittee, he led the fight for what he believed to be best for the future of our Nation and, although he and I often disagreed with one another during committee debates on important issues, I like to believe that our disagreements were always expressed in the best tradition of congressional debates and we certainly never let our disagreements interfere with our friendship. He always proved a worthy adversary in any debate and never backed off or retreated from what he felt was right.

LEO always sought the truth and was committed to diligent research, even if it meant long hours reading through volumes of reports or traveling to foreign countries to discern the relevant facts.

He knew there were risks in the course he charted but he could live no other way. His entire career of public service documents the fact that he was willing to take whatever personal risks were essential to his quest for answers to questions many believed could not be answered. He never considered any problem insurmountable and continued his search for ways to make ours a better society in which to live.

He was indeed an uncommon man, one we will all miss deeply. Too few in any generation are willing to take up the challenges LEO assumed as normal tasks to undertake and it is a sad occasion, not only for his family, but for the entire Nation when we lose such an individual.●

● Mr. BROWN of California. Mr. Speaker, I would like to pay tribute to the passing of LEO J. RYAN. As a fellow Californian and as a man who shared many of the same concerns, I will truly sense the loss of this man.

LEO RYAN was a Member of Congress who practiced an active style of leadership. Not content with reports of vital issues and events, he sought first hand information and experience of those things with which he was concerned. He pursued environmental issues with equal enthusiasm, especially in the areas of dam and nuclear safety.

As we enter the 96th Congress, LEO J. RYAN will be missed. He was a respected leader and an effective lawmaker.●

● Mr. MINETA. Mr. Speaker, much has been said and written about the bizarre events in Guyana last November, when the entire world was shocked by the cult which LEO RYAN was investigating. Let me say, simply, that LEO RYAN will be missed here in the Congress.

In recent years, we have seen many Members of Congress decide to call it quits because they tired of living in the public eye, they tired of the 80-hour work-week, and they tired of the constant pressure. LEO RYAN did not tire. He recognized that serving in Washington as a Representative is not a privilege, it is a duty. He accepted the workload and the pressure, and he learned to focus that public eye on injustice. To LEO RYAN, investigating and exposing the intimidation and oppression of the helpless was simply a part of his job as Congressman. Whether it concerned disaffected cultists, or harp seals, or citizens having problems with a government agency, LEO

felt an obligation to help and to use his power on their behalf.

LEO RYAN will also be sorely missed in California, in the bay area, and in the communities comprising the 11th Congressional District which he served. He became a familiar figure to all of us in the bay area as a State legislator during the 1960's, and he has been elected to Congress by resounding majorities since he first ran in 1972.

Mr. Speaker, LEO RYAN's energy, his commitment, and his sense of responsibility were an inspiration, and those qualities will remain as his legacy to Congress and to public servants everywhere.●

● Mr. GREEN. Mr. Speaker, The word "Jonestown" stirs outrage in all of us since the tragic events of last November. Much of that outrage comes from the senselessness of what happened. The circumstances behind the loss of life were so bizarre as to be almost unbelievable. Even as the stories of the strange occurrences at the People's Temple continue to unfold, they still seem to be unreal.

At a time when many claim that their Representatives are unresponsive to the needs of the people, LEO RYAN stood ready to investigate their concerns. Whether that involved becoming a prison inmate in California to see firsthand correctional facility conditions or trekking to Newfoundland to witness the slaughter of baby seals, that firsthand look at the issues of importance to his constituents was what made him an outstanding Member of Congress.

Congressman LEO RYAN would not ignore the concerns of his constituents. He was always available, always accessible. As the media have continued to note since the tragedy in Guyana, he took the time and trouble to find things out for himself. It was such concern that brought him to Guyana to look into charges and accounts about the practices at Jonestown.

We should not let LEO RYAN's tragic death deter us from continuing his method of obtaining information firsthand, or exposing ourselves to the problems and issues for which our constituents look to us for answers, and of displaying visible concern and sensitivity to the needs of the people we represent. This is the legacy of LEO J. RYAN.●

● Mr. LONG of Maryland. Mr. Speaker, with the death of LEO RYAN, the U.S. House of Representatives lost one of the most honest individuals ever to grace its Chambers. I personally lost a close friend for whom I had tremendous respect. The underprivileged have lost a friend who defended human rights in every sense.

LEO was a man of courage. He would not retreat from a sound position, even if it proved to be unpopular.

LEO was a leader. The record is full of examples where he was among the first to champion a position that later, sometimes much later, became the prevailing point of view.

He was one of the few who had a total commitment to the right of every human being to live in a free, safe, and peaceful world. His efforts for a sane policy of nuclear energy, withholding economic and military support from countries who are gross violators of human rights, and a responsive and effective federal system should be remembered long after the horror of Jonestown has dimmed.

LEO died as he lived—looking for the truth and unafraid of it when he found it. I am proud that he counted me among his friends in Congress.●

● Mr. MONTGOMERY. Mr. Speaker, I join with my colleagues today in paying tribute to the life and good works of the late LEO RYAN, of California. His tragic and untimely death was a shock to all of us and resulted in a great loss to this Chamber.

LEO was known, well known, for his dedication and tenacity. Once he tackled a problem, he tackled it with all his human capabilities. He was never one to shirk his responsibilities.

That LEO lost his life "on the job" is indicative of the type of public servant he was. He was never satisfied to let others investigate problems. He had a deep and abiding interest his entire life in learning from personal experience the problems facing his fellow Americans. He rightfully felt that only through personal experience could he offer workable solutions.

I join with my colleagues in offering deep-felt condolences to LEO's family and our thanks for having had the privilege to serve with him.●

● Mr. LENT. Mr. Speaker, it is a privilege to join in this tribute to our courageous friend and colleague LEO RYAN. His untimely death dealt all of us a stunning jolt.

We who worked with LEO in the House of Representatives knew well of his intense dedication to the interests of his constituents, and his determination to personally attend to investigating and remedying their problems and difficulties wherever possible .

We were not surprised, therefore, when LEO journeyed thousands of miles from the United States deep into the South American jungle on the mission which claimed his life. This determination to get the facts at firsthand was LEO's method of dealing with problems troubling his constituents.

I well remember LEO RYAN's strenuous efforts against the attempts of the United States to allow the Concorde SST to land in the United States bringing its added burden of noise to those living near its base of operations. His work assembled voluminous scientific evidence to support his case.

Mr. Speaker, our Nation sorely needs legislators with LEO RYAN's ability and dedication in searching out the truth on matters of concern to constituents. His death is a great loss, not only to the 11th Congressional District of California, but to our entire Nation.

We in the House of Representatives shall miss LEO's informed guidance on legislative matters, the inspiration of his dedicated search for the truth, and his personal friendship.●

● Mr. BROOMFIELD. Mr. Speaker, I will always remember LEO RYAN—the gallant leader of that fateful mission to Jonestown—as a dedicated public servant and a true profile in courage. His forceful presence in the Congress will be missed by us all.

To be sure, LEO was a dedicated Congressman who tried very hard to keep his pledges to his constituents. In attempting to serve his constituents—by examining threats to their lives and their loved ones, by investigating reports of mistreatment to American citizens, LEO RYAN was tragically killed.

For several years, I had the good fortune to serve with LEO on the House International Relations Committee. In both our committee work and on our trips abroad, including a study mission to the Middle East a year ago this month, I found him to be a creative and dedicated public servant. Moreover, in serving the public, LEO had a tremendous thirst for the truth. It was this sense of public mission, as well as LEO's quest for the truth, which was so constant and so admirable and which, in the end, led to the Saturday nightmare of November 18, 1978.

Courageous and dedicated—persistent and forceful—these were the virtues so well understood and admired in the gentleman from California—the gentleman who died in a faraway jungle in service to his people and to his country.●

● Mr. UDALL. Mr. Speaker, this remarkable man, LEO RYAN, was my friend. I grieve for him and for his family, as well as for the California people that he loved and served so well.

It was LEO's courage and compassion—two of his exceptional qualities—that led to his tragic and untimely death.

We had a close and very satisfying relationship. In the fall and summer of 1978, LEO was a pillar of strength on the Post Office and Civil Service Committee, as we wrestled to complete civil service reform. He was fiercely independent of pressures and could be counted on to do the right thing.

LEO offered to come to Arizona and campaign for me last year, at his own expense. That was the kind of guy he was.

I shall miss him. He was truly a good man.●

● Mr. MURPHY of Illinois. Mr. Speaker, the shocking death of Congressman LEO J. RYAN of California, resulting from the tragedy in Guyana, brought grief to this House and Nation. So it is fitting that we take this opportunity today to pay tribute to our late friend and colleague.

The way that LEO RYAN met his death revealed much about the way he lived his life. He was a dedicated public servant, unafraid to go where his convictions and interests might take him. And that he did, as is evidenced by his fateful mission to Jonestown. With the advantages of hindsight, we all wish that LEO had never gone to Guyana; nevertheless, by doing so, LEO acted on the dictates of his conscience and in the best interests of his constituents.

Thucydides, who wrote this history of the war between the Peloponnesians and the Athenians, once wrote:

But the bravest are surely those who have the clearest vision of what is before them,

glory and danger alike, and yet notwithstanding go out and meet it.

I know of no more appropriate words to describe the life and actions of LEO RYAN.●

● Mr. FASCELL. Mr. Speaker, I had the privilege of working with LEO RYAN on the Government Operations and the International Relations Committees. He was an earnest, warm, and down-to-earth person who had a keen sensitivity to the problems of his fellow man. He believed deeply in the people of this country, and his years in public service were dedicated to better understanding the problems of every individual.

LEO RYAN was a very determined go-getter. He was not content to sit back and wait for the pieces of a puzzle to fall into place. Rather, he went firsthand behind the scenes of every issue, probing and questioning until he was certain that he had the facts. This search for the facts led him to take a teaching position in riot-torn Watts in order to learn about the problems of education there. It led him to spend a week as an inmate at Folsom Prison to learn about the difficulties of prison life. And finally, it led him to Jonestown.

The shadow of the Guyana tragedy is still upon us as we remember the persistence and courage of our colleague from California, LEO RYAN. We pay tribute to a man who believed that every person was worth helping, and that every problem could, and should, be confronted. His untimely death robbed the House of Representatives of one of its most dedicated Members, but his enthusiasm and his concern stand as a tribute to this great body. Let us not quickly forget LEO RYAN's zeal for truth as we continually seek better ways in which to serve those who have placed their trust in us.

We shall all miss LEO RYAN. I extend my deepest sympathy to his mother and other members of his family.●

● Mr. MAZZOLI. Mr. Speaker, LEO RYAN was a Congressman in the best sense of the word. Respected by his colleagues, he was a man who always wanted to see how things worked—or failed to work—firsthand.

He always wanted to act as his own interpreter of life and people. There was no room for a middleman in LEO RYAN's life.

Although we deplore the tragic end to his life, we recognize that in dying, LEO opened an international inquiry into the very roots and causes of life and people. In a way, such a global debate would have appealed to LEO and is a testimonial to a full life of public service.

I will miss LEO RYAN in the House of Representatives as a friend and as a legislator. And, I extend sympathy and condolences to his family.●

● Mr. GIBBONS. Mr. Speaker, LEO RYAN was a fine man. Mrs. Gibbons and I first learned to know him during our work with LEO and the Members of the European Parliament.

LEO was courageous and brave. He was a man of principle and could state his principles with clarity and vigor. He was also a very friendly person and during our long plane trips and sometimes exhausting conferences we got to know LEO very well. We loved him and we will miss him, and we extend our good wishes and prayers to his family. ●

● Mr. DRINAN. Mr. Speaker, it was with profound sorrow that I learned last November of the death of my friend and colleague, Congressman LEO J. RYAN.

LEO and I served side by side for 2 years on the Government Operations Subcommittee on Environment, Energy, and Natural Resources. Under his chairmanship, no issue was too controversial for consideration by the subcommittee, and no issues of special interest to individual subcommittee members were too unimportant for LEO's personal attention. LEO distinguished himself during the 95th Congress through the subcommittee's work on airport noise control, oilspill prevention, the economics of nuclear power, and oversight of Federal solar energy, radioactive waste disposal, and radiation protection programs.

Even when LEO and I found ourselves on opposing sides of an issue—as was the case when we debated the merits of holding the 1980 summer Olympics in Moscow—I found him to be an able, articulate, and honorable spokesman for the views he represented.

LEO was a Member with unique style, whose personal commitment to his job and to his constituents was unsurpassed. His presence will be missed in this Chamber.●

● Mr. PREYER. Mr. Speaker, LEO RYAN was an aggressive and creative legislator whose dedication to his constituents and sense of duty eventually took him to a tragic death on a jungle airstrip in Guyana.

LEO served on my Government Operations Subcommittee and I served on his Subcommittee on Environment, Energy, and Natural Resources. It was through our work together that I learned to appreciate the vigor and enthusiasm he brought to his work in the House. I remember going out to Dulles Airport with LEO to measure the noise levels of the first Concorde landing. We stood in the woods far from the terminal with a couple of scientists to record the engine roar of the landings. LEO was all enthusiasm and excitement which demonstrated his real interest in insuring compliance with the law. He really wanted to get the facts firsthand. Most Members would have been content to read in the newspaper what the noise readings were; not LEO.

Only time will temper the tragedy and horror of the events in Guyana, but I hope the knowledge of how highly regarded and respected LEO was will ease some of the sorrow felt by his loved ones.●

● Mr. McCLORY. Mr. Speaker, when recollecting those who have served above and beyond the call of duty, we cannot fail to include our beloved and martyred colleague, Congressman LEO RYAN of California. The human concerns and dedication to constituent service exemplified in the public career of LEO RYAN are unsurpassed.

My personal experiences with LEO were related more particularly to a joint concern that he and I shared for the welfare of those who live in the hazardous areas adjoining or below private and public dams—dams which might fail and bring death and tragedy to those who lie in the path of a wall of uncontrolled water. LEO RYAN's concern in the case of such a catastrophe is comparable to the concerns which he expressed for constituents who became victims of a distorted program and actions of some misguided leaders of the Peoples Temple.

Mr. Speaker, Congressman LEO RYAN was a courageous, forthright, and determined individual who expressed himself fearlessly on the floor of this House of Representatives on more than one occasion—and who evidenced this lack of fear in facing the ordeals and ultimately the unprovoked and vicious armed attack which took his life as well as the lives of San Francisco Examiner photographer Greg Robinson and NBC News reporter Don Harris and cameraman Bob Brown in Guyana on November 15, 1978.

Mr. Speaker, I cannot help but honor LEO RYAN for his courage and for his determined actions in behalf of justice and decency. He deserves to be honored by all of us in this body and by all Americans who respect human life and the right and privilege of making individual human decisions. In the absence of LEO RYAN's visit to Guyana, the tragedy of ruined lives might have been far greater. It is my hope and prayer that through his life and his death the malpractice of would-be religionists or cult leaders shall be brought to the surface and after being identified may be handled appropriately.

Mr. Speaker, it is most fitting that we pause at this time to pay tribute to our beloved and highly respected friend and colleague, Congressman LEO RYAN, and that we extend to his children and to all members of his family our respect and deepest sympathy.●

● Mr. MOTTL. Mr. Speaker, we have congregated today to pay homage to the Honorable LEO J. RYAN whose tragic death deeply grieved us all.

To his constituents, he was an accessible and responsive public official dedicated to meeting the needs and fulfilling the wishes of his electorate.

To the American people, he was known as a friend of the oppressed, committed to their liberation from subjugation and servitude.

And to us, he was a model of excellence—a truly dedicated public servant who kept the public trust.

LEO RYAN was known as a maverick in the House. He acted in the manner his conscience dictated—doing what he felt he had to do. He maintained the highest standards of conduct and he worked with unsuppressable and enviable vitality.

His sojourn to Guyana exemplified his dedication to admirable causes. LEO repeatedly asked the State Department officials to investigate reports of mistreatment of American citizens who settled Jonestown. Yet, having found embassy officials evasive, their efforts to monitor the group's operations unsatis-

factory, and their reports, at best, cursory, he set out to investigate himself.

LEO knew what a grave risk he was taking, but he felt it was necessary to answer the questions posed by his constituents and other Californians as well as address the legitimate concerns of the broader American public.

Regrettably, the affair ended as it did. LEO died in the midst of a promising and immensely gratifying career in public service. So that his death will not be in vain, we must carry on his work. We must investigate all aspects of this tragedy. So too, we must take a careful and complete look into all of the more controversial "religious" groups so that such an unfortunate and distressing event will never occur again.●

● Mr. EVANS of Indiana. Mr. Speaker, the book of Ecclesiastes says, "Mourn but a little for the dead for they are at rest." It is truly those who LEO RYAN left behind who suffer most, for we had the privilege of knowing and working with this courageous man; we suffer his loss.

How can one day pay tribute to such a man as he? Eloquent praise and heartfelt words are hardly adequate. His loyalty to his family, to his colleagues, to his constituents, was outstanding. His memory will be with me for many years because it was a symbol of love for country and mankind. He gave them his boundless energy, his sharp legislative mind, and his determination to make nothing unattainable.

But from the tragedy of my friend's death I must ask that we remember the warning of what can transpire when men yield to the powers of hatred, prejudice, fear, and all that tends to dehumanize, for "those who do not remember the past are condemned to repeat it."●

● Mr. ANDERSON of California. Mr. Speaker, last November, our country and the world was stunned and horrified by the events which took place in Jonestown, Guyana. Included among the nearly 1,000 lives which were lost was our colleague and good friend, Congressman LEO RYAN. Not only the constituents of California's 11th District, but this body and the Nation as a whole mourn the tragic, senseless loss of this extremely able Representative.

As we are all aware, LEO was unquestionably a man of action, one who feared neither the responsibility of decisionmaking nor the execution of those decisions. He was not content to remain cloistered within the walls of the Capitol, gathering information only through those political tentacles with which every Member is familiar. His entire career reflected his philosophy that knowledge is best attained through firsthand experience.

My wife, Lee, and I have known LEO for over 20 years and are well acquainted with the valuable qualities this man displayed in his years of public service. During that period, LEO and I served in Sacramento together where he exhibited the strong yet progressive character which would eventually send him to Washington.

The people of California's 11th District will feel a special loss, for LEO RYAN was a dedicated, diligent man, truly concerned for the well-being of his district, which he so capably represented. I know that all of us in Washington miss him as the 96th Congress gets under way. Lee and I would like to extend our deepest sympathies to LEO's family, and most especially to his children, Shannon, Patricia, Chris, Kevin, and Erin. While LEO's life was cut tragically short, it is my hope that we his colleagues, and the members of his family will take comfort in the memory of LEO's life as one of active concern and love for his country. There can be no higher honor.●

● Mr. VAN DEERLIN. Mr. Speaker, our late colleague, LEO RYAN, followed his instincts to the end. He was never one to rely solely on staff reports or other secondhand intelligence in assembling the information he needed to do his work—first as a city official in the San Francisco area, then in the California Legislature and, for his final 6 years, here in the House.

He often found what he was seeking, as evidenced by his successes in furthering such causes as solar energy development, expansion of the Redwoods National Park and—belatedly—clemency for Patricia Hearst.

A born investigator, LEO had much empathy for the news media. As a former newsman, I can applaud these traits in LEO which helped to sharpen public awareness on a number of important matters—jet engine noise problems, nuclear waste disposal, and the unnecessary killing of Arctic seals.

Our late colleague knew how to get a headline, but in the process he served the public interest by shedding new light on complex issue.

He was very much his own man, going his own way whether voting in the House or endorsing candidates for President. He was first in the California delegation to support Jimmy Carter's candidacy, at a time when Mr. Carter was still something of an outsider to most establishment politicians.

In the way he died, as throughout his public life, LEO was personally involved. He was a truth seeker, for he realized perhaps to a greater extent than most of us that enlightenment usually follows, once all the facts are in hand.

He was described rather poetically by one publication, the California Journal, as "a hunch player in search of hell." In the end, in truth, he uncovered a sort of hell on earth. But the meaning of LEO RYAN'S life is, or should be, much more than that: In taking us where we otherwise would be reluctant to go, he opened our eyes not only to the despair but also to the promise around us.●

● Ms. OAKAR. Mr. Speaker, today, in this great House of liberty and law, we pause in our deliberations to remember and reflect on the life of a former colleague, LEO J. RYAN, whose tragic and untimely death last year in the jungle of Guyana touched us all with horror and anguish. LEO J. RYAN died as he lived, a man of basic courage and compassion, who preferred to act publicly on the often uncertain outcome of principle and conviction, rather than hide behind the private pretense of glib verbal commitment to abstract causes.

LEO J. RYAN embodied activism and despised indifference, practiced personal involvement, and warned of the silent danger of social and political apathy. LEO RYAN cared enough about people to do something whenever a problem or injustice distressed him and demanded his complete attention and dedication.

As a teacher in Watts, in Los Angeles, LEO RYAN observed firsthand the cultural and psychological damage done to ghetto children by centuries of deprivation and discrimination—and so worked toward making equality of opportunity a living reality for all Americans.

As a member of the city council of south San Francisco, LEO RYAN did much more than just sit in a comfortable chair at chamber meetings and routinely vote: He walked the streets of his city and met with the people whose views and needs and aspirations he wanted to know and understand.

As a member of the State legislature in California, LEO RYAN acquired a larger personal knowledge of the responsibility a legislator has in representing the interests of his constituents—and so he traveled between Sacramento and his district and listened to the people and learned that government, in a democracy, exists only with the consent of the governed and that elected public servants have a sacred trust to do for the people what the people cannot always do for themselves.

As a Member of this Congress, LEO RYAN served his constituents and country with a high sense of personal commitment and political responsibility, guided in his decisions and actions by the lessons he had learned about service to the people in San Francisco and Sacramento. His philosophy of involvement—inspired by his sensitivity to injustice, motivated by a sense of public morality, and vindicated by his vision of truth in government and trust among men—shone like a bright light in this Chamber and showed us the difference that courage, conscience, and compassion can make in improving the lives of ordinary people. Let all of us, on both sides of the aisle, be faithful to, and remindful of, the beliefs that LEO RYAN lived and ultimately died for. As we mourn and remember LEO RYAN today, let us reaffirm our commitment to work always for the good of everyone, because the life of man is brief, our words but sounds that die on the wind, our deeds the only real legacy we leave to unborn generations. Only God, in His infinite yet mysterious wisdom, knows the time, and place, and manner, and reason for our death. Today, it is fitting to recall the words of John Donne, who wrote:

(A)ny man's death diminishes me, because I am involved in mankind; and therefore, never send to know for whom the bell tolls; it tolls for thee.●

● Mr. ADDABBO. Mr. Speaker, I join with my colleagues in paying tribute to the memory of our friend and colleague LEO RYAN whose life was taken away so needlessly last November.

LEO's tragic death came because he could not ignore the pleadings that had come his way; as always, he went to look for himself so that he could do whatever possible to alleviate injustice and suffering. The good die young, the old saying goes, and it was certainly true in this case. He died simply because he was a good man whose desire to help others led him to that nest of unbelievable horrors in Guyana.

But the measure of any man is his desire to help others, and LEO scored high under any means of measurement you can name. Even before he entered Congress in 1973 LEO's style of helping people through firsthand investigation was well established. In 1970 he spent 8 days at Folsom Prison in California to learn about conditions facing inmates. Even further back during 1966, he taught in a neighborhood high school following the Watts riots and visited Newfoundland to investigate the hunting of harp seal pups. For this latter effort he received a well earned "Man of the Year" award from the International Wildlife Foundation. Suffering and injustice, these were his only enemies.

Aside from these more dramatic efforts, and long before the tragedy of November, LEO RYAN's congressional efforts were also geared to helping resolve problems that plague everyday life for people. When I went to him for help in resolving the nagging problems of jet noise in my own district, he stirred for action as though the planes were flying right over his own home.

He wrote letters, sent investigators out, held hearings with the Federal Aviation Administration and in the end, came to the District himself to see and hear for himself the disruption of family life that jet noise causes. He held that hearing on a Saturday morning and my constituents poured out their frustrations to LEO and his subcommittee members.

He kept his pledges and promises, personally following every trail that would lead him to the very heart of each problem he probed. His spirit and dedication will be sorely missed.●

● Mr. JONES of Oklahoma. Mr. Speaker, courage and dedication are like diamonds, things of sparkling beauty—and rarity.

Congressman LEO RYAN of California possessed these qualities. LEO was a man of energy and vision, a troubleshooter, who spent 22 of his 53 years in public service. He voluntarily lived behind bars to learn about prison conditions. He flew to Newfoundland to witness the killing of baby seals. And, finally, he went to an obscure region in South America by the name of Guyana to investigate reports of suspicious doings. Always, LEO was ready to do whatever was necessary to look the problem in the eye, to get involved, to help the suffering, to right the wrong.

It is with a bittersweet feeling of grief and pride that I pay my respects to the great memory of my dear colleague, LEO RYAN. LEO and I came to Congress in January of 1973. While I never had the opportunity to serve on a committee with him, I did work with him on various pieces of legislation and developed a deep respect for him as a Congressman and as a human being.

LEO approached his job with an enthusiasm and innovation that few could match. He tackled tough issues—such as the collapse of the Teton Dam in eastern Ohio and corruption in the Immigration and Naturalization Service—with an intellectual curiosity, an investigative eye and a tenacious zest for reform.

LEO will be sorely missed. But we must remember that the greatest tribute we can give to him, to his memory, to his family and friends, are not tears or eulogies, heartfelt though they be, but a vow to rededicate ourselves to the goals he had. What were his goals? LEO had many, to be sure. But foremost among them was a very simple aim: to serve the people. Let us, his fellow Members of Congress, strive toward that goal in memory of LEO RYAN, who died as he lived, serving his country.●

● Mr. SENSENBRENNER. Mr. Speaker, today we have the sad task of commemorating the passing of a colleague whose exemplary career in the House was tragically cut short by a gunman's bullet last November 18.

Unfortunately I never had the pleasure or honor of serving with LEO RYAN. But in the short time I have been a part of this body, I have learned much about the many contributions he made to the House and to the people of the 11th District of California he served so well.

During his tenure Mr. RYAN developed a reputation for being a conscientious, hard-working Congressman who always did his homework. Whether it was on the floor, in committee, or in his district, LEO RYAN was always persistent in seeking solutions to the problems he faced. These are qualities every one of us should always aspire to.

Mr. RYAN devoted his lifetime to public service—as a school principal, a school superintendent, a submarine service veteran in World War II, a State assemblyman, and finally as a Congressman. His career was the embodiment of the ideal of being a public servant.

Ironically, it was his courage that led to his death. During his legislative career both here and in California, LEO RYAN frequently showed great courage as he sought to satisfy his intense curiosity and interest in problems he personally investigated. He once was confined to a California prison so he could experience the troubles it was having first-hand, something very few would attempt. In Guyana he again placed his duty above his personal safety in investigating the bizarre Peoples Temple which had victimized many of his constituents. The courage cost him his life.

At a time when most people do not commit themselves to anything, the death of a truly committed person like LEO RYAN is especially tragic.

The people of the 11th District of California were fortunate in having a dedicated public servant like LEO RYAN represent them. Whoever they now elect to succeed him has a hard act to follow.●

● Mr. HEFTEL. Mr. Speaker, as I join with you today in trying, and inevitably failing, to find words sufficient to express the grief I feel at the loss of LEO RYAN, this question forces itself to the center of my thoughts:

LEO's memory is redeemed, but is it not our obligation to redeem his mission as well?

LEO RYAN was murdered by people who had rejected the institutions with which our colleague had associated himself and on behalf of which he was acting in his final hours. His murderers preferred instead the dissolution of all impersonal institutions of government in favor of an overruling, unmediated, so-called personal relationship with their governing leader. Thus freed from institutional restraint, with no codified check upon his personal powers of manipulation, this hoisted demigod absorbed their individual personalities into himself, and so rendered himself helpless to prevent his own self destruction, with all it portended. That should give pause to those who arrogantly dismiss government institutions as destroyers of individuality. To take even the most extreme example, a Solzhenitsyn could survive for years in the institutional horror of the Gulag, but he would not have survived for very long in institutionless Jonestown.

If we could enter into communion with LEO long enough to hear his final testament, I think he would tell us:

Restore the faith of all the American people in their institutions of government, work ceaselessly to make those institutions so strong and decent and secure and respected that anyone challenging them will be speaking to an empty room.

To the extent we accomplish that, LEO RYAN's tragic mission will have been redeemed.●

● Mr. BIAGGI. Mr. Speaker, the passage of time has not diminished the shock which this House and this Nation incurred over the murder of our beloved colleague and friend LEO J. RYAN. LEO RYAN was a martyr to this system—to this body—to this Nation—a man who pursued what he considered to be an unjust situation—only to die at the hands of those who he had revealed to be people of evil.

LEO RYAN in life was a dedicated public servant—with a sense of compassion for his fellow man that never seemed to waver. He approached life as an activist not an observer. He did not wait for someone else to correct a problem he found—he did it himself—it was this type of behavior that led LEO to his death.

Members in this body have taken risky trips. Just prior to LEO's ill fated trip I traveled to Belfast Northern Ireland and while there the single largest wave of bombing—in the past decade took place. Yet should we be deterred from seeking the answers to problems? What will LEO RYAN's death do to this House—will it make us crawl into a shell and shy away from controversy. LEO RYAN would not want us to, I assure you.

I considered LEO a real friend. We worked together on various projects and I was always impressed with his depth of knowledge of issues—his relentless drive to complete what he started.

We are here paying tribute to a man whose presence we all miss so much. We offer our prayers to his family—his friends—his staff. We implore that justice be rendered against those responsible for his murder. But above all, we pray that LEO RYAN is in peace away from the world of violence which took him away from us.●

Mr. JOHNSON of California. Mr. Speaker, let me say that I had the opportunity to talk with LEO just before the elections. He called me at my Roosevelt office and we discussed the 96th Congress and the elections. He was not concerned with the elections, but he was concerned with some of the committee assignments that were going to be forthcoming if certain things happened.

I asked him at that time if he was satisfied with the committees that he was serving on because he had worked up seniority and was entitled to consideration for many committee vacancies that would be coming up. He said that no, he was satisfied and that he was doing just what he would like to do. He served on the Committee on Government Operations and also served on the Committee on International Relations. He had made many trips into various parts of the United States and the world. He did not mention this trip to Guyana in that telephone conversation.

Mr. Speaker, it was with shock and profound sadness that we heard the reports of the death of our friend and colleague LEO RYAN in Guyana.

The events there have shocked the world and continue to puzzle all of us.

I admired LEO's determination and his foresight in investigating the problems there.

He quite obviously found a serious problem and it was most unfortunate that events turned as they did.

In his 53 years, LEO RYAN distinguished himself in many fields of endeavor.

When World War II came upon us, LEO proudly accepted his call to duty and enlisted in the U.S. Navy.

Even at that early age, he was not satisfied to do just what was expected of him.

He joined the submarine forces and demonstrated his ability to take on any challenge and master it.

LEO's understanding of people and his ability to communicate with them led him naturally to a career in education.

He served not only as a teacher, but also as a school administrator.

This experience helped to kindle his interest in public service, and LEO sought and won election to the South San Francisco City Council, and later he served as that city's mayor.

He brought to the Nation's Capital a reputation for hard work and dedication which he deservedly earned in the Assembly of the State of California, where he served for 10 years.

It was my privilege to serve with LEO in the House of Representatives throughout his career in this Chamber.

His prior legislative experience served him well, and he was quickly respected for those same qualities here.

LEO RYAN's sense of caring and devotion to duty were well known to the people he represented.

He was tireless in his efforts in their behalf and no problem was too large or too small for him to take an interest in.

He gave it all his full measure.

LEO not only listened to the problems of his constituents, he also acted on them.

To understand the problems in our prisons, he spent 8 days imprisoned in a correctional facility.

To more fully understand the consequences of killing baby seals, LEO RYAN went to Newfoundland.

So, when a constituent of his alerted him to possible problems in Jonestown, LEO RYAN went personally to find out what was going on.

LEO died doing what he liked best and what he did best—representing the people who sent him to Washington to the fullest.

He was a complete public servant.

We in the House of Representatives will certainly miss him.

He has set an example for forthrightness and determination which will be hard to match.

His beloved mother and family can take comfort, however, in knowing that LEO has made his mark on the country, and his legislative efforts will not soon be forgotten.

They can be proud of him, as indeed, all of us from California are.

My wife, Albra, and I want to extend our deepest sympathies to his mother, Autumn, and to his family.

Mr. Speaker, I want to thank all of those who participated today in paying tribute with their remarks and eulogies in relation to a great Member of this House who is not with us. I can look out and see where he used to sit, where he used to stand, where he spoke from. He always had a very fine presentation and message.

Mr. Speaker, I yield back the remainder of my time.

● Mr. STOKES. Mr. Speaker, I would like to commend my distinguished colleague, Mr. HAROLD T. JOHNSON of California for having this special order to memorialize Congressman RYAN. By doing so he has given many of us, who could not attend services in California, the opportunity to express our sympathy to the family and to commend this great man.

It is my honor to participate in a special order honoring the late Congressman LEO JOSEPH RYAN who represented the 11th District of California. Mr. RYAN was a distinguished man who held my respect and esteem. He will be missed, not only by his constituents but also by the Members of Congress.

Mr. RYAN was elected to the Congress in 1972 when I was entering my third term. As a Member of the Congress, he proved his capabilities in many ways, but particularly as chairman of the Environment, Energy and Natural Resources Subcommittee of the House Government Operations Committee. This committee has the responsibility to investigate how sufficiently and properly legislation passed by Congress is being carried out by the executive branch of Government and the various Government agencies. In light of the environmental energy problems that now confront our country this was a huge responsibility since the subcommittee has direct oversight for the Department of the Interior and the Department of Energy.

In addition to his career in the House of Representatives, Congressman RYAN served his country with honor in the submarine service of the U.S. Navy. A former teacher and school administrator, LEO RYAN has served as an elected public official since 1956 in the roles of city councilman, mayor of South San Francisco, and California State assemblyman. He also served his community through various appointments including his appointment to the South San Francisco Recreation Commission.

As an author, Congressman RYAN has been recognized for his book entitled, "Understanding California Government and Politics" which has been lauded as one of the best presentations of California politics in print and for editing "The U.S.A.: From Where We Stand," a collection of articles concerned with the current state of American society.

Congressman LEO J. RYAN has been an asset to this country. He has contributed a great deal to our society. I personally will miss LEO as a friend and always remember the goodness he has shared with us.●

● Mr. HARKIN. Mr. Speaker, while it was a great shock to me to learn of the death of my good friend, LEO RYAN, it was not a shock to learn that he was murdered while on a personal mission to investigate abuses of human rights. During the 4 short years that I was privileged to know and associate with LEO RYAN, I came to know him as a dedicated and absolutely fearless champion of individual human rights. He had a rare blend of sensitivity and hardheadedness which served him well in his fight for human rights. He was sensitive to the needs of the poor, the underprivileged, the powerless, and he was hardheaded enough to pursue, both legislatively and personally, the protection of basic human rights for these groups. When it came to the deprivation of the most fundamental of human rights, there was no compromise suitable for LEO RYAN. People were not to be deprived of their basic human rights because of who they were or what they were or whatever regime happened to be in power, and whether or not they were friendly or not friendly to the United States. To LEO, every human being had an inherent right to be treated decently and fairly by his or her government.

I will miss LEO RYAN because of the kind of person he was and the ideals for which he stood and fought. I will miss him because in fighting for human rights he was a skilled debater on the floor of the House and in committee. I will miss him because no institution to LEO RYAN was so big or so important or so powerful that it could escape public accountability for any actions taken by that institution which led to violations of human rights. He has left a definite void here in the House of Representatives and it would be

a great tribute to him and a great step forward for this institution if every Member tried to fill that void.●

● Mr. CARR. Mr. Speaker, it is with a tragic sense of loss that I join my colleagues in mourning the death of the Honorable LEO RYAN of California.

LEO RYAN set an example for us throughout his career. He was an activist Member of Congress who exemplified the belief that Government's purpose is to respond to the needs of the people.

LEO RYAN was also a man of courage. When he was blocked in his attempts to get the facts surrounding the situation in Guyana, he was brave enough to go to the source and try to get the information he needed. It is particularly tragic that this act of individual courage ended in his death.

I know we will all miss LEO RYAN, and I know our memory of his efforts and his leadership will remain strong.●

● Mr. DUNCAN of Oregon. Mr. Speaker, I take this opportunity to join with many of our colleagues in the Congress in a special tribute to our late friend and colleague, the Honorable LEO RYAN. While his tragic and senseless death will certainly dwell in our memories, we must not let that event overshadow his distinguished record of service to his constituents, his State, and the Nation.

LEO was a tireless worker, a man of strong convictions, and a fighter who championed causes which too often went unrepresented in the past. Mr. Speaker, we will miss his abilities in the House of Representatives for he was greatly admired by virtually every Member of this body.●

● Mr. HANLEY. Mr. Speaker, I know all of us were shocked when we heard of the untimely death of our colleague, LEO RYAN. In fact, in the more than 2 months since that day, the shock of the Guyana tragedy still has not worn off.

While the facts of this story are still emerging, one thing we do know for certain is that LEO RYAN lost his life in the line of duty—the duty of a U.S. Representative to serve his constituents. LEO RYAN was in Guyana, because his constituents went to him to express fear for the safety of their loved ones.

As was his style, LEO did not send an emissary to check out the facts for him. He felt compelled to learn the situation firsthand. His personal safety and comfort were clearly secondary concerns. In the words of LEO's administrative assistant, Joe Holsinger:

> He knew there was a danger down there, but he went anyhow. He felt that his job was to inspect things personally.

The Guyana trip was not the first time that LEO RYAN wanted to get the facts firsthand. In 1966, following the riots in the Watts area of Los Angeles, he worked as a high school teacher in the neighborhood. That same year, he made a trip to Newfoundland to investigate the hunting of harp seal pups. His opposition to the hunting earned him the International Wildlife Foundation's Man of the Year award. In 1970, he spent 8 days living as an inmate of Folsom Prison to learn about conditions there.

LEO RYAN was a man of action and a man of deeds, one who put a premium on personal experience to guide him during his service to the people. His passing is a great loss to us all.●

● Mr. WON PAT. Mr. Speaker, I am honored to have this opportunity to join my colleagues as we gather to eulogize our late friend and colleague, LEO J. RYAN.

Congressman RYAN, who met a most tragic death in Guyana last year, left behind a legacy of outstanding public service to the Nation. Even in his final moments, he cared only for those whom he sought to serve. His last efforts revolved around his heroic attempts to save a few persons from the horrors of Jonestown. The price he paid was his life, but in the process he left behind a tradition of dedicated service that few have ever matched.

To his family and staff, I offer my greatest sympathy. Although they, and LEO's many friends, will deeply mourn his loss, we can carry on in the knowledge that he would wish us to carry on his own efforts to play an active role in ending human suffering wherever it may occur.

LEO RYAN was a public servant in the truest sense of the meaning. He gave totally of himself, regardless of the problems he may have faced. This is equally true of his brave and loyal staff.

I am confident that our colleagues will not permit the tragedy that befell LEO RYAN to go unpunished. Hopefully, we will also learn to deal with such events in a manner that can prevent future tragedies of this kind.

Thank you.●

● Mrs. COLLINS of Illinois. Mr. Speaker, it is a sad fact of life, to which I return time and again, that words can only serve as an empty promise in comparison to the realities of a human life and its accomplishments. Not only was U.S. Representative LEO J. RYAN a man of action who placed a high value on acquiring knowledge from first-hand experience, he was a tireless worker and protector of the interests of the so-called "common" man—if there is such a person. Representative RYAN's murder in Guyana last November, at the hands of a fanatical band of American expatriots, occurred as the result of his undertaking a congressional mission to investigate the reports he received from anguished family and friends of commune members who feared their loved ones had been enslaved and tortured by its leaders and were being prevented from returning to the United States.

During his 22 years in public office, LEO RYAN developed a reputation as an independent-minded reformer. It was my pleasure to serve with LEO on both the House Government Operations Committee and on the House International Relations Committee. As chairman of the Government Operations Subcommittee on Environment, Energy and Natural Resources, he was particularly active in releasing reports which warned of the dangers of abuse of nuclear power and the lack of adequate safeguards for the storage of radioactive waste. Today, the Washington Post carried a front-page article revealing that Government officials ignored warnings from experts that a major nuclear safety study had serious flaws and that low-level radiation is related to an increased incidence of leukemia. It is a source of satisfaction to me, to see those warnings of danger that LEO brought to our attention so persistently, finally gain widespread acceptance in the executive branch.

As representative of the 11th Congressional District in California, LEO investigated the collapse of the Teton Dam in eastern Idaho and corruption in the Immigration and Naturalization Service. He also campaigned for more openness in the Central Intelligence Agency and stood against allowing the Concorde jetliner to land in the United States.

Representative RYAN was a man who believed in dedicating his life to the goal of truly bringing Government to the people. He will live in the hearts of his family and friends and in the hearts of those of us in Congress who found him a man of enormous practical wisdom and tenderness.●

● Mr. CONTE. Mr. Speaker, we salute today the memory of a man of uncommon courage. A man who dared, in the words of a great American poet and esteemed former resident of my district, to take the "road less traveled" to find the truth, no matter where that road led.

To our great sorrow, the last road our friend and colleague LEO RYAN took led to his tragic death and set off a chain of events that shocked the world with its horror. I do not want to dwell on that tragedy, only to say that his persistence and insistence upon taking personal action where his constituents were concerned was typical of the man.

LEO RYAN and I shared no committee assignments, but I would like to take my time during this special order to share one personal remembrance. I recall just months before his death another courageous stand LEO RYAN took. It, again, was on behalf of a constituent, a young man who was being unfairly discriminated against by the U.S. Army. This young man, an Army officer from LEO's district in California, had had the audacity to fall in love with an enlisted woman and married her, a course of natural events that had caused him to be relieved of his command and led to his and his wife's eventual resignation from the Armed services after being charged with fraternization.

LEO and I joined our colleagues, the gentleman from California, Mr. MCCLOSKEY; the gentlewoman from Colorado, Mrs. SCHROEDER; and the gentleman from Texas, Mr. WHITE, at a press conference here in Washington on October 13 to express our support for the young couple and to express our dissatisfaction with the actions taken by the Department of Defense.

LEO stood up and made a strong statement in support of his constituent and then pledged to pursue the case further and to a conclusion during the recess period, the time in which he died.

I, therefore, join you today to honor the memory of a man who stood with me 3 months ago and bucked the Pentagon,

and whose articulate voice and strong convictions are sorely missed in this House this afternoon.

I want to take this opportunity to express my deepest sympathy to the Ryan family.●

● Mr. MIKVA. Mr. Speaker, the recent tragedy in Guyana shocked all Americans. It is difficult for many to conceive of the reasons which would drive so many to such wasteful self-abuse.

But, for those of us who knew LEO RYAN, Guyana is both a personal and an ironic tragedy. The obituaries and histories of the victims of the Peoples Temple reveal a group of people alienated and isolated from the mainstream of American life. The Temple catered to people who feared and mistrusted institutions, but felt powerless to change those institutions. LEO RYAN, in the mainstream of American political affairs, knew exactly where the levers of change existed.

The Guyana victims were, in fact, the kinds of people to whom LEO RYAN had dedicated a lifetime of public service. When stories circulated about the poor quality of education in public schools, or the mistreatment of inmates in a prison, LEO RYAN did more than condemn the injustice from his Washington office. He visited the school or the prison and talked to the people there. For many of the most disadvantaged and most powerless in society, LEO RYAN served as a spokesman, not in an abstract way, but as the actual communicator of their fears and hopes, and the catalyst for change.

LEO RYAN was performing this same role for the members of the Peoples Temple when he was killed. As usual he insisted on a personal visit to talk to people directly. As usual, he was not deterred by physical dangers. For LEO RYAN the issue was simple: People were being abused and threatened and they deserved protection.

The sad irony is that his death deprived this lonely outpost of Americans with precisely the kind of influential voice which they so desperately wanted.

LEO RYAN will be sorely missed. Committed and compassionate public servants are in short supply, and his death has reduced the number by one.●

● Mr. SOLARZ. Mr. Speaker, I want to join my colleagues today in paying tribute to the memory of an esteemed and respected Member of this Chamber, LEO RYAN. Sitting next to LEO on the International Relations Committee, I got to know him rather well. He was a determined and decent Congressman who took seriously his responsibilities to his country and constituents.

It is LEO's dedication that tragically cost him his life, but it is a tribute to his sense of commitment that he lost his life in the line of duty, while trying to help people who felt they had nowhere else to turn for assistance. LEO preferred to see for himself what was going on in the world, instead of relying for his information on State Department bureaucrats, especially when important interests, issues and even lives were at stake. It is a great loss for us all that he was struck down in his prime as an effective and able legislator.

LEO's assassination leaves many questions unanswered and I believe that it is the responsibility of this Congress to fully investigate the circumstances of his death. This is the least we can do in the wake of this loss of a fine gentleman and respected colleague.

LEO leaves behind not only family and friends, but a legacy of compassion and concern which should serve as an example to all of us. His career embodied the very resurgence of this House as a dynamic and vital institution. He was the kind of Congressman that makes me proud to have served with him in the U.S. Congress.●

● Mr. PEPPER. Mr. Speaker, it is with much sadness that I make the following remarks about a man who these hallowed halls will miss though had only begun to see and feel his tremendous potential.

LEO RYAN was a man of great courage and character. Many people talk about their dedication to duty, LEO showed that dedication. If something needed to be done he would do it himself even a hazardous mission such as the one in which he lost his life.

We as Members of Congress and the Nation as a whole has lost an individual of outstanding integrity and great moral dedication. Though we will no longer have him here in person he will always serve as an inspiration to all who enter here.●

● Mr. PASHAYAN. Mr. Speaker, the assassination of LEO RYAN at the infamous Jonestown Commune in Guayana deeply shook this Nation just several months ago. Like an inquisitive cub reporter, LEO RYAN felt obligated to investigate first hand the allegations that the followers of the Reverend Jim Jones were being denied their basic human rights: Many were his constituents; almost all were despondent Americans.

The concern that LEO RYAN showed for the well-being of these people was typical of his great conscientiousness as the elected representative of the people. No challenge was too great; no detail too small.

As a fellow Californian and a newly elected Member of Congress, I truly regret that I was not able to serve beside LEO RYAN. This House has truly lost a dedicated public servant. ●

● Mr. WYDLER. Mr. Speaker, the violent, tragic death of our colleague, LEO RYAN, shocked us all. I received the news while on a congressional trip in the Philippine Islands. It was simply hard to believe.

As one who worked with and against LEO on various proposals, I realized he was a man of convictions and he served this House and our Nation well.

I only wish that he were with us as this new Congress gets underway.●

● Mr. DE LA GARZA. Mr. Speaker, I am still in a state of shock over the bizarre and tragic news which has come from the jungles of Guyana. The senseless and brutal deaths of the People's Temple members cannot be understood—they defy reason.

But the loss of my friend and colleague LEO RYAN makes the tragedy immediate to me and all the Congress.

LEO's accomplishments on behalf of the weak and oppressed all over the globe will live on as a warm and glowing testimonial to his energy and vision. Our mere words can do little to add or detract from his legacy. LEO RYAN died as he lived—in service to the country he loved.●

● Mr. STARK. Mr. Speaker, it is my privilege to submit, for the RECORD, the attached newspaper articles and editorials regarding our late colleague, Congressman LEO RYAN. These articles were selected by Congressman RYAN'S children. I agree with the Ryan family that these words speak to the deep concern and persistent questioning that characterized our colleague throughout his life.

LEO J. RYAN 1925–1978

(By Rex Weyler)

A Buddhist historian once told me to never write about anything I didn't know. I don't know who killed Leo Ryan, or why, or what the circumstances were. Rather foggy news reports from Guyana say he was gunned down by assassins in a panel truck who belonged to a religious sect living in the remote South American jungle. I don't know; I wasn't there. It doesn't sound to me like a very religious thing to do. But you can read about that in your weekly news magazine. I'm sure there will be lots of Mansonesque trailers to go with it.

I first met Leo Ryan in July, 1977 at the Old Waldorf in San Francisco where a local rock band was doing a benefit to help get a Greenpeace boat out into the Pacific. Congressman Ryan showed up with a mutual friend, Robert Taunt who introduced us. When he took the stage between sets, I listened with a skepticism nurtured by experiences with politicians and popular causes.

Ryan got right to the point: "I know of no braver, more committed, or more intelligent action than for people to put their lives on the line to help stem the tide of environmental degradation of our planet. Our seas, our land, without a reversal of the present momentum will die." The urgency of the environmental, global, holistic position could not have been more succinctly stated. "The man's a believer," I thought to myself.

Ryan was more than a believer; he was a diligent and thorough environmentalist. He played a major role in saving thousands of acres of giant redwood trees in California, and in passing the marine mammal protection act in the U.S. Congress. As chairman of the House subcommittee on the environment he monitored countless ecological issues from cruelly trapped fur-bearing animals to giant nuclear reactors.

I met Leo Ryan a second time in the spring of 1978 during an expedition to New Foundland to protest the annual slaughter of harp seal pups. Ryan, a vocal opponent of the hunt, had come along for a first-hand look. At an Ottawa press conference, when it was suggested to him that he go back to America and mind his own business, he said: "Environmental questions don't follow the same boundaries as political states."

After persevering an inhospitable gauntlet of federal fisheries officers from Romeo LeBlanc on down, Ryan gained a permit to go out to the ice. He was accompanied by Dr. Patrick Moore, Congressman James Jeffords, Pamela Sue Martin and a contingent of newsmen. Leo Ryan, 53, was a tall,

stately, strong man, but on the evening of March 12, 1978, after returning from a day of bearing witness to the seal slaughter, he walked back into Decker's Boarding House in St. Anthony looking like a ghost.

An impromptu press conference had converged around the supper table, cameras whirring and lights glaring. Ryan, a man who had weathered hundred of such scenes, glared at the eye of the global media network in a state of self-proclaimed shock: "After what I have just seen," he said, "I don't want to hear the reasons. I don't want to argue the pros and cons with you any more. I just want to say, enough! Enough! just quit."

He was a reasoned man who was not ruled by reason, a sensitive man who was not ruled by motion, but most important of all, he was a powerful man who was not ruled by power.

I last saw Congressman Ryan on October 7th of this year when he spoke at the Critical Mass conference in Washington D.C. He had recently completed an exhaustive study of nuclear power costs, for the U.S. congress, in which he specifically indicted the nuclear industry for misleading the public about the actual costs involved in producing nuclear energy. His study stands as a definitive work, citing everything from the mining and milling of uranium, to environmental and health dangers, the decommissioning of power plants and the burial of nuclear wastes.

He told a story of how, as a child, his parents made him take out the garbage, a job which he disliked, and always put off as long as he could. "But I realized," he said, "a long time ago, that you can't let your house fill up with garbage, and that is exactly what we are doing in America: nuclear garbage, consumer garbage, toxic wastes of all kinds. And, my firends, we are all one family, and we can't just walk out and lock up the house when all the rooms are full of our trash."

The accomplishments of his life are far more important than the macabre details of his murder. The planet lost a Rainbow Warrior, and those left are going to have to take on a bit more of the load.

Questions About Guyana

(By William Randolph Hearst, Jr.)

Could the tragic murders and suicides in Guyana have been averted?

This question is still being asked by millions of Americans, three weeks after the horrible deaths occured. We wish there were easy answers, as with ordinary crimes, so we could say an assassin has been arrested, a murderer nabbed, or an arsonist apprehended, and the case is about to be concluded. But nothing about the gory Guyana story can be that neatly summarized.

When nearly 1,000 Americans kill themselves, or are killed, under bizarre circumstances in a foreign country, their fellow Americans have a right to ask what went awry. Was some person or some group of people responsible, or is it impossible to assess responsibility for a death scene of such monstrous proportions?

In the Guyana case, explanations have been slow in coming. One's first tendency is to blame anyone connected with American security, to shout at the State Department, to pin the button of guilt on the first federal lapel we can find. Scapegoats are a great solace. But grabbing the first scapegoat in sight is just as cowardly and unproductive as not asking any questions at all.

So we must continue to ask questions, of the president, of the State Department, of all who are willing and patriotic enough to respond. We must determine whether the Federal Bureau of Investigation, the Central Intelligence Agency and the Internal Revenue Service have been able to do their job of protecting American citizens from injustice.

The questions I would ask are not prompted by any routine act of criminality. They are prompted, rather, by the most horrible and traumatic event in recent American history. How else can you describe the shock of the deaths of 917 men, women and children in a land few people were previously acquainted with? How else can you describe the first murder of a United States congressman while performing his duty?

Smothered by the noise of other comments about the brutal death of California Representative Leo Ryan were the pleas of his mother. She resented, and rightfully so, President Jimmy Carter's admonition that "we should not overreact" to the Guyana deaths, but should remember that the "Constitution protects religion."

The late Mr. Ryan's sorrowing mother, Autumn Mead Ryan, was not being unkind to the president, but merely reminding him that he, too, might be overreacting, by forgetting the protection due citizens of the United States.

The 80-year-old woman sought to address her countrymen, as well as her government, in saying:

"When close to a thousand people die by murder and forced suicide in a pseudo-religious entrapment, can this cult be regarded as 'constitutionally protected'?"

The question Mrs. Ryan raised was one of basic freedoms. Of course we have freedom of religion, but does that freedom extend to religious cultists who murder human beings, or order them to kill themselves?

Mrs. Ryan wrote a letter to the nation's newspapers last week, in which she asked, pointedly: "When did we lose our capacity for rational thought?" She was blunt in her criticism of church leaders, who in her opinion reacted rather callously to news about the People's Temple and its leader, Jim Jones, and the killing of her son. She wondered why she had seen "no public expression of mourning, no note of alarm about the perversion of Christ's teaching."

What especially concerned Mrs. Ryan was that her dead son had received no cooperation from the U.S. State Department in response to requests for information about the reception he might receive in Guyana. Rep. Ryan asked for counsel and guidance from the State Department, his mother said, but the replies were marked by "ineptness, indifference, bureaucratic inertia and outright incompetence."

Mrs. Ryan also spoke her mind about religious cults. She wrote: "We have not yet begun to attack this newest form of totalitarianism, perhaps because we have saddled ourselves with an obsession about the separation of church and state which leaves us impotent before the clear spectacle of crime and intimidation masquerading as religion."

Mrs. Ryan's questioning was seconded by the late congressman's legislative counsel. She is Jacqueline Speier, a 28-year-old lawyer who was seriously wounded in the Guyana shooting.

"The State Department," she said, "at no time made it even remotely clear to the congressman or myself that there would be danger encountered of the nature that we found." She added that "they just hadn't done enough investigating" into the People's Temple community.

In other words, if the State Department isn't responsible for protecting the lives of Americans abroad, who is? I submit that the questions raised by Mrs. Ryan and Miss Speier should be taken seriously, and answered respectfully. The State Department should be made to answer for its "incompetence."

Other questions concern the role of the FBI, which had its wings clipped recently when it was discovered some of its agents had overreached their authority. Congress imposed severe limitations on the agency's capacity to infiltrate suspicious organizations and inform appropriate authorities before it is too late.

It may profit us little to talk about "what might have been," but I can't help but think that the Guyana story wouldn't have been as bloody if the FBI had been allowed to protect Americans in the great FBI tradition.

What role should the CIA have been playing in this situation? Politicians and pundits alike have given this agency the image of a villian, when actually it was created and has performed nobly as a bulwark of defense against dangerous people and policies. To what extent it could have defended the Americans in the Guyana tragedy, we may never know.

The CIA, like the FBI, has had its effectiveness reduced by overreactions to a few cases of alleged wrongdoing. This is partly due to the mentality of those who call policemen "pigs" and throw bottles, rather than treating them as an essential force in the protection of human rights.

The Internal Revenue Service owes America an explanation in the Guyana case. For instance, did the IRS, which grants tax exemptions to religious organizations, determine that the money collected by Jim Jones' People's Temple was used for the purposes intended? Did the IRS know much about the leadership and conduct of the cult it was treating so charitably with tax exemptions?

I am not one who believes the whole country is sick just because something sickening has happened. I do believe, however, that if we can find out the truth, the whole truth, concerning lapses in security measures to protect Americans abroad, we can better defend ourselves against another tragedy.

That is all Rep. Ryan's mother is asking. She noted in an exclusive interview with Tom Eastham of The Hearst Newspapers that neither the executive, legislative nor judicial branches of our government had given satisfactory or sympathetic answers to questions about Guyana.

Mrs. Ryan stressed that, in view of the fact her son was the first congressman murdered in line of professional duty, the House of Representatives "can do no less than" launch a full-scale investigation. "The investigation," this mother respectfully requests, "should fully inform the public of its findings, shirking no avenue of inquiry, however uncomfortable."

Pursuit of this mission would be the finest tribute America could pay to the late Rep. Ryan, to his brave and bereaved mother, and to the spirit of American justice.

Text of Statement by Slain Cong. Leo J. Ryan's Mother

The Progress publishes below the complete text of the Dec. 4 statement by Autumn Mead Ryan, mother of slain San Mateo Congressman Leo J. Ryan, in which she discussed the circumstances preceding and following the Congressman's Nov. 18 murder.

The Progress reported sections and excerpts from Mrs. Ryan's lengthy public statement Wednesday, Dec. 5.

Mrs. Ryan's statement both relates the emotional attitude of the surviving Ryan family members and presents questions and issues future Congressional investigations of the deaths of Ryan and four others in his party and of the mass suicide-murder of 900 People's Temple members will address.

The text follows:

The President's remarks as reported on the TV news last week compel reply. He said we should not "overreact" to the Guyana tragedy but should remember that the "Constitution protects religion." Surely, he did not mean to make such a callous and cruel observation which ignores the primary purpose of our government, the protection of people and their personal liberty in an ordered society.

To date, I have seen no public expression of mourning from our churches, no note of

alarm about the perversion of Christ's teaching. Has the President added the capstone to our loss of Christian concern?

Or does the statement reflect his uneasiness about any investigation of how the disaster came about with its inevitable questions concerning the role of the State Department in this tragedy? When close to a thousand people die by murder and forced suicide in a pseudo-religious entrapment, can this cult be regarded as "constitutionally protected"? When did we lose our capacity for rational thought?

This indifference reflects a dismaying cynicism. So too did a radio broadcast which suggested that the Guyana murders "likely could be a set-up of our government," designed to destroy a successful on-going commune which had found a happy solution in Guyana to the evils of capitism in the United States. And so, to, did a TV pundit who initimated that my son's trip was publicity-motivated.

It was not. Leo Ryan was a man who marched to his own tune. His entire public career has demonstrably been one of trying to help and if possible to improve in some small way the world about him.

Early on, he learned that only by marshalling public interest and concern can things really get done and he sought ways to reach the public through the media whenever possible. He was a pragmatic and intelligent man. He did no breast-beating, no public strutting to promote himself. Those who know anything about his work know there are uncounted activities which never reached the press. I am amazed by the enormous number of messages his family has received from home and abroad, from the ordinary and extraordinary, the meek, the humble, the literate, the semi-literate, telling us of his help, of activities which produced the results he sought and were never mentioned again, offering solace, wanting to ease the pain. We who shared Leo's life have been deeply moved by their understanding and appreciation of his efforts and their sympathy for his tragically unnecessary death.

I will not here recite again the growing evidences of ineptness, indifference, bureaucratic inertia and outright incompetence which characterized the responses of federal departments and agencies to Leo's requests for investigation of the appeals for help which came to him, of documented charges, eyewitness accounts, serious allegations which clearly merited immediate action. Evidence mounted about enslavement, brutality, vicious forms of brainwashing including endless labor and slow starvation. Large sums of money were reported to be moving into and out of the commune, reports that, had they involved the ordinary citizen, would have had the IRS moving with alacrity to hunt down its share.

Why, then, was there no serious, effective effort to even begin to look into these significant and unanswered questions, either by our government or by Guyanese authorities?

Why did Congressman Leo Ryan himself have to go at the end of a grueling Congressional session and immediately after a successful election campaign, accompanied only by loyal aides, concerned relatives and intrepid journalists, to a small and obscure country to try to get to the truth of a situation of surpassing evil that our own embassy had failed to identify? That he knew it was going to be dangerous was evident by the sober, thoughtful manner in which he bade me goodbye at his home when he left for the plane and for what rapidly became a rescue mission. His sense of the extreme danger of the situation came through clearly in the strategically soothing speech made to the colony the night before his death and filmed by the TV cameras as he tried to keep open the avenue of escape for his party and those cultists seeking to flee their nightmare under his protection.

We now know that my son's information about the number of Americans incarcerated in Jonestown and the magnitude of the cult's criminality was correct and that the denials of Mark Lane and Charles Garry were both worthless and venal. Had the appropriate government officers responded responsibly (rather than by asinine interrogations "in the middle of a field," for example) to Leo's legitimate request for help in verifying charges of serious crimes against our citizens, he would be alive today, as would so many others.

What can we salvage from this dreadful wreckage? At the very least, we should as a nation now show concern in an effective way about these proliferating, money-making cults, skillfully using the now-familiar "brainwashing" techniques to ensnare the most vulnerable in our society, from the impressionable, young to the lonely aged, using religion as a sanctimonious and legally unassailable cover to systematically deprive them of their rights, their assets and their freedom.

We have not yet begun to attack seriously these newest form of totalitarianism, perhaps because we have saddled ourselves with an obsession about "the separation of church and state" which leaves us impotent before the clear spectacle of crime and intimidation masquerading as "religion." Neither the legislative nor the executive nor the judicial branches of government have so far been able to find a way back to rational solutions although heaven is witness to our facile ability to use all three branches of government more simplistically.

I am told that Leo Ryan was the first member of Congress to be assassinated in the performance of his duties. Surely the House of Representatives can do no less than create a joint bipartisan committee to fully investigate not only the murders and mass suicides, the wholesale destruction of human life, but also the failures of the State and Justice Departments to protect, aid and rescue our citizens, as they have at other times all over the world.

The investigation should fully inform the public of its findings, shirking no avenue of inquiry, however uncomfortable. Much depends on whether it is vigorously and honestly pursued or concludes as an indifferent whitewash, a suppression of embarrassing evidence.

The enormity of the evil event also deserves the full attention of the press in examining in depth the growth of this particular cult, how it accumulated and used money and its accompanying power; how money was moved about with seeming ease and with nary a tax glove laid on it, despite our vaunted tight tax controls over our citizens; how the cult was able to function in a small underdeveloped country by using indentured American labor under inhuman conditions; how the cult was able to separate children from parents, to operate a tight blackmail scheme to hold its prisoner-laborers while nationally known American attorneys smoothly represented its nefarious interests; how a man, on whom some American politicians danced attendance in return for his political favors, was able to imprison a thousand Americans and ultimately shepherd most of them to their deaths in a distant jungle.

The investigation can, if it is in earnest, expose the roots of a profoundly serious social aberration in our civilization. Indeed, we might even learn something meaningful about ourselves.

My son, in his will, expressed a wistful envy of those who will live "to see whether or not we win the race in saving the human race from its own greed" and urged that we "love one another."

I can not speak a better epitaph.

AUTUMN MEAD RYAN.

[From the San Francisco Progress, Dec. 6, 1978]

A CONGRESSMAN'S BLOOD ON BARE HANDS

(By Les Kinsolving)

WASHINGTON.—California Congressman Leo Ryan, NBC newsmen Bob Brown and Don Harris and San Francisco Examiner photographer Greg Robinson were unarmed and on a mission of mercy when they were murdered in a massacre conducted by members of the People's Temple in Guyana, near the Venezuelan border.

The People's Temple and its pastor, the Rev. James Jones, belong to the 1.3 million-member Disciples of Christ (Christian) Church, headquartered in Indianapolis and a member of the National Council of Churches.

For at least six years this denomination has been aware and frequently informed:

That Jones has been regarded by some of his 20,000-member flock as a reincarnation of Jesus Christ—a belief which he has cultivated through faith healing, and claims that "more than 40 people have been literally brought back from the dead" (attested to in writing by Timothy Stoen, Assistant District Attorney of Mendocino and San Francisco counties).

That Jones is guarded by men carrying .357 Magnums, who police his six- and seven-hour worship services, which have featured beating of children as well as compulsory public confessions, often of nonexistent sins.

That Jones controls his congregation and almost all of the income of individual parishoners with an iron hand—while keeping some of the younger members in dawn-to-midnight servitude.

That the Disciples of Christ National Headquarters did nothing about the Rev. Mr. Jones—except to bank the substantial amounts of money he had sent to them.

If the Disciples of Christ had investigated, exposed and unfrocked Jones, Congressman Leo Ryan and three newsmen might be alive today.

Six years ago, the San Francisco Examiner, in cooperation with the Indianapolis Star, published on page 1, a series of exposes of Jones, whose faith healing methods had been the subject of investigation by authorities in Indianapolis (from whence he went west to Ukiah, Calif., along with part of his Indiana congregation, more than a decade ago).

Jones' reaction to the Examiner was to order 150 Temple members to picket the newspaper for nine hours daily—while three lawyers went upstairs to threaten publisher Charles Gould and President Randolph Hearst with a lawsuit. The Examiner promptly stopped examining. It killed the remaining stories in the series and substituted a story about Jones which was adulatory.

If the Examiner had done its duty, its photographer and Greg Robinson might be alive today.

Even this Examiner capitulation could not match the loathsome conduct of San Francisco's other daily, the Chronicle, and its city editors. The Chronicle not only accepted money from the People's Temple (as an "award" for the devotion to the "freedom of the press") but it opted for laudatory stories about Jones—aided and abetted by its TV station, KRON. Chronicle reporter Marshall Kilduff wrote an extensive expose of Jones—but not for the Chronicle, rather for New West magazine.

The Chronicle management did send Jones' "award" to Sigma Delta Chi, the journalism fraternity which fancies itself as an arbiter of the fourth estate ethics. When asked how in good conscience they could accept money from the People's Temple, Ralph Otwell, editor of the Chicago Sun Times, replied, "That Sigma Delta Chi

is not the CIA." So the Disciples of Christ and Sigma Delta Chi banked the money from the People's Temple.

If the Disciples and the San Francisco dailies and Sigma Delta Chi have blood on their hands for not opposing—exposing—this ecclesiastical mania, so by God does the Democratic Party. The Rev. Mr. Jones, who could produce a crowd of 500–1,000 with one hour's notice, along with two or three thousand hand-written letters per night, was found to be an invaluable political asset.

Governor Jerry Brown has, dutifully, been a guest at the People's Temple. So has Los Angeles Mayor Tom Bradley and former Lieut. Gov. Mervyn Dymally—who also visited the 27,000-acre People's Temple commune in Guyana. Dymally returned singing the praises of this installation.

When Walter Mondale campaigned in 1976 he invited Jones aboard his chartered jet. And Jones also shared a speakers' platform with Mrs. Jimmy Carter. (Jones got more applause, since 500 of the crowd of 750 were his parishioners.)

It could be concluded that Mondale and Rosalynn didn't know any better. But surely local politicals should have. And so should the dailies' city editors and so should the Disciples of Christ.

May the souls of Leo Ryan, Bob Brown, Don Harris and Greg Robinson find infinitely more rest than the consciences of those who closed their eyes to the true nature of the Rev. Mr. Jones and used his ability to draw people for political purposes.

Editor's Note: Les Kinsolving wrote the original stories about the unusual nature of People's Temple and Rev. James Jones. More than six years ago Kinsolving started investigating People's Temple because of rumors of unusual conduct in worship services and claims that Jones raised the dead.

[From the San Francisco Examiner, Dec. 6, 1978]

JONESTOWN AND CONGRESS' DUTY

How do we work to prevent another Jonestown? This is the question to which the country should address itself, now that the shock of the event itself has begun to subside, just a bit, into the great cushion of history.

Indeed, is there anything the nation can do to help prevent a recurrence of this kind of horror, or some bizarre new manifestation of violence which might arise from some other aberrant cult that has spiraled away into malevolent delusion? Some of our leaders, including the president, seem to be saying no, there isn't anything we can do legally, because of the constitutional prohibition against government interference with religion.

This is, we think, escapist malarkey—a dodging of unpleasant responsibility.

The government of this country has a mandate in the First Amendment to keep its hands off the exercise of religion, and to protect the right of religious belief. But it also has a firm responsibility to protect other rights—most notably, the right of the individual to life itself. There is a right not to be killed, and not to be kept in captivity, or otherwise to be preyed upon illegally, and harmed grievously thereby.

When a "religion" has gone over the brink of fanaticism to endanger life, or into the depths of avarice, or into the massive exploitation of mind control, to work great harm or even death upon people, then the First Amendment protection recedes. Its blanket cannot be pulled over demonstrable crimes to safeguard them in the name of religion.

Certainly, the Constitution is a stringent shield over the practice of religion. But 60 years ago Justice Oliver Wendell Holmes, an eloquent champion of First Amendment rights, had this to say in a famous decision on the freedom of speech aspect of the amendment: "The most stringent protection of free speech would not protect a man in falsely shouting fire in a theater and causing a panic." It follows then, quite plainly, that no one is protected by the amendment in killing citizens in a theater or any place else, or robbing them, or beating them, or holding them captive, under the shield of the First Amendment.

It's natural that officials and politicians shy away from any investigation of a religious activity that they fear a collision with both law and the loud activists who never would countenance such a thing, no matter what the provocation. Not even the provocation of more than 900 bodies sprawled on the ground at Jonestown is enough to make some of them re-examine their inflexibility. But it's enough to make one gentle lady, Mrs. Autumn Ryan, explore the question with a clear and searching eye.

Her son, Rep. Leo Ryan, was one of those bodies, and she says that if the State and Justice Departments had done what they should have, beforehand—had investigated properly all the warnings and cries for investigation and help for that tragic congregation of the Peoples Temple in Jonestown—then her son would not have died trying to do it himself, without protection.

She spoke of President Carter's statement last week that there should not be "an overreaction" to the tragedy, that the "Constitution protects religion." And she commented, incisively: "When close to 1,000 people die by murder and forced suicide in a pseudo-religious entrapment, can this cult be regarded as 'constitutionally protected'?"

Her son told her, she said, that "if anyone else had been willing to pick up the ball and go down there, he would not have wanted to go. He was not anxious to go." So it's time now for the whole country to pick up the ball and try to fashion some defense against this sort of mad occurrence, for assuredly there are still cults in business from which disturbing indications emanate, evoking no official response.

Whether any response to possible danger will come from President Carter is unclear, but all the signs are discouraging. Certainly he has not overreacted—essentially he hasn't reacted *at all*. He said the Guyana slaughter was not typical of America and it ought not to provoke the government "into trying to control people's religious beliefs . . ."

No, it isn't typical, but cults that entrap people by one means or another certainly are a strain in American life of a size worthy to be acknowledged by the president.

And no one is talking about "trying to control people's religious beliefs"—far from it. The Constitution protects anyone's right to believe anything, no matter how wild it may be. That is a settled matter. But there is a sharp demarcation between beliefs and actions. The latter are not protected, if they are criminal. And we've seen one secretive, rapacious cult, whose leaders prated about harassment for their beliefs, wipe out lives as with a scythe. If only the government had bothered to learn more—had responded to some of the cries for help more effectively.

The first step toward some kind of remedy has to be a vigorous and thorough congressional investigation, not limited by time or lack of resources, into Jonestown and all that went before it, and into other cults from which disturbing reports have issued.

Painful though it may be, and loud though the howls may be from people unable to separate the issues of crime and religious freedom, we have to see these questions illuminated. And Congress has to do it because the executive branch shows no readiness to do so.

And then, if the investigations reveal a need for it, we may have to have some new law to deal with this problem, to protect citizens from actions, not beliefs. Otherwise, even more shock and sadness may lie before us.

[From the San Francisco Examiner, Jan. 4, 1979]

THE LOST CHILDREN OF GUYANA

(By Kenneth Wooden)

"The only banner that flies over the graves of the dead is silence . . ."—Sean O'Casey.

It is understandable that most Americans have found it hard to express anything but bewilderment and disbelief for the macabre "suicides" in Guyana. What is difficult to comprehend, however, is the silence and indifference to the news that over 100 of the children who were forced to drink the cyanide mixture were foster-care children—public wards of the state. More than 100 of our youth murdered, yet our nation is silent.

On April 14, 1978, by Executive Order 12053, President Carter established the U.S. Commission on the International Year of the Child for 1979:

"We shall foster within the United States a better understanding of the special needs of children in particular . . . special attention to the health, education, social environment, physical and emotional development and legal rights and needs of children that are unique to them as children."

And yet, to date, there has been no official White House reaction to this tragedy, which occurred virtually on the eve of the International Year of the Child—1979. Only silence.

Newspapers and magazines, saturated with stories and pictures on the Peoples Temple, have either lost interest or are ignorant of the mass murder of those foster kids. There exists much interest in where the temple's money came from and where it went.

Why is there no interest in where the children came from and to whom they went? Editorial writers who have consistently raged against youthful violence have said nothing about foster-care youths who perished in the jungle. Only silence.

Where are our religious leaders, whose preaching fills evangelists' tents, cathedrals and airwaves with the horrors of sin? We hear no words of comfort or supplication for those foster-care children who perished in the Guyana massacre. Only silence.

Nor have the national children's organizations spoken out, either to condemn or comment or investigate. Only silence.

National figures who rush to be quoted on everything from gay rights to commercial endorsements of toys, liquor, and beauty creams have joined the chorus of silence.

California politicians, including Gov. Brown, were guiled into unqualified support of the Peoples Temple, hence their silence. But is Brown's silence conscionable when, in fact, he was the legal parent of the children in question—the legal "parens patriae" father of his dead wards?

Should there not be a review of the California Mental Health Department, which granted a license to Happy Acres, a facility for retarded boys privately owned and run by the Peoples Temple near Ukiah—as well as other care homes run by temple members? The Happy Acres lease arrangement called for remittance of all profits from the operation of the institution to the Peoples Temple. Would it not also be in order to look into the work files of the Rev. Jones' wife, Marceline, who worked in the Santa Rosa Health Department's facility licensing section, which licensed community care facilities such as

Happy Acres, and who was listed in the 1977 State of California telephone directory under JONES, Marceline M., health, 542-6813.

Most pathetic of all is the silence of placement workers for California state, county and city agencies who are now confiding to close friends, "We knew it was bad, but Jim Jones had powerful political friends."

It was federal money, under Child Protective Services, that gave Jones the AFDC, BHI, SSI funds for his care homes (six children to a home and $1,000 per month average). These little streams of U.S. Health, Education and Welfare dollars fed into a river of millions of dollars hidden in personal reservoirs of foreign bank accounts, safes and suitcases.

When legislation that would have provided due process and mandatory six-month review of all foster-care placements (the 1978 Foster Care Reform Act, H.R. 7200) was killed in the U.S. Senate, national opinion makers said nothing about millions of children who would continue to pass in and out of foster care like driftwood washed up on the shores of indifference.

Thousands of foster parents who wanted reform were no match for the Washington-based wealthy self-interest groups such as the Child Welfare League that effectively lobbied against the bill. Except for those economy-minded souls who complained that public money would be used to bury the Guyana dead, Congress and governors from across the country have been silent.

It is strange for a society to be chilled by the mass death storm that was Guyana. But stranger still is that the death of all the children, especially the foster-care children, hasn't been acknowledged with any form of a religious service or even a public sadness. Do we bury these children, like the senate subcommittee on juvenile delinquency, in silent shame?

Why the national silence? The question begs an answer. Is it a silence based on our ignorance of foster-care children and its programs? Is it a silence based on dislike for children or basic lack of sensitivity to their needs? Or worse, is it a silence because those children are a faceless, powerless, minority—cast aside, forgotten in death as in life?●

A NEW YEAR FOR CONGRESS

The SPEAKER pro tempore (Mr. SEIBERLING). Under a previous order of the House, the gentleman from West Virginia (Mr. STAGGERS) is recognized for 10 minutes.

● Mr. STAGGERS. Mr. Speaker, we are here to bring into being the 96th session of the Congress of the United States of America. And, as with all new life, one wonders what will be written thereon. Invariably, one hopes for the best.

As a returning Member, I am pleased to renew old friendships. I am delighted to note the energetic new faces in our midst, and to those joining this body for the first time, I offer my warm welcome. To all, I extend best wishes for the New Year from the people of West Virginia's Second District, which I am honored to represent. And, I would share with you the thought that among my New Year's resolutions, perhaps the most important pledge I make is to earn this honor by serving each day to the best of my ability.

This is a new year. It will close a decade. It has not been an easy decade, and this is not an easy period in our history. The average citizen is frustrated and angry with all the institutions he perceives as controlling the destiny of the Nation, and his own destiny. The average citizen sees with trepidation signs that can be interpreted as the relinquishment of America's position of primary influence in the world.

We are battered by inflation, bullied by high interest rates, beset by energy shortages, and badgered by trouble in Iran, Cambodia, Rhodesia, the Middle East, Nicaragua, and many other volatile places around the World.

What an incredible change? Twenty years ago the United States stood alone and unchallenged as the richest and most powerful nation on Earth. The average citizen of this country was the envy of the World, with more personal freedom and more material possessions than had ever been dreamed possible. Indeed, a standard of living and way of life for large numbers of people heretofore unknown in the history of the World. Little wonder that the average citizen today feels threatened and distressed. Little wonder that he seeks a villain. But, we must do more than identify the villain. We must—and without time to waste—seek and find solutions.

Slightly more than 200 years ago, the British historian, Prof. Alexander Tyler wrote as follows:

A democracy cannot exist as a permanent form of government. It can only exist until the voters discover that they can vote themselves largess from the public treasury. From that moment on, the majority always votes for the candidates promising the most benefits from the public treasury with the result that a democracy always collapses over loose fiscal policy, always followed by a dictatorship. The average age of the world's greatest civilizations has been 200 years.

I need hardly remind you that America is in its 202d year. I think it is appropriate to reflect on Professor's Tyler's statement. Is it an epitaph? Or can an educated, sophisticated, and dedicated American people turn America into the exception to this historical rule? Can we, in this Government, and in this Congress, provide the kind of leadership that Americans seek? I submit that we must, and if we do our work well, America will enter the 1980's sturdier than ever.

Apathy is a villain to be banished. In the off-year election of 1978, fewer than 36.1 percent of all voting age Americans went to the polls. Typical of their reasoning: "It does not matter who is elected because things never seem to work right."

A columnist who is probably in as close touch with the man in the street as any writer assesses the general public attitude somewhat as follows:

For the first time since pollsters started asking, most Americans are pessimistic. No longer do we believe that our country is moving ahead. No longer are we sure that tomorrow will be better than today. This is an alarming development. For two centuries, the buoyancy of America has been our distinguishing national stamp. Confidence is what has made us tick. If a vast, tumultous democracy like ours is to work, there must be a fundamental optimism in the land, an undergirding belief in this nations' purpose and direction.

Yet, this same columnist is himself essentially an optimist. He goes on to argue:

If there is a temporary exhaustion of the national spirit, as the polls indicate, it is time to shake ourselves out of our melancholy . . . We must continue to dream the dream of 200 years. We have overwhelming evidence that the spirit is still alive . . . The great mass of Americans are committed to the idea that our country represents something vitally important to the world . . . It is time for individuals to reduce needless energy consumption, to increase personal production, to join in fighting crime, to bend effort to guide our youth, and, above all, to accept the public and private austerities that the times require.

The Congress—no less than the American people—must be committed to the belief that our country represents something vitally important to the world. The times demand vision and statecraft. Historian James McGregor Burns calls "followership" as indispensable as leadership in rebuilding a national consensus and renewing national momentum.

I think that President Carter has proposed a fair, evenhanded framework for bringing down the wage-price spiral. We can do no less than give our active support to this effort to combat the inflationary time bomb that threatens all of us, and wreaks particular hardship on the old, the poor, and the needy. Leadership can no longer afford the luxury of what has been called, "immobilization by demands for more programs and services with, ironically, demands for lessened government interference and lower taxes." Indeed, political scientist, Seymour M. Lipset, contends that "individual woes, such as losing jobs, going backrupt, aging, getting an education, and falling ill are now considered to be problems of the government."

I do not hold that there is no responsibility of government for the welfare of its citizens. To the contrary, the citizen is what government exists to serve. But leadership, worthy of its salt, is compelled to the long and broad view, to assess what best serves most citizens, to establish and adhere to imperative priorities, and—yes—to urge the understanding and support of the American people for that which preserves and protects the very life of their homeland.

The good life—as we have come to know it—does not have to be synonymous with lavish, extravagant, or careless handling of the blessings with which Americans have been so richly endowed. We have let ourselves become a "throw-away" society of conspicuous and wasteful consumption. Dr. Michael Rosenzweig of the University of New Mexico has said that the United States, with only 6 percent of the world's population, consumes 35 percent of its food. We overeat. Yet it is claimed that 75 percent of our population would like to lose weight. Our trash disposal areas, which constitute a significant ecological headache, are the largest in the world, and rubbish disposal is a

multibillion-dollar business. At the rate we consume and throw away, Dr. Glenn Seaborg, former Chairman of the Atomic Energy Commission and a Nobel Prize winner, foresees sufficient exhaustion of natural resources to force us to become a "recycle" society.

But, we do not have to wait until drastic conditions force Americans to accept drastic and disruptive measures and change. We can act responsibly now and avert crisis. Most reasonable persons will agree that we have a form of government that has served us well for over 200 years, that our technology remains the best in the world, and that our free enterprise system has provided us with an enviable material standard of living. We have but to renew American determination and resolve, the climate of opportunity in which ambition and competition can thrive and be rewarded, the pioneer spirit of self-reliance and mutual helpfulness.

It was over 200 years ago—1776—when Thomas Payne wrote:

These are the times that try men's souls.

So we know that the problems in the beginning were vexatious to our forefathers. Were he with us today, I am sure he would write the same words—although in recognition that citizenship is not a male prerogative, he might recast his words to "men and women." The point of looking back at his words is to know that the times moved forward, and that America has persisted.

My colleagues, there is a little church in the hill country where I come from. When the first pioneers came to America, many drifted back into the Appalachian highlands, and there they settled to remain generation after generation. Affirming their allegiance to their new home, they built small churches—even before schools or courthouses were established numbers of such churches in my native West Virginia count their age by centuries. And many of those early pioneers, who believed in America, rest in eternal sleep in the rustic churchyard cemeteries. Such a church is my own church, supported and loved by my ancestors as I do today. When I visit my church, and stand in the shadow of their strength, my spirit is at peace and my confidence in this Nation's destiny is renewed.

My good friend, the late, great, Hubert Humphrey, God rest his soul, enriched this Nation with his presence. His words can guide us today. He said:

The biggest mistake people make is giving up. Adversity is an experience—not a final act. Some people look upon any setback as the end, they are always looking for the benediction rather than the invocation.

So, I want this to be my invocation for the new year and the new 96th Congress rather than the benediction.

Carl Sandburg, the great American poet once wrote:

I see America, not in the setting sun of a black night of despair ahead of us. I see America in the crimson light of a rising sun, fresh from the burning, creative hand of God. I see great days ahead, great days possible to men and women of will and vision.

I am confident of America's future. I believe the people of this great country will experience adversity with courage and America will triumph and endure.

Thank you very much.●

IRS GOING TOO FAR IN TAXING PRIVATE SCHOOLS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. GOLDWATER) is recognized for 5 minutes.

● Mr. GOLDWATER. Mr. Speaker, I won't stand for it. The people in my district won't stand for it. Families with children attending private schools in this country won't stand for it. The Internal Revenue Service is on the verge of promulgating a revenue procedure which would deny the tax exempt status of private schools across the land, and put an end to tax deductable contributions to these schools. The IRS is doing this despite the criticism voiced by many of us in Congress, and notwithstanding a grassroots protest unprecedented in the history of the IRS.

Last October I wrote IRS officials to make known my serious objection to this proposal. I told them that their action impinged on our right to pursue private education. The growth of private school enrollments is as much the result of declining standards in our public school system as it is an inference—a mere presumption—of circumventing mandatory busing plans.

In December I testified before the IRS at their hearings on this proposal. I spoke for the large number of my constituents who value their private education. They do not want this bureaucracy in Washington pushing affirmative action on them, simply because the schools they attend do not meet the statistical criteria the IRS would like to see.

Commissioner Kurtz was notified by me, and a number of my colleagues, that he would do well to postpone implementation of his regulations until oversight hearings were conducted by our Ways and Means Committee. I am a sponsor of, and will lend my active support to, legislative measures which will block this ruling from becoming law. The IRS is venturing into an area where it has no jurisdiction, and I do not intend to stand idly by.

No fewer than 125,000 letters of protest have been received by Internal Revenue on this issue. The agency is obviously insensitive to these views. In no way is it appropriate, or even legal, for the IRS to mandate social policy. It is not their mission.

The light of this pending action, Mr. Speaker, is it not our responsibility, as representatives of the people who sent us to this House, to impose our will? Chairman ULLMAN will be notified shortly of sentiment in Congress for committee hearings on this matter. I call on the leadership to lend their support to this request. It is imperative that we have our say in the exercise of power by Federal agencies. In this case, the Internal Revenue Service is going too far.●

LEGISLATION TO AMEND CONSTITUTION TO PROVIDE FOR BALANCED BUDGETS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. FINDLEY) is recognized for 5 minutes.

● Mr. FINDLEY. Mr. Speaker, today I am introducing a resolution to amend the Constitution of the United States to require that each year the Congress balance the Federal budget unless three-fourths of both Houses declare a national emergency. For the last 4 years Congress has been using a new budgeting procedure that many hoped would bring Federal spending and revenues into closer balance. So far the results have been spotty.

I introduced the first bill to establish a congressional budget process in 1972 to give Congress an overview of Federal spending and taxing and their impact on the economy. Congress approved a similar bill in 1974. Prior to that, Congress had never had an overall budget for the Government.

Instead, Congress made individual appropriations whenever money was needed. Inevitably, more money was spent than taxes brought in, and each year huge deficits resulted.

The new budget system, unfortunately has not changed that. In each of the first 3 years, Congress actually increased the Federal deficit even more than proposed by the President in his budget recommendation. In 1976, for example, Congress called for a deficit of $67 billion—$15 billion more than requested by President Ford. The deficits for 1977 and 1978 were also increased by a total of $4 billion over Presidential recommendations.

Finally, last year Congress cut President Carter's debt figure from $61 billion to $37 billion, thus beginning to get a handle on the situation. That $24 billion cut seems large, but the Federal debt is still too high.

In fact, this year President Carter proposed a deficit of $29 billion. Unless Congress cuts it to almost nothing, Federal spending will continue to feed the inflationary spiral that threatens not only the poor and those living on fixed incomes but also the economic future of the Nation's vast middle class.

One effect of deficit spending is an enormous expenditure each year just to pay the interest on the national debt. Interest costs will top $60 billion in 1979. $850 for the average American family.

This is why I am introducing a constitutional amendment to control inflation by requiring a balanced budget each year except during a national emergency. Now it is up to Congress to pass an amendment and to make the hard decisions that it and the budgeting procedure requires.

Americans can and should hold Congress responsible for deficit spending and

the inflation it spawns. They should insist that the flow of Federal red ink stop.

Mr. Speaker, I include the text of my proposed constitutional amendment to be printed in the CONGRESSIONAL RECORD:

Joint resolution to amend the Constitution of the United States to provide for balanced budgets

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within three years after its submission to the States for ratification:

"ARTICLE —

"SECTION 1. During the fiscal year beginning after the ratification of this article, total outlays of the Government shall not exceed total estimated receipts by more than 50 per centum of any excess of outlays over receipts in the preceding fiscal year. For each succeeding year, total outlays of the Government shall not exceed total receipts.

"SEC. 2. In the case of a national emergency, Congress may determine by a concurrent resolution agreed to by a roll-call vote of three-fourths of all the Members of each House of Congress, that total outlays may exceed total receipts.

"SEC. 3. The Congress shall have power to enforce this article by appropriate legislation."●

WHEN THE PRESIDENT TRIES TO REGULATE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. BROYHILL) is recognized for 5 minutes.

● Mr. BROYHILL. Mr. Speaker, how refreshing it has been in recent weeks to read the numerous Dear Colleague letters proposing various types of regulatory reform legislation. As a long-time advocate of regulatory reform, I am pleased to see such a consensus among my colleagues over the critical need to provide greater accountability by the regulatory bodies in carrying out congressional mandates. As a result, I am hopeful that the 96th Congress will go on record and enact meaningful regulatory reform legislation.

In this context, I would like to bring to the attention of my colleagues an article by Timothy B. Clark of the National Journal which appeared recently in the Washington Post. I think this article clearly points out the need for Congress to do a better and more thorough job of oversight of these regulatory actions. As my colleagues will learn from the article, the American people cannot depend on the office of the Presidency to "save them" from "regulatory-itis."

I trust my colleagues will find the following comments by Mr. Clark of interest:

WHEN THE PRESIDENT TRIES TO REGULATE

(By Timothy B. Clark)

Is the man who occupies the most powerful office in the world powerless to control the federal agencies that regulate the country—even those directly responsible to him?

Experts disagree, but the federal courts will provide an answer before long. The question is one of the hottest items of debate among regulatory specialists in Washington today, though the debate has just begun to surface in public.

The answer will determine whether President Carter is able to deliver on his repeated promise to get a better grip on federal regulation and to reduce its costs to the private sector.

It may seem strange to suggest that the president cannot order the administrator of the Environmental Protection Agency (EPA) or the Occupational Safety and Health Administration (OSHA) to delay or modify proposals for new regulations. But that very suggestion is being made loudly by environmental groups, labor unions and others with concerns at stake in major regulatory debates.

A confrontation seems inevitable. Carter is clearly committed to increasing White House control over the regulators. And in exercising that control, he will, as he said Oct. 31, be "deeply committed to seeing that the regulatory agencies" avoid "imposing unnecessary costs." The regulators and their constituencies, however, are deeply committed to achieving goals almost regardless of costs, whether it be the cleanest air or the safest workplace possible.

The huge sums of money involved can be illustrated by citing just three regulations now being developed; an EPA proposal to limit pollution from new power plants, expected to cost $44 billion to $90 billion in capital investment over 40 years; an EPA regulation to reduce auto emissions that increase ozone levels, at a cost of $7 billion to $19 billion a year; and a Transportation Department rule to make public transit systems accessible to wheelchair users, with a price tag between $2 billion and $8 billion.

The confrontation has been building for at least a year. Last December, Carter appointed a Regulatory Analysis Review Group, directed by his economic and budget aides, to analyze the cost and inflationary implications of new regulations. Last March, he issued an executive order requiring better economic-impact analysis by executive-branch regulatory agencies. And in October, he gave his blessing to the establishment of a new U.S. Regulatory Council, which is supposed to achieve better coordination among the regulator.

Carter and his economic aides have already had some impact on individual regulations. Last summer, an OSHA regulation protecting textiles workers from cotton dust provoked a dispute over costs between Labor Secretary Ray Marshall and Council of Economic Advisers Chairman Charles L. Schultze. The issue went to the Oval Office, where some cost reductions were ordered.

The cotton-dust standard is being challenged in court as too expensive by the textile manufacturers and as too weak by the textile workers' union. In preparing its case, the union considered trying to invalidate the rule on the grounds that the president acted illegally when he engaged in "ex parte" contacts with the regulators after the close of the public comment period.

The union decided not to raise the issue in its Dec. 15 opening brief, but the first test of presidential authority to intervene in regulatory decisions will come soon. Groups representing the handicapped have threatened to sue if the White House exerts undue pressure on regulators drafting the transit-accessibility rule, for which the public comment period closed on Oct. 20. In fact, White House aides called a private meeting in late November with officials responsible for writing the regulation. They say the purpose was to keep informed of progress, but the Council of Economic Advisers is known to favor major cost-cutting changes in the Transportation Department's proposed rule.

Similarly, the Environmental Defense Fund Inc. is worried that Carter might intervene to weaken proposed standards for controlling ozone levels and emissions from new power plants. Schultze's review group already has recommended a major dilution of EPA's ozone standard, and cost-cutting steps are certain to be proposed over power plant emissions.

Today, it seems, environmentalists and others are ready to sue at the drop of an impact statement, and in this case the environmentalists are particularly well prepared. The Environmental Defense Fund has completed, and sent to various White House officials, a 40-page legal memorandum, arguing that the president has no more authority to intervene in regulatory proceedings after the public comment period has closed than anyone else—unless that authority is explicitly granted him by the statute under which the rule is being written. The brief even suggests that Carter may not be able to fire the EPA administrator should he disagree with his decisions.

Judicial rulings on the extent of presidential power over the regulators soon will decide what Lloyd N. Cutler, a prominent Washington attorney, has called "one of the most important constitutional questions of modern times." Cutler is a member of the American Bar Association's Commission on Law and the Economy, which said in a recent report that presidential authority in the area was ambiguous. The commission recommended legislation to strengthen the president's power over the regulators, saying that the agencies "enjoy an independence from the political process—and from one another—that weakens the national ability to make balancing choices, or to hold anyone politically accountable when choices are made badly or not at all."

White House officials say that such legislation will be among a number of options for strengthening executive control over regulatory decisions that will be put before the president soon. But proposals of this kind would be fiercely resisted in Congress and by the agencies themselves.

And so, for all of Carter's determination to rationalize the growth industry of federal regulation, the dozens of regulatory agencies under his command may well continue to resemble their independent counterparts, which were characterized in a 1937 study as a "headless fourth branch of government."●

SOCIAL SERVICES ENTITLEMENT AMENDMENTS OF 1979

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. GREEN) is recognized for 5 minutes.

● Mr. GREEN. Mr. Speaker, today I am introducing the Social Services Entitlement Amendments of 1979. This bill amends title XX of the Social Security Act to increase the social services entitlement ceiling and to provide for the reallocation of unused funds from a State's allotment to other States which need additional funds.

Title XX of the Social Security Act provides block grants of funding from the Federal Government to the States at a 75–25 matching rate. It is a general revenue sharing type program that enables the States to determine their own

needs and to structure their social service programs accordingly.

The general emphasis of these programs has been to improve the self-sufficiency of low-income people. Except for protective services, information and referral services, and family planning services, no person with a gross family income higher than 115 percent of a State's median income may receive title XX services.

Among the services States provided with title XX funding are: child day care services; counseling, education and training services aimed at increasing employment of welfare recipients; senior citizen activity centers; homemaker services to enable senior citizens to remain in their own residences; community services for the mentally and physically handicapped; protective services; and family planning services.

In 1975, when the title XX social services program went into effect, the 1972 ceiling of $2.5 billion was maintained for Federal funding. The ceiling was increased by $200 million in 1976 to provide special Federal support for child day care services.

During the 95th Congress, the Fraser-Keys bill, H.R. 10833, was introduced to raise the permanent Federal ceiling on title XX expenditures. I was among the cosponsors of this legislation, which provided for an increase in the entitlement ceiling to $2.9 billion in fiscal 1979, $3.15 billion in fiscal 1980, and $3.45 billion in fiscal 1981 and in each succeeding fiscal year.

The ceiling increases provided in H.R. 10833 were incorporated in H.R. 12973, the Social Services Amendments of 1978. The Social Services Amendments of 1978 passed the House under suspension on July 25, 1978, by a vote of 346 to 54.

Notwithstanding this vote, a multi-year entitlement ceiling increase was not enacted by the 95th Congress. Instead, a 1-year increase was included in the Revenue Act of 1978 (Public Law 95-600). The ceiling for fiscal 1979 was set at $2.9 billion; that is, $2.7 billion for the permanent ceiling plus $200 million for day care services. The administration expects the total Federal share for title XX social services to reach $2.818 billion in fiscal 1979.

Unless Congress acts, the Federal title XX ceiling will revert back to the $2.5 billion level for fiscal year 1980. The administration is assuming in its budget projections that the ceiling will be maintained at an overall level of $2.9 billion for fiscal 1980. This is noted in the appendix to the budget for fiscal year 1980 at page 480:

> In 1980, an authorization is requested which would raise the ceiling to $2.9 billion.

The appendix also presents the administration's assumption that the Federal share of social services costs will be $2.850 billion in fiscal 1980.

The bill I am introducing today provides for a higher Federal ceiling than that sought by the administration. While I share the administration's concern that the ceiling should not be permitted to return to the $2.5 billion level, I believe that maintaining funding at the $2.9 billion level fails to account for inflation. It would prevent expansion of programs and would require existing programs to be cut back in the face of rising costs.

My bill would restore the Federal ceiling increases scheduled under the Social Services Amendments of 1978. For fiscal 1980, the ceiling would be $3.15 billion, rather than $2.9 billion—or $2.5 billion, if Congress fails to act. The ceiling would rise to $3.45 billion in fiscal 1981. The $3.45 billion level would be preserved for fiscal years after 1981, unless Congress decided to increase it.

While it is fortunate that a 1-year increased extension was enacted last year, multi-year increased funding should be a priority in this year's legislation. Such an approach to title XX expenditures will permit States and local governments to plan more effectively and to budget with confidence of Federal support.

The Social Services Entitlement Amendments of 1979 also provides for the reallocation of title XX funds not expended by States out of their allotment. Unspent funds would be reallotted among States which reach their ceiling.

The bill I am introducing is unlikely to fund a host of new social services programs. However, the entitlement increases it provides could help to restore some of the purchasing power which social services programs have lost as a result of rising costs hitting the title XX ceiling. As the Ways and Means Committee's report to accompany the Social Services Amendments of 1978 pointed out, title XX funds today can only purchase three-fourths of what they bought in 1972 when the $2.5 billion ceiling on Federal funds was established.

Quite simply, the purpose of the Social Services Entitlement Amendments of 1979 is to enable successful locally oriented programs for senior citizens and lower-income individuals to continue their essential contributions to improve the quality of life in this country. I urge my colleagues to help make an increase in the social services entitlement ceiling an early priority for the 96th Congress.

The bill follows:

H.R. —

A bill to amend title XX of the Social Security Act to increase the entitlement ceiling under the social services program, and to provide for the reallocation of unused funds from a State's allotment to other States which need additional funds

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 "Social Services Entitlement Amendments of 1979".

SEC. 2. Section 2002(a)(2)(A)(ii) of the Social Security Act is amended by striking out "and $2,500,000,000 for fiscal years after fiscal year 1979" and inserting in lieu thereof "$3,150,000,000 for fiscal year 1980, and $3,450,000,000 for fiscal years after fiscal year 1980".

SEC. 3. (a) Section 2002(a)(2)(B) of the Social Security Act is amended—

(1) by inserting "(i)" after "(B)";

(2) by striking out "at the earliest practicable date after the commencement of such fiscal year" and inserting in lieu thereof "prior to the commencement of such fiscal year";

(3) by striking out "is greater or less than" each place it appears and inserting in lieu thereof "exceeds or is less than"; and

(4) by adding at the end thereof the following new subdivision:

"(ii) If—

"(I) any State which certified under subdivision (i) that its limitation for any fiscal year is equal to or less than the amount needed by the State (for uses to which the limitation applies) subsequently determines that the amount of such limitation exceeds the amount so needed, or

"(II) any State which certified under subdivision (i) that its limitation for any fiscal year exceeds the amount needed by the State (for such uses) subsequently determines that the amount of such limitation exceeds the amount so needed by more than the amount of the excess so certified,

such State shall certify to the Secretary the amount, or the additional amount, by which the limitation exceeds such need.".

(b) Section 2002(a)(2)(C) of such Act is amended to read as follows:

"(C) If any State certifies—

"(i) in accordance with subparagraph (B)(i) that the amount of its limitation for any fiscal year as promulgated under subparagraph (A) exceeds its needs for such year, or

"(ii) in accordance with subparagraph (B)(i) that the amount of its limitation for such fiscal year as so promulgated exceeds its need for such year or exceeds such need by an additional amount,

then such limitation shall be reduced by the amount of such excess or such additional excess; and the amount of the reduction shall be available for allotment as provided in subparagraph (D), and for reallotment as provided in subparagraph (E).".

(c) The proviso in section 2002(a)(2)(D) of such Act is amended—

(1) by striking out "the amounts made available" and inserting in lieu thereof "the amounts which have been made available as of any time during the fiscal year"; and

(2) by striking out "such amounts as are available" and inserting in lieu thereof "such amounts as have theretofore been made available".

(d) Section 2002(a)(2) of such Act is further amended by adding at the end thereof the following new subparagraph:

"(E) Of the amounts made available pursuant to subparagraph (C)(i) or (C)(ii) for any fiscal year, the Secretary, after making the allotments provided for in subparagraph (D), shall reallot the balance (if any) among the States which certified (pursuant to subparagraph (B)(i)) that the amounts of their limitations as promulgated under subparagraph (A) were less than the amount of their need for such fiscal year. The amount reallotted to any such State for any fiscal year shall bear the same ratio to the total amount available for reallotment under this subparagraph for such year as the amount of such State's allotment (as determined without regard to this subparagraph) bore to the total amount allotted to all States which so certified for such fiscal year (as so determined); except that there shall not their limitations as promulgated under subparagraph an amount which exceeds the difference between such State's allotment (as so determined) and the amount such State

certified it would need for such year pursuant to subparagraph (B). Any amount reallotted to a State under this subparagraph for any fiscal year shall, for purposes of this title, be added to and deemed a part of such State's allotment for such year (as determined without regard to this subparagraph)."

(e) The amendments made by this section shall apply with respect to fiscal years beginning after the date of the enactment of this Act.●

USE MORE CASH TO CURB INFLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

● Mr. ANNUNZIO. Mr. Speaker, America is evolving into a Nation of "credit card junkies" hooked on the miracles which their all-purpose cards perform. Just as laboratory animals are trained to respond to the sound of a bell, consumers have learned to grab their favorite piece of plastic when asked that often heard question, "cash or charge?" Currently, there is an average of approximately three credit cards in circulation for every American man, woman, and child. That question, "cash or charge?" is rapidly being replaced by a new inquiry: "which credit card do you wish to use?" What often goes unrecognized is that this obsolescence of cash has had an important impact on the rise in the prices of goods and services.

Inflation has become synonymous with excessive Government spending in the political lexicon, but this has blinded us to other causes of, and possible cures for, the upward spiral of prices. The use of credit cards is one such factor generating inflation. Businesses which accept credit cards are required to pay a certain percentage of each sale to their bank for the privilege of offering instant credit services. So far, merchants have gladly paid his "discount fee" because accepting credit cards has dramatically boosted sales. But this charge has been passed on to consumers in the form of higher prices. Consumers hold a key to curbing these price increases, but until they break the credit card habit, they will be chained to these unnecessarily high charges.

Since 1975, merchants who accept credit cards have been permitted, under the Fair Credit Billing Act, to offer discounts of up to 5 percent to customers paying with cash or checks. Although some highly successful experiments with this discount program have been conducted throughout the Nation, the lack of awareness by consumers and merchants' fears of losing profits have prevented these cash discounts from catching on. If American consumers encouraged the use of cash discounts, it could have the effect of slowing inflation by lowering costs, while simultaneously stimulating the economy by increasing sales.

A significant number of credit card holders use their cards as a convenience, not as a means of borrowing money they do not have. According to a study by the Federal Reserve Board, in 1977, 50 percent of credit card holders were "convenience users," that is, they paid their bills in full at the end of each billing cycle. Sales to these individuals totaled $69 billion, equaling 60 percent of all credit card sales.

In this age of skyrocketing prices, these customers would think twice before using their card if they could realize savings by paying with cash. The explosion of check guarantee cards into the marketplace should also serve to make merchants more comfortable about accepting checks, which are also eligible for discount prices. By offering cash discounts, the costs to businesses go down, and the price of goods follows, thus dampening the fires of inflation. But this will not happen unless consumers, individually and in groups, encourage merchants to offer the discounts. Once a few stores begin to advertise these discounts and attract new customers, their competition will be quick to follow. Cash discounts also allow merchants to develop friendly relations with new and old customers alike, and reduce the burdensome paperwork associated with credit cards.

Consumers need not sit back and look to Washington to slow inflation. Through aggressive, concerted action, they can lower prices by kicking the credit card habit. Next time they shop they should leave their plastic cards at home and use the real thing—cash—once again.●

LEGISLATION TO AMEND HIGHER EDUCATION ACT OF 1965

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 15 minutes.

● Mr. BINGHAM. Mr. Speaker, today I am introducing a bill to amend the Higher Education Act of 1965 as it applies to the national direct student loan program and the federally insured State loan program. This bill would allow for deferral of repayment on insured and direct student loans during temporary total disability of a borrower or spouse.

The need for this legislation was brought to my attention by two of my constituents. One was a dental student who, during the summer between his third and fourth years of dental school, was diagnosed as having cancer. The treatments which he required made it impossible for him to return to school in September. These treatments also made it impossible for him to work at any job. In order to finance his first 3 years of dental school he had taken out several student loans through the New York Higher Education Service Corp., a State agency which administered the FISL program in New York. Under the terms of his agreement with the Higher Education Service Corp., terms dictated by the Higher Education Act of 1965, repayment of the principal came due 9 months after the student ceased attending an approved educational facility. Sure enough, 9 months after the last class he was able to attend he was informed that payments in the amount of $82 per month were due. His savings long gone, as a result of the expensive treatments, the still convalescing student was unable to pay the amount due and was left with no choice but to default. The default meant not only that the Federal Government would have to repay the lending institution, but that the following September, when the student was well enough to resume his education, he would be unable to borrow the money to finance his educational expenses.

The second case was one in which the spouse of a cancer patient had to temporarily suspend her work and education in order to care for her ailing husband who, because of the harsh nature of his treatment, was left too weak to care for himself. Finally, the wife received a notice to begin repaying the loans she took to finance her education. However, at that point even the required $42.62 per month payment would have caused a hardship for this couple, which was then living on social security disability payments.

The legislation I am introducing today would help people who find themselves in the same circumstances as did my constituents. This bill would require that all federally insured student loans include the 3-year deferment when the student is able to document that due to personal illness or injury, or illness or injury of a spouse, he or she is unable to attend an approved educational institution or to seek employment, but does expect to be able to do so in the future. There are already provisions in the act to forgive a loan in case of permanent disability. It should, therefore, be stressed that these amendments would not forgive the loans but merely defer their repayment so that the students in these circumstances would not be forced to default and eventually could repay the full loan. The bill would allow the Government to continue to subsidize any interest due on the loans if it was subsidizing the interest while the students was in school. The bill would also make similar changes in the loan agreements made pursuant to the national direct student loan program where a similar set of events could just as easily occur.

As we are all aware, there has been much criticism of these low-interest student loan programs because of reports of widespread student defaults. This bill would reduce the number of defaults and for that reason would actually be less costly for the Government. This bill would protect those students who are unable to work or attend classes, through no fault of their own, from the stigmatizing effect which defaulting on a loan could have on their ability to continue

their education after they or their spouse have recovered.

This bill would benefit both the public pocketbook and the unfortunate student. It would help insure eventual repayment of the loan by the student, and it would be a demonstration that the Federal Government can and will respond to the particular needs of individuals. It is a reasonable, fair, and humane bill. I urge its swift passage.●

ANIMAL POPULATION CONTROL

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Rhode Island (Mr. ST GERMAIN) is recognized for 5 minutes.

● Mr. ST GERMAIN. Mr. Speaker, today I am introducing legislation that will alleviate one of our country's most serious urban problems by providing loans to cities for the construction and initial operation of low-cost spay and neuter clinics.

The problems affiliated with animal population control are steadily increasing in magnitude. Each hour, over 2,000 dogs and cats are born into our country; these animals produce 3,500 tons and 36 million liters of waste daily. Under optimal conditions, one female dog and her offspring can produce 4,400 additional offspring in just 7 years. Of our total dog and cat population, nearly 40 percent are unowned and roam the streets hungry and diseased until they are committed to shelters. The shelters have become inefficient and ineffective, and they are operating at great expense to the taxpayer. The United States spends over $100 million a year destroying unwanted animals.

It is imperative that something be done to stop this unwarranted growth of our pet population, and spaying and neutering are currently the only available methods of decreasing the birth rate of animals. Because of the difficulties in enforcing mandatory sterilization, the only sensible solution is to encourage the operations by lowering the cost.

My bill would provide Federal loans to cities and counties throughout the United States with populations of at least 200,000 persons, to establish and operate low-cost nonprofit clinics for the spaying and neutering of dogs and cats. The maximum loan per city would be $200,000 through a 4-year loan fund of $4 million per year. An education fund of $1 million will be allocated to the training of paraprofessionals to aid veteranarians in clinics. The use of these paraprofessionals will help keep down the overall cost of operating the clinics.

Public spay and neuter clinics have already proven themselves to be successful. Since 1971, the city of Los Angeles has operated a clinic where the service can be obtained for less than $20. Studies of Los Angeles and similar clinics have shown that the long-term savings in the cost of animal control has more than offset the initial cost of establishing the clinic. It has been estimated that after 10 years of operation, the clinics return $6.50 in reduced animal control costs for each dollar invested.

There has been overwhelming public support for this legislation. When I introduced this same bill in the last Congress, I received thousands of letters from citizens and organizations across the country expressing strong support for my efforts. In 1978, the Committee for Humane Legislation conducted a poll of humane organizations throughout the Nation. Of those responding, an overwhelming 81 percent favored loans for the establishment of spay and neuter clinics.

Therefore, I strongly urge my colleagues to support this vital piece of legislation, and to work with me in promoting its prompt consideration and passage in the 96th Congress.●

PRODUCT LIABILITY INSURANCE: IT IS TIME FOR CONGRESS TO ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. LAFALCE) is recognized for 5 minutes.

● Mr. LAFALCE. Mr. Speaker, I am pleased to introduce today four bills to alleviate product liability problems experienced by businesses across the Nation. In the course of hearings held during the last 2 years by the Subcommittee on Capital, Investment and Business Opportunities, it has become clear that thousands of small businesses nationwide have seen their product liability insurance premiums increase exponentially. Yet, in many cases, these rate increases have been shouldered by firms who have experienced no product liability claims whatsoever.

Last Congress, the subcommittee held 15 days of hearings, and pored over voluminous studies, reports, and position papers. It was assisted in its efforts by the Interagency Task Force on Product Liability, chaired by the Department of Commerce, which provided valuable input in our deliberations. Both the subcommittee and the Interagency Task Force found problems with both the insurance pricing mechanisms and uncertainty in the present status of product liability tort law. Further, since remedies addressed to these difficulties would not impact the problem of excessive rates in the immediate future, both the subcommittee and the task force recommended tax assistance to each businesses' burdens immediately.

Two of the bills being introduced today—the Standards for State Product Liability Tort Litigation Act and the Uniform Product Liability Act—represent the recommendations of the subcommittee and the Interagency Task Force respectively. Both proposals will add greater certainty to tort litigation by harmonizing disparate State product liability laws.

While I do not agree with all the provisions in the Uniform Product Liability Act, it is nevertheless a most thoughtful and carefully drawn proposal. This, together with the Standards for State Product Liability Tort Litigation Act, will provide an excellent vehicle for focusing congressional attention on the formulation of appropriate tort standards.

I am also introducing the Product Liability Tax Assistance Act and the Product Liability Partial Self-Insurance Act. Both of these will permit businesses to deduct amounts set aside, in trust, to pay product liability claims and expenses. Similarly, the first of these follows the subcommittee recommendations, with the latter being a proposal by the Interagency Task Force on Product Liability. While not identical, both bills embody the "product liability trust" approach, which last Congress had the support of over 120 Members. These proposals are being made despite the Revenue Act of 1978 which extends the period for the loss carryback from 3 to 10 years. This extended carryback provision will have virtually no impact whatsoever on alleviating product liability difficulties.

I urge support and early consideration of these proposals by the Commerce Committee and Ways and Means Committee (which has jurisdiction over them).

For further information about the Product Liability Partial Self-Insurance Act, please refer to a section-by-section analysis of this bill in the Federal Register of April 6, 1978, at page 14612 (the bill introduced today contains some minor technical changes from the bill found there, but they are essentially identical). A comparable analysis of the Uniform Product Liability Act can be found in the January 12, 1979, Federal Register beginning at page 2996.

Additional details about the Standards for State Product Liability Tort Litigation Act and the Product Liability Tax Assistance Act follow:

STANDARDS FOR STATE PRODUCT LIABILITY TORT LITIGATION ACT

Subtitle A. These provisions provide that the title may be cited as "Standards for State Product Liability Tort Litigation Act", and set forth Congressional findings.

Subtitle B. These provisions set forth standards for state product liability tort laws. Essentially, each state is required to adopt them within two years; otherwise, the standards shall become law of that particular state.

These standards include the creation of a single product liability cause of action for bodily injuries which distinguishes among liability arising out of a defect in construction (i.e., where a product is not manufactured in accordance with the manufacturer's own specifications), and liability arising out of other unsafe conditions or situations where appropriate warnings or instructions were allegedly not given for defects in construction, liability shall result if the defect proximity causes the injury. In the latter two cases, however, the trier of fact shall be required to balance the foreseeability and seriousness of the injurys proximately

caused, with the utility of the product to society, and the cost to have avoided the risk.

The standards also include a statute of limitations which expires three years after the date of the incident; however, ten years after the product have been in use, the burden of proving liability shall be exclusively upon the plaintiff without benefit of any presumptions.

Further, the standards clarify that the state of the art at the time of manufacture is relevant to the unsafe condition of the product. Moreover, the standards clarify that the court in which a product liability action is pending has the power to appoint its own expert witnesses.

Moreover, the standards provide for pure comparative responsibility. Responsibility is to be apportioned among plaintiff and all defendants.

Work place injuries are treated separately. In the event of a work place injury, the injured employee can continue to sue the manufacturer; however, the recovery in a product liability action shall be reduced by the amount of workers compensation benefits the employee has previously received. Moreover, the workers compensation insurer will no longer be able to recoup from the manufacturer the amount of benefits it paid the injured employee.

Subtitle C. These provisions provide for the review state adopted standards to assure compliance with the federal standards.

Subtitle D. These provisions provide for definitions, and jurisdiction over product liability actions.

PRODUCT LIABILITY TAX ASSISTANCE ACT

These provisions permit a taxpayer engaged in trade or business to deduct cash contributions made to "product liability trust." There is a limitation to the amount of any such deduction to the "fair market value" of product liability insurance for such a taxpayer. The Secretary of Treasury is charged with promulgating regulations to determine fair market value which shall take into account rates charged and quoted by insurers to the taxpayer and comparable firms, as well as a coverage customarily maintained and claims experience of the taxpayer and such firms.

The product liability trust shall be a tax-exempt trust, the corpus and income of which must be used to satisfy product liability claims. The contributors to such a trust are prohibited from using the money for a purpose other than the satisfaction of product liability claims and expenses unless the trade or business ceases and all known product liability claims are satisfied.

Further, the title provides that if the funds ever do revert to the contributor, they shall be taxable at such time. Additionally, the entire scheme is safeguarded by a series of excise taxes. These provisions are similar to those used to insure arms length transactions in the case of employee benefit trust, and provide for taxes on self-dealing, on uses of the funds for other than product liability claims, and on excess contributions.●

PROTECTING THE VICTIMS OF PROPERTY INSURANCE REDLINING

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. HOLTZMAN) is recognized for 60 minutes.

● Ms. HOLTZMAN. Mr. Speaker, today I am introducing a bill to help combat the effects of property insurance redlining. This bill would require that State FAIR plans—insurance pools which provide property insurance to victims of redlining—must provide full homeowners coverage in addition to basic fire insurance. I am hopeful that passage of this bill, together with the 1978 law I wrote which requires that FAIR plan rates be no higher than those in the private market, will help stop the widespread building abandonment and neighborhood deterioration which are plaguing our urban areas.

Insurance companies, like banks, practice "redlining"; they refuse to write insurance on properties in particular areas that they consider to be "high risk," even if the properties themselves are in good condition. Such determinations about risk are often arbitrary; they may be based on the racial composition of the neighborhood, the deterioration of some buildings, the economic class of residents, or mere location in the inner city. Redlining may occur in rural areas as well, because many times insurance companies will simply refuse to write policies on homes with low market values.

In 1968, following the urban riots, Congress attempted to address the redlining and insurance availability problems through the Urban Property Protection and Reinsurance Act. This legislation made Federal reinsurance benefits available to insurance companies doing business in States which set up FAIR plans in accordance with Federal guidelines. Twenty-eight jurisdictions subsequently established such plans.

FAIR plans are like assigned risk pools for auto insurance; they provide coverage to property owners who are denied insurance in the private market. Insurance companies contribute to the plans according to the share of property insurance they write in the State. In a FAIR plan, property owners have a right to have their properties inspected and to obtain insurance if their property meets normal safety standards for insurability.

Unfortunately, FAIR plan coverages are almost universally more limited than those offered in the voluntary market. As a rule, the broadest plan coverage provides insurance for losses caused by fire, vandalism, and malicious mischief, and hazards listed under so-called extended coverage—windstorm, hail, explosion, riot and civil commotion, falling aircraft, damage by vehicle, and smoke. However, traditionally the FAIR plan does not offer liability insurance or theft coverage, both of which are obviously critical to homeowners, landlords, and business people. Only Illinois, Massachusetts, Rhode Island, and Wisconsin currently provide for such coverage in their FAIR plans.

Passage of the legislation I am introducing today which requires that all FAIR plans offer a complete homeowners package—including liability and theft protection—will go far toward changing the second-class protection currently available to those who are redlined and forced into the plans. It also should help to save money for consumers in the plans since they will be able to purchase full coverage in package form. Presently, those who are redlined must buy fire insurance separately through the FAIR plan, and then look elsewhere for crime and liability policies. They thereby lose the substantial discount—which can be as high as 20 to 40 percent—available when these coverages are purchased together in package form. In short, plan participants now pay far more for inferior coverage.

Mr. Speaker, the legislation I am introducing today will do much to remedy the abuses suffered by the innocent victims of insurance company redlining. Together with the 1978 law I authored to limit exorbitant FAIR plan rates, this bill would allow those unfortunate enough to be redlined to purchase full insurance coverage at reasonable rates. I urge this legislation's prompt passage.

The text follows:

H.R. —

A bill to amend title XII of the National Housing Act

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1203 (a)(5) of the National Housing Act is amended to read as follows:

"(5) 'essential property insurance' means insurance against direct loss to property as defined and limited in standard fire policies and extended coverage endorsement thereon, as approved by the State insurance authority, and insurance for such types, classes, and locations of property against the perils of vandalism, malicious mischief, burglary, or theft, as the Secretary shall designate, by rule. Such insurance shall include forms of insurance which are determined by the Secretary, by rule, to be property insurance primarily (notwithstanding that they contain an element of liability or other casualty insurance), such as, but not limited to, homeowners insurance. Such insurance shall not include automobile insurance on such types of manufacturing risks as may be excluded by the State insurance authority;".●

TVA POWER FOR CRITTENDEN COUNTY, ARK.

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 15 minutes.

● Mr. ALEXANDER. Mr. Speaker, I am introducing legislation today similar to that being introduced by my colleague in the Senate, DALE BUMPERS, to remedy an omission in the service area that the Tennessee Valley Authority was mandated to serve in 1959 amendments to the Tennessee Valley Authority Act.

Service area restrictions in that law were made flexible, except that TVA was prohibited from providing service to an area in a State which was not being

served on July 1, 1957. Exemptions were given, however, from this provision to some cities in Kentucky, Georgia, and Tennessee.

My bill adds Crittenden County, Ark., a part of the Memphis standard metropolitan statistical area (SMSA), to the list of exempted areas. It does so, I believe, without overturning the purposes for which restrictions were made in 1959, those being to insure that TVA would not expand its service area to the detriment of private utility companies in the area.

At this time electricity could be generated by TVA into West Memphis through existing power exchange agreements. This legislation will facilitate TVA selling its power without intervening parties.

West Memphis would, indeed, be eligible now for TVA power, except for the State boundaries provision of the 1959 amendments. TVA now can provide service to continguous areas of those already being served.

Mr. Speaker, inasmuch as Crittenden County is considered a part of the Memphis SMSA and is called upon to compete with the metropolitan area in securing industry, so essential to growth, I believe it is nothing less than fair to allow the citizens of this county the same choice in securing utility power at the most reasonable rate.●

BEDELL INTRODUCES LEGISLATION TO ROLL BACK SOCIAL SECURITY TAXES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Iowa (Mr. BEDELL) is recognized for 5 minutes.

● Mr. BEDELL. Mr. Speaker, the social security tax increases has now gone into effect, and the Congress should do something about it.

According to the Congressional Budget Office, the new tax rates are expected to have the following consequences:

First. A dampening effect on real economic activity over the next 3 years. Real GNP is expected to be two-tenths percent below estimates for 1979, five-tenths percent below for 1980, and as much as nine-tenths percent below for 1982.

Second. An increase in unemployment. The number of jobs to be lost in 1979 is estimated at 100,000, rising to 500,000 in 1982.

Third. An increase in prices. Higher payroll taxes may be expected to add five-tenths percent to the inflation rate this year, and an additional five-tenths percent in 1981.

That is not all. It has also been estimated that 47 percent of the taxpayers making $10,000–$15,000 will experience a net tax increase this year, despite the fact that a tax cut bill was passed in 1978.

Clearly, we ought to rescind this increase in the payroll tax if we can do so without jeopardizing the self-financing base of the social security system. I believe we can. For this reason, I have introduced legislation to roll back the mandated tax increase to the pre-1977 level and keep it there for 7 years so that comprehensive reform of the social security financing system may be devised.

My proposal would accomplish this by removing the disability insurance portion of OASDHI from payroll financing and shifting it temporarily to general revenue funding. Specifically, it would hold the tax rate for employers and employees to 5.85 percent through 1985, after which it would be allowed to rise at a rate lower than that scheduled under the new law. This tactic would preserve the solvency of the old-age and medicare portions of social security for a period of several years, long enough to enable the Congress to institute permanent reform of the social security financing mechanism.

The rate structure of my bill is as follows:

Years	Current law		Bedell bill	
	Employer/ employee	Self-employed	Employer/ employee	Self-employed
1979	6.05	8.10	5.85	7.90
1980	6.05	8.10	5.85	7.90
1981	6.30	9.30	5.85	7.90
1982–4	6.30	9.35	5.85	7.90
1985	6.30	9.90	5.85	7.90
1986–9	6.45	10.00	6.20	8.58
1990–2010	6.45	10.75	6.55	9.10
2011–	7.45	10.75	6.55	9.10

Although we should theoretically be able to predict how much a disability program will cost, our past experience has been one of large and unexpected increases in the number of beneficiaries. The reason for this is the difficulty encountered in determining what constitutes a disabling impairment for the purpose of establishing eligibility. Whether a given impairment prevents employment depends on characteristics that are specific to each individual situation. As a result, unpredictable program costs such as we have experienced are a constant threat. As a way of dealing with this problem until a permanent solution can be found, we should take advantage of the flexibility afforded by general revenue financing.

The current administration of the disability program, moreover, is badly in need of reform. The State officials responsible for making determinations of disability have never had training that would enable them to evaluate applications in accordance with any standard criteria. The result is that it is easier to qualify for disability in some States than in others. My bill would improve this situation by requiring all State officials to undergo a standard national training program before being allowed to make determinations of disability.

Another problem with current administration of the program is that it encourages prolonged appeal of adverse determinations, because an applicant's chances of ultimately receiving benefits improves significantly if they go through the first few appeal levels. This clogs an already overburdened process and prolongs the period a claimant must wait for a determination of disability. My bill would provide claimants with a personal interview at the first appeal level. This change would provide the official making the determination with more information at an earlier stage, thereby reducing the need for multiple appeals. In addition, my proposal would require HEW to develop updated criteria for identifying disabling characteristics. They should also facilitate the determination process.

Finally, my bill would place an unearned income limitation on disability benefits, which would help insure families having outside income do not receive unneeded assistance. Specifically, disability benefits would be reduced by $1 for every $2 of unearned income a family receives in excess of $6,960. Additional income earned by a member of the disabled person's family would have no effect on benefits.

It should be noted that my bill does not provide for the general revenue financing of the medicare component of OASDHI. Before we could seriously contemplate such an alternative, we must devise an effective way of controlling the spiraling increases in health care costs. I believe that financing the program exclusively through general revenues would greatly reduce the institutional constraints on costs.

I recognize that shifting responsibility for disability insurance to general revenue funding creates its own difficulties. Most importantly, it runs head on into the need to hold down Federal spending. Additionally, general revenue financing weakens the link in the taxpayer's mind between increasing benefits and how to pay for them. While my bill would fund the DI program in this manner, it would impose a measure of financial discipline through the requirement of an unearned income limitation. Additionally, I believe that the Federal income tax is preferable to a payroll tax for raising revenue. It is less regressive than a payroll tax, and has considerably less adverse impact on the ability of employers, particularly

small firms, to retain and hire extra employees. What we need is a short-term guarantee of solvency for the existing disability program, and an alternative to the increased payroll tax. In my opinion, the answer is temporary general revenue funding.

Mr. Speaker, there is widespread sentiment that the 1977 social security tax increase was excessive. While there are compelling reasons for rolling back that increase, we should not lose sight of the long-term need for placing the financing of the social security system on a sound basis. In the meantime, however, we can roll back the tax increase responsibly, and thereby enable ourselves to address the basic issue of permanent reform. I urge my colleagues to give my proposal their consideration and support.●

LEGISLATION TO REDUCE THE HEALTH HAZARDS OF CIGARETTE SMOKING

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. DRINAN) is recognized for 5 minutes.

● Mr. DRINAN. Mr. Speaker, in 1964 Surgeon General Luther Terry released the historic report of his advisory committee on health and smoking, which warned that cigarette smoking caused lung cancer, chronic bronchitis, and other diseases. That report concluded that "cigarette smoking is a health hazard of sufficient importance to warrant appropriate remedial action."

After the publication of this recommendation, Congress acted to require a cigarette health warning label, and to end all broadcast advertising of cigarettes. However, it is clear that these actions have not been sufficient to reduce the problem of cigarette smoking—54 million Americans continue to smoke 615 billion cigarettes annually, and smoking related illness will kill almost 350,000 Americans this year. In addition, smoking costs the Government $5 to $8 billion each year in health care expenses, and accounts for $12 to $18 billion economic losses through absenteeism and lost productivity and wages.

In the 15 years since the release of the first report on smoking and health, the evidence that cigarette smoking is dangerous has grown from compelling to overwhelming, but Congress has done nothing in over 8 years to limit smoking—the largest single preventable cause of death in the United States.

Congress has a clear responsibility to address this tremendous public health problem by enacting legislation to further discourage cigarette smoking, to protect the rights of nonsmokers, and to reduce as much as possible the danger to those who continue to smoke. In the 95th Congress a number of Members joined me in sponsoring the bills that are described below; I hope that these bills will receive the prompt and thorough consideration they deserve in the 96th:

THE PUBLIC HEALTH CIGARETTE ACT OF 1979

H.R. 281, the Public Health Cigarette Act of 1979, would improve and strengthen the Cigarette Labeling and Advertising Act of 1965 in several key respects.

First, it would strengthen the cigarette warning label in accordance with a recommendation of the Federal Trade Commission (FTC) and in keeping with the latest medical evidence. The new warning would read:

> Warning: Cigarette Smoking is Dangerous to Health, and May Cause Death from Cancer, Coronary Heart Disease, Chronic Bronchitis, Pulmonary Emphysema, and Other Diseases.

Second, the bill would require that cigarette tar and nicotine content be printed on every package in both absolute and relative terms. This would enable smokers to shop comparatively for the least noxious product.

Third, the bill would require that all cigarette advertisements carry both the strengthened warning label and information on tar and nicotine content. This provision also follows a recommendation made by the FTC.

Fourth, the present preemption of State action to control cigarette advertising labeling would be repealed. There is no reason why States desiring to enact stringent antismoking laws should not be permitted to do so.

Fifth, the bill would require that cigarettes manufactured in the United States and subsequently exported carry a warning label in the predominant language of the recipient country. At the present time, exported cigarettes need not carry any warning at all. The cigarette industry has a responsibility to warn every smoker, whether American or foreign, of the proven health hazards of smoking.

FEDERAL NONSMOKERS PROTECTION ACT OF 1979

The issue of nonsmokers' rights has gained increasing prominence during the past few years as numerous localities and more than 30 States have enacted laws to protect the nonsmoking majority against air contaminated by tobacco smoke in confined public places.

There are more than 160 million nonsmoking Americans who find themselves breathing the smoke emitted by others in elevators, offices, conference rooms, restaurants, and nearly everywhere else that people congregate. Most Americans who do not smoke consider such involuntary smoking an unpleasant nuisance.

To 30 million Americans with heart conditions, lung disease, allergies, or other particular susceptibility to tobacco smoke, involuntary smoking is not merely annoying; it is dangerous to their health. According to the U.S. Public Health Service:

> People with certain heart and lung diseases may suffer exacerbations of their symptoms as a result of exposure to tobacco smoke-filled environments.

Scientific research indicates that sidestream smoke, which is released into the air by a burning cigarette, contains up to 3 times the carbon monoxide, 2½ times the nicotine, and more than 200 times the ammonia of the mainstream smoke which goes into the smoker's own lungs. Scientists have measured carbon monoxide in the air of a smoke-filled room which exceeds the maximum permissible standards set by OSHA for the safety of employees. To again quote the U.S. Public Health Service:

> Carbon monoxide generated in a confined area by the smoking of tobacco products reaches excessive, irritating, and potentially hazardous levels.

This is particularly significant because it is difficult to remove carbon monoxide from indoor air. In addition, carbon monoxide at levels occasionally found in smoke-filled environments has been shown to slightly reduce attentiveness and cognitive function.

H.R. 300, the Federal Nonsmokers Protection Act of 1979, would require all Federal agencies to prohibit smoking in their elevators, hallways, conference rooms, reception areas, and areas serving the general public in which the effective separation of smokers from nonsmokers would not be practical. Separate smoking sections would be established in cafeterias, recreation areas, and lounges of Federal buildings.

The most serious difficulty in protecting the rights of nonsmokers is how to deal with smoking on the job. A nonsmoker whose desk assignment is next to that of a smoker is virtually a captive to involuntary smoking. If the nonsmoker is one of the 30 million Americans with particular susceptibility to tobacco smoke, he or she may find the predicament intolerable. This situation exists in thousands of Federal facilities throughout the Nation. Disgruntled employees can ask to be transferred to a different office, but there is no assurance that they will be listened to. I have received numerous complaints from Federal employees who have been forced to resign to protect their health due to involuntary smoking.

H.R. 300 would require Federal agencies to permit nonsmokers to have separate work areas or offices wherever such separation would be practical. A worker submitting medical documentation of particular susceptibility to tobacco smoke would be assigned a separate work area in any event. Moreover, in planning, purchasing, or leasing future workplaces, Federal agencies would have to take into account the need for effective separation of smoking from nonsmoking employees. This provision would serve to protect the health of Federal employees who do not smoke without infringing upon the rights of smokers or placing a large financial burden upon all Federal agencies.

In addition to protecting nonsmokers in Federal facilities, this bill would prohibit smoking in waiting lines, lobbies, and boarding areas of airports, train stations, airport buildings, and bus terminals involved in interstate commerce. Separate smoking sections would be established in the cafeterias and lounges of such facilities. At the present time, Federal regulations limit smoking on airplanes, trains, and buses, but the regulations do not apply to the corresponding station facilities covered by this bill.

H.R. 279

H.R. 279 would enable the Food and Drug Administration to regulate tobacco products under the Food, Drug, and Cosmetic Act of 1938. Specifically, this legislation would allow FDA to promulgate standards for cigarette manufacturing, and establish tolerance levels for toxic substances in cigarette smoke. Enactment of H.R. 279 would insure, at the very least, that safer tobacco products would be available for those who choose to smoke.

Mr. Speaker, over 1 million people have died of smoking-related illness in the 4 years since my no-smoking legislation was first introduced. We should ask ourselves why, over this period, not a single public hearing was held on smoking-related legislation.

The evidence that smoking is the largest preventable cause of death in the United States is incontrovertable. In the coming months, the House must decide whether to continue to ignore this massive public health problem, or to begin to fulfill our public trust. It is my hope that legislation to discourage smoking and protect the rights of nonsmokers will be a high priority of the 96th Congress.●

DANIEL KELLY BEGINS A NEW LIFE IN THE UNITED STATES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. EVANS) is recognized for 5 minutes.

● Mr. EVANS of Indiana. Mr. Speaker, I would like to take this opportunity to recognize a very special American citizen and current resident of Indiana's Sixth Congressional District. Daniel Kelly arrived in the United States recently after spending many years hoping for the day he would set foot in his native land. The son of a Presbyterian missionary doctor, Mr. Kelly was born in China and has spent 17 of his 38 years in a Chinese labor camp because he refused to renounce his U.S. citizenship. The recent change in diplomatic relations with China made Mr. Kelly's release possible. But without knowing what the future held in store, Mr. Kelly lived on hope for 17 years that he would one day enjoy freedom in his homeland. He has now been reunited with his family and looks forward to beginning a new life in the United States. Mr. Kelly's faith, determination, and love of country has culminated in a dream come true. I and, I know, the entire House of Representatives extend our heartfelt welcome to him and wish him the best of success as he begins his new life of freedom.●

PRESERVATION OF AMERICA'S HERITAGE ABROAD

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, the fabric of our society is strengthened by visible reminders of the historical roots of that society. Among the visible reminders of America's past are the cemeteries, monuments, and historic buildings located in other nations which are associated with the foreign heritage of American citizens.

Many of the cemeteries, monuments, and historic buildings which visibly represent the foreign heritage of present-day Americans are threatened and are in need of protection. These landmarks are in danger of deterioration or destruction, because there are no longer descendants or compatriots in the communities where these landmarks are located, or because of neglect or deliberate actions by the governments of the countries in which the landmarks are located.

I am sure my colleagues have heard the tragic stories of the destruction or neglect of several of these landmarks:

The last remaining wall of the Warsaw ghetto was torn down by the Polish Government in the mid-1970's. The remains of the ghetto lie underneath modern apartment buildings, and all that remains of the wall is a pile of rubble and a shattered monument.

The Soviet monument at Babi Yar in Kiev, where more than 100,000 people, one-half of whom were Jews, were murdered by the Nazis, was not built until the 1970's, and then only because of worldwide public opinion, aroused by the moving verse of the poet, Yevgeny Yevtushenko. A combination of Soviet anti-Semitism and actions by Ukranian officials had previously converted the area into the site for apartment houses and a television transmitter.

Many of Czechoslavkia's Jewish cemeteries have been designated for other uses. The Slovakian Jewish community's 3,500 remaining members were unable to save them. In 1976, six cemeteries were officially listed for demolition, and descendents in the West and in Israel claimed they were given insufficient notice to arrange for reburial of their relatives.

In a November 22, 1977, article in the Washington Post, Richard Cohen wrote of his search for firsthand information about his grandparents in Ostroleka, Poland. He closed his article on a poignant note:

Now the old man is saying that the construction that has taken the cemetery is also going to take his house. He worries about what kind of apartment he will be given and then he returns to the topic of the cemetery. He said a woman complained about conditions there. She was an old woman and she had gone to Communist Party headquarters in the town and she said that something should be done about the cemetery that bones were turning up and the children were playing with them. Something was done and for a while the place was cleaned up.

Outside it was raining and outside it had turned windy and cold. It was dark and unlighted out by the cemetery and so we stepped in puddles and slipped in the mud and finally made it back to the town. Now we had a person to look for—the woman who had complained about the cemetery. She must be very old and she must know things about the town and about the square where my grandparents once lived and maybe something about them. We went off looking for her. The old man had been very specific.

She was the last Jew in the town.

Mr. Speaker, the graves and monuments of our ancestors in foreign lands are worthy of great reverence and respect, for they serve as a reminder of the contributions of those men and women, not only to their own country, but to the foreign heritage of the United States as well.

When these visible reminders of our foreign past are destroyed or allowed to deteriorate, it is a cause for profound sadness among the descendants and compatriots in America whose roots are obliterated.

I have introduced legislation, H.R. 657, to establish a commission for the preservation of America's heritage abroad. This Presidential Commission will be responsible for identifying threatened cemeteries, monuments, and historic buildings located abroad which are associated with the foreign heritage of U.S. citizens. In addition, the Commission will publicize the names and locations of these landmarks. Most importantly, the Commission, in cooperation with the State Department, will obtain assurances from the involved foreign governments that the cemeteries, monuments, and historic buildings will be preserved and protected.

I urge my colleagues to join me in support for this measure which will help preserve America's heritage in foreign nations. The text of the bill follows:

H.R. 657

To establish a commission to identify, designate, preserve, and protect cemeteries, monuments, and historic buildings which are located abroad and which are associated with the foreign heritage of United States citizens.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That because the fabric of a society is strengthened by visible reminders of the historical roots of the society, it is in the national interest of the United States to preserve and protect the cemeteries, monuments, and historic buildings associated with the foreign heritage of United States citizens.

SEC. 2. There is established a commission to be known as the Commission for the Preservation of America's Heritage Abroad (hereafter" in this Act referred to as the "Commission").

SEC. 3. The Commission shall—

(1) identify cemeteries, monuments, and historic buildings which are located abroad and which are associated with the foreign heritage of United States citizens, particularly those cemeteries, monuments, and buildings which are in danger of deterioration or destruction;

(2) designate such cemeteries, monuments, and historic buildings which are associated with the foreign heritage of United States citizens by such means as publishing a list of the cemeteries, monuments, and buildings;

(3) encourage the preservation and protection of such cemeteries, monuments, and historic buildings by such means as, in cooperation with the Department of State, obtaining assurances from foreign governments that the cemeteries, monuments, and buildings will be preserved and protected;

(4) sponsor or otherwise support demonstration projects to help preserve and pro-

tect such cemeteries, monuments, and historic buildings; and

(5) prepare and disseminate reports on the condition of and the progress toward preserving and protecting such cemeteries, monuments, and historic buildings.

SEC. 4. (a) The Commission shall consist of five members appointed by the President.

(b) Members shall be appointed for terms of three years except that—

(1) a member appointed to fill a vacancy on the Commission shall serve for the remainder of the term for which the member's predecessor was appointed; and

(2) a member may retain membership on the Commission until the member's successor has been appointed.

(c) The President shall designate the Chairman of the Commission from among its members.

(d) The Commission shall meet at least once every three months.

SEC. 5. (a) Members of the Commission shall receive no pay on account of their service on the Commission.

(b) Subject to the availability of appropriations, while away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703 of title 5 of the United States Code.

SEC. 6. (a) The Commission may appoint such personnel (subject to the provisions of title 5 of the United States Code which govern appointments in the competitive service) and may fix the pay of such personnel (subject to the provisions of chapter 51 and subchapter III of chapter 53 of such title, relating to classification and General Schedule pay rates) as the Commission deems desirable.

(b) Subject to the availability of appropriations, the Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5 of the United States Code, but at rates for individuals not to exceed the daily equivalent of the maximum annual rate of basic pay then in effect for grade GS–15 of the General Schedule (5 U.S.C. 5332(a)).

(c) Upon request of the Commission, the head of any Federal department or agency, including the Secretary of State, is authorized to detail, on a reimbursable basis, any of the personnel of such department or agency to the Commission to assist it in carrying out its duties under this Act.

SEC. 7. (a) The Commission may secure directly from any department or agency of the United States, including the Department of State, any information necessary to enable it to carry out this Act. Upon the request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(b) The Commission may accept, use, and dispose of gifts or donations of money or property.

(c) The Commission may use the United States mails in the same manner and upon the same conditions as other departments and agencies of the United States.

(d) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

SEC. 8. The Commission shall transmit an annual report to the President and to each House of Congress as soon as practicable after the end of each fiscal year. Each report shall include a detailed statement of the activities and accomplishments of the Commission during the preceding fiscal year and any recommendations by the Commission for legislation and administrative actions.

SEC. 9. This Act shall take effect on October 1, 1979.●

□ 1505

WEBER CASE MAY ALTER JOB AFFIRMATIVE ACTION

(Mr. CONYERS asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. CONYERS. Mr. Speaker, on December 11, 1978, the U.S. Supreme Court agreed to review the case of Kaiser Aluminum and Chemical Corp., et al. against Weber. Although ostensibly an employment case, Weber involves discrimination questions similar to those addressed in the Bakke case. In fact, most legal opinions hold that this case may have potentially a far more sweeping impact than Bakke.

The key question, once more, is the appropriate use of race/ethnicity in voluntary affirmative action efforts. Unlike Bakke, Weber directly addresses voluntary affirmative action efforts.

In 1974, the United Steelworkers of America (USWA) voluntarily initiated a national program to mitigate the effects of historic racial discrimination within selected industries. The program sought to negotiate collective bargaining agreements which would offer minority workers, mainly in the steel, aluminum, and can industries, the opportunity to fill half of all vacancies in craft-training programs via affirmative action efforts. Program implementation was predicated on an agreement that it would continue until disproportional underrepresentation of minorities within these industries was dissolved.

The Weber litigation arises from an employment dispute within the Kaiser Aluminum Plants in Gramercy, La. In 1974, Gramercy, La., had a population of 46 percent black; its work force was 39 percent black. However, the Kaiser Plant in Gramercy had a work force 15 percent black. Only 5 of the 290 skilled jobs were filled with blacks.

Pursuant to a nationwide agreement between Kaiser and the USWA, Kaiser's Gramercy Plant implemented the affirmative action agreement by setting aside 50 percent of the openings in three craft-training programs for bidding among blacks. The program selection was determined on the basis of plant seniority. Thirteen craft-training positions were created at the Kaiser, Gramercy Plant; seven blacks and six whites filled the available slots.

Brian Weber, who is white, applied for one of the openings; he was denied a position and sued on behalf of himself and other white workers on the grounds that two of the blacks accepted had less seniority at the plant. Weber prevailed in the U.S. district court and was upheld on appeal in the Fifth Circuit Court of Appeals. The case is now before the Supreme Court.

The pursuit of racial equality in this country is at a crossroads; and it is up to the Supreme Court to chart the future course. Either the Court will reverse the majority decision—as amici in the brief that follows strongly urge—and allow this country to move forward toward racial equality, or the Court will affirm that lower court's decision and permit backsliding to an earlier era.

The brief follows:

[In the Supreme Court of the United States, October term, 1978, Nos. 78–432, 78–435, and 78–436]

BRIEF AMICI CURIAE OF THE AFFIRMATIVE ACTION COORDINATING CENTER; THE CONGRESSIONAL BLACK CAUCUS; THE NATIONAL CONFERENCE OF BLACK LAWYERS; THE NATIONAL LAWYERS GUILD; THE CENTER FOR CONSTITUTIONAL RIGHTS; THE CENTER FOR URBAN LAW, ET AL.

(United Steelworkers of America, AFL–CIO–CLC, *Petitioners*, v. Brian F. Weber, et al., *Respondents*. Kaiser Aluminum & Chemical Corporation, *Petitioner*, v. Brian F. Weber, *Respondent*. United States of America and Equal Employment Opportunity Commission, *Petitioner*, v. Brian F. Weber, et al., *Respondents*.)

INTEREST OF AMICI CURIAE

The 63 national and local organizations which have joined as *amici curiae* in this brief represent many sectors of American society—civil rights groups, church groups, bar associations, rank and file labor groups, labor unions, political groups, women's organizations, community groups, and other organizations concerned with the public interest. They have done so from a mutual deep concern that the reversal of the *Weber* case is of vital importance to all affirmative action programs across the country.

These groups share a belief that over 200 years of discrimination on the basis of race, sex and national origin has resulted in freezing non-whites and women out of jobs, skills training, and promotional opportunities. Affirmative action has proven to be in many instances the only effective tool towards alleviating the still pervasive badges and incidents of slavery in American society. Any cut-backs in affirmative action programs and the underlying commitment which they represent will result in continuing the injustices described in this brief.

INTRODUCTION AND SUMMARY OF ARGUMENT

The pursuit of racial equality in this country is at a crossroads. It is the pivotal function of this Court to chart the proper course. Either this Court will reverse the majority decision (as *Amici* will strongly urge herein) and allow this country to move forward toward racial equality, or this Court will affirm the lower court's decision and precipitate a return to an earlier era.[1]

This case has striking parallels to the *Civil Rights Cases* of 1883, 109 U.S. 3 (1883). Speaking for the majority in the *Civil Rights Cases, supra,* Justice Bradley stated that there must come a time when the newly freed slave "takes the rank of mere citizen and ceases to be the special favorite of the laws." 109 U.S. at 25. Given the oppressive conditions facing the newly freed slaves, this transformation of civil inequality into formal legal equality is a remarkable example of judicial legerdemain. It contributed to what, in *Bakke,* Justice Powell called the virtual strangulation of the Equal Protection Clause in its infancy by "post-war judicial reactionism." *Regents of the University of California* v. *Bakke,* —— U.S. ——, 98 S. Ct. 2733, 2749 (1978). It also led to the relegation of the freedmen into "second class citizenship," as Justice Harlan prophesied in his dissent in the *Civil Rights Cases.*[2] The social and political consequences of that abandonment cast a well-documented shadow that is still lengthening over this nation's history.

Footnotes at end of article.

In a very real sense, this Court is challenged to meet its historic responsibilities to enforce the written Constitution. The Bradley Court rewrote history and ignored social reality. This Court must not repeat the same tragic errors.

This Court must not construct a judicial rationale for the abandonment of affirmative action by pretending that equality for racial minority has been achieved. The Court must grasp the mettle",[3] and acknowledge the truth of what Justice Marshall said in *Bakke:*

"The position of the Negro today in America is the tragic but inevitable consequence of centuries of unequal treatment. Measured by any benchmark of comfort or achievement, meaningful equality remains a distant dream for the Negro. . . ." 98 S. Ct. at 2802.

Affirmative action programs for Blacks and other racial minorities are not preferential treatment or "reverse discrimination", but rather a step toward the reversal of discrimination.

The majority ruling in the *Civil Rights Cases* is explicable only in view of the hostility of most whites toward the newly freed slaves. *Amici* fear that such conditions as inflation, unemployment, and a contracting economy, could serve as a politically expedient excuse for the betrayal of the constitutional promise of equality for racial minorities. That promise was renewed after the angry outbursts of Watts, Newark, and Detroit, which marked to date has been known as the "Second Reconstruction." It may be politically expedient for the government and the courts to refuse to face the qualitatively different and harsher realities of institutionalized racism still facing Blacks and other racial minorities.[4]

In this historically significant case, which may have an adverse impact on millions of minorities and women, the issues go beyond the mechanical interpretations of the anti-discrimination principle within Title VII and Executive Order 11246. Neither of these was promulgated in a vacuum. Both were born out of the great social upheavals of the late fifties and early sixties that followed the Court's historic decision in *Brown* v. *Board of Education,* 347 U.S. 483 (1954).

In a very real sense, Title VII and the Executive Order were passed and promulgated to fulfill the broken promises of the Civil War Amendments, in particular, the Thirteenth and Fourteenth Amendments.[5] The rights created by Title VII and the Executive Order for minority and white citizens must be interpreted in this context.

Only by acknowledging the national commitment to racial equality created by the Wartime Amendments, particularly the Thirteenth Amendment, can this Court put into the proper perspective the personal and class rights that Respondents assert were violated. Since this case involves actions of private parties in private employment decisions, of necessity it involves a reexamination of the Thirteenth Amendment, which the total Court in the *Civil Rights Cases, supra,* recognized as giving Congress and all the coordinate branches of government the power to directly and primarily enforce.

Amici contend that the actions taken by Kaiser and the United Steelworkers were fully protected by the Thirteenth Amendment, and that Respondents have no rights which contravene the rights of minorities protected by the Thirteenth Amendment.[6]

ARGUMENT

I. The thirteenth amendment protects efforts to overcome badges and incidents of slavery.

By 1883, the implementation of the Thirteenth and Fourteenth Amendments had come full circle. The Reconstruction Congress, which passed these amendments and the sweeping legislation designed to protect the civil and political rights of freedmen, had been decimated by the elections of 1876 and the Compromise of 1877. The newly freed slaves enjoyed few, if any, of the rights allegedly guaranteed to them. Indeed, they faced conditions similar to those they had suffered in slavery.

In 1883, several constitutional challenges to the Civil Rights Act of 1875, which prohibited discrimination in public accommodations or public places of amusement came before the Supreme Court. In the *Civil Rights Cases* of 1833, *supra,* the Court had to answer a fundamental question: Did Congress have the power to pass legislation to enforce all of the substantive rights mandated by either or both the Thirteenth and Fourteenth Amendments?

The Court's answer reflected the times. Chief Justice Bradley, writing for the majority, created the "state action" doctrine and disposed of the Fourteenth Amendment as a meaningful provision to vindicate the rights of the newly freed slaves. He wrote that the Fourteenth Amendment's enforcement powers only allowed congressional action that was secondary and corrective of discriminatory state actions. By implication, substantive rights, guaranteed by the Fourteenth Amendment, could not be protected unless affected by state action.

A. In the *Civil Rights Cases* of 1883, the Entire Court Agreed That The Thirteenth Amendment Was Designed To Abolish Slavery as well as its Badges and Incidents. The Bradley Majority Disagreed With Harlan On The Nature of Such Badges and Incidents.

Justice Bradley found that the Thirteenth Amendment was not restricted to the mere prohibition of discriminatory action:

"By its own unaided force and effect it abolished slavery, and established universal freedom. Still, legislation may be necessary and proper to meet all the various cases and circumstances to be affected by it, and to prescribe proper modes of redress for its violation in letter or spirit. And such legislation may be primary and direct in its character; for the amendment is not a mere prohibition of state laws establishing or upholding slavery, but an absolute declaration that slavery or involuntary servitude shall not exist in any part of the United States. *Civil Rights Cases, supra,*" 109 U.S. at 20.

In addition, Justice Bradley held the Thirteenth Amendment to have a "reflex character, establishing and declaring civil and political freedom throughout the United States." *Id.* He assumed that Congress was clothed with "the power to pass all laws necessary and proper for abolishing all badges and incidents of slavery in the United States." *Id.*

Justice Harlan fully agreed with this characterization. His vehement dispute was with how to define and what constituted the badges and incidents of slavery. For Justice Bradley, the badges and incidents of slavery were limited to those legal disabilities imposed on slaves—such as not having the right to sign and enforce a contract, or purchase and inherit property—the literal trappings of human bondage.

Justice Harlan understood "badges and incidents" to refer to all discrimination on account of race. He believed that the Thirteenth Amendment gave Congress the power to legislate against those discriminations—

"I do hold that since slavery, as the court has repeatedly declared, was the moving or principal cause of the adoption of that amendment and since that institution rested wholly upon the inferiority, as a race, of those held in bondage, their freedom necessarily involved immunity from, and protection against, all discrimination against them, because of their race, in respect of such civil rights as belong to free men of other races. Congress, therefore, under its express power to enforce that amendment, by appropriate legislation, may enact laws to protect that people against the deprivation, *on account of their race,* of any civil rights enjoyed by other free men in the same state." 109 U.S. at 36.

Justice Harlan further reminded the Court of its position nine years earlier in the *Slaughter House Cases,* 109 U.S. at 36–37. The Court had disapprovingly characterized certain state laws restricting the right to contract of people of African descent. These laws excluded them from many "occupations of gain" and prevented them from freely traveling. The Court said that this: "imposed upon the colored race onerous disabilities and burdens; curtailed their rights in the pursuit of life, liberty, and property to such an extent that their freedom was of little value." *Id.* at 37.

There was no doubt that such laws contravened the Fourteenth Amendment. As to the Thirteenth Amendment, Justice Harlan rhetorically asked:

"Can there be any doubt that all such legislation might have been reached by . . . [direct] power to enforce the thirteenth amendment? Would any court have hesitated to declare that such legislation imposed badges of servitude in conflict with the civil freedom ordained by that amendment?" *Id.*

Only Justice Harlan gave a meaning to the concept of badges and incidents of slavery that gave substance to the Thirteenth Amendment as a charter "declaring civil and political freedom throughout the United States." 109 U.S. at 20.

B. Justice Harlan's Broad Understanding of What Were Badges and Incidents of Slavery Was Based On His Belief That the Thirteenth Amendment Overruled the Theory of Racial Inferiority Enunciated in the *Dred Scott* Opinion.

Justice Harlan had understood from "repeated declarations" by the Court that the Thirteenth Amendment was enacted to abolish an institution that *"rested wholly upon the inferiority as a race, of those held in bondage".* From this he concluded that discrimination based on theories of racial inferiority was a substitute for slavery and as such, a badge and incident of slavery. 109 U.S. at 39.

Central to this conclusion was his view that the passage of the Thirteenth Amendment completely overruled the infamous opinion in *Dred Scott* v. *Sanford,*[7] 60 U.S. 393 (1856).

Thirty years later, Justice Harlan paraphrased Chief Justice Taney's odious characterization of the Negro race in that case:

". . . '[T]hey had for more than a century before been regarded as beings of an inferior race, and altogether unfit to associate with the white race, either in social or political relations and so far inferior that they had no rights which the white man was bound to respect, and that the negro might justly and lawfully be reduced to slavery for this benefit;' That he was 'bought and sold, and treated as an ordinary article of merchandise and traffic, whenever a profit could be made by it;' and that 'this opinion was at that time fixed and universal in the civilized portion of the white race. It was regarded as an axiom in morals as well as in politics which no one thought of disputing, or supposed to be open to dispute; and men in every grade and position in society daily and habitually acted upon it in their private pursuits, as well as in matters of public concern, without for a moment doubting the correctness of this opinion." 109 U.S. at 31.

For Justice Harlan, the Thirteenth Amendment outlawed all the badges and incidents

Footnotes at end of article.

of slavery that were based on the racial inferiority and white supremacy theories enunciated in *Dred Scott, supra*. The Bradley opinion failed to even mention or acknowledge this fact.

C. A Majority of the Supreme Court Adopted Justice Harlan's Formulation of the Badges and Incidents of Slavery in *Jones* v. *Alfred H. Mayer Co.* and *Runyon* v. *McCrary*.

In *Jones* v. *Alfred H. Mayer Co.*, 392 U.S. 409, 438 (1968), a majority of the Supreme Court reminded the nation that "'[b]y its own unaided force and effect', the Thirteenth Amendment 'abolished slavery and established universal freedom.'"[8]

Writing for the majority, Justice Stewart ruled that "racial discrimination which herds men into ghettos" is a "relic of slavery" prohibited by legislation passed pursuant to Section 2 of the Thirteenth Amendment, 392 U.S. at 442–3.

The Court did more than say that the Thirteenth Amendment protected Blacks and other racial minorities[9] from purely private racial discrimination in the sale of property. To a large degree, the Court embraced the broad Harlan analysis of the rights created and protected by the Thirteenth Amendment. In the courageous language of Justice Stewart, the Court pointed out:

"Just as the Black Codes, enacted after the Civil War to restrict the free exercise of those rights, were substitutes for the slave system, so the exclusion of Negroes from white communities became a substitute for the Black Codes. And when racial discrimination herds men into ghettos and makes their ability to buy property turn on the color of their skin, then it too is a relic of slavery. Negro citizens, North and South, who saw in the Thirteenth Amendment a promise of freedom—freedom to 'go and come at pleasure' and to 'buy and sell when they please'—would be left with 'a mere paper guarantee' if Congress were powerless to assure that a dollar in the hands of a Negro will purchase the same thing as a dollar in the hands of a white man. At the very least, the freedom that Congress is empowered to secure under the Thirteenth Amendment includes the freedom to buy whatever a white man can buy, the right to live wherever a white man can live. If Congress cannot say that being a free man means at least this much, then the Thirteenth Amendment made a promise the Nation cannot keep." 392 U.S. at 441–443.

These words are remarkably similar to those of Justice Harlan in his dissent in *Plessy* v. *Ferguson*, 163 U.S. 537 (1896). Much of the argument in *Jones* was reinforced by the majority in *Runyon* v. *McCrary*, 427 U.S. 160 (1976):

"The statutory holding in *Jones* was that the '[1886] Act was designed to do just what its terms suggest: to prohibit all racial discrimination, whether or not under color of law, with respect to the rights enumerated therein—including the right to purchase or lease property,' 392 U.S. at 436, 88 S. Ct., at 2201. One of the 'rights enumerated' in § 1 is 'the same right . . . to make and enforce contracts . . . as is enjoyed by white citizens. . . .' 14 Stat. 27. Just as in *Jones* a Negro's § 1 right to purchase property on equal terms with whites was violated when a private person refused to sell to the prospective purchaser solely because he was a Negro, so also a Negro's § 1 right to 'make and enforce contracts' is violated if a private offeror refuses to extend to a Negro, solely because he is a Negro, the same opportunity to enter into contracts as he extends to white offerees." 427 U.S. at 170.

Both *Jones, supra* and *Runyon, supra* reestablished the proper role of the Thirteenth Amendment in helping this nation overcome its legacy of slavery and racism. In much the same way that the racial exclusion of Blacks from white neighborhoods is a relic of slavery, so is the virtual exclusion of Blacks and other non-white minorities from the skilled trades a badge and incident of slavery. Just as in *Jones, supra*, where the Court found that 42 U.S.C. § 1982 protects Blacks and minorities from racial discrimination in the sale or lease of private housing, so does the Thirteenth Amendment protect efforts by parties that are designed to overcome and abolish the badge of slavery manifested by the current underrepresentation of minorities in the skilled trades.

II. Institutional discrimination against racial minorities as currently manifested in their disproportionate underrepresentation in the skilled trades is a badge and incident of slavery.

A. Institutional Discrimination Against Racial Minorities In The Skilled Trades Continues Through The Present.

Amici use the phrase "institutional discrimination"[10] against racial minorities to refer to the phenomenon whereby this nation's institutions almost reflexively grant advantages to whites and impose disadvantages upon Blacks and other racial minorities. Institutional discrimination against racial minorities continues to flourish in the "skilled trades," even though some progress has been made as a result of Executive Order 11246 and Title VII. In May, 1976, the United States Commission on Civil Rights (hereinafter Civil Rights Commission) issued a report entitled *The Challenge Ahead: Equal Opportunities in Referral Unions*. This report (hereinafter referred to as the Report) is of particular relevance in this case because it is the referral unions, particularly the building trades unions, which have historically provided training for trade craftsmen. Further, it was these referral unions that Kaiser apparently relied on to refer trained craftsmen to them in Gramercy prior to the institution in 1974 of the training program at issue in this case.

The Civil Rights Commission found in its examination of the statistics in the 1974 EEO–3 reports of 15 major building trades unions that, at most, minorities constituted 6.2% of the journeymen working in the construction industry in 1972, and more likely only 5.5%.[11] In view of the time required to complete an apprenticeship program, usually two to four years (Report at 53), it is unlikely that these statistics had changed significantly by 1974, when Petitioners, Kaiser Aluminum and the United Steelworkers, negotiated the contract provision challenged herein. It is also safe to state, as did the Civil Rights Commission in 1976, that:

"[T]he percentages of minorities . . . among journeymen in the construction industry are extremely low, whether compared with population or relevant labor force statistics." Report at 52.

The Civil Rights Commission concluded that the "extremely low" percentages of minorities within the construction inustry resulted from two sources: (1) overt discrimination and (2) institutional discrimination. Such overt discriminatory practices included, among other things, "white only" clauses in many union constitutions until the mid-1960's and exclusion of minorities from participation in apprenticeship examinations. The Report recognized that while overt discrimination is not as "widespread as it once was, it is far from uncommon" (Report at 92) and that although a few "progressive locals" have made the entry of racial minorities a "relatively routine matter" *id.*, the most common form of discrimination which accounts for the continued exclusion of racial minorities is the use of seemingly neutral practices that disproportionately exclude them.

As for institutional discrimination, the Report states:

"Institutional discrimination occurs when policies and practices used in selecting apprentices and applicants for membership and employment have an adverse impact on minorities and women, even when these policies and practices are not intentionally applied in a discriminatory manner. The adverse effect these policies and practices have on minority groups may have been caused by the past intentional discriminatory policies of a union or by economic, educational, and social disparities in the society. Whatever the cause, the effect is exclusion from employment." Report at 64.

The Report identified, and discussed at length, four common institutional practices within building trades unions which have caused the virtual exclusion of significant numbers of racial minorities: (1) membership selection practices; (2) restrictions on the size of membership; (3) methods of recruitment; and, (4) examinations. Report at 65–92.

In summary, the Civil Rights Commission concluded:

"The effect of intentional and direct employment discrimination in the building trades continues to be severe. The proportion of unions that neither discriminate directly nor intentionally or that do not continue to use widely practiced institutional mechanisms that adversely affect the employment opportunities of minorities and women is unfortunately quite small." Report at 94.

B. The Current Disproportionate Underrepresentation of Minorities in the Skilled Trades Reveals Past and Continuing Legal Disabilities on the Rights of Minorities to Contract in Violation of 42 U.S.C. § 1981.

If today, minorities make up close to 20% of the nation's population, but make up only 5.5% of the journeymen in the skilled building trades, it is only logical to state that some mechanism has been operating to cause and perpetuate this disproportionate underrepresentation.

Amici will not repeat here the history of the exclusion of minorities from the skilled trades.[12] *Amici* would point out that such disabilities as "white only" clauses in skilled trade unions' constitutions, the exclusion of minorities from taking journeymen's exams, or the exclusion of minorities from hiring halls[13] severely impaired minorities' rights to contract for jobs in the skilled trades.

Even Justice Bradley, in the *Civil Rights Cases, supra*, conceded that placing burdens on the making of contracts was an "incident of the institution" of salvery that Congress identified and outlawed by passing the Civil Rights Act of 1866 (42 U.S.C. § 1981). Although after 1883, this Act was no longer used by the courts to vindicate the rights of minorities (thus discouraging actions to enforce it), there can be no doubt that massive and unanswered violations of its provisions occur daily. If the 1866 Civil Rights Act, which was not "rediscovered" as a basis of jurisdiction for employment discrimination until *Johnson* v. *Railway Express Agency*, 421 U.S. 454 (1975), had been consistently enforced over the years so as to invalidate racially motivated refusals to contract for skilled trades jobs, or enforced so as to have fought craft unions that placed obstacles in the way of minorities' rights to join the unions, the current underrepresentation would most likely not be as extreme as it is today and affirmative action would not be necessary. This identifiable incident of slavery still perpetuates the underrepresentation of minorities in the skilled trades.

III. The constitutional context in which title VII and Executive Order 11246 must be interpreted is one which effectuates the mandate of the thirteenth amendment to eradicate the badges and incidents of slavery.

A. Executive Order 11246 and Title VII

Footnotes at end of article.

Cannot Be Read to Contravene the Dictates of the Thirteenth Amendment.

Although Title VII was not passed pursuant to the Thirteenth Amendment, the time-honored principles of this country's constitutional government require the courts to interpret all statutes and executive orders consistently with the provisions of the Constitution. If a statute or executive order is inconsistent with any portion of the Constitution, or if it is applied in such a manner as to be inconsistent with the Constitution, then it cannot stand. *Marbury* v. *Madison*, 5 U.S. 103 (1803).

Title VII, therefore, cannot be constitutionally interpreted by this Court unless the interpretation is consistent with every asaspect of the Constitution, which involves the mandates of the Thirteenth Amendment. Similarly, under Executive Order 11246, the Presidential power to further federal interests in the procurement of goods or services also must be consistent with the Constitution, including the mandates of the Thirteenth Amendment.

Furthermore, the Thirteenth Amendment is self-executing. It requires no implementing legislation for its enforcement.

"By its own unaided force and effect, the Thirteenth Amendment abolished slavery, and established universal freedom." *Civil Rights Cases, supra, Jones* v. *Alfred H. Mayer Co., supra* at 438.

Because the Thirteenth Amendment is self executing, it becomes automatically the context within which civil rights legislation must be interpreted.[14]

Because the interpretation of Title VII and Executive Order 11246 advanced by the courts below hinders the achievement of the Thirteenth Amendment objective to eliminate the badges and incidents of slavery, it cannot be sanctioned by this Court. That interpretation must be rejected.

B. When Read Consistent With the Thirteenth Amendment, Title VII and Executive Order 11246 Encourage Efforts to Overcome the Badges and Incidents of Slavery.

Title VII creates rights for all persons to be free of employment discrimination based on race, color, religion, sex, or national origin. This principle, and its parallel in other civil rights laws, did not emerge on the legal landscape merely because of abstract notions of natural justice. Title VII was passed against a factual backdrop of an aroused citizenry no longer tolerant of systematic, pervasive, and unabashed discrimination against the descendants of this nation's slaves. Although the race relations of this country have undergone some positive changes in response to the great push for civil rights in the 1960's, overt racism still persists; covert racism is still widely practiced; and relatively pervasive basic ignorance of the realities of racism still flourishes. The effects of continuing white supremacist attitudes and practices are all too apparent in any review of the social and economic indicators of equality.[15]

The concept of affirmative action has developed as a critical theory for moving the nation beyond a mere commitment to nondiscrimination to a means for remedying the many current expressions of this nation's history of slavery, white supremacy, and racial discrimination. Affirmative action programs are remedial tools responding directly to this historic, negative, and stigmatic use of race.

The ruling of the court below denies this history. Its premise is that all discrimination is the same, despite the historical reality to the contrary. All discrimination is not the same. White people simply have not, do not, and will not suffer from the affirmative use of race in ways which should cause this Court to restrict racial affirmative action programs.

Footnotes at end of article.

Amici contend that while Respondents have rights under Title VII and Executive Order 11246,[16] Respondents' rights do not outweigh the constitutional protection afforded the Petitioners pursuant to the Thirteenth Amendment to implement the affirmative action plan challenged herein. Contrary to the demands of the Thirteenth Amendment, the court below would interpret Title VII to forbid voluntary effective measures aimed at eliminating the "badges and incidents of slavery." It would make voluntary race conscious devices designed to end the overrepresentation of whites in preferred areas of employment unlawful. It would make the voluntary efforts to build a new system free of the institutional racial discrimination which today dominates employment relations in this nation illegal.

It is the need to undo the badges and incidents of slavery which provide the basis and justification for reconciling the competing principles argued by the parties in this case. On the one hand, all people have the right not to be discriminated against on the basis of race; on the other hand, this nation is constitutionally committed to eliminating the still pervasive effects of slavery. To achieve this end, Petitioners must be permitted to use race in affirmative ways to effectuate the goal of the Thirteenth Amendment.

C. The Interpretation of Title VII and Executive Order 11246 by the Court Below Defeats Rather Than Effectuates the Mandate of the Thirteenth Amendment.

(1) The court improperly searched for villians and victims.

The trial court below erred in making two assessments: (1) that those who would participate in the benefits of affirmative action programs must show that they have been victims of past discriminatory conduct by the proponents of the affirmative action plan, and (2) that the proponent of an affirmative action plan using race as a criterion must reveal itself as a "villian" in the past by demonstrating evidence of its prior practice of racial discrimination. These conclusions of the court below evade the purposes of the Thirteenth Amendment.

This Court has properly identified two different but interrelated purposes of Title VII. *Albemarle Paper Co.* v. *Moody, supra*, 422 U.S. at 417–18, 421; *Franks* v. *Bowman*, 424 U.S. 747, 767, n. 27, 771 (1976). The first and primary purpose is "prophylactic," designed to encourage employers and unions to change any and all of their employment practices that create barriers to equal opportunity. The second purpose is compensatory, and allows individuals to be "made whole" for specific violations of the law.

The prophylactic purpose emphasizes the eradication of *conditions* caused by barriers to equal opportunity. The "make whole" purpose stresses the rights of identified *victims*.

As Justice Stewart recognized in *Albemarle, supra*, the threat of "make whole" remedies provides a spur or catalyst to the achievement of the prophylactic objective of Title VII. Conversely, if prophylactic measures are taken, discriminatory conditions will have been eliminated so that fewer individuals will need to be made whole. This case involves voluntary action, spurred by the threat of "make whole" remedies, pursuant to the prophylactic purposes of Title VII.

Title VII of the 1964 Civil Rights Act promotes the adoption of voluntary remedial affirmative training hiring and promotional schemes. Courts have ordered affirmative action under Title VII, including race conscious temporary remedies, such as preferences, goals and timetables in hiring and promotion.[17] Consent decrees approved by the courts have also included such provisions.[18] Further, the determination that affirmative action is also required under Executive Order 11246 and conciliation agreements under Title VII of the Civil Rights Act has been given the approval of the courts.[19] And, in applying the intent and purposes of Title VII and Executive Order 11246, recognition has been given to the appropriateness of a group remedy. The validity of a group remedy, in contrast to a requirement that a prospective beneficiary of an affirmative action program establish that he has been the victim of past racial discrimination at the hands of the sponsor of the program is not without justification.[20]

Indeed, the Wartime Amendments, including the Thirteenth, have been construed to transcend the limitations of race.[21] It is virtually undeniable that race and the concommitant notions of inferiority—with regard to Blacks—was a vital underpinning of the institution of slavery. The effects of racial discrimination were imposed upon the injured parties as a group. Race was the sole determining factor. It was race and race alone that was responsible for the underrepresentation of Blacks and other racial minority groups in the specialized crafts.[22] Therefore, if the effects of such racial discrimination as reflected in craft membership is ever to be eliminated, then we need not identify individual "victims" or "villains". It should be sufficient to recognize that a class of people has been systematically ostracized on the basis of race and if their current underrepresentation is to be remedied, then race alone is necessary to identify the target population for purposes of remediation.

The standard for an employer seeking to bring his work force in compliance with Executive Order 11246[23] and Title VII[24] is not "proof of past discrimination." To require that an employer prove intentional discrimination against himself *completely subverts* the congressional intent of Title VII, and the underlying intent of the Executive Order. The Equal Employment Opportunity Commission seeks compliance with Title VII under a reasonable belief standard, and §§ 703(a) and 703(d) are not prohibitions to affirmative, remedial, preferential remedies.

(2) The court inaccurately characterized the facts in this matter as an employment seniority case.

The majority opinion of the court below characterized the issues raised by this litigation as impacting upon seniority rights. The court focused upon the standards for altering seniority rights as a consequence of remedying past discrimination under the "rightful place" theory articulated by the Supreme Court in *Franks* v. *Bowman, supra*, and then determined that absent a finding of past discrimination, all employees at the Kaiser Plant were in their "rightful place," "since none [had] obtained any unfair seniority advantage at the expense of any other." *Weber* v. *Kaiser Aluminum & Chemical Corp.*, 563 F.2d 216, 266 (5th Cir. 1977). The court below concluded:

"Where admissions to the craft on-the-job training programs are admittedly and purely functions of seniority and that seniority is untainted by prior discriminatory acts, the one-for-one ratio, whether designed by agreement between Kaiser and the USWA, or by order of court, has no foundation in restorative justice, and its preference for training minority workers thus, violates Title VII." 563 F.2d 216 at 226.

Amici contend that seniority exists as a by-product of collective bargaining. It carries with it certain agreed to rights and privileges as determined between management and the collective bargaining agent which are protected by the Constitutional right to contract and the public policy favoring collective bargaining agreements.

The Court in *Franks* rejected the argument that the granting of seniority relief deprived other employees of "vested rights":

"This Court has long held that employee expectations arising from a seniority system agreement may be modified by statutes fur-

thering a strong public policy interest. [Citations omitted] The Court has also held that a collective bargaining agreement *may go further, enhancing the seniority status of certain employees for the purposes* of furthering public policy interests *beyond what is required by statute* . . . even though this will to some extent be detrimental] to the expectations acquired by other employees under the previous seniority agreement." 424 U.S. at 778, 779.

The Court continued.

"The ability of the union and employer voluntarily to modify the seniority system to the end of ameliorating the effects of past racial discrimination, a national policy objective of the 'highest priority,' is certainly no less than in other areas of public policy interests." *Id.*, at 779.

One of the most significant aspects of seniority is that it provides the means of determining the order by which both promotions and lay-offs may take place when all other factors appear to be equal. This case addresses neither the issues of promotion nor lay-off, but, instead, addresses those factors *other than seniority* which establish qualifications for advancement within the company.

The affirmative action program under review here must be seen as a training program, and, in that sense, educational. The Kaiser plan was designed to develop, within certain employees, skills which would permit them, as successful participants in the training program, to become eligible for advancement to job status as craftsmen, as opposed to that of lesser-skilled production workers. The means of selection for the affirmative action training program were tied to seniority only because of its convenience and availability as a selection criterion.

This is not a case in which a promotion roster was being altered, although courts have condoned the alteration of promotion rosters based upon race.[26] This is not a case in which hiring policies have been altered to accommodate racial minority groups; nor is this a case where selection on the basis of race precludes non-participants in the program from ever achieving the goals and purposes of the program, that is, participation in the crafts. Access to the crafts has long been accomplished without the benefit of company-sponsored training programs. Indeed, this on-the-job training program was created only because of the underrepresentation of Blacks and other racial minorities in the crafts. The traditional methods for entrance into the crafts did not produce significant numbers of Blacks and other racial minority group members. In the face of this certainty, the company took it upon itself to train significant numbers of racial minorities for participation within the crafts.

No duty existed by virtue of seniority rights to train members of the class which predominated within the crafts. But where an employer determines upon analysis of his work force that he is potentially liable for unlawful discrimination under Title VII, it is his duty to correct the discriminatory situation voluntarily.

Both Executive Order 11246 and Title VII (706(b)) envision voluntary compliance in the enforcement scheme which the Supreme Court endorsed in *Albemarle Paper Co.* v. *Moody* (quoting from *U.S.* v. *N.L. Industries, Inc.*, 479 F.2d 354, 379 (8th Cir. 1973). Consent decrees have also been sanctioned by the Court.

The specific language of 703(j) was emphasized by the court in *Contractor's Assoc., supra*:

"Possibly an employer could not be compelled, under the authority of Title VII, to embrace such a program, although 703(j) refers to percentages of minorities in an area work force, rather than percentages of minority tradesmen in an available trade work force. We do not meet that issue here, however, for the source of the required contract provision is Executive Order 11246. Section 703(j) is a limitation only upon Title VII, not upon any other remedies, state or federal. 442 F.2d at 172.

Assuming, but not admitting, that 703(j) in any way limits remedies under Title VII, the limitation is perhaps in the context of hiring, probably not promotion, and certainly not training programs. A careful reading of 703(j) suggests the only practice not required of employers is "hiring" in order to balance the "total number of percentages, of persons of any race, color, religion, sex or national origin employed by an employer in comparison with their representation in the work force." Training programs such as are at issue in the instant case, that are intended to alter the available work pool to include qualified Blacks, are not addressed by 703(j) of Title VII. And, more importantly, attempts to alter the work pool from which an employer obtains his personnel to overcome underrepresentation of Blacks and other racial minority group members are protected by the Thirteenth Amendment and cannot be thwarted by misplaced notions of seniority rights which ignore the strnegth of constitutional protection.

IV. Guidelines on affirmative action recently promulgated by the Equal Employment Opportunity Commission enunciate for the executive branch comprehensive and proper standards governing Federal civil rights law which are in accordance with the mandates of the 13th amendment.

A. EEOC's Affirmative Action Guidelines Are Based Upon the Commission's Reading of the Legislative Purpose of Title VII.

EEOC's newly enacted affirmative action guidelines (44 Fed. Reg. 4422 (Jan. 19, 1979) are explicit in their reading of the legislative history of Title VII:

Congress enacted Title VII in order to improve the economic and social conditions of minorities and women by providing equality of opportunity in the workplace. These conditions were part of a larger pattern of restriction, exclusion, discrimination, segregation and inferior treatment of minorities and women in many areas of life. Section 1608.1(b).

If the end of Title VII is to "improve the economic and social conditions of minorities and women" by overcoming widespread and diverse patterns of discrimination, the preferred means to achieve this objective is "voluntary action."

". . . Congress strongly encouraged . . . persons subject to Title VII . . . to act on a voluntary basis to modify employment practices which constituted barriers to equal opportunity, without awaiting litigation or formal governmental action." *Id.*

Based on this understanding of the purposes of Title VII, Section 1608.1(c) of the guidelines declares its interpretation in furtherance of this legislative purpose:

"The principle of nondiscrimination in employment because of race, color, religion, sex, or national origin, and the principle that each person subect to Title VII should take voluntary action to correct the effects of past discrimination and to prevent present and future discrimination without awaiting litigation, are mutually consistent and interdependent methods of addressing social and economic conditions which precipitated the enactment of Title VII. Voluntary affirmative action to improve opportunities for minorities and women must be encouraged and protected in order to carry out the Congressional intent embodied in Title VII."

The seeming inconsistency created by the affirmative use of race, sex, or national origin necessitated the guidelines:

"Many decisions taken pursuant to affirmative action plans or programs have been race, sex, or national origin conscious in order to achieve the Congressional purpose of providing equal employment opportunity. Occasionally, these actions have been challenged as inconsistent with Title VII, because they took into account race, sex, or national origin. This is the so-called "reverse discrimination" claim. In such a situation, both the affirmative action undertaken to improve the conditions of minorities and women, and the objection to that action, are based upon the principles of Title VII." Section 1608.1(a)

The Guidelines dispel any possible contradiction, not only by reference to the legislative purpose of the Act, but also by drawing upon knowledge that a failure to reconcile the competing principles would cause serious difficulties:

"The Commission believes that by the enactment of Title VII Congress did not intend to expose those who comply with the Act to charges that they are violating the very statute they are seeking to implement. Such a result would immobilize or reduce the efforts of many who would otherwise take action to improve the opportunities of minorities and women without litigation, thus frustrating the Congressional intent to encourage voluntary action and increasing the prospect of Title VII litigation." *Id.*

As noted in the joint opinion of Justices Brennan, White, Marshall, and Blackmun in *Regents of the University of California* v. *Bakke, supra,* in the context of Title VI:

"We have recently held that '[w]hen aid to construction of the meaning of words, as used in the statute, is available, there certainly can be no "rule of law" which forbids its use, however clear the words may appear on "superficial examination."' (Citations omitted). This is especially so when, as is the case here, the literal application of what is believed to be the plain language of the statute, assuming that it is so plain, would lead to results in direct conflict with Congress' unequivocally expressed legislative purpose." 98 S. Ct. at 2774.

The interpretation advanced by EEOC's affirmative action guidelines properly "clarify and harmonize the principles of Title VII . . ." Section 1608.1(a). This statement by the executive branch should be given great deference. Not only because it is the view of the executive branch of a congressional act, and thus of at least co-equal weight with that of the judiciary (*see* part D of this argument), but also because it is amply supported by congressional debates.

Amici share EEOC's understanding of the legislative history of Title VII, as it is wholly consistent with this Court's ruling in *Griggs*, 401 U.S. 424, *Albemarle*, and *Franks*. *See* Section III, *supra*. EEOC's finding of the congruency of Title VII with Executive Order 11246 is also correct.

"The legislative history of the Equal Employment Opportunity Act of 1972 shows that Congress repeatedly rejected limitations on affirmative action under the Executive Order, including the goals and timetables approach that had become by that time a central feature of the implementation of the Order. . . . The Congress which acted to allow the Executive Order program to continue would not, in the same measure, invalidate it under Title VII. The statute should be construed to avoid such a contradictory conclusion, especially where such a conclusion would undermine the expressed Congressional purpose of opening employment opportunities to minorities and women who had in the past been denied such opportunities." 44 C.F.R. at 4423.

For a more detailed analysis of the 1972 Title VII debates, *amici* refer the Court to the *amicus curiae* brief submitted in this

Footnotes at end of article.

case by the NAACP Legal Defense and Education Fund, Inc.

Assuming for the purposes of argument that there are other possible readings of the legislative intent behind Title VII, *amici* contend that at best, those readings would lead to an ambiguous or ambivalent intent upon the part of Congress. As *amici* argued in Section I of this brief, in such circumstances the Court must interpret that ambiguity or ambivalence in accordance with the mandates of the Thirteenth Amendment so as not to erect barriers to the elimination of vestigal badges and incidents of slavery. EEOC's interpretation of the legislative history is consistent with the Thirteenth Amendment and should be embraced by this Court for this reason as well.

B. The Standards of Reasonableness Contained in EEOC's Affirmative Action Guidelines Give Employers, Unions, and Others Subject to Title VII the Legal Latitude and Protection Required to Encourage Voluntary Affirmative Action.

The standards spelled out by the guidelines reveal a practical understanding of the interests of those subject to Title VII's commands and of the existence of institutional discrimination.

The core of the guidelines is their "three A's" concept: reasonable self-analysis, a reasonable basis for concluding that action is appropriate, and reasonable action. Section 1608.4.

If the self-analysis (Section 1608.b(4)) discloses any one of the conditions described as a "reasonable basis for concluding that action is appropriate" (Section 1608.4(b)), voluntary action which is "reasonable in relation to the problems disicosed by the self-analysis" (Section 1608.4(c)) may be taken. These "reasonable actions" include "appropriate employment tools which recognize the race, sex or national origin of applicants or employees" and "may include . . . practices which will eliminate" the conditions revealed by the self analysis. *Id.*

The circumstances under which one can conclude that voluntary affirmative action is appropriate are explained in Section 1608.3. Of particular relevance to this case is Section 1608.3(c) which explains that "historic restrictions" by other than the party taking affirmative action may cause the "available pool . . . of qualified minorities and women" to be "artificially limited." The section goes on to encourage voluntary action to overcome such circumstances, including training programs such as the one at issue in this case.

These standards do not in any way make the lawfulness of affirmative action hinge on the lawfulness of the prior conduct of the party taking affirmative action. (Section 1608.4(b); Section 1608.3.) Evidence of past discrimination of any kind by that party—even the existence of a "prima facie" case—is not a pre-condition for taking affirmative action.

C. EEOC's Affirmative Action Guidelines Do Not Condition Affirmative Action on the Existence of Evidence that the Law May Have Been Violated; They Recognize That the Interest of Parties Who Implement Affirmative Action Plans Is to Suppress and not to Produce Evidence of Their Own Discriminatory Actions and to Portray Themselves as Remedying "Societal Discrimination."

This case convincingly demonstrates and simple logic confirms that it is unrealistic to expect those who can be held liable for violating Title VII and the civil rights of minorities and women to come forth with evidence exposing themselves to such liabilities. It is far more likely that employers and unions will attribute existing segregated areas to discrimination by others or to acts which, though discriminatory in result, nonetheless were legal. Furthermore, in many cases, such attribution will be entirely accurate.

There is a "smoking gun" in this case: the clear evidence of past discrimination alleged by a government agency. Petitioners, the United States of America, have filed with this Court findings made in 1971 by federal compliance officers, acting pursuant to Executive Order 11246, that craft employment practices at Kaiser's Gramercy plant did not conform with the O.F.C.C.'s antidiscrimination requirements. (Brief of the United States of America on *Petition for Writ of Certiorari* at 18.) Additional findings by federal compliance officers in 1973 state that Kaiser had waived its prior experience requirements for whites, but not for Blacks who had applied for craft positions. *Id.* Furthermore, those experience requirements had not been validated. (1973 findings filed with this Court by the United States of America, at 1-2.) Were it not for the petition for *certiorari* to this Court, and the government's resulting decision to file these critical documents with the Court, this case might have proceeded under the illusion that there had been no past discriminatory acts by the Petitioners.

Although the "smoking gun" was not presented to the district court, there was overwhelming evidence of its existence: the repeated testimony that Kaiser and the Union were acting to conform to the requirements of Executive Order 11246 and Title VII (Jt. Ex. No. 2, p. 13, Tr. 41, 100, 104, 106, 108, 110), the glaring statistical disparity between Blacks in the skilled jobs (2%) and Blacks in the area's labor force (39%), and the absence of evidence validating the skill experience requirements.

Despite all of this evidence and the undoubted awareness of the existence of the "smoking gun," Kaiser has insisted throughout this litigation that it was completely innocent of any wrongdoing. It has consistently attributed the statistical disparities in its craft jobs to the discriminatory acts of others, labeling such conditions "societal discrimination." Only the Union has pressed some of these arguments of possible past violations, which it now has chosen to abandon.[26]

Amici believe that both the union and the employer have a substantial interest by their affirmative action programs to curtail liability for past discrimination and to eliminate the badges of slavery. Nonetheless, ". . . [N]o litigant wanted to see past discrimination found. The plaintiffs knew it would weaken their case. Kaiser and the Union could only admit past discrimination by strongly inviting private suits by blacks. Although the trial below was in no way collusive, the defendants could well have realized that a victory at the cost of admitting past discrimination would be a Pyrrhic victory at best. In the district court no one represented the separate interests of the minority employees of Kaiser, the only people potentially interested in showing past discrimination. It is not surprising, therefore, that no party fully analyzed the facts within the context of Title VII." 563 F.2d at 231 (Wisdom, J., dissenting opinion).

Reliance on employers and unions to marshal any evidence of their own misconduct, much less convincing evidence, which may give rise to massive civil liability and warranted public criticism is wholly misplaced.

The revelation of past discrimination in this particular case should not cloud the fact that parties are more apt to do as Kaiser has done—proclaim their innocence and blame their sorry statistical patterns on discriminatory conduct of others. However, as argued in Section II, *amici* fully agree that "societal discrimination" (a concept included in the term "institutional discrimination" used by *amici*) occurs and undoubtedly contributed to Kaiser's segregated work force. Kaiser's position may in fact be accurate with respect to other Kaiser operations or similar industrial employers. The consequences of a position which prevents voluntary action to overcome societal discrimination were well-stated by Judge Wisdom:

"In the present case the problem is clear. The history of discrimination in the trades is a sorry record of continual exclusion of women and minorities. Yet how many of the excluded workers could prove that they had applied for and been refused crafts jobs or training? How many have been deterred by the knowledge of their exclusion from even attempting to find crafts jobs? In some circumstances it is possible to determine whether a particular person has been harmed by discrimination, and to provide relief to that person. Here we know the discrimination existed, statistics show that it was effective, but it is difficult to identify individual victims. That situation would prevail against Title VII suits directly against the discriminating unions or in situations similar to the one this case presents, where third parties seek to compensate for the discrimination. *The result would be a wrong without a remedy.*" 563 F. 2d at 235–236 (emphasis added).

The concept of societal discrimination is useful to describe the phenomenon whereby discrimination in one economic sector affects outcomes in another sector. It also encompasses the fact that present discrimination and the effects of past discrimination in employment, education, housing, and other areas of private and public life interact with one another. *See, e.g.*, U.S. Commission on Civil Rights, *Equal Opportunity in Suburbia* (1974). Its emphasis is on systems of discrimination and their resulting conditions, not on any need to identify individual entities which may legally be held responsible for causing those conditions.

When used in this sense, societal discrimination describes that kind of institutional discrimination which is not subject to judicially compelled remedies—in Justice Wisdom's words, where "[t]he result would be a wrong without a remedy," 563 F.2d at 236. If this Court requires that some evidence of a legal violation be acknowledged to exist as a pre-condition for affirmative action, it would limit affirmative action to the scope of legal obligations: conditions that the law did not arguably *require* an employer to remedy, the law would not *permit* the employer to remedy voluntarily. The result would be to freeze societal discrimination into the social and economic order. The EEOC's guidelines, by eschewing any such limits on voluntary action, properly avoid erecting such barriers to the full implementation of the national commitment embodied in the Thirteenth Amendment.

D. EEOC's Guidelines on Affirmative Action, Issued Pursuant to Reorganization Plan No. 1 of 1978 and Executive Order 12067, Express the Interpretation of a Congressional Act by the Executive Branch and Should Be Accorded Great Judicial Deference.

As a result of the President's Reorganization Plan No. 1 of 1978 (43 Fed. Reg. 19807 (May 9, 1978)), reorganizing federal fair employment enforcement efforts, the EEOC has gained several new responsibilities and added authority, including replacing the Equal Employment Opportunity Coordinating Council (EEOCC).[27] EEOC's Affirmative Action Guidelines are the first action by the EEOC pursuant to its new powers.

In his message transmitting the reorganization plan to the Congress,[28] the President summarized its intent as follows:

This plan makes the EEOC *the principal Federal agency* in fair employment enforcement. . . . It gives the Equal Employment Opportunity Commission—an agency dedicated solely to this purpose—*the primary Federal responsibility* in the area of job discrimination. . . . *Weekly Compilation of Presidential Documents* at 400, 404 (February 27, 1978)" (emphasis added).

Footnotes at end of article.

With respect to the abolition of the EEOCC and the transfer of its functions to the EEOC, the President stated:

". . . [T]his plan places the [Equal Employment Opportunity] Commission at the center of equal employment opportunity enforcement. With these new responsibilities, the EEOC can give coherence and direction to the government's [fair employment] efforts. . . . Such direction has been absent in the Equal Employment Opportunity Coordinating Council." *Id.* at 402–403.

The absence of such leadership by the EEOCC on both substantive and procedural civil rights matters had caused the U.S. Commission on Civil Rights to call for the elimination of the EEOCC and the creation of a new body with the needed overall authority. United States Commission on Civil Rights, *The Federal Civil Rights Enforcement Effort—1974; Volume V, To Eliminate Employment Discrimination.* 617, 647–649.

The reorganization plan makes the EEOC the leader in setting and coordinating federal job discrimination laws. Its authority to do more than coordinate the federal fair employment effort is manifest in Executive Order 12067 (43 Fed. Reg. 28967 (July 30, 1978)), the Presidential decree implementing Reorganization Plan No. 1. Section 1–201 of this Order states that the EEOC "shall provide leadership . . . to the efforts of Federal departments and agencies" having equal employment opportunity enforcement responsibilities. Section 1–303 instructs these departments and agencies to "comply with all final rules, regulations, policies, procedures and orders of the EEOC." These formal grants of power are reinforced by Section 1–306, which empowers the EEOC to make budgetary recommendations to the Office of Management and Budget regarding "staff size and resource needs" of covered agencies. Consolidating EEOC's authority and providing for orderly decision-making in the event federal fair employment departments or agencies may disagree, Section 1–307 of the Executive Order creates a "dispute resolution mechanism" for taking disagreements to the Executive Office of the President. Section 1–307(a) stresses that this dispute mechanism "should be resorted to only in *extraordinary circumstances*" (emphasis added).

Pursuant to Executive Order 12067, drafts of the now final affirmative action guidelines were repeatedly circulated among and reviewed by government civil rights agencies before being adopted by the EEOC. *BNA Daily Labor Report,* September 19, 1978, at A–7; October 20, 1978, at A–6; December 11, 1978 at AA–1. Pursuant to Section 1–303 of Executive Order 12067, all federal departments and agencies must comply with its requirements.

These guidelines therefore, are not only the administrative ruling of the agency charged with enforcing Title VII. They also declare fair employment law for the entire executive branch; they embody congressionally approved policy reasons demanding a coordinated and consistent executive fair employment enforcement effort; and they state the executive branch's considered determination of the legislative history of Title VII and of its long practical administrative experience with enforcing fair employment laws.

Amici submit that the understanding of the amount of deference owed EEOC's judgments explained in *Gilbert* v. *General Electric Co.,* 429 U.S. 125 (1976), should be reexamined in light of the recent reorganization. Congress and the President gave EEOC civil rights leadership authority. That decision and EEOC's actions pursuant to it should be given "great deference". *Griggs* v. *Duke Power Co., supra,* at 433–434; *Espinoza* v. *Farah Mfg. Co.,* 414 U.S. 86, 94 (1973); *Albemarle Paper Co.* v. *Moody, supra,* at 430–431. However, judged under even the restrictive (and as *amici* believe, outdated) standards in *Gilbert, supra* at 141–142, much less the more deferential (and now correct) standards in prior cases, the guidelines should get "high marks" (*Gilbert, supra* at 143).

Obviously, the guidelines are not "a contemporaneous interpretation of Title VII." *Gilbert, supra,* at 142. There was no need for affirmative action guidelines until those subject to Title VII began to realize in recent years that if they did not voluntarily act to correct conditions attributable to discrimination, they would be forced, potentially at great expense,[29] to take such corrective action in any event. The issuance of guidelines was appropriate only after the EEOC and the executive branch had acquired some experience in dealing with charges that those seeking to comply with Title VII were allegedly violating the very Act they were seeking to implement. The Guidelines were issued as soon as the need became apparent and the executive branch could decide upon a comprehensive approach.[30]

Unlike other EEOC interpretations struck down by this Court in *Espinoza* and *Gilbert,* the affirmative action guidelines are consistent with—indeed, they even incorporate—the only pre-existing document which stated the position of the key civil rights enforcement agencies on affirmative action. Section 1608.4(c)(1) quotes the most important sections of the Equal Employment Opportunity Coordinating Council's "Policy Statement on Affirmative Action Programs for State and Local Government Agencies." 41 Fed. Reg. 38814 (September 24, 1976). There may exist other pronouncements issued by individual agencies stating views on the legality of affirmative action plants. To *amici's* knowledge, however, no other pronouncements express the position of the principal civil rights enforcement agencies (the EEOC, the Department of Labor, the Civil Service Commission and the Department of Justice). While the 1976 policy statement is not nearly as comprehensive or specific as the 1979 guidelines, it is wholly consistent with the more definitive standards set forth in the guidelines.

The critical question with respect to the guidelines is their reading of the legislative purposes behind Title VII. Notably, these guidelines once again differ from other EEOC interpretations struck down by this Court. The affirmative action guidelines contain a reasoned and explicit statement of the fundamental purposes underlying Title VII. The administrative interpretations in *Espinoza* or *Gilbert* addressed discrete, limited areas. The guidelines at issue herein go to the very heart of the meaning of Title VII. This Court cannot equate the *Espinoza* and *Gilbert* situations of specific provisions having little legislative history with the definitive expression by the executive branch of its position on the overall purposes of Title VII.

The President, and by their consent to the reorganization, the Congress, have vested considerable new power in the EEOC. Their confidence in that agency and the real need for confidence in its judgments by the American public should be reflected in the great weight this Court should accord its guidelines promulgated pursuant to its Federal fair employment leadership authority.

V. CONCLUSION

For the foregoing reasons, *Amici* respectfully urge the Court to reverse the judgment of the court of appeals with instructions to the district court to dismiss the case.

Respectfully submitted,

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FOOTNOTES

[1] *Amici* firmly believe that the loss of voluntary affirmative action as a remedial tool will most definitely mean reversal of progress already made. *Amici* would point out only that a recent Association of American Medical Colleges report stated that the proportion of first year Black medical students is the lowest it has been since 1970. The report said that Black students make up 6.4% of the first year class in the 124 medical schools in the country, as against 6.7% last year. This drop occurred despite the fact that most admission decisions in this year's class were made prior to the Court's ruling in *Regents of the University of California* v. *Bakke,* —— U.S. ——, 98 S. Ct. 2733 (1978).

[2] 109 U.S. at 26, *United States* v. *Jefferson County School Board of Education,* 372 F.2d 836, 873 (5th Cir. 1966).

[3] See opinion of Justice Wisdom in *Singleton* v. *Jackson Municipal Separate School District,* 348 F.2d 729, 730 (5th Cir. 1965).

[4] Similarly, women coming into the work force are often the victims of institutional sexism and blamed for "taking men's jobs." Indeed, the outcome of this case may well have an adverse impact on affirmative action for women also. A portion of Kaiser's affirmative action plan not challenged by Respondents contains a 5% goal for women.

[5] The fact that the original Title VII in 1964 was passed pursuant to the commerce clause alone, and not pursuant to the commerce clause and Section 5 of the Fourteenth Amendment or Section 2 of the Thirteenth Amendment, does not mean that Title VII was not intended to enforce the mandates of those amendments. The 1963 Congress inherited the "state action" doctrine of the *Civil Rights Cases* of 1883, as well as Justice Bradley's evisceration of both the Thirteenth and Fourteenth Amendments. The Representatives and Senators who debated the Civil Rights Act of 1964 were clearly mindful of these legacies. Some wanted to accommodate them and some desired to challenge them. *See, e.g.,* the discussion on this point in Senate hearings on Title II, the public accommodations section of the Act. Then Attorney General Robert Kennedy presented the Administration's position supporting the use of the commerce clause to circumvent the Bradley rationale:

"We base this on the Commerce Clause which I think makes it clearly constitutional. In my personal judgment, basing it on the 14th Amendment would also be constitutional. . . .

". . . I think that there is argument about the 14th Amendment basis—going back to the 1883 Supreme Court decision [Civil Rights Cases], and the fact that there is not state action—that therefore Congress would not have the right under the 14th Amendment to pass any legislation dealing with it. . . . I think that there is an injustice that needs to be remedied. We have to find the tools with which to remedy that injustice. . . .

"There cannot be any legitimate question about the Commerce Clause. That is clearly constitutional. We need to obtain a remedy. The Commerce Clause will obtain a remedy and there won't be a problem about the constitutionality. . . . Hearings before the Senate Committee on Commerce on S. 1732, 88th Cong., 1st Sess., parts 1 and 2."

[6] Because of the extraordinary interest in

the issues presented in this case, a large number of *amicus* briefs have been filed. The following statement of principles will apprise the Court of the mutual support of many *amici* for a number of basic positions in defense of the affirmative action program in controversy in the present case.

1. This country cannot attain true equality of opportunity without affirmative action.

2. Title VII and the anti-discrimination principle must be understood in the context of our nation's history of discrimination against non-white people and women and its resulting national patterns of underrepresentation and inequality in the workforce.

3. As explained by the Equal Employment Opportunities Commission in its "Guidelines on Affirmative Action," which, as a result of Executive Order 12067, states the position of the executive branch: "Congress enacted Title VII in order to improve the economic and social conditions of minorities and women by providing equality of opportunity in the workplace . . . . Voluntary affirmative action to improve opportunities for minorities and women must be encouraged and protected in order to carry out the Congressional intent embodied in Title VII."

4. Title VII and the anti-discrimination principle should not be a search exclusively for villains and villainous acts. On the contrary, the focus should be on current unequal conditions and providing mechanisms for their elimination.

5. The remedies for discrimination against minorities and discrimination against women are inextricably linked.

6. Voluntary action on the part of employers and unions is instrumental in redressing the pervasive patterns of discrimination addressed by Title VII and Executive Order 11246, but this objective cannot be achieved if employers and unions must first expose themselves to charges that they are violating the very laws they are seeking to implement.

7. Long experience shows that, in many instances, appropriate "employment tools which recognize the race, sex, or national origin of applicants and employees" (EEOC's Affirmative Action Guidelines), such as those at issue in this care, are presently the only means by which true equal opportunity can be achieved.

8. Endorsement of voluntary affirmative action in no way diminishes the need for judicially mandated or administratively required affirmative measures which provide the necessary incentive for voluntary action.

[7] See Kinoy, The Constitutional Right of Negro Freedom. 21 *Rutgers Law Review* 387 (1967).

[8] In *Jones*, the Court upheld an effort by black citizens to invoke federal equity power to restrain racial discrimination by private individuals in the sale of real estate. The Court found statutory authority for this exercise of federal judicial power in one of the original Reconstruction Statutes, the Civil Rights Act of 1866. Section one of this Act provided that "citizens of every race and color . . . shall have the same right . . . to inherit, purchase, lease, sell, hold, and convey real and personal property . . . as is enjoyed by white citizens. . . ." In resting judicial action upon this statutory basis the Court was forced to face the ultimate question of the source for Congressional legislation in the area of Negro rights in the power created by the Thirteenth Amendment "to *pass all laws necessary and proper* for abolishing all badges and incidents of slavery in the United States.'" Arthur Kinoy, "The Constitutional Rights of Negro Freedom Revisited: Some First Thoughts on *Jones* v. *Alfred H. Mayer Company*," 22 Rutgers L. Rev. 537, 538–539 (1968) (footnotes omitted).

[9] *Amici* believe that other racial minorities of color suffer from the badges and indicia of slavery imposed on Blacks. *Amici* agree with the views propounded by *Amici* Rutgers University, Rutgers Alumni Association, and the Student Bar Association of the Rutgers Law School in their brief in *Bakke, supra*, where it is stated: "American Indians, Hispano-Americans, and Asian-Americans are also persons of color belonging to racial classes whose position makes them subject to the badges and incidents of servitude. Social scientists have defined minorities as groups of people 'who, because of their physical or cultural characteristics, are singled out from the others in the society in which they live for differential and *unequal treatment*, and who therefore regard themselves as objects of collective discrimination. The existence of a minority in a society implies the existence of a corresponding dominant group with higher social status and greater privileges. Minority status carries with it the exclusion from full participation in the life of society.' G. Simpson & J. Yinger, *Racial and Cultural Minorities; An Analysis of Prejudice and Discrimination II* (4th ed. 1972) (emphasis added). Pursuant to Title VII of the Civil Rights Act of 1964, the United States Equal Employment Opportunity Commission requires reporting firms to provide periodic employment statistics on blacks, orientals, American Indians, and Spanish surnamed Americans. Employer Information Report Form EEO–1. These groups fit the social science definition, as the EEOC has recognized. Although in this brief *Amici* emphasize the excluded condition of black Americans, the situation of these other racial minorities replicates in varying degrees the situation of blacks." (p. 7)

[10] *See* J. Feagin and C. Feagin, *Discrimination American Style: Institutional Racism ad Sexism*, Chs. 1–3, 6 (1978); U.S. Commission on Civil Rights, *Racism in America: How to Combat It* (1970).

[11] The difference in percentages reflects irregularities in data provided by the unions on the EEO–3 forms, including: failure to report; overestimation of minority membership; categorical combining of non-construction and semi-skilled workers with construction journeymen; combining apprentices with journeymen; and failure to report actual referral opportunities. Report at 38.

[12] *See* Brief *Amicus Curiae* of the NAACP Legal Defense and Education Fund, Inc., submitted in this case.

[13] *See* part A of this section of the argument.

[14] The Thirteenth Amendment reaches private employment contracts and justifies prohibitions against racial discrimination in that context. *Johnson* v. *Railway Express Agency*, 421 U.S. 454, 459–60 (1975); *Jones* v. *Alfred H. Mayer Co., supra* at 441 n.78. While these cases upheld Congressional legislation that may be appropriate under the Thirteenth Amendment, both cases indicated that the Thirteenth Amendment does not require implementing legislation. The Thirteenth Amendment is "an absolute declaration that slavery shall not exist in any part of the United States." *Civil Rights Cases, supra* at 28. *See* section I, *supra*.

[15] See, *e.g.*, United States Commission on Civil Rights, *Social Indicators of Equality for Minorities and Women* (August, 1978).

[16] See *McDonald* v. *Santa Fe Transportation Co.*, 427 U.S. 273 (1976).

[17] *Commonwealth of Pennsylvania* v. *O'Neill*, 473 F.2d 1029 (3d Cir. 1973); *Southern Illinois Builder's Assoc.* v. *Oglivie*, 471 F.2d 680 (7th Cir. 1972); *Assoc. General Contractors of Mass. Inc.* v. *Altshuler*, 490 F.2d 9 (1st Cir. 1973), *cert. denied*, 416 U.S. 957 (1974); *Crater* v. *Gallagher*, 452 F.2d 315 (8th Cir. 1972), *cert. denied*, 406 U.S. 950 (1972); *Occidental Life Insurance Co. of California* v. *EEOC*, 432 U.S. 355 (1977).

[18] *United States* v. *Allegheny Ludlum Industries, et al.*, 517 F.2d 826 (5th Cir. 1975), *cert. denied*, 425 U.S. 944 (1976).

[19] *Contractors Assoc. of Eastern Pennsylvania* v. *Secretary of Labor*, 442 F.2d 159 (3d Cir. 1971).

[20] *See* generally, Askin, F. *Eliminating Racial Inequality in a Racial World*, 2 Civil Liberties L. Rev. (1975).

[21] *Yick Wo* v. *Hopkins*, 118 U.S. 356 (1886).

[22] Although the concept of racial inferiority is a "badge and incident of slavery", it is anomolous to state that Blacks were not denied the opportunity for skill development during slavery, but as a facet of the "peculiar institution" were required to serve as skilled craftsmen to maintain the plantation as an ongoing, viable economic entity. Only as freed slaves did craft participation on the part of Blacks become an issue. In the marketplace of skilled labor, Blacks were not allowed to compete, thus preventing them from continuing as skilled craftsmen although as slaves, skilled services were required. Exclusion of freed slaves from skilled trades was justified on the basis of Black inferiority, a "badge and incident" of slavery.

[23] In speaking to his amendment to strike a provision transferring Executive Order enforcement to E.E.O.C., Senator Saxbe stated: "The Executive Order should not be confused with the judicial remedies for proven discrimination which unfold on a limited and expensive case-by-case basis. Rather, affirmative action means that all Government contractors must develop programs to insure that all share equally in the jobs generated by the Federal Government's spending. Proof of overt discrimination is not required. 118 Cong. Rec. 1385. *See also, Contractors Assoc. of Eastern Pennsylvania* v. *Secretary of Labor, supra.*"

[24] *Albemarle Paper Co.* v. *Moody, supra*, citing *United States* v. *N. L. Industries, Inc.*, 479 F.2d 354, 379 (8th Cir. 1973); Title VII, Civil Rights Act, 1964, 2000 *et seq.*

[25] *Porcelli* v. *Titus*, 302 F. Supp. 726 (D.C. N.J. 1966) aff'd, 401 F.2d 1254 (3rd Cir. 1970).

[26] The Union argued in the court below that the statistics created a *prima facie* case of discrimination against Kaiser. (Brief of United Steelworkers of America on *Petition for Writ of Certiorari*, at 3, n. 2.)

[27] *Id.*, Reorganization Plan No. 1 of 1978, Section 6. The EEOCC, composed of the Department of Justice, Department of Labor, Civil Service Commission, Commission on Civil Rights and the EEOC, had been charged with responsibility for "developing and implementing agreements, policies and practices designed to maximize effort, promote efficiency and eliminate conflict, duplication inconsistency and competition," thereby improving the federal civil rights enforcement effort. 42 U.S.C. § 2000e–14.

[28] 5 U.S.C. § 906 provides that a reorganization plan goes into effect 90 days after its transmittal to Congress unless vetoed by either House of Congress.

[29] *Albemarle Paper Co.* v. *Moody, supra*, establishing the right to back pay even in the absence of bad faith, was decided only three and one half years ago, in June, 1975.

[30] A draft of the guidelines on this controversial issue was first released to the public in 42 Fed. Reg. 64826 (December 28, 1977) and subjected to extensive public comment.

APPENDIX

The *Affirmative Action Coordinating Center* (*AACC*) is an organization created by the National Conference of Black Lawyers (NCBL), the Center for Constitutional Rights (CCR) and the National Lawyers Guild (NLG), with the participation of a cooperating network of civil rights, civil liberties, and other organizations. Many network organizations as well as other groups have joined as *amici* in this brief.

The AACC was formed in response to the proliferation of attacks on affirmative action programs. Its purposes are to stimulate and

coordinate resources and legal strategies for the defense and expansion of affirmative action programs. The AACC has convened roundtables of civil rights, labor and women's rights attorneys to discuss the *Weber* and *Bakke* cases.

AACC publishes an informational newsletter entitled *AACC News*. It has installed a national telephone "hotline" to receive and dispense information on affirmative action developments. It is preparing several educational publications on affirmative action in education and employment. The AACC has conducted and is planning other activities designed to increase communication and enhance joint efforts by all groups and individuals interested in strengthening effective affirmative action programs.

The *National Conference of Black Lawyers* (NCBL) is an activist legal organization of Black Lawyers, law professors, judges and law students dedicated to serving as the legal arm of the Black community. Since its inception in 1968, NCBL has been actively involved in the continuing struggle for equal employment opportunity. Over the past five years, NCBL has been a leader in the battle against the growing concept of "reverse discrimination." NCBL strongly believes that the adoption of the principle of reverse discrimination by the courts and the continued attacks on voluntary affirmative action plans, as in *Bakke* and *Weber*, represent a rejection of the nation's professed commitment to equality of opportunity. Without the right to initiate voluntary affirmative action plans to redress the effects of 400 years of racial discrimination, the goal of equal employment will continue to be a commitment with form but no substance.

The *National Lawyers Guild* was founded in 1937 as a multi-racial and progressive alternative to the racially restrictive and conservative American Bar Association. Its commitment to civil rights dates back to efforts to eliminate the poll tax and white primaries. In 1962, the Guild dedicated its full resources to the legal support of the civil rights movement. In support of affirmative action, the Guild filed briefs as *amicus curiae* throughout the course of the *Bakke* litigation and in 1977, joined with the NCBL to cosponsor a *Bakke amici* roundtable attended by forty organizations.

The *Center for Constitutional Rights* (CCR) was born of the civil rights movement and the struggles of Black people in the United States for true equality. CCR attorneys have been active in cases involving voting rights, jury composition, community control of schools, fair housing and employment discrimination. Through litigation and public education, they have worked to protect and make meaningful the constitutional and statutory rights of women, Blacks, Puerto Ricans, Native Americans and Chicanos.

The *Center for Urban Law, Wayne County Neighborhood Legal Services*, represents persons in the Detroit metropolitan area. Its client population is composed of numerous racial and ethnic minorities unable to afford the price of conventional legal services. Many of its clients are non-white and the historical victims of societal and institutional racism. A large percentage of them are unemployed, underemployed, and frustrated by the employment market. Voluntary affirmative action programs of the nature instituted by the appellants have aided this client population by opening a small avenue to secure employment and other benefits. To withdraw the benefits of these affirmative action plans just as small yet significant gains are occurring will have a devastating effect on them.

The *Affirmative Action Coalition of Chicago* is a coalition of minority and non-minority workers, students, professionals and community people. Its goal is to build a broad affirmative action coalition within Chicago to educate and organize people to fight for equal rights in employment, education and community services. The *Weber* case has particular significance to Chicago since it has the largest concentration of steelworkers in the country and the largest percentage of minorities of any union district in the United Steelworkers of America. The Affirmative Action Coalition of Chicago sees the importance of extensive legal, as well as general political work in the fight around the issues in the *Weber* case. It firmly supports the belief that all forms of racial discrimination must be eradicated as remnants of slavery.

The *Affirmative Action Coalition of San Diego* (*AAC*) is a group of individuals and organizations that evolved out of the anti-Bakke movement. It has been involved in educating the community and the labor force about the *Bakke* decision and pending *Weber* case. The AAC of San Diego's position is that affirmative action in employment and education is legal and must be defended and expanded. It is administering a survey to over 60 organizations and institutions to determine the effect in San Diego of the *Bakke* decision.

The *American Association for Affirmative Action*, a non-profit organization, was founded in 1974. Men and women from protected and unprotected classes, corporations and educational institutions, representing both the public and private sector, work together through the Association for effective affirmative action/equal opportunity in employment and education nationwide. As a national organization of professionals in the field of affirmative action/equal opportunity, the Association strongly endorses and supports the concept of voluntary affirmative action It recognizes this vehicle as an essential tool in overcoming the effect of systematic discrimination and exclusion.

The *Black American Law Students Association* (BALSA) is the representative organization of Black law students in the nation.

The purpose for which BALSA was formed is to articulate and promote the professional needs and goals of Black American Law Students: to influence American law schools, legal fraternities and associations to use their expertise and prestige to bring about change within the legal system in order to make it responsive to the needs of the Black community. In keeping with this purpose, BALSA supports the maintenance of affirmative action programs within education and employment. Recognizing the reality that most Black Law Students are the products of affirmative action admissions programs, BALSA actively endorses programs that insure their employment. It is with this interest that BALSA has chosen to participate in an Amicus Brief that argues the legality of the voluntary affirmative action employment program as exemplified in the *Weber* case.

Black Economic Survival (BES) is a community-based organization that seeks jobs for minorities in the construction industry in the New York metropolitan area. BES joins this brief because it is acutely aware of the exclusion of Black and other minority workers from skilled jobs in the construction industry and elsewhere and from access to the training necessary to obtain such jobs. BES believes that affirmative action training programs such as that instituted at the Kaiser Gramercy plant are essential if Blacks and other minority workers are ever to obtain access to skilled craft jobs. Without such programs, Blacks and other minority workers, who have for 200 years been the victims of a racist society, will continue to be excluded from a large segment of employment opportunities and from obtaining necessary skills.

The *Center for United Labor Action* (*CULA*) is a national organization devoted to the furtherance of unity and solidarity in the labor movement. Its members are trade union officials, rank and file workers, unemployed persons and activists in the community. The CULA, through its individual members and as an organization, has participated in fighting for affirmative action programs throughout industry. In 1972, the CULA was named a Party of Interest in one of the first major affirmative action battles in industry. In proceedings before the Federal Communications Commission on behalf of many telephone workers and the public, AT&T was charged with race and sex discrimination. The CULA strongly objects to the dangerous interference of the lower courts into the collective brgaining process of the United Steel Workers with Kaiser Aluminum. The *Weber* decision below infringes upon the right of a union to enter into negotiated agreements that are fully consistent with the spirit and needs of the union movement and its members. In defending the Gramercy program the United Steel Workers of America is upholding its own constitution and its obligation to represent all of its members. The present decision clearly endangers the right of the union to carry out the mandate of its constitution.

The *Charles Houston Bar Association of Oakland, California*, is a bar association of Black attorneys in Northern California which promotes the interests of justice and equality for all people. The Association joins this brief in order to express its interest in ensuring that voluntary affirmative action programs are upheld throughout the country.

The *Christian Church* (*Disciples of Christ*) is a protestant denomination of some 1.2 million members. Through the resolutions of its General Assembly and the work of the Department of Church in Society, it has long been involved in social ministries in the fields of human relations and civil rights. On a number of occasions it has joined with others in filing *amicus curiae* briefs arguing for the rights of all persons before the law.

The *Church and Society Network, Inc.* is an independent society of Episcopalians and other Christians involved in carrying out the Church's social mission in over 20 metropolitan areas in the United States. Church and Society Network joins as an *amicus* because its daily contact with ghetto neighborhoods makes it acutely aware of the physical and emotional devastation caused by the lack of employment opportunities for non-whites and women in this country, pointing to the urgent need to support all voluntary affirmative action efforts.

Church Women United (*CWU*) is an ecumenial movement of Protestant, Roman Catholic and Orthodox women seeking to witness for Christ in the church and in the world. CWU's support for affirmative action in order to achieve equal employment opportunity is validated not only by the United States Constitution, but by its commitment to justice as religious women of faith.

The *Coalition of Black Trade Unionists* (*CBTU*) is an organization consisting of representatives from 57 international and national unions with 27 chapters located across the country. CBTU filed an *amicus curiae* brief with this Court in the *Bakke* case. CBTU joins as an *amicus* in this brief because it considers that the *Weber* case has a tremendous potential adverse impact on affirmative action employment programs established for Blacks, other minority workers, and women across the country. CBTU especially supports the Thirteenth Amendment analysis taken in this brief because of its knowledge of the daily experience of its members, who suffer the impact of this country's two hundred years of racial discrimination.

The *Delta Ministry*, which functions in Mississippi, is a related movement to the National Council of Churches and is affiliated with the Division of Church and Society. The Delta Ministry is involved in com-

munity development efforts, human rights, and educational and economic justice issues with the poor and Black communities in the state of Mississippi. The Delta Ministry joins as an *amicus* because its 15 years of involvement in economic justice issues, particularly in the struggle for equal employment rights for all Americans and especialy those in the State of Mississippi, has demonstrated that affirmative action programs are essential if the badges and indicia of slavery are to be overcome in the area of employment.

Equal Opportunity Forum is a national equal rights publication reporting on classes protected by federal and state anti-discrimination laws. *Equal Opportunity Forum* joins as an *amicus* because of its understanding of the necessity for affirmative action programs including those of a voluntary nature, such as the one at issue in the *Weber* case. It considers these programs to be essential vehicles for the implementation of equal employment opportunities.

The *Farm Labor Organizing Committee* (*FLOC*) is a farm worker's union and community organization dealing primarily with Chicanos in northwestern Ohio, eastern Indiana, and southern Michigan. It is FLOC's experience that Chicanos and other minorities suffer from staggering rates of unemployment and underemployment. FLOC joins as an *amicus* because it believes that an elimination or weakening of affirmative action programs would increase the suffering of Chicanos and other minorities who have extreme difficulty meeting the basics of life. FLOC is especially concerned about the thousands of farmworkers displaced by mechanization. Without affirmative action programs to increase the number of minorities employed generally, even fewer jobs would be available to these workers.

Filipinos for Affirmative Action, Inc. is an Oakland, California, based organization which seeks to accomplish the following goals and objectives: 1) to promote and project Filipino interests on all aspects of life that affect the general well-being of Filipinos; 2) to identify and evaluate the educational social and economic problems of Filipinos with the view to helping find appropriate relief and solutions; 3) to provide information and referral services to new immigrants, unemployed Filipinos, youth, and other segments of the Filipino community; 4) to encourage and assist in developing and implementing, in cooperation with appropriate agencies, affirmative action programs, and other such programs as well and better equip themselves toward attaining self-sufficiency; 5) to encourage and facilitate the greater exchange, compilation, and distribution of information concerning Filipinos on local, state, and national levels.

The *Health Coalition for Affirmative Action* is a New York based group of health professionals and health and civil rights organizations working to preserve and enlarge affirmative action programs in medical and nursing schools. The Health Coalition for Affirmative Action joins as an *amicus* in this brief recognizing the interdependence of affirmative action programs in employment and in education.

The *Indian Law Resource Center* is an educational and charitable organization based in Washington, D.C., devoted principally to the protection and enhancement of the legal rights of American Indians. One of the purposes of the Center is to seek the elimination of racial discrimination through education and legal efforts. Essential to this effort is the concept of "special measures" and affirmative action. For many years the federal government has established and implemented, albeit imperfectly, the policy of "Indian preference" regarding employment of Indian persons by various federal agencies. The Center is vitally interested in the protection and continuing affirmation of the Indian preference policy and other measures, such as affirmative action, designed to overcome the continuing social and economic discrimination experienced by American Indians and other nonwhite people.

The *Interreligious Foundation for Community Organization* (*IFCO*) is a public, charitable foundation whose 37 member board represents a cross-section of religious, educational and grass roots organizations. From its inception twelve years ago, its purpose has been to support programs to alleviate discrimination and to empower the poor. Recognizing that underrepresentation of minorities and women has a two hundred year history, a major focus of IFCO has been the implementation of strategies to combat institutional racism. The Board has consistently supported efforts to this end, including filing an *amicus curiae* brief in *Bakke*. It urges the Court to uphold all voluntary programs of affirmative action.

La Raza Legal Alliance (*LRLA*), is a national organization composed of Latino lawyers, law students and legal workers dedicated to the realization of social, economic, and political equality for all Latinos. Its goal is to promote and to protect the rights of Latino people and thereby, all peoples, to a decent standard of living, a high quality of education, decent housing and equal employment opportunities.

Labor Research Association, Inc., was formed in 1927. The purposes of the organization are to conduct investigations and studies of social and economic questions. It publishes its findings in the form of reports, articles, pamphlets and books. Labor Research Association joins as *amicus* in this brief because of its belief that the *Weber* case represents a significant challenge to affirmative action programs so necessary to achieve equality for all Americans.

Law Students Civil Rights Research Council (*LSCRRC*), is a law student organization which seeks to respond to the needs of minority and poor people in all areas of the United States. Since its inception in 1963, it has assisted the efforts of every major civil rights, civil liberties, and public interest law organization. In 1976, the LSCRRC Board of Directors mandated a sharper organizational focus on the problems surrounding affirmative action/minority admissions. The theme for its National Convention in October 1978, was the "Crisis in Minority Admissions." It has also co-sponsored two regional minority admissions conferences during the 1976–77 year, and has sponsored several LSCRRC interns working on projects concerning affirmative action in the last two summers.

The *Legal Services Staff Association* (*LSSA*) is a labor organization that represents all non-managerial employees of Community Action for Legal Services in New York City. It understands the need for affirmative action because in their work its members daily witness the devastating effects on human beings of sexism and racism in our society. LSSA has a long held commitment to support affirmative action programs and policies. LSSA joins as an *amicus* because of its deep concern about the adverse repercussions that would result from a decision by this Court which does not fully support and encourage voluntary as well as court-ordered affirmative action programs.

Movimiento de Izquierda Nacional Puertorriqueño (*M.I.N.P.-El Comite*) is an organization composed predominantly of Puerto Ricans and other Latins dedicated to social change for the achievement of equality and full democratic rights. Affirmative action for minorities and women is one means, but a vital one, for overcoming the effects of centuries of discrimination and prejudice in this country. El Comite views the action brought by Weber as a serious threat to these efforts, having repercussions in the area of employment as well as housing, education, health care, and other vital areas of concern to the community that it serves.

The *National Ad Hoc Committee of Black Steelworkers* (*Ad Hoc*), a national organization, has been deeply involved in fighting discrimination in both the steel industry and its own union, the United Steelworkers.

Ad Hoc has been an integral part of this struggle, leading to most of the key federal court decisions involving discrimination in the steel industry. Ad Hoc has filed hundreds of discrimination charges against steel companies which led to a consent decree in their industry. Ad Hoc commends all parties who are struggling in support of affirmative action. It joins as *amicus* in the hope that this brief will help the Court understand the necessity of speaking out in support of the affirmative action program under attack and lend its support in eradicating the badges and indicia of slavery.

Ad Hoc, an organization shaped, formed and grounded in the struggle of Black steelworkers, urges the Court not to stop the programs of social and economic reconstruction. They know from bitter experience that without the support of the courts, promises are made only to be a force for fundamental change in the system of all patterns in our free society which oppress or which give rise to the oppression of Blacks, minorities and women. Oppression refers not only to the economic, social and political disenfranchisement. It is a disenfranchisement of the mind, the spiritual and moral values that hold together the fabric of a nation. By emancipating Blacks, women and other minorities from the effects of white racism, the Court thus provides authentic freedom for both white and Black people. The Court must not once again move through history ignoring the realities, and hiding these painful truths behind a facade of myths and real and imagined anxieties. Ad Hoc believes the task of the Court is to analyze the nature of this enormous problem in the light of the oppressed people in our free society.

The *National Alliance Against Racist and Political Repression* (*NAARPR*) is a broad based coalition of Church, civic, community, student and professional groups formed in 1973 to fight against repression, in its myriad forms. The NAARPR appears here because of its conviction that should the case of *Weber* v. *Kaiser Aluminum* be upheld, private programs across the U.S., designed to equalize the employment of Blacks, Native American, Asian American, Hispanic American and other minorities, will be virtually eliminated. Further, NAARPR believes that the immediate result of upholding *Weber* would be increased unemployment and further victimization of minority people. Current patterns and practices of police conduct will result in increased arrest of these unemployed citizens and further swell this nation's jails and prisons with numbers all out of proportion to minority representation in the population.

The *National Association of Social Workers* is a nonprofit, national organization of professional social workers. It is devoted to the advancement of sound public policy for social work consumers as well as its 80,000 professional members. It joins as an amicus because it has voluntarily adopted an association-wide affirmative action program for women and minorities which would be threatened by any adverse holding in the *Weber* case.

The *National Bar Association* (*NBA*), 1900 L Street, N.W., Washington, D.C. 20036, is a professional membership organization representing more than 7,000 Black attorneys, judges and law students in the United States. The NBA was founded to achieve equalization of opportunities for minorities in the legal profession and to further the goal of equal justice for all.

Thus far, affirmative action has proven to be the most effective method for ameliorating the gross underrepresentation of minorities in the legal and other professions, and certainly has been the most critical factor in doubling the number of Black attorneys in America in the past decade. The NBA believes that this country cannot achieve true equality of opportunity without affirmative action to correct past societal discrimination. The NBA interprets affirmative action to mean those programatic efforts designed to fully integrate minorities and women in this country into employment, entrepreneurship and education. With the advent of the "reverse discrimination" principle, Blacks and other minorities stand to lose the gains that have been made through the use of affirmative action.

Legal actions, such as *Weber* and other cases, have dampened the efforts of employers and unions who are attempting to redress a national pattern of discrimination as mandated in Title VII and Executive Order 11246. Further approval of the reverse discrimination principle by the United States Supreme Court will not only impede, but will totally destroy the gains accomplished to date.

The *National Black Political Assembly* (*NBPA*) is a national, independent, Black political organization with chapters in 20 states. It is devoted to voter registration, political education campaigns, and the formulation of resolutions and positions on issues which affect the national Black community. It provides skill development training in various areas of electoral politics and community struggles, education, economics and other categories of knowledge and work as may be required to fulfill the goals of the NBPA. The NBPA believes that affirmative action is essential to guarantee access to skilled jobs for those minorities who have traditionally been denied access to equal opportunity within American society, especially in the skilled crafts. The failure to maintain vigorous affirmative action programs in the skilled crafts would not only stymie progress in this area, but would offer an opportunity for those who are opposed to the entry of minorities into the skilled crafts on an equal basis to maintain and increase barriers which have been used traditionally to discriminate.

The *National Black United Fund* (*NBUF*) is a non-profit, tax-exempt organization founded to increase the amount of charitable contributions targeted for organizations serving the black community. The local affiliates of NBUF raise funds through payroll deductions and will be adversely affected if there is any reduction in voluntary affirmative action plans which will produce a significant decline in black employment in predominantly white industry.

The *National Committee to Overturn the Bakke Decision* is a multi-racial organization, formed in April, 1977, to publicize the issues presented by racism and the *Bakke* decision. The NCOBD is comprised of community agencies, church groups, students, women's organizations and working people who organized to demand the reversal of the *Bakke* decision. Educational brochures, pamphlets, and leaflets were written to press the need for affirmative action and the need for people actively to take up the struggle against racism. In the aftermath of the *Bakke* decision, the NCOBD is continuing the struggle against racism and resolutely supports affirmative action plans in employment.

The *National Council of Churches of Christ* in the United States of America (*NCC*) is the cooperative agency of thirty national Protestant and Eastern Orthodox religious denominations with an aggregate membership of over forty million people. It is organized exclusively for religious purposes and is committed to promoting the application of the law of Christ in every sphere of human relations.

The Council has been active in the civil rights effort since its inception in 1950 and has filed briefs *amicus curiae* with this Court in several historic cases, including *Jones* v. *Mayer* (1968) and *Regents* v. *Bakke* (1977). Because its Governing Board has repeatedly supported affirmative action to eliminate the disadvantage engendered by discrimination, the Council joins this brief to urge the Court to uphold voluntary programs of affirmative action in employment.

The *National Emergency Civil Liberties Committee* (*NECLC*) was founded in 1951 for the purpose of reestablishing the constitutional freedoms then under severe attack. For 27 years, NECLC has pursued this goal through numerous test cases to vindicate the civil liberties and civil rights of citizens, including many such cases before this Court. It has also engaged in extensive educational activities in support of the constitutional rights of citizens.

The *National Employment Law Project, Inc.* (*"The Project"*) is a legal services organization which provides backup assistance to local legal services offices in all areas of employment law. In conjunction with these local offices, and in some instances on its own, the Project represents a number of individual clients in employment discrimination litigation brought under Title VII of the Civil Rights Act of 1964, 42 U.S.C. § 2000e, as well as constitutional and other statutory provisions.

Since its inception in 1969, the Project has been involved in efforts to combat the effects of racial discrimination in employment. It believes that progress in civil rights depends primarily upon the voluntary efforts of public and private organizations to rectify the widespread effects of racial discrimination. Societal discrimination is so pervasive that litigation alone cannot be relied upon to protect the rights of racial and ethnic minorities. The Project has been involved in the creation of numerous affirmative action programs voluntarily and involuntarily adopted by private employers and public agencies that use racial classifications to remedy racial discrimination. Affirmance in this case would seriously jeopardize, if not destroy, these and future programs, to the severe detriment of the Project's minority clients.

The *National Organization of Legal Service Workers* (*NOLSW*) is a national organization open to all nonmanagerial employees of the Legal Services Corporation. NOLSW supports affirmative action within Legal Services offices, in employment generally, and in all other areas. NOLSW joins as an *amicus* because it believes that all affirmative action programs including voluntary ones are legal when designed to overcome the long history of discrimination against minorities and women in this country.

The *National Puerto Rican Law Students Association* (*National PRLSA*) is the organization established by Puerto Rican and other Latino Law students to represent the concerns and needs of their people before the national legal and educational communities. National PRLSA is specifically committed to the increased recruitment and admission of Puerto Ricans and other Latinos into law schools, the strengthening of its local organizations at all law schools, and the development of positive working relationships with Latino lawyers, legal workers, community organizations and undergraduate groups across the nation. National PRLSA's specific concerns emanate from its solidarity with the struggles of all minority, poor and underrepresented people of the United States to attain and preserve full socio-economic and political equality.

The *New American Movement* is a nationwide democratic socialist organization which sees the struggle for socialism integrally linked to the struggle for democracy and to the struggle for the special needs of women and minorities. It sees equality for women and minorities as essential to democracy and to the making of any progress in the lives of the American people as a whole. It joins as *amicus* in this *brief* because of its understanding of the importance of voluntary affirmative action as a step in gaining needed equality to provide better working and living conditions for all people.

The *New Jersey Association for Affirmative Action in Higher Education*, through its executive committee, confirms its interest in affirmative action by joining as an *amicus* in this brief (*Weber* v. *Kaiser Aluminum*) and encourages the United States Supreme Court to overturn both lower courts' decisions in order to allow voluntary affirmative action programs, including quotas without the necessity of an admission of past employment discrimination practices, a consent decree worked out through a government agency and/or a court finding of past employment discrimination.

The *New Jersey Association of Black Educators* (*NJABE*) has existed since 1973 and includes in its membership Black educators, students, and parents from throughout New Jersey. The NJABE is committed to developing and maintaining involvement in educational policymaking and implementation so that Blacks may enjoy greater educational and employment opportunities. The NJABE's interest in the *Weber* case is great because educational opportunity is rendered void without accompanying opportunities for employment in every facet of American society.

The *People's Alliance* is a national network of groups and individuals working to defend the achievements reached in struggles by working people and to build towards a society based on justice and full equality. Many of the people in this network are working women or minority people, some of whom got their current jobs because of affirmative action programs. In addition, all members and member organizations of the People's Alliance believe that an upholding of the claims of Brian Weber would serve the interests of the racist, sexist, right-wing forces which are working to roll back the gains of the civil rights, women's, and labor movements—gains which are just the first small steps in what should be a process of bringing justice and equality to all people in this land.

Philadelphia Area Project on Occupational Safety and Health (*PHILAPOSH*) is a nonprofit corporation which unites labor, health, and legal workers to act for improvements in health, safety and environmental conditions for all workers in the Delaware Valley. It has traditionally supported affirmative action programs to overcome the effects of past discrimination against minority workers. Employment discrimination not only concentrates minority workers in the most hazardous and dangerous jobs, it is also a source of intense stress affecting all workers both on and off the job. Such stress is known to be a direct cause of illness and an indirect cause of occupational injuries. The elimination of employment discrimination, therefore, not only contributes to the achievement of a more democratic society, but also contributes toward the goal of improving the health and safety of workers on and off the job. For these reasons, PHILAPOSH has a special interest in joining with others to present an *amicus* brief to the Supreme Court in support of voluntary affirmative action employment plans.

The *Puerto Rican Socialist Party* (*PSP*) is a registered political party in Puerto Rico with active chapters in all major cities of the United States where there is a substantial Puerto Rican population. The United States Branch of the PSP seeks to organize Puerto Rican workers in the United States

with the principal objective of obtaining the liberation of Puerto Rico and the establishment of a socialist republic. Additionally, the PSP supports and participates in all those economic, social and political struggles in the United States which may contribute to the achievement of full democratic rights and the establishment of a Socialist form of government in the United States. In this context, the PSP views affirmative action as a modest victory of the working class, women, and racial and other minorities in their struggle toward total liberation. The PSP is vehemently opposed to any action such as the *Weber* case which might jeopardize these hard won rights.

Southerners for Economic Justice (*SEJ*) is an organization of prominent public citizens living throughout the South. It has offices in Knoxville, Tennessee, and Greenville, South Carolina.

SEJ was formed because of a conviction that economic rights can only be insured by extending the protection of our civil rights to the work place. In the South, SEJ has been active in community education, advocacy, and in monitoring race and sex discrimination on the job.

The *Southern Regional Council* is a nonpartisan, privately funded research and action organization founded in 1944. Composed of a 120 member bi-racial governing board drawn from eleven states, the council is working to eliminate institutional racism and poverty by making the region's own institutions more accountable to all the people they are supposed to serve. The Council accomplishes its work through a small core staff and special project staffs that analyze issues, monitor government responses to these issues, and document and publicize their findings in order to increase citizen awareness of any influence on public policy at the national, state, and local levels.

Teamsters for a Democratic Union (*TDU*) is a national rank and file group of Teamster Union members and their spouses. TDU's purposes are to strengthen and democratize the ineffectual and corruption-ridden International Brotherhood of Teamsters. Consisting of some 3100 members nationwide, TDU has chapters or members in 45 Teamster locals. At its founding convention in 1976, TDU adopted resolutions strongly favoring affirmative action for both women and blacks in the trucking industry. As in the skilled trades, with union acquiescence, the trucking industry has long excluded women and minorities from the most favored jobs. TDU believes that past and present discrimination must be remedied at the employer's expense. It is employers in general who have been responsible for and have benefitted from discrimination. The affirmative action plan adopted by Kaiser in this case implements that position. At the 1978 national TDU convention, attended by 500 Teamsters, a resolution was unanimously passed on the floor mandating TDU to join in this proceeding as *amicus*, and to generally publicize the issues of this case.

The *Texas Farm Workers Union* (*TFU*) is an independent, unaffiliated union of farm workers in the Rio Grande Valley of south Texas, primarily composed of Mexican farm workers. It is currently attempting to secure the passage of legislation in the state of Texas which would allow farm workers to bargain collectively. The Union is vitally interested in the outcome of the *Weber* case because its members are victims of discrimination as were the minority workers in the Gramercy, Louisiana area. Furthermore, most of the working population of the Rio Grande Valley are Mexicans. They, like the members of TFW, are discriminated against in all areas of their lives.

The *Transit Workers in Coalition, Inc.*, *The Committee, the Revenue Collector's Benevolent Association*, the *Coalition of Concerned Transit Workers*, the *Coalition of Signal Maintainers* and *The Committee of Concerned Transit Workers* are the major rank-and-file groups within *Local 100 of the Transport Workers Union of America, AFL-CIO*. Our local, which is multinational, has 33,000 members of whom 27,000 are employed by the New York City Transit Authority. We are united in our support of the affirmative action plan at stake here and the many similar plans which will be affected by this Court's ruling.

The Kaiser plan is but a small step toward remedying the discrimination to which minority workers have historically and currently been subjected. Our groups believe in justice for all workers and in the unity of all workers fighting for better conditions for all. Voluntary affirmative action plans are a concrete step toward equality between workers of different nationalities. It is this equality which lays the basis for the unity of workers of different nationalities. Thus affirmative action programs, far from discriminating against white workers, in the long run help white as well as minority workers.

The *United Church of Christ Commission for Racial Justice* has been actively involved in this struggle for civil and human rights since the 1960s. It has been actively involved in such cases as the Wilmington 10 and the Charlotte 3. It vigorously opposes this Court's decision in the *Bakke* case, a ruling which is producing devasting effects in the minority community. As the Commission has analyzed the present pending *Weber* v. *Kaiser Aluminum* case, it is convinced that this is simply another effort to set back the gains made in the civil rights area, with the focus now on employment.

The Commission joins in the filing of this *amicus* in the hope that this Court will have a sense of justice and foresight found lacking in the *Bakke* decision. We are firm in the belief that there are strong Thirteenth Amendment arguments in favor of the reversal and dismissal of this case.

The *United Coalition* is an organization of members of Local 51 of the United Auto Workers (UAW) committed to building more aggressive representation and equality for all in the union and work force. The struggle for equality is a prime interest of the United Coalition. The group has struggled in local level contract negotiations for strong affirmative action programs for entrance to the skilled trades for women, Blacks, and Arab workers. The Coalition has called for strict enforcement of existing affirmative action programs. It has advocated strict enforcement of transfer rights which gives priority to inplant workers over new hirees resulting in improved jobs and advancement potential for women and minorities. United Coalition feels the *Weber* case poses a threat to all existing affirmative action programs.

The *United Construction Workers Association* (*UCWA*) is a rank and file workers' organization based in Seattle, Washington, representing Black and other minority workers in the building trades. The UCWA seeks out minority workers with potential employment discrimination problems, educates them about their rights under federal and state civil rights and labor laws, and, where necessary, initiates and sponsors law suits on behalf of its members to remedy discriminatory employment patterns. UCWA has always supported affirmative action in all forms as necessary to get rid of the badges and indicia of slavery.

Western Center on Law and Poverty is a public interest law firm representing low income clients throughout California. One of the highest priorities established for the Center by its client community during the past several years has been in the area of employment and affirmative action. In meeting that priority, the Center has litigated many cases which have resulted in the establishment of affirmative action programs for women and minorities, programs that will now be directly affected by the decision in *Weber*. The Center also filed two briefs as *amicus curiae* in the *Bakke* case, reviewed and decided by the Supreme Court during its last term.

The *Women's Division of the Board of Global Ministries of the United Methodist Church* (*Women's Division*) is the national expression and policy making body of United Methodist Women. It is a mission organization formed more than 100 years ago to offer women opportunities for service from which they were excluded by the prevailing custom and official policy of the Church at that time. It has a long tradition of concern for the interests of women and children and especially of minority groups, and supports programs throughout the world. It has always supported the effort to extend full civil rights to all United States citizens. The Women's Division joins as an *amicus* because its program and policy supports and is consistent with the position taken in this brief.

Women for Racial and Economic Equality (*WREE*) is a multi-racial and multi-national organization with chapters in 25 cities. Its membership is mainly working class and low income women. It is concerned with those necessary actions and legislation that will enable women to achieve economic equality as the foundation for true social and political equality. The elimination of racism is basic to this effort since it is used to prevent unity among women who have the same needs, aspirations, and goals. Affirmative action is the operational base for any attempt to achieve economic parity for women and minorities. WREE believes that affirmative action must be expanded to include laws and regulations that enable women to get and *keep* jobs. This would mean day care, pregnancy and maternity benefits, health protection, etc. Minimum quota guidelines for hiring must be protected to make affirmative action meaningful.

The *Women's Law Project* is a non-profit, feminist, legal organization in Philadelphia, Pennsylvania. It is working for the legal equality of men and women through litigation, public education, research and the representation of organized women's groups. Since its inception in 1974, the Project has been concerned with the implementation of constitutional principles of equality and of civil rights statutes. Its goal is to use these laws to effectuate a just transaction to a system in which the legal rights and obligations of both sexes are fully and equally recognized in all areas of life. Within these purposes, it has been particularly concerned about advancing opportunities for women in employment. The Project has been involved as counsel or *amicus* in a number of lawsuits aimed at opening up equal opportunities and benefits for women workers. Through this work, it has become aware of the critical role that voluntary affirmative action efforts in the workplace must play if women and minorities are to achieve their rightful place within the labor market.●

THE EXECUTIVE'S PROPOSAL TO IMPLEMENT THE PANAMA CANAL TREATY

● (Mr. MURPHY of New York asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. MURPHY of New York. Mr. Speaker, even though the new Panama Canal Treaty arrangement has been approved by the United States and Panama, and instruments of treaty

ratification have been exchanged, no clear picture of the new canal regime can emerge until the terms of the legislation to implement the treaties have been approved. The importance of the implementing legislation to the new regime for operation of the canal was made clear during the treaty debates in 1978. The U.S. Senate, during the treaty debates, was insistent that the terms of the implementing legislation be made known and, in accordance with that desire, the executive dispatched a draft of its legislative proposal to implement the treaties

The final version of the executive branch proposal for treaty implementation has recently been forwarded to Congress. Today I and the other chairmen whose committees will be dealing with the implementing legislation are introducing this proposal.

The treaty implementing is one part, but it is the key part, to a whole series of actions that must be undertaken to fill out the rights and responsibilities accorded to the United States under the new canal treaties.

Since the exchange of instruments of ratification on June 16, an intensive effort has been made to reach more precise understandings on many matters that were generally treated in the Panama Canal Treaty and related agreements. Twenty-four binational committees have been organized to provide for the joint planning that is needed to transfer governmental and commercial functions, modify the provision of services, and change jurisdictional arrangements.

While planning is being done for the major changes now scheduled for October 1, 1979, the canal organization cannot, through the binational committees or otherwise, do that which is not authorized by law. To provide for the relocation of resources and the changes in personnel that must be accomplished before October 1, 1979, some supplemental appropriations will have to be made and the treaty implementing package of legislation must be enacted.

Three recently concluded agreements illustrate some of the work that has been done to supplement the terms of the treaty arrangement and clarify U.S. rights.

Pursuant to paragraph 11 of article IX of the Panama Canal Treaty, the United States and Panama have signed an agreement which authorizes a prisoner exchange whereby nationals of one country who are convicted in the courts of the other country may serve their sentences in their own country. The transfer of canal employees or dependents convicted of crimes in Panama would be automatic. This arrangement will do much to relieve the anxieties of those U.S. citizens who serve with the canal organization and whose terms of employment are being changed significantly by being placed under non-U.S. jurisdiction. As the members of this body will recall, the protection of the human and civil rights of canal employees, particularly U.S. citizen employees, was a major issue in the debate on the treaty arrangement.

A second agreement recently negotiated provides that the U.S. Battle Monuments Commission would continue (until the year 2000) to operate a portion of Corozal Cemetery, now in the Canal Zone, as a suitable resting place for deceased U.S. citizens who have worked in the canal area. A later agreement will provide for the burial of eligible U.S. citizens and the care of the cemetery after the year 2000. This agreement, too, is an attempt to insure that the best conditions of employment and life for U.S. citizens are maintained.

A third agreement, initiated January 8 of this month, provides for an orderly turnover of air traffic control systems to Panama. It is crucial for the United States and Panama that the air traffic control on the isthmus be technically proficient because of the strategic position of that area.

As I have said before, Mr. Speaker, it is the responsibility of the Congress to enact legislation to fill out the terms of the new treaty relationship. We ought to act to preserve U.S. interests within the framework of the new treaty relationship. The proposal of the executive branch, derived after many long hours of research and review, deserves serious consideration. It is my understanding, based on the proposals I intend to submit to the committee which I chair, and based on discussion with other committee chairmen, that such consideration will be given to this proposal early in this Congress.

For the benefit of my colleagues and the public, and because of the limited time available for the consideration of the implementing legislation, I set forth for the RECORD a copy of the executive proposal and the accompanying section-by-section analysis.

H.R. —

A bill to implement the Panama Canal Treaty of 1977 and related agreements, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it is the purpose of this Act to provide legislation necessary to or desirable for the implementation of the Panama Canal Treaty of 1977 between the United States of America and the Republic of Panama and of the related agreements accompanying that Treaty.

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DEFINITIONS AND GENERAL PROVISIONS

SEC. 2. (a) As used in this Act, references to the Panama Canal Treaty of 1977 and related agreements mean the Panama Canal Treaty between the United States of America and the Republic of Panama signed September 7, 1977, the agreements relating to and implementing that Treaty signed on the same date, and any agreement concluded pursuant to the Exchange of Notes relating to Air Traffic Control Services signed September 7, 1977.

(b) The Canal Zone Code is hereby redesignated the Panama Canal Code.

(c) Except as otherwise provided in, or where inconsistent with, the provisions of

this Act, the following words and phrases are amended as follows wherever they appear in the Panama Canal Code and other laws of the United States, unless in context the changes are clearly not intended, or unless such words and phrases refer to a time prior to the effective date of this Act, as defined in section 503 (herein called "the effective date"):

(1) "Panama Canal Company" to read "Panama Canal Commission".

(2) "Company" to read "Commission" wherever the word "Company" has reference to the Panama Canal Company.

(3) "Canal Zone Government" to read "Panama Canal Commission".

(4) "Governor" or "Governor of the Canal Zone" to read "Panama Canal Commission" wherever the reference is to the Governor of the Canal Zone.

(5) "President" to read "Administrator" wherever the word "President" has reference to the president of the Panama Canal Company.

(6) "Government of the Canal Zone", or "Government", wherever the reference is to the Government of the Canal Zone, to read "United States of America".

(7) "Canal Zone waters" and "waters of the Canal Zone" to read "Panama Canal waters" and "waters of the Panama Canal", respectively.

(8) "Canal Zone Merit System" to read "Panama Canal Employment System".

(9) "Canal Zone Board of Appeals" to read "Panama Canal Board of Appeals".

(d) Reference to the Canal Zone in provisions of the Panama Canal Code or other laws of the United States which apply to transactions, occurrences, or status after (treaty effective date) shall be deemed to be to areas and installations in the Republic of Panama made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements.

(e) The President shall, within two years after the Panama Canal Treaty of 1977 enters into force, submit to the Congress proposed legislation which would—

(1) amend or repeal provisions of law which in their present form are applicable only during the transition period prescribed in Article XI of that Treaty, and

(2) incorporate the remaining provisions of the Panama Canal Code into the United States Code, proposing any changes thereto considered advisable in light of the experience as of that time under that Treaty.

TITLE I—PANAMANIAN RELATIONS AND SECURITY MATTERS

UNITED STATES-PANAMA JOINT COMMITTEE

SEC. 101. (a) The President shall appoint the representatives of the United States to the Joint Commission on the Environment to be established under paragraph 2 of Article VI of the Panama Canal Treaty of 1977.

(b) The President shall designate and the Secretary of State shall coordinate the participation of the representatives of the United States to the Consultative Committee between the United States and the Republic of Panama to be established under paragraph 7 of Article III of the Panama Canal Treaty of 1977.

AUTHORITY OF THE AMBASSADOR

SEC. 102. (a) The Ambassador to the Republic of Panama shall have full responsibility for the coordination of the transfer to the Republic of Panama of those functions that are to be assumed by the Republic of Panama pursuant to the Panama Canal Treaty of 1977 and related agreements.

(b) The Administrator of the Panama Canal Commission and personnel under his supervision shall not be subject to the direction or supervision of the United States Chief of Mission in the Republic of Panama with respect to the responsibilities of the Commission for the operation, management or maintenance of the Panama Canal as established in this or other acts, and the Panama Canal Treaty of 1977 and its related agreements; in other respects, 22 U.S.C. § 2680a shall be applicable.

SECURITY LEGISLATION

SEC. 103. (a) Sections 34 and 35 of title 2 of the Panama Canal Code are repealed.

(b) Section 1 of title II of the Act of June 15, 1917, (50 U.S.C. § 191) is amended by (1) striking the second paragraph of that section, and by (2) striking the term "the Canal Zone,".

(c) Section 2 of the Act of November 15, 1941, (50 U.S.C. § 191b) is repealed.

(d) Section 1 of title XIII of the Act of June 15, 1917, (50 U.S.C. § 195) is amended by striking the term "the Canal Zone and".

(e) Section 1 of the Act of August 9, 1954, (50 U.S.C. § 196) is amended by striking the term "including the Canal Zone,".

ARMS EXPORT CONTROL

SEC. 104. Section 38 of the Arms Export Control Act (22 U.S.C. § 2778) is amended by striking out subsection (d) thereof.

PRIVILEGES AND IMMUNITIES

SEC. 105. The Secretary of State shall from among persons recommended by the Panama Canal Commission determine, and shall maintain and from time to time furnish to the Government of the Republic of Panama, the list of those officials and other persons who shall enjoy the privileges and immunities accorded under Article VIII of the Panama Canal Treaty of 1977.

TERMINATION OF CANAL ZONE GOVERNMENT; TRANSFER OF RECORDS

SEC. 106. (a) Sections 1, 2, 3, 31, 32, 33, 333, and 334 of title 2 and sections 5081–5092 of title 6 of the Panama Canal Code are repealed.

(b) The Panama Canal Commission, other agencies or departments, and United States courts in the Republic of Panama are authorized to transfer any of their records, or copies thereof, including records acquired from the Canal Zone Government or Panama Canal Company such as vital statistics records, to other agencies, departments or courts of the United States and, if determined by the head of the agency or department concerned to be in the interest of the United States, to the Government of the Republic of Panama. Transfer of records or copies thereof under this section to the Government of the Republic of Panama shall be accomplished under the coordination and with the approval of the Ambassador.

PAYMENT TO PANAMA; REPEALER

SEC. 107. Title I of the Act of November 27, 1973, (87 Stat. 636) is amended by striking out the heading "Payment to the Republic of Panama" and all that follows under that heading.

TITLE II—PANAMA CANAL COMMISSION

Chapter 1.—COMMISSION: FISCAL MATTERS

SEC. 201. (a) Section 61 of title 2 of the Panama Canal Code is amended to read as follows:

"CONTINUATION, PURPOSES, OFFICES AND RESIDENCE OF THE COMMISSION

"SEC. 61. (a) For the purposes of managing, operating and maintaining the Panama Canal and its complementary works, installations and equipment, and of conducting operations incident thereto, in accordance with the Panama Canal Treaty of 1977 and related agreements, the Panama Canal Commission is established as a body corporate and as an agency and instrumentality of the United States, and is declared to be the successor to the Panama Canal Company.

"(b) The principal office of the Commission shall be located in the Republic of Panama in one of the areas made available for the use of the United States under the Panama Canal Treaty of 1977 and related agreements, but the Commission may establish agencies or branch offices in such other places as it deems necessary or appropriate in the conduct of its business. Within the meaning of the laws of the United States relating to jurisdiction or venue in civil actions, the Commission is an inhabitant and resident of the District of Columbia, and of the eastern judicial district of Louisiana."

(b) Subsection (a) of section 62 of title 2 of the Panama Canal Code is amended by substituting the words "Panama Canal Company" for "Company" and the words "Panama Canal Commission" for "Panama Canal Company".

SEC. 202. (a) Subsection (e) of section 62 of title 2 of the Panama Canal Code is repealed.

(b) Subsection (f) of section 62 of title 2 of the Panama Canal Code is amended by substituting the words "compute its capital surplus account" for "account for its surplus", and by deleting the words "in determining the base for the interest payments required by subsection (e) of this section".

(c) Section 70 of title 2 of the Panama Canal Code is amended by deleting the words "in determining the base for interest payments required by section 62(e) of this title", and by inserting the term "including operating expenses and payments required by paragraph 5 of Article III and paragraphs 4 (a), (b), and (c) of Article XIII of the Panama Canal Treaty of 1977," after the term "working capital requirements,".

(d) Section 72 of title 2 of the Panama Canal Code is amended by deleting the words "pursuant to section 62(e) of this title".

SEC. 203. Subsection (g) of section 62 of title 2 of the Panama Canal Code is amended to read as follows:

"(g) The Panama Canal Commission shall pay directly from Canal operating revenues to the Republic of Panama those payments required under paragraph 4 of Article XIII of the Panama Canal Treaty of 1977. In determining the adequacy of operating revenues for the purpose of payments to Panama under paragraph 4(c) of that Article, such operating revenues of a given fiscal period shall be reduced by (1) all costs attributable to the operation, maintenance and improvement of the Canal of that period including (i) operating expenses determined in accordance with generally accepted accounting principles, (ii) payments to Panama under paragraphs 4(a) and 4(b) of that Article and under paragraph 5 of Article III of the Treaty, and (iii) amounts in excess of depreciation and amortization programmed to fund requirements for plant replacement, expansion and improvements; (2) amounts allocated prior to the effective date of an increase in toll rates for the purpose of matching revenues with expenses during the period projected for the increase to remain in effect; (3) the accumulated sum from prior years (beginning with the year in which the Panama Canal Treaty of 1977 enters into force) of any excess of such cost requirements of the Commission over operating revenues; and (4) working capital requirements of the Commission as approved annually by its Board of Directors."

SEC. 204. Section 62 of title 2 of the Panama Canal Code is amended by adding a new subsection (h) to read as follows:

"(h) Payments by the Commission to the Republic of Panama for providing public services in accordance with paragraph 5 of Article III of the Panama Canal Treaty of 1977 shall be treated for all purposes as an operating cost of the Commission."

SEC. 205. Subsection (a) of section 63 of title 2 of the Panama Canal Code is amended to read as follows:

"(a) A board of directors shall manage the affairs of the Panama Canal Commission. The President of the United States shall appoint the members of the board in accordance with

paragraph 3 of Article III of the Panama Canal Treaty of 1977, and neither this chapter nor any other law prevents the appointment and service as a director, or as an officer of the Commission, of an officer or employee of the United States, or of a person who is not a national of the United States. Each director so appointed shall, subject to paragraph 3 of Article III of the Panama Canal Treaty of 1977, hold office at the pleasure of the President, and, before entering upon his duties, shall take an oath faithfully to discharge the duties of his office."

SEC. 206. Subsection (c) of section 63 of title 2 of the Panama Canal Code is amended to read as follows:

"(c) The directors shall hold meetings as provided by the bylaws of the Panama Canal Commission. A quorum for the transaction of business shall consist of a majority of the directors of which a majority of those present are nationals of the United States."

SEC. 207. Section 64 of title 2 of the Panama Canal Code is amended to read as follows:

ADMINISTRATOR AND DEPUTY

"SEC. 64. The President of the United States shall appoint the Administrator and Deputy Administrator of the Panama Canal Commission. The Administrator shall, subject to the direction and under the supervision of the Board, be the chief executive officer of the Commission. The Administrator and Deputy Administrator shall hold office at the pleasure of the President."

SEC. 208. Paragraph (3) of subsection (a) of section 65 of title 2 of the Panama Canal Code is amended to read as follows:

"(3) Sue and be sued in its corporate name, except that—

"(A) its amenability to suit is limited by the immunities provided by Article VIII of the Panama Canal Treaty of 1977, and otherwise by law;

"(B) salaries or other moneys owed by the Commission to its employees shall not be subject to attachment, garnishment or similar process, except as otherwise expressly provided by the laws of the United States; and

"(C) it is exempt from any liability for prejudgment interest."

SEC. 209. The opening clause of subsection (a) of section 66 of title 2 of the Panama Canal Code is amended to read as follows:

"(a) Subject to the Government Corporation Control Act (31 U.S.C. §§ 841 *et seq.*), and to the Panama Canal Treaty of 1977 and related agreements, the Panama Canal Commission may:".

SEC. 210. Sections 67 and 73 of title 2 of the Panama Canal Code are repealed. Section 68 of that title is amended to read as follows:

"ASSETS AND LIABILITIES

"SEC. 68. (a) Property and other assets of the Panama Canal Company and of the Canal Zone Government which are not transferred to other United States Government agencies or to the Republic of Panama, or otherwise disposed of, shall, notwithstanding section 5 of the Act of July 16, 1914, as amended (31 U.S.C. § 638(a)), be the property and assets of the Panama Canal Commission from and after the effective date, and except as otherwise provided by law, the Commission shall assume the liabilities of the Panama Canal Company and Canal Zone Government then outstanding.

"(b) The Commission may depreciate the Panama Canal, its complementary works, installations and equipment, and all other property and assets of the Commission, and may amortize over the life of the Panama Canal Treaty of 1977 the right to use certain assets such as housing made available to the United States under that Treaty and related agreements. The value of these use rights, as determined by the Commission, shall be established as an asset on the books of the Commission and amortized over the period of use.

"(c) The assets and liabilities referred to in this section shall be deemed to have been accepted and assumed by the Commission without the necessity of any act on the part of the Commission except as otherwise stipulated by section 62 of this title."

SEC. 211. (a) The introductory phrase to Section 1331 of title 2 of the Panama Canal Code is amended by striking out the word "President" and by inserting in lieu thereof the word "Commission".

(b) Paragraph (1) of section 1331 of title 2 of the Panama Canal Code is amended by striking out the words "harbors and other waters of the Canal Zone" and by inserting in lieu thereof the words "waters of the Panama Canal and areas adjacent thereto including the ports of Balboa and Cristobal".

(c) Paragraph (4) of section 1331 of title 2 of the Panama Canal Code is amended by striking out the words "waters of the Canal Zone" and by inserting in lieu thereof the words "waters of the Panama Canal and areas adjacent thereto including the ports of Balboa and Cristobal".

FUNDS AND ACCOUNTS

SEC. 212. (a) Section 231 of title 2 of the Panama Canal Code is repealed.

(b) Section 232 of title 2 of the Panama Canal Code is amended to read as follows:

FURNISHING OF SERVICES; REIMBURSEMENTS

"SEC. 232. (a) The Department of Defense shall reimburse the Panama Canal Commission for amounts expended by the Commission in maintaining defense facilities in standby condition for the Department of Defense.

"(b) Such agency as the President may designate is authorized to provide educational and health care services to persons eligible to receive such services under the Panama Canal Treaty of 1977 and related agreements. Notwithstanding any other law, the appropriations of such agency are made available for conducting educational and health care activities, including kindergartens and college, formerly carried out by the Canal Zone Government, and for providing the services related thereto.

"(c) Amounts so expended for furnishing services to persons eligible to receive them under the Panama Canal Treaty of 1977 and related agreements, less amounts payable by such persons, shall be fully reimbursable to the agency furnishing the services, except to the extent that such expenditures are the responsibility of that agency. The appropriations or funds of the Panama Canal Commission are made available for such reimbursements on behalf of employees of the Commission and other persons authorized to receive such services and eligible under the Panama Canal Treaty and related agreements. The appropriations or funds of other agencies conducting operations in the Republic of Panama, including the Smithsonian Institution, are made available for reimbursements on behalf of employees of such agencies and their dependents.

"(d) The appropriations or funds of United States agencies conducting operations in the Republic of Panama are made available to defray the cost of (i) health care services to elderly or disabled persons who were eligible to receive such services prior to the effective date, less amounts payable by such persons, and (ii) educational services provided by schools in the Republic of Panama which are not operated by the United States to persons who were receiving such services at the expense of the Canal Zone Government prior to the effective date."

(c) Section 233 of title 2 of the Panama Canal Code is amended by striking the terms "Canal Zone Government or the Panama Canal Company" and by inserting in lieu thereof the term "Panama Canal Commission".

(d) Section 234 of title 2 of the Panama Canal Code is amended by striking the term "Canal Zone" and by inserting in lieu thereof the term "Panama Canal Commission".

(e) Section 235 of title 2 of the Panama Canal Code is amended by striking the term "Canal Zone Government and the Panama Canal Company" and by inserting in lieu thereof the term "Panama Canal Commission".

PUBLIC PROPERTY AND PROCUREMENT

SEC. 213. (a) Section 371 of title 2 of the Panama Canal Code is repealed.

(b) Section 372 of title 2 of the Panama Canal Code is amended to read as follows:

TRANSFERS AND CROSS-SERVICING BETWEEN AGENCIES

"SEC. 372. (a) In the interest of economy and maximum efficiency in the utilization of Government property and facilities, there are authorized to be transferred, notwithstanding section 5 of the Act of July 16, 1914, as amended (31 U.S.C. § 638(a)), between departments and agencies, with or without exchange of funds, all or so much of the facilities, buildings, structures, improvements, stock and equipment of their activities located in the Republic of Panama as may be mutually agreed upon by the departments and agencies involved and approved by the President of the United States or his designee. With respect to transfers without exchange of funds, transfers to or from the Panama Canal Commission are subject to section 62 of this title, as amended.

"(b) The Panama Canal Commission and other agencies of the United States may enter into cross-servicing agreements for the use of facilities, furnishing of services, or performance of functions.

"(c) The provisions of subsections (a) and (b) above shall be applicable to the Smithsonian Institution."

Chapter 2.—TOLLS

SEC. 230. Section 411 of title 2 of the Panama Canal Code is amended to read as follows:

PRESCRIPTION OF MEASUREMENT RULES AND TOLLS

"SEC. 411. (a) The Panama Canal Commission may prescribe, and from time to time change:

"(1) the rules for the measurement of vessels for the Panama Canal; and

"(2) subject to section 412 of this title, the tolls that shall be levied for the use of the Canal.

"(b) The Commission shall give three months' notice, by publication in the Federal Register, of proposed changes in basic rules of measurement or in rates of tolls, during which period a public hearing shall be conducted. Changes in basic rules of measurement and changes in rates of tolls shall be subject to and shall take effect upon the approval of the President of the United States, whose action in such matters shall be final.

SEC. 231. In order to insure that the rates of tolls in effect on the effective date are adequate to meet the requirements of section 412 of title 2 of the Panama Canal Code, as amended by section 232 of this Act, the Panama Canal Company is authorized, in advance of that date, to change the rates, effective on the effective date, such change to be subject to the approval of the President whose action in the matter shall be final. If and to the extent that time permits, the Company shall give three months' notice, by publication in the Federal Register, of such proposed changes in rates of tolls, during which period a public hearing shall be conducted.

BASES OF TOLLS

SEC. 232. (a) Subsection (b) of section 412 of title 2 of the Panama Canal Code is amended to read as follows:

"(b) Tolls shall be prescribed at rates calculated to cover as nearly as practicable all

anticipated costs of maintaining and operating the Panama Canal, together with the facilities and appurtenances related thereto, including depreciation of assets, amortization of use rights, and the payments to Panama pursuant to paragraph 5 of Article III and paragraphs 4(a) and 4(b) of Article XIII of the Panama Canal Treaty of 1977. In determining the rates of tolls, there may also be taken into account unrecovered past costs, funding required to establish or maintain a capital reserve account programmed to fund requirements for plant replacement, expansion, and improvements, and the necessity of establishing reserves for the purpose of matching revenues with expenses during the period projected for a given toll rate to remain in effect."

(b) Subsection (c) of section 412 of title 2 of the Panama Canal Code is amended to read as follows:

"(c) Vessels operated by the United States, including vessels of war and auxiliary vessels, and ocean-going training ships owned by the United States and operated by State nautical schools, shall pay tolls."

(c) Subsection (d) of section 412 of title 2 of the Panama Canal Code is amended by deleting the words "of articles XVIII and XIX of the convention between the United States and Panama concluded on November 18, 1903, and", by inserting a comma in place of the period at the end of the subsection, and by adding thereafter "and of Articles II, III, and VI of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, between the United States of America and the Republic of Panama, signed September 7, 1977."

Chapter 3.—CLAIMS

SEC. 260. Chapter 11 of title 2 of the Panama Canal Code is amended as follows:

(a) The title of the chapter is amended to read "Claims Arising from Operation of Canal."

(b) Section 271 of title 2 of the Panama Canal Code is repealed.

(c) The headings of subchapters I and II are deleted.

(d) Section 291 of title 2 of the Panama Canal Code is amended as follows:

(1) The period at the end of the first sentence is changed to a comma, and the following language is added: "unless it is established that the injury was not proximately caused by the negligence or fault of any of its officers or employees acting within the scope of his employment and in the line of his duties in connection with the operation of the Canal."

(2) In the fourth sentence, the words "the side" are amended to read "any portion of the hull".

(e) Section 293 of title 2 of the Panama Canal Code is amended to read as follows:

MEASURE OF DAMAGES

"SEC. 293. (a) In determining the amount of the award of damages for injuries to a vessel for which the Panama Canal Commission is determined to be liable, there may be included:

"(1) actual or estimated cost of repairs;

"(2) charter hire actually lost by the owners, or charter hire actually paid, depending upon the terms of the charter party, for only the time the vessel is actually undergoing repairs, on drydock or otherwise;

"(3) maintenance of the vessel and wages of the crew, if they are found to be actual additional expenses or losses incurred outside of the charter hire, for only the time the vessel is actually undergoing repairs, on drydock or otherwise; and

"(4) except as prohibited by subsection (b) of this section, or by any other provision of law, other expenses which are definitely and accurately shown to have been incurred necessarily and by reason of the accident or injuries.

"(b) Agent's fees or commissions, general average expenses, attorney's fees, bank commissions, port charges or other incidental expenses of similar character, or any items which are indefinite, indeterminable, speculative, or conjectural shall not be allowed.

"(c) The Commission shall be furnished such vouchers, receipts, or other evidence as may be necessary in support of any item of a claim. If a vessel is not operated under charter but by the owner directly, evidence shall be secured if available as to the sum for which vessels of the same size and class can be chartered in the market. If the charter value cannot be determined, the value of the use of the vessel to its owners in the business in which it was engaged at the time of the injuries shall be used as a basis for estimating the damages for the vessel's detention; and the books of the owners showing the vessel's earnings about the time of the accident or injuries shall be considered as evidence of probable earnings during the time of detention. If the books are unavailable, such other evidence shall be furnished as may be necessary."

(f) Section 294 of title 2 of the Panama Canal Code is amended by deleting the word "or" in paragraph (5), by renumbering the present paragraph (6) as paragraph (7), and by inserting a new paragraph (6) to read as follows: "(6) time necessary for investigation of marine accidents; or".

(g) Section 296 of title 2 of the Panama Canal Code is amended by deleting the words "United States District Court for the District of the Canal Zone" in the first sentence and inserting in lieu thereof the words "United States District Court for the Eastern District of Louisiana".

(h) The present section 297 of title 2 of the Panama Canal Code is designated as subsection (a), and a new subsection (b) is added to read as follows:

"(b) Lack of knowledge on the part of the master, officers, crew or passengers that an accident giving rise to a claim under this chapter has occurred does not excuse noncompliance with the requirements of this section."

(i) A new section 298 of title 2 of the Panama Canal Code is added, to read as follows:

"TIME FOR PRESENTING CLAIM AND COMMENCING ACTION

"SEC. 298. A claim against the Commission under this chapter shall be forever barred unless it is presented in writing to that agency within two years after such claim accrues or unless action is begun within one year after the date of mailing of notice of final decision on the claim by the Commission."

(j) A new section 299 of title 2 of the Panama Canal Code is added to read as follows:

"BOARD OF LOCAL INSPECTORS

"SEC. 299. (a) There is established a Board of Local Inspectors of the Panama Canal Commission which shall perform, in accordance with regulations prescribed by the Commission—

"(1) the investigations called for by section 297 of this chapter; and

"(2) such other duties in matters of a marine character as it may be assigned by the Commission.

"(b) The Commission shall, by regulation designate the members of the Board and establish procedures by which the Board carries out its functions.

"(c) In conducting the investigations provided for by subsection (a) of this section, members of the Board may summon witnesses, administer oaths, and require the production of books and papers necessary thereto."

Chapter 4.—SEA LEVEL CANAL STUDY

SEC. 270. (a) The President shall appoint the representatives of the United States to any joint committee or body with the Republic of Panama to study the possibility of a sea level canal in the Republic of Panama pursuant to Article XII of the Panama Canal Treaty of 1977.

(b) Upon the completion of any joint study between the United States and the Republic of Panama concerning the feasibility of a sea level canal in the Republic of Panama pursuant to paragraph 1 of Article XII of the Panama Canal Treaty of 1977, the text of the study shall be transmitted by the President to the President of the Senate and to the Speaker of the House of Representatives.

(c) No construction of a sea level canal by the United States in the Republic of Panama shall be undertaken except with express Congressional authorization after submission of the study by the President as provided in subsection (b).

TITLE III—EMPLOYEES AND POSTAL MATTERS

Chapter 1.—EMPLOYMENT SYSTEM

SEC. 301. (a) Sections 101, 102, 122, 123, 147 and 154 of title 2 of the Panama Canal Code are repealed.

(b) Section 103 of title 2 of the Panama Canal Code is amended by striking the terms "Canal Zone Government, Panama Canal Company" and inserting in lieu thereof the term "Panama Canal Commission", and by redesignating that section as section 122 of that title and Code.

SEC. 302. Section 141 of title 2 of the Panama Canal Code is amended as follows:

(a) The definition of the word "department" is amended to read as follows:

"' department' means (i) the Panama Canal Commission, and (ii) an executive agency (within the meaning of section 105 of title 5 of the United States Code) which makes an election under section 142(b) of this chapter;".

(b) The definition of the word "position" is amended to read as follows:

"'position' means those duties and responsibilities of a civilian nature under the jurisdiction of a department which are performed in the Republic of Panama."

SEC. 303. Section 142 of title 2 of the Panama Canal Code is amended by redesignating subsection (b) thereof as subsection (d), and by striking the caption and subsection (a) thereof and inserting in lieu thereof the following:

PANAMA CANAL EMPLOYMENT SYSTEM

"SEC. 142. (a) The Panama Canal Commission shall conduct its wage and employment practices in accordance with a Panama Canal Employment System which shall be established in accordance with—

"(1) the principles established in the Panama Canal Treaty of 1977 and related agreements, and with the provisions of this chapter and other applicable law; and

"(2) regulations promulgated by, or under the authority of, the President in accordance with this chapter and taking into account any recommendation of the Panama Canal Commission.

"(b) The head of an executive agency other than the Panama Canal Commission may elect to have the Panama Canal Employment System made applicable in whole or in part to personnel of his agency in the Republic of Panama.

"(c) The provisions of chapter 71 of title 5 of the United States Code shall not apply to the Panama Canal Commission or to its personnel. In lieu thereof, the President shall establish a form of collective bargaining, applicable to the Commission's employees; into which is incorporated the substance of sections 7102, 7106, 7116, 7120, and 7131. The form of collective bargaining so established shall contain such other necessary provisions, and shall be administered, so as to provide the Commission's employees with the right to bargain col-

lectively under the same conditions and with respect to the same subject matter that obtains where that right is exercised generally in the Federal service within the continental United States."

SEC. 304. Notwithstanding other provisions of this chapter, the provisions of subchapter III of chapter 7 of title 2, of the Panama Canal Code establishing the Canal Zone Merit System, and the administrative regulations promulgated thereunder, shall continue in effect until such time as the Panama Canal Employment System has been established pursuant to section 303 of this Act.

SEC. 305. Section 144 of title 2 of the Panama Canal Code is amended by deleting subsection (d) thereof. Section 146 is amended to read as follows:

"RECRUITMENT AND RETENTION REMUNERATION

"SEC. 146. (a) In addition to basic compensation, additional remuneration in such amounts as the head of the department concerned determines, may be paid as overseas recruitment and retention differentials to the following categories of individuals if, in the judgment of the head of the department concerned, the recruitment and retention of such employees is essential—

"(1) persons employed by the Panama Canal Company, Canal Zone Government or a department in the Canal Zone prior to the effective date;

"(2) persons thereafter recruited outside of Panama for a position in the Republic of Panama; and

"(3) Medical doctors employed by the Department of Defense or Panama Canal Commission.

"(b) Employees who fall into more than one of the three categories described in subsection (a) of this section may qualify for additional remuneration under only one of those categories.

(c) Additional remuneration prescribed under this section may not exceed 25 percent of the rate of basic compensation for the same or similar work performed in the continental United States by employees of the Government of the United States."

SEC. 306. (a) Title 2 of the Panama Canal Code is amended by adding a new section 147 to read as follows:

TRANSFER OF FEDERAL EMPLOYEES TO PANAMA CANAL COMMISSION

"SEC. 147. The head of any Federal agency, including the United States Postal Service, is authorized to enter into agreements for the transfer or detail of that agency's employees, serving under permanent appointment, to the Panama Canal Commission. Under regulations prescribed by the Office of Personnel Management, any employee so transferred or detailed shall, upon completion of his tour of duty with the Commission, be entitled to reemployment with the agency from which he was transferred or detailed without loss of pay, seniority or other rights or benefits to which he would have been entitled had he remained on the rolls of that agency."

(b) Section 148 of title 2 of the Panama Canal Code is amended by—

(1) changing the parenthetical citation "(5 U.S.C., sec. 2091 et seq.)" in paragraph (1) to read "(5 U.S.C. §§ 8701 et seq.)";

(2) changing the parenthetical citation "(5 U.S.C., sec. 751 et seq.)" in paragraph (2) to read "(5 U.S.C. §§ 8101 et seq.)";

(3) changing the parenthetical citation "(5 U.S.C., sec. 2251 et seq.)" in paragraph (4) to read "(5 U.S.C. §§ 8331 et seq.)"; and

(4) revising the unindented portion of the section following paragraph (6) to read as follows:

". . . the basic compensation of each employee shall include the rate of basic compensation established for his position, and, where appropriate, the amount of overseas recruitment and retention differentials, determined in the manner respectively provided by sections 144 and 146 of this title."

SEC. 307. Section 149 of title 2 of the Panama Canal Code is amended to read as follows:

"MERIT AND OTHER EMPLOYMENT REQUIREMENTS

"SEC. 149. (a) Subject to this subchapter, the President may, from time to time and taking into account any recommendation of the Panama Canal Commission, amend or modify provisions of the Panama Canal Employment System, including provisions relating to selection for appointment, reappointment, reinstatement, reemployment, and retention, with respect to positions, employees, and individuals under consideration for appointment to positions, established by regulations under section 142 of this chapter.

"(b) The Panama Canal Employment System shall:

"(1) subject to and as limited by the Panama Canal Treaty of 1977 and related agreements, be based on the merit of the employee or individual and upon his qualifications and fitness to hold the position concerned;

"(2) conform generally to policies, principles, and standards for the competitive civil service of the Government of the United States; and

"(3) include provision for appropriate interchange, between the Panama Canal Employment System and the competitive civil service of the Government of the United States, of citizens of the United States employed by the Government of the United States.

SEC. 308. Section 155 of title 2 of the Panama Canal Code is amended by redesignating subsection (b) thereof as subsection (c) and by inserting in lieu of subsection (a) thereof the following:

"(a) The President shall issue regulations necessary and appropriate to carry out the provisions and accomplish the purposes of this subchapter and, in the event of any election under section 142(b), coordinate the policies and activities under this subchapter of the departments involved.

"(b) In order to assist in carrying out his coordination responsibility under subsection (a) and in implementing the provisions of the Panama Canal Treaty of 1977 and related agreements relating to recruitment, examination, determination of qualification standards and similar matters, the President may establish, as the successor to the Canal Zone Central Examining Office, an office which shall be an entity within the Panama Canal Commission."

SEC. 309. Subsection (a) of section 201 of title 2 of the Panama Canal Code is amended by deleting the words "Governor of the Canal Zone and President of the Panama Canal Company, or as Lieutenant Governor of the Canal Zone and Vice President of the Panama Canal Company," and inserting in lieu thereof the words "Administrator or Deputy Administrator of the Panama Canal Commission."

SEC. 310. The provisions of this chapter shall be applicable to federal employees of the Smithsonian Institution.

Chapter 2.—CONDITIONS OF EMPLOYMENT, PLACEMENT, AND RETIREMENT

SEC. 321. Title 2 of the Panama Canal Code is amended by adding a new section 202 to read as follows:

TRANSFERRED EMPLOYEES

SEC. 202. With respect to employees of the Panama Canal Company or Canal Zone Government who are transferred to employment with the Panama Canal Commission or other United States Government agencies in the Republic of Panama, the following terms and conditions of employment shall be generally no less favorable, from and after the entry into force of the Panama Canal Treaty of 1977, than the terms and conditions of employment with the Panama Canal Company and Canal Zone Government immediately prior to that date:

Wage rates; tropical differential; premium pay and night differential; reinstatement and restoration rights; injury and death compensation benefits; leave and travel, except as modified to provide equity with other employees within the agency to which the employee is transferred; transportation and repatriation benefits; group health and life insurance; reduction-in-force rights; an employee grievance system, and the right to appeal adverse and disciplinary actions as well as position classification actions; veteran's preference eligibility; holidays; saved pay provisions; and severance pay benefits."

SEC. 322. Title 2 of the Panama Canal Code is amended by adding a new section 203 to read as follows:

"PLACEMENT

"SEC. 203. (a) A United States citizen who, immediately preceding the effective date of exchange of instruments of ratification of the Panama Canal Treaty of 1977, was an employee of the Panama Canal Company or Canal Zone Government, who separates or is scheduled to separate on that date or thereafter in accordance with the program established under subsection (c) of this section for any reason other than misconduct or delinquency, and who is not placed in another appropriate position with the United States Government in the Republic of Panama shall, upon the employee's request, be accorded appropriate placement assistance to vacancies with the United States Government in the United States.

"(b) A United States citizen who, immediately preceding the effective date of exchange of instruments of ratification of the Panama Canal Treaty of 1977, was an employee of an agency of the United States Government, or a Federal employee of the Smithsonian Institution, in the Canal Zone other than the Panama Canal Company or Canal Zone Government, whose position is eliminated as the result of implementing the Panama Canal Treaty of 1977 or related agreements, and who is not placed in another appropriate position with the United States Government in the Republic of Panama shall, upon the employee's request, be accorded the placement assistance provided for in subsection (a).

"(c) The Office of Personnel Management shall develop and administer a Federal Governmentwide placement program for all eligible employees who request placement assistance under this section."

SEC. 323. Title 2 of the Panama Canal Code is amended by adding a new section 204 to read as follows:

"EDUCATION TRAVEL BENEFITS

"SEC. 204. Dependents of United States citizen employees of the Panama Canal Commission who are eligible for educational travel benefits under regulations issued by the Commission shall be entitled to one round trip per year for undergraduate studies in the United States until they reach their 23rd birthday."

ADJUSTMENT OF COMPENSATION

SEC. 324. United States citizen employees of the Panama Canal Commission shall be paid an allowance to offset the increased cost of living that may result from the withdrawal of the eligibility of such employees and their dependents to use military postal services, sales stores and exchanges five years after the date of entry into force of the Panama Canal Treaty of 1977. The amount of the additional compensation shall be determined by the Panama Canal Commission.

EARLY RETIREMENT ELIGIBILITY

SEC. 325. Section 8336 of title 5 of the United States Code is amended:

(1) by redesignating subsection (c) as subsection (c)(1) and adding a new paragraph (2) to read as follows:

"(2) A law enforcement officer or firefighter employed by the Panama Canal Company or the Canal Zone Government immediately prior to the effective date of exchange of instruments of ratification or entry into force of the Panama Canal Treaty of 1977, who is separated from the service prior to January 1, 2000, and, upon separation, meets the age and service requirements in paragraph (1), or who is separated within 2 years prior to meeting the age and service requirements in paragraph (1) is entitled to an annuity."

(2) by redesignating subsection (h) as subsection (k) and inserting new subsections (h), (i), and (j) to read as follows:

"(h) An employee of the Panama Canal Commission or of an Executive agency conducting operations in the Canal Zone or Republic of Panama, who is separated from the service prior to January 1, 2000—

"(1) involuntarily, as a result of the implementation of the Panama Canal Treaty of 1977 or related agreements, except by removal for cause on charges of misconduct or delinquency, after completing 20 years of service;

(2) voluntarily, after completing 25 years of service or after becoming age 50 and completing 20 years of service; or

(3) involuntarily, as a result of the implementation of the Panama Canal Treaty of 1977 or related agreements, except by removal for cause on charges of misconduct or delinquency, or voluntarily within 2 years prior to meeting the age and/or service requirements in paragraph (2) is entitled to an annuity if he—

(A) was employed by the Canal Zone Government or the Panama Canal Company immediately prior to the effective date of exchange of instruments of ratification or entry into force of the Panama Canal Treaty of 1977; and

(B) has been continuously employed by the Panama Canal Commission or by an Executive agency conducting operations in the Canal Zone or the Republic of Panama since the effective date of exhange of instruments of ratifiation of the Panama Canal Treaty of 1977 or its entry into force.'

"(i) An employee of the Panama Canal Commission or of an Executive agency conducting operations in the Canal Zone or Republic of Panama, who is separated from the service as a result of the implementation of the Panama Canal Treaty of 1977 or related agreements, prior to January 1, 2000, involuntarily, except by removal for cause on charges of misconduct or delinquency—

(1) after completing 20 years of service; or

(2) within 2 years prior to meeting the age and/or service requirements in paragraph (2) of subsection (h) of this section is entitled to an annuity if he—

(A) was employed in the Canal Zone by an Executive agency other than the Panama Canal Company or the Canal Zone Government immediately prior to the effective date of exchange of instruments of ratification or entry into force of the Panama Canal Treaty of 1977; and

(B) has been continuously employed by the Panama Canal Commission or an Executive agency conducting operations in the Canal Zone or the Republic of Panama since the effective date of exchange of instruments of ratifiation of the Panama Canal Treaty of 1977 or its entry into force."

"(j) For the purpose of subsections (h) and (i) of this section, Federal employment by or under the United States District Court for the District of the Canal Zone and by the Smithsonian Institution shall be treated as employment by an 'Executive agency.'"

EARLY RETIREMENT COMPUTATION

SEC. 326. Section 8339 of title 5 of the United States Code is amended—

(1) by inserting in subsection (f), immediately after "subsection (a)–(e)", the following: "and (n)";

(2) by inserting in subsection (i), immediately after "subsections (a)–(h)", the following: "and (n)";

(3) by inserting in subsections (j) and (k)(1), immediately after "subsections (a)–(i)" each time it appears, the following: "and (n)";

(4) by inserting in subsection (1), immediately after "subsections (a)–(k)", the following: "and (n)";

(5) by inserting in subsection (m), immediately after "subsections (a)–(e)", the following: "and (n)"; and

(6) by adding at the end thereof new subsections (n), (o), and (p) to read as follows:

"(n) The annuity of an employee retiring under this subchapter who was employed by the Panama Canal Company or Canal Zone Government immediately prior to the entry into force of the Panama Canal Treaty of 1977, who continues in employment with the Panama Canal Commission, or with another Executive agency or the Smithsonian Institution, in the Republic of Panama is computed with respect to the period of that service performed on a continuous basis after the entry into force of the Panama Canal Treaty of 1977 by multiplying—

(A) 2½ percent of the employee's average pay by so much of such service as does not exceed 20 years; plus

(B) 2 percent of the employee's average pay multiplied by so much of such service as exceeds 20 years."

"(o) The annuity computed under subsection (n) of this section for an employee who was employed as a law enforcement officer or firefighter shall be increased by $8 for each full month of such service in the Republic of Panama after the entry into force of the Panama Canal Treaty of 1977. This increase in annuity shall not be paid with respect to service performed after completion of 20 years as a law enforcement officer or firefighter."

"(p) The annuity computed under this subchapter for an employee who was employed as a law enforcement officer or firefighter by the Panama Canal Company or the Canal Zone Government immediately prior to the effective date of exchange of instruments of ratification or entry into force of the Panama Canal Treaty of 1977, who does not qualify for retirement under section 8336(c) of this title, shall be increased by $12 for each full month of such service prior to the entry into force of the Panama Canal Treaty of 1977. This increase in annuity shall not be paid with respect to service performed after completion of 20 years as a law enforcement officer or firefighter.

LAW ENFORCEMENT, CANAL ZONE CIVILIAN PERSONNEL POLICY COORDINATING BOARD, AND RELATED EMPLOYEES

SEC. 327. (a) For the purposes of sections 202, 203, and 204 of title 2 of the Panama Canal Code, as amended by sections 321, 322, and 323 of this Act, and sections 325–326 of this Act, the United States Attorney for the District of the Canal Zone and the Assistant United States Attorneys and their clerical assistants, and the United States Marshal for the District of the Canal Zone and his deputies and clerical assistants, shall be treated the same as employees of the Panama Canal Commission.

(b) For the purposes of this Act, the Executive Director of the Canal Zone Civilian Personnel Policy Coordinating Board, the Manager, Central Examining Office, and their staffs shall be considered employees of the Panama Canal Company for service prior to the entry into force of the Panama Canal Treaty of 1977 and as employees of the Panama Canal Commission for service on or after that date.

SEC. 328. (a) Chapters 81 (Compensation for Work Injuries), 83 (Retirement), 87 (Life Insurance), and 89 (Health Insurance) of title 5 of the United States Code are inapplicable to persons who are not citizens of the United States, who are hired by the Panama Canal Commission after the effective date and who are covered by the Social Security System of the Republic of Panama pursuant to the Panama Canal Treaty of 1977 and related agreements.

(b) In section 8701 of title 5 of the United States Code, the definition of "employee" in subsection (a) is amended by revising paragraph (B) to read as follows:

"(B) an employee who is not a citizen or national of the United States and whose permanent duty station is outside the United States, unless such person was an employee for the purpose of this chapter on the day before the effective date by virtue of service with a Federal agency in the Canal Zone, or the Smithsonian Institution."

(c) In section 8901 of title 5 of the United States Code, the definition of employee in subsection (1) is amended by revising paragraph (ii) to read as follows:

"(ii) an employee who is not a citizen or national of the United States and whose permanent duty station is outside the United States unless such person was an employee for the purpose of this chapter on the day before the effective date by virtue of service with a Federal agency in the Canal Zone, or the Smithsonian Institution."

NON-U.S. CITIZEN RETIREMENT UNDER SPECIAL TREATY PROVISIONS

SEC. 329. (a) Under such regulations as the President may prescribe, there shall be paid to the Social Security System of the Republic of Panama, out of funds deposited in the Treasury of the United States to the credit of the Civil Service Retirement Fund under section 8334(a)(2) of title 5 of the United States Code, such sums of money as may be necessary to aid in the purchase of a retirement equity in that System for each person who is separated from employment with the Panama Canal Company, the Canal Zone Government, or the Panama Canal Commission, as the result of the implementation of the Panama Canal Treaty of 1977 or related agreements, and becomes employed under the Social Security System of the Republic of Panama through the transfer of a function or activity to the Republic of Panama from the United States or through a job placement assistance program, provided such person—

(1) has been credited with at least five years of Federal service under the United States Civil Service Retirement System;

(2) is not eligible for an immediate retirement annuity, and does not elect a deferred annuity under the United States Civil Service Retirement System; and

(3) elects to withdraw the entire amount of his contributions to the United States Civil Service Retirement System and transfer it to the Social Security System of the Republic of Panama pursuant to the special regime referred to in paragraph 3 of Article VIII of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977.

(b) The sums of money made available under subsection (a) shall not exceed, in any case, the amount of the employee contribution withdrawn from the fund and paid over to the Panamanian Social Security System.

(c)(1) Pursuant to paragraph 2(b) of Annex C to the Agreement in Implementation of Article IV of the Panama Canal Treaty of 1977, there are authorized to be appropriated such sums of money as may be necessary to purchase a nontransferable deferred annuity for the benefit of each employee of the United States Forces, including employees

of all nonappropriated fund activities of the Department of Defense, in the Republic of Panama—

(A) who is not a citizen of the United States of America;

(B) who was employed prior to and is employed upon the effective date by an instrumentality of the United States Government in the Republic of Panama (including, in the case of employment prior to such date, the former Canal Zone);

(C) who, for any period of his or her employment with that instrumentality of the United States Government prior to the effective date was not covered by a retirement program for the full period of employment;

(D) who, on the effective date is under a retirement system provided by the United States or an instrumentality of the United States Government, or would have been eligible to be under a retirement system of such instrumentality had one been available during previous creditable service; and

(E) who, on the effective date has at least five years of creditable service.

(2) The President of the United States, or his designee, shall pay out of the general funds of the United States Treasury such sums as are appropriated pursuant to subsection (c)(1) of this section in accordance with such regulations as the President or his designee may prescribe.

(3) The annuity referred to in subparagraph (c)(1) above will cover retroactively, from the effective date, all periods of creditable service of such persons with United States Government instrumentalities in the Republic of Panama (including the former Canal Zone) during which such persons were not covered by an appropriate retirement program.

(4) Neither the United States Government nor its instrumentalities is required to furnish or to pay for retirement coverage for the individuals referred to in subparagraph (c)(1) above in the Social Security System of the Republic of Panama for periods of employment with the United States Government or its instrumentalities prior to the effective date.

SEC. 330. (a) Section 5316(87) of title 5 of the United States Code is amended by striking out "Governor of the Canal Zone" and substituting in lieu thereof "Administrator of the Panama Canal Commission."

(b) Section 6322(a) of title 5 of the United States Code is amended by deleting the words "the Canal Zone, or", by inserting a comma in place of the period after "the Trust Territory of the Pacific Islands" at the end of the same sentence, and by adding thereafter "or the Republic of Panama."

(c) Subchapter III of Chapter 59 of title 5 of the United States Code, pertaining to Overseas Differentials and Allowances, is inapplicable to employees assigned to work in the Republic of Panama for the Panama Canal Commission or an executive agency which makes an election under section 142 (b) of title 2 of the Panama Canal Code.

(d) References to the Canal Zone in the following sections of title 5 of the United States Code shall be deemed to refer to areas in the Republic of Panama used or regulated by the United States pursuant to the Panama Canal Treaty of 1977 and related agreements:

(1) section 5595(a)(2)(iii);

(2) section 5724a(a); and

(3) section 8102(b).

(e) Section 1(b) of the Act of April 14, 1966, (20 U.S.C. § 903(c)) and section 6(a) of the Act of July 17, 1959, (20 U.S.C. § 904 (a)(2)) are inapplicable to teachers who are employed by the Canal Zone Government school system immediately prior to the effective date and are transferred to the Department of Defense Overseas Dependent School System.

(f) Section 5102(c)(12) of title 5 of the United States Code is amended to read as follows: "federal employees whose pay is fixed under authority and regulations of the Panama Canal Employment System."

Chapter 3.—POSTAL MATTERS

POSTAL SERVICE

SEC. 341. (a) The postal service established and governed by chapter 73 of title 2 of the Panama Canal Code shall be discontinued upon the effective date.

(b) The provisions of chapter 73 relating to postal-savings deposits, postal-savings certificates, postal money orders, and the accounting for funds shall continue to apply for the purpose of meeting the obligations of the United States concerning outstanding postal savings and money orders and disposition of funds.

(c) The Panama Canal Commission shall take possession of and administer the funds of the postal service and shall assume its obligations. The Commission and the United States Postal Service are authorized to enter into agreements for the transfer of funds or property and the assumption of administrative rights or responsibilities, with respect to the outstanding obligations of the postal service.

(d) Mail addressed to the Canal Zone from or through the continental United States may be routed by the United States Postal Service to the military post offices of the United States Forces in the Republic of Panama. Such military post offices shall provide the required directory services and shall accept such mail to the extent permitted under the Panama Canal Treaty of 1977 and related agreements. The Panama Canal Commission is authorized and directed to furnish personnel, records and other services to said military post offices to assure wherever appropriate the proper distribution, rerouting, or return of said mail.

(e)(1) The words "Except as provided in the Canal Zone Code, the", in the second sentence of section 403(a) of title 39 of the United States Code are revised to read "The";

(2) The words "each post office in the Canal Zone postal service," in section 3402 (a) of title 39 of the United States Code are revised to read "each military post office of the United States Forces in the Republic of Panama" and section 3402(b) of title 39 of the United States Code is deleted;

(3) Section 3682(b)(5) of title 39 of the United States Code is amended by striking the words "the Canal Zone and"; and

(4) Section 3401(b) of title 39 of the United States Code is amended by inserting the word "or" before the words "the Virgin Islands" and by striking the words "or the Canal Zone."

TITLE IV.—COURTS AND RELATED FUNCTIONS

CONTINUATION OF CODE AND OTHER LAWS

SEC. 401. (a) Except as otherwise provided in this Act, the provisions of the Panama Canal Code, as amended, and other laws applicable in the Canal Zone prior to the entry into force of the Panama Canal Treaty of 1977 by virtue of the territorial jurisdiction of the United States in the Canal Zone shall continue in force only for the purpose of the exercise of the authority vested in the United States by that Treaty and related agreements.

(b) None of the provisions or laws referred to in subsection (a) shall be construed as regulating, or providing authority to regulate, any matter as to which the United States may not exercise jurisdiction under the Panama Canal Treaty of 1977 and related agreements.

JURISDICTION DURING TREATY TRANSITION PERIOD

SEC. 402. (a) The Congress of the United States finds that article XI of the Panama Canal Treaty of 1977 prescribes certain special provisions governing the jurisdiction of the United States in the Republic of Panama during a transition period of thirty months beginning upon the date the Panama Canal Treaty of 1977 enters into force.

(b) Notwithstanding inconsistent provisions of the Panama Canal Code or any other law, the jurisdiction of the district court and magistrates' courts established pursuant to title 3 of the Panama Canal Code shall be limited as provided by article XI of the Panama Canal Treaty of 1977.

(c) For the purposes of the exercise of the jurisdiction described in subsection (b), the terms "United States citizen employees," "members of the United States Forces," "civilian component," and "dependents" shall be construed as they are defined in the Panama Canal Treaty of 1977 and related agreements. Similarly, the term "areas and installations made available for the use of the United States" shall be construed to mean (1) the canal operating areas and housing areas described in annex A to the agreement in implementation of article III of that treaty, (2) the ports of Balboa and Cristobal described in annex B to that agreement, and (3) the defense sites and areas of military coordination described in annex A to the agreement in implementation of article IV of that treaty.

DIVISIONS AND TERMS OF DISTRICT COURT

SEC. 403. The United States District Court for the District of the Canal Zone is authorized to conduct its affairs at such places within the areas made available for the use of the United States under the Panama Canal Treaty of 1977 and related agreements, and at such times, as the district judge may designate by rule or order.

(b) Sections 2 and 3 of title 3 of the Panama Canal Code are repealed.

TERM OF CERTAIN OFFICES

SEC. 404. Notwithstanding the provisions of sections 5, 41, 45, and 82 of title 3 of the Panama Canal Code, the term of office of a district judge, magistrate, United States attorney or United States marshal appointed after the date of enactment of this Act shall extend for a period of 30 months beyond the date the Panama Canal Treaty of 1977 enters into force, and be subject to such extension of time as may be provided for disposition of pending cases by agreement between the United States and the Republic of Panama pursuant to the last sentence of paragraph 7 of article XI of the Panama Canal Treaty of 1977.

RESIDENCE REQUIREMENTS

SEC. 405. Sections 5(d), 7(d), 41(d), and 45(d) of title 3 of the Panama Canal Code, the second sentence of section 42 of that title, and the second sentence of setcion 82(c) of that title, which require that certain court officials reside in the Canal Zone, are repealed.

SEC. 406. (a) Section 6 of title 3 of the Panama Canal Code is amended to read as follows:

SPECIAL DISTRICT JUDGE

"SEC. 6. The chief judge of the judicial circuit of which the district court is a part may designate and assign a special district judge to act when necessary:

(1) during the absence of the district judge;

(2) during the district judge's disability or disqualification, because of sickness or otherwise, to discharge his duties; or

(3) when the office of district judge is vacant.

(b) Each such designation and assignment by the chief judge shall be made in accordance with chapter 13 of title 28 of the United States Code, which shall be deemed to apply for such purposes.

MAGISTRATES' COURT

SEC. 407. (a) The two magistrates' courts established pursuant to section 81 of title 3

of the Panama Canal Code and existing immediately preceding the date upon which the Panama Canal Treaty of 1977 enters into force shall continue in operation for 30 months from that date unless discontinued during that period as otherwise provided by this section.

(b) During the period referred to in subsection (a), one or both magistrates' courts, together with the positions of magistrate and constable corresponding thereto, may be abolished by the President or his designee if in his judgment the workload is insufficient to warrant continuance of either or both courts. If one of the courts is so abolished, the remaining magistrate's court shall exercise the jurisdiction that otherwise would have been exercised by the abolished court and shall take custody of and administer all its records.

(c) If both magistrates' courts are abolished pursuant to subsection (b), the following provisions shall thereafter apply:

(1) The district court shall exercise the jurisdiction of the magistrates' courts.

(2) All records of the magistrates' courts shall be deemed records of the district court.

(3) A criminal action that otherwise would have come within the original jurisdiction of the magistrates' courts shall be instituted in the district court by a complaint executed pursuant to section 3701 of title 6 of the Panama Canal Code, and the law and rules applicable in the district court shall thereafter apply. All other criminal actions shall be instituted in the district court by the filing in each case of an information pursuant to chapter 213 of title 6 of the Panama Canal Code.

(4) The requirement of and procedures for preliminary examinations under section 172 of title 3 and section 3801–3806 of title 6 of the Panama Canal Code shall not apply.

SEC. 408. Section 543 of title 3 of the Panama Canal Code is amended to read as follows:

OATH

"SEC. 543. Before receiving a certificate the applicant shall take and subscribe in court an appropriate oath prescribed by the district judge."

TRANSITION AUTHORITY

SEC. 409. Except as expressly provided to the contrary in this Act, in any other statute, in the Pamana Canal Treaty of 1977 and related agreements, or by executive order, any authority necessary to the exercise during the transition period of the rights and responsibilities of the United States specified in Article XI of the Panama Canal Treaty of 1977 shall be vested in the Panama Canal Commission.

SPECIAL IMMIGRANTS

SEC. 410. (a) Section 101(a)(27) of the Immigration and Nationality Act (8 U.S.C. § 1101(a)(27) relating to the definition of special immigrant, is amended—

(1) by striking out "or" at the end of subparagraph (C);

(2) by striking out the period at the end of subparagraph (D) and inserting in lieu thereof a semicolon; and

(3) by inserting after subparagraph (D) new subparagraphs (E) and (F) to read as follows:

"(E) an immigrant who is an employee of the Panama Canal Company or Canal Zone Government, who is resident in the Canal Zone on the effective date of the exchange of instruments of ratification of the Panama Canal Treaty of 1977, and who has performed faithful service for one year, or more, and his spouse and children who accompany or follow to join him; or

"(F) an immigrant, and his spouse and children who accompany or follow to join him, who is a Panamanian national and (i) who, prior to the date of entry into force of the Panama Canal Treaty of 1977, has been honorably retired from United States Government employment in the Canal Zone (or former Canal Zone) with a total of fifteen years, or more, of faithful service or (ii) who, on the date of entry into force of the Panama Canal Treaty of 1977, has been a faithful employee of the United States Government in the Canal Zone (or former Canal Zone) for fifteen years or more and who subsequently is honorably retired from such employment."

(b) Section 212(d) of such Act (8 U.S.C. § 1182(d)), relating to waivers of conditions of inadmissability to the United States, is amended by adding after paragraph (8) new paragraphs (9) and (10) to read as follows:

"(9) The provisions of paragraph (7) of subsection (a) shall not be applicable to any alien who is seeking to enter the United States as a special immigrant under subparagraphs (E) or (F) of section 101(a)(27).

"(10) The provisions of paragraph (15) of subsection (a) shall not be applicable to any alien who is seeking to enter the United States as a special immigrant under subparagraphs (E) or (F) of section 101(a)(27) and who applies for immigration no later than thirty calendar months after the date the Panama Canal Treaty of 1977 enters into force."

PRISONS; PAROLE; PARDON

SEC. 411. (a) Subsection (c) of section 6503 of title 6 of the Panama Canal Code is amended to read as follows:

"(c) Pursuant to the provisions of section 5003 of title 18 of the United States Code, the Governor shall contract with the Attorney General for the transfer to the custody of the Attorney General of prisoners sentenced by the United States District Court for the District of the Canal Zone to terms of imprisonment in excess of one year."

(b) Upon entry into force of the Panama Canal Treaty of 1977—

(1) all prisoners then imprisoned in United States prisons pursuant to contracts entered into under subsection (c) of section 6503 of title 6 of the Panama Canal Code shall be committed to the custody of the Attorney General as if committed in accordance with Part III of title 18 of the United States Code;

(2) all persons convicted of offenses in the United States District Court for the District of the Canal Zone, and sentenced to terms of imprisonment of one year or less, shall be committed to the custody of the Panama Canal Commission;

(3) the Panama Canal Commission shall prescribe, and from time to time may amend, regulations providing for the management of prisoners in the jails located in the areas and installations made available for the use of the United States pursuant to that Treaty, including provisions for treatment, care, assignment for work, discipline, and welfare;

(4) sections 6501 through 6505 of title 6 of the Panama Canal Code are repealed; and

(5) chapter 355 of title 6 of the Panama Canal Code is repealed.

(c) After entry into force of the Panama Canal Treaty of 1977, all persons convicted of offenses in the United States District Court for the District of the Canal Zone, and sentenced to terms of imprisonment in excess of one year, shall be committed to the custody of the Attorney General pursuant to Parts III and IV of title 18 of the United States Code.

TITLE V.—MISCELLANEOUS PROVISIONS

HEALTH DIRECTOR; HOSPITALS

SEC. 501. (a) In chapter 57 of title 5 of the Panama Canal Code, references to "hospitals", to the "Health Bureau", and to the "health director", shall be deemed to be, respectively, to the hospitals operated by the United States in the Republic of Panama after the effective date, to the organizational unit operating such hospitals, and to the senior official in charge of such hospitals.

(b) In section 4784 of title 6, section 2 of title 7, and sections 32, 35–38 of title 8 of the Panama Canal Code, references to the health director shall be deemed to be to the senior official in charge of the hospitals operated by the United States in the Republic of Panama after the effective date.

DISINTERMENT, TRANSPORTATION, AND REINTERMENT OF REMAINS

SEC. 502. (a) There are hereby authorized to be appropriated such sums as may be necessary to carry out the purposes and provisions of reservation 3 to the Resolution of Ratification of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal, adopted by the United States Senate on March 16, 1978, said sums to be made available to those agencies that are directed and empowered by the President of the United States to carry out such purposes and provisions.

(b) With regard to remains that are to be reinterred in the United States, the United States will not bear the cost of funeral home services, vaults, plots, or crypts unless otherwise provided for by law.

EFFECTIVE DATE

SEC. 503. (a) Except as otherwise provided in subsection (b) of this section, the provisions of this Act shall take effect on the effective date of the Panama Canal Treaty of 1977.

(b) Sections 231, 321, 322, 325, 326, 404, 410, 411 and 502 of this Act shall become effective upon the date of enactment of this Act.

SECTION-BY-SECTION ANALYSIS

A bill to implement the Panama Canal Treaty of 1977 and related agreements, and for other purposes.

INTRODUCTION

This draft legislation would implement several aspects of the responsibilities and role of the United States under the Panama Canal Treaty of 1977 and related agreements. It includes the establishment of the Panama Canal Commission as a corporate agency of the United States to operate the Canal as a self-sustaining entity. It would provide regimes for the Commission's tolls, employees and fiscal management, modify existing law to comport wtih the jurisdiction of the United States during the 30-month transition period under Article XI of the Treaty, and cover other matters relating to implementation of the new relationship between the United States and the Republic of Panama.

Section 2. Definitions and General Provisions.

The bill would amend or repeal various provisions of the Canal Zone Code (redesignated as the "Panama Canal Code") and other laws necessary or desirable to implement the new treaty and related agreements. However, most of the Canal Zone Code, consisting of eight titles published in three volumes, would remain in force for purposes of the jurisdiction of the United States during the 30-month transition period following the entry into force of the Treaty six months after the effective date of the exchange of instruments of ratification (Article XI of the Treaty). It is provided, in section 2 of the bill, that, before the end of the transition period, other follow-up legislation would continue or amend provisions needed for the rest of the Treaty period taking into account experience during the transition period, would repeal provisions applicable only during the transition period, and would incorporate the remainder of the Canal Zone Code into the United States Code.

Section 2 also provides definitions which would amend certain proper names appearing in the Canal Zone Code and other laws of the United States. The term "Panama Canal Commission" is substituted for the terms

"Panama Canal Company", "Canal Zone Government", and "Governor of the Canal Zone" for purposes of applying existing law after the Treaty enters into force, unless other parts of this bill provide otherwise. This will permit the Panama Canal Commission to assume those existing authorities (1) of the Panama Canal Company and (2) of the Canal Zone Government which the United States will exercise under the Treaty.

The term "Government of the Canal Zone", however, would be replaced by the term "United States of America". Unlike "Canal Zone Government" which is the name of a governmental unit, "Government of the Canal Zone" is the generic term for the local governmental authority in the present Canal Zone. To the extent that this authority could be exercised under the Treaty, it will inhere in the United States. Finally, insofar as laws of the United States which refer to the Canal Zone apply to events occurring after the effective date of the new Treaty, the phrase "Canal Zone" is redefined to refer to areas and installations used or regulated by the United States pursuant to the Treaty.

Notwithstanding section 2(d) of the bill, which establishes the general rule that laws of the United States presently applicable in the Canal Zone will continue to apply in areas and installations made available to the United States pursuant to the Panama Canal Treaty, laws which are presently applied to the Canal Zone on the basis of the territorial jurisdiction of the United States over the Zone will continue to apply in these areas and installations only for the purpose of exercising authority vested in the United States by the Treaty and related agreements. This limited application of United States law is necessitated by the termination of United States territorial jurisdiction effected by the Treaty. Section 401 of the bill reflects this principle.

TITLE I—PANAMANIAN RELATIONS AND SECURITY MATTERS

Section 101. United States-Panama Joint Committees.

Subsection (a) provides that the President shall appoint the United States representatives to the Joint Commission on the Environment.

Subsection (b) would require the President to designate and the Secretary of State to coordinate the participation of the United States representatives to the Consultative Committee to be established under paragraph 7 of Article III of the Panama Canal Treaty. As provided in the Treaty, this Committee would provide a diplomatic forum for discussion and advice on issues of primary importance; general tolls policy, policies to increase Panamanian participation in the Canal's operation, and international policies on matters concerning the Canal. It is contemplated that other affected Federal agencies will participate in this consultative process under the coordination of the Secretary of State.

Section 102. Authority of the Ambassador.

Section 102 provides that the United States Ambassador to the Republic of Panama has full responsibility for coordinating the transfer of functions which are assumed by the Republic of Panama under the Treaty. The Administrator of the Panama Canal Commission and personnel under his supervision are exempted from the direction and supervision of the Chief of Mission concerning Commission responsibilities for the operation, management or maintenance of the Canal; in other respects 22 U.S.C. § 2680a applies.

Section 103. Security Legislation.

Sections 34 and 35 of title 2 of the Canal Zone Code which deal, respectively, with the authority of the President and of the Governor of the Canal Zone over certain military activities within the Canal Zone, would be repealed by Section 103(a) of the bill to reflect the termination of the Canal Zone and of the office of the Governor. After the effective date of the Treaty, authority over the United States forces in Panama will be exercised in accordance with the constitutional authority of the Commander-in-Chief and with the normal chain of command.

Subsections (b) through (e) would make inapplicable, as no longer appropriate after the loss of territorial jurisdiction, certain provisions of title 50 of the United States Code concerning the regulation or seizure of foreign vessels in time of national emergency. Repeal of these provisions reflects the termination of the Canal Zone. Provisions governing United States protection and defense of the Canal are set out in Article IV of the Treaty and the agreement implementing that Article.

Section 104. Arms Export Control.

This section would repeal section 38(d) of the Arms Export Control Act which makes the licensing requirements of that Act applicable in the Canal Zone. This licensing authority would no longer be within United States jurisdiction under the Treaty.

Section 105. Privileges and Immunities.

Article VIII of the new Treaty authorizes the United States to designate up to twenty officials of the Panama Canal Commission who, with their dependents, shall enjoy the privileges and immunities accorded to diplomatic agents and their dependents under international law and practice. This section would vest in the Secretary of State the authority to make such designation from among persons recommended by the Panama Canal Commission and to furnish a list to Panama as required by the Treaty.

Section 106. Termination of Canal Zone Government; Transfer of Records.

The provisions that would be repealed by this section would be inappropriate under the new Treaty arrangements. Sections 1, 2, and 3 of title 2 of the Canal Zone Code concern the designation of the Canal Zone, the acquisition of land to be made part of the Canal Zone in addition to the 1903 grant, and the creation of towns and subdivisions in the Canal Zone. Section 31 establishes the Canal Zone Government and states its functions; section 32 provides for the appointment of the Governor; and section 33 states his powers and duties. Sections 333 and 334 authorize the Governor of the Canal Zone to issue and revoke property licenses within and without Canal Zone town sites.

Sections 5081 through 5092 of title 6 of the Canal Zone Code provide authority to the Canal Zone Government to extradite persons to the Republic of Panama. With the termination of the Canal Zone Government, these sections would be repealed.

Subsection (b) authorizes the transfer of records, or their copies, including those of the Canal Zone Government, Canal Zone courts and Panama Canal Company, to other United States agencies and courts. Under the coordination and with the approval of the United States Ambassador to Panama, needed records or copies could also be transferred to the Republic of Panama for the purpose of carrying out their jurisdiction or functions under the Treaty.

Section 107. Payment to Panama; Repealer.

At present, annuity payments to Panama are made through a special State Department appropriation. (The Panama Canal Company reimburses the United States Treasury for $519,000 of the total annuity of $2.3 million paid by the Department of State.) This appropriation would be repealed because the Panama Canal Commission would make the payments required by the Treaty (see analysis to section 203).

TITLE II—PANAMA CANAL COMMISSION AND OTHER AGENCIES

CHAPTER 1—COMMISSION; FISCAL MATTERS

This chapter relates principally to the organization of the Panama Canal Commission, its financial management, and its functions and authorities. The Commission would be established as the successor to the Panama Canal Company, would assume the assets and liabilities of the Company and the Canal Zone Government which are not transferred under the Treaty or otherwise disposed of, and would be subject to most of the statutory provisions which now govern the Company, including its powers as a government corporation and its authority to borrow funds up to a fixed ceiling from the Treasury. In addition to the provisions of this chapter, the transition is effected to a large extent by the definitions in section 2 of the bill, which provide that references in the Canal Zone Code (redesignated as the "Panama Canal Code") to the "Panama Canal Company" would be amended to read the "Panama Canal Commission".

Section 201. Establishment; Purposes; Location of Offices.

Subsection (a) of this section would amend section 61 of title 2 of the Canal Zone Code which presently states the purposes, and establishes the offices and residence of the Panama Canal Company. As revised by this section, the Panama Canal Commission is established and declared to be the successor to the Panama Canal Company. References to the civil government of the Canal Zone are deleted, as are references to the Canal Zone as a geographical area. The Commission would be a resident of the eastern judicial district of Louisiana rather than the Canal Zone, as well as the District of Columbia, for the purpose of federal laws relating to jurisdiction or venue in civil actions. Subsection (b) provides a conforming amendment to section 62(a) of title 2 of the Canal Zone Code, which would have tht effect of continuing the United States direct investment in the present Panama Canal Company on the books of the Commission.

Section 202. Payment of Interest to United States Treasury; Repeal of Requirement.

Subsection (e) of section 62 of title 2 of the Canal Zone Code, which requires the present Panama Canal Company to pay into the United States Treasury interest on the net direct investment of the United States in the Panama Canal Company, would be repealed by section 202(a) of this bill. The elimination of the interest obligation has been recommended in order to balance the policy objectives of keeping the Commission self-sustaining and avoiding an uneconomic increase in tolls. The conforming amendments in subsections (b), (c), and (d) of section 202 delete other references to the payment of interest. Subsection (b) also clarifies that the surplus referred to in section 62(f) is a capital surplus account, a means for accounting for undistributed earnings accumulated to date, and not the type of annual operating surplus from which Panama would receive an additional payment under paragraph 4(c) of Article XIII of the Treaty.

Dividends to United States Treasury. Subsection (c) of section 202 would amend section 70 of title 2 of the Canal Zone Code, which requires the present Panama Canal Company to pay any operating surplus into the United States Treasury, by indicating that the phrase "working capital requirements" includes operating expenses and payments to Panama under the Treaty. This amendment will require the Commission to pay as dividends to the Treasury any surplus not required to be paid to Panama under paragraph 4(c) of Article XIII of the Treaty.

Section 203. Expenditures and Payments to Panama.

Subsection (g) of section 62 of title 2 of the Canal Zone Code would be amended to authorize and direct the Commission to pay, directly to Panama from Canal operating revenues, the payments required under paragraph 4 of Article XIII of the Treaty.

The amended subsection (g) would also provide a method for determining whether the Canal operating revenues in any year produce a surplus sufficient to pay all or part of the contingent $10 million, payable under paragraph 4(c) of Article XIII of the Treaty from any excess of Canal operating revenues over costs of the Commission. Revenues of a given fiscal period would be reduced by: (1) all costs of that period attributable to Canal operation, maintenance, and improvement including (i) operating expenses, (ii) payments to Panama under paragraphs 4(a) and 4(b) of Article XIII and paragraph 5 of Article III, (iii) amounts in excess of depreciation and amortization necessary to fund plant replacement, expansion, and improvements; (2) amounts allocated in order to match revenues and expenses during the projected period for an increase in toll rates; (3) the accumulated sum from prior years of any excess of these costs over operating revenues; and (4) working capital requirements.

This formula is intended to insure that the contingent payment to Panama will be made only after all costs of operating the Canal have been met.

Section 204. Public Service Payments to Panama.

At present, the Panama Canal Company is required to treat as an operating cost the net costs of operation of the Canal Zone Government. A new subsection (h) added to section 62 of title 2 of the Canal Zone Code would similarly require the Panama Canal Commission to treat as an operating cost payments to Panama for providing certain public services in the Canal operating areas and housing areas (police, fire protection, street maintenance, street lighting, street cleaning, traffic management and garbage collection) as required by paragraph 5 of Article III of the Treaty. The Treaty fixes the amount of this payment at $10 million annually, and provides that every three years the costs involved in furnishing the services are to be re-examined to determine whether adjustment of the annual payment should be made because of inflation and other relevant factors affecting the cost of such services.

Section 205. Board of Directors of Commission.

Subsection (a) of section 63 of title 2 of the Canal Zone Code, concerning the Board of Directors of the Panama Canal Commission, would be amended to conform to the new Treaty provisions. Article III of the Treaty provides that the Board will have nine members, four of whom are Panamanians and five of whom are nationals of the United States. Under this revised subsection, all members of the Board would be appointed by the President of the United States and hold office at his pleasure, except as limited by paragraph 3(b) of Article III of the Treaty.

Section 206. Quorum of Board of Directors.

Subsection (c) of section 63 of title 2 of the Canal Zone Code would be amended to provide that a quorum for transaction of business of the Board of Directors of the Commission shall consist of a majority of the directors of which a majority of those present are nationals of the United States. The present provision states that a majority constitutes a quorum. The proposed new statement of a quorum would assure that for the transaction of business the United States members would retain their majority.

Section 207. Administrator and Deputy.

Section 64 of title 2 of the Canal Zone Code, which provides that the Governor of the Canal Zone, shall serve, *ex officio*, as president of the Panama Canal Company, would be amended to reflect the fact that the office of the Governor would be discontinued by section 105 of the bill. The amended section provides that the Administrator and the Deputy Administrator will be appointed by the President of the United States. The new Treaty provides that the Administrator be a United States national until 1990 and that he be a Panamanian national thereafter. The Deputy would be a Panamanian national until 1990 and a United States national thereafter.

Section 208. Suits against Commission.

Section 65 of title 2 of the Canal Zone Code states the general powers of the Panama Canal Company, and this amendment to paragraph (3) of subsection (a) restates the sue-and-be-sued clause so as to provide that the amendability of the Commission to suit is limited by the immunities provided by Article VIII of the Treaty or otherwise by law. Article VIII of the Treaty provides that the Commission as an agency of the United States government is immune from the jurisdiction of the Republic of Panama. The suability of the Commission would also be limited by a provision that the Commission, under the general rule applicable to judgments against the United States Government, is exempt from any liability for prejudgment interest. Monies owed by the Commission to its employees are protected against attachment or garnishment except at otherwise provided by law.

Section 209. Applicability of Government Corporation Control Act.

Section 66 of title 2 of the Canal Zone Code, which states the specific powers of the Panama Canal Company, would be amended to provide that the exercise of such powers would be subject to the new Treaty and related agreements, which limit activities and functions of the Panama Canal Commission. Thus, the enumerated powers in the present section 66 may be exercised only to the extent permitted under the Treaty.

Section 210. Commission Property and Assets; Depreciation and Amortization.

This section would repeal sections 67, 68, and 73 of the Canal Zone Code which reflect the transfer of assets and functions from the former Panama Railroad Company to the Panama Canal Company. These provisions would have no further relevance under the Treaty.

A new section 68 would be added to the Canal Zone Code, providing that the Commission, as successor to the Canal agencies, would take over those assets and liabilities of the Panama Canal Company and the Canal Zone Government that have not been transferred to other United States agencies or to Panama or otherwise disposed of. The assets and liabilities would be deemed to have been accepted and assumed by the Commission under subsection (c) without the necessity of any act on its part. Subsection (b) of the new section 68 would permit the Commission to depreciate the assets to which it would succeed, in particular the Canal and its complementary works, installations, and equipment. The Commission could also amortize its right to use certain assets made available under the Treaty, in particular the employee housing that Panama will make available for use by the Commission under the Treaty.

Borrowing Authority. No special provision is needed to continue with the Commission the present borrowing authority of the Panama Canal Company under section 71 of title 2 of the Canal Zone Code. This is accomplished by section 2 of the bill which amends the term "Panama Canal Company" to read "Panama Canal Commission".

Section 211. Regulations Regarding Navigation, Passage and Pilotage.

Section 1331 of title 2 of the Canal Zone Code would be amended to preserve the basic authority of the United States to prescribe regulations governing the navigation of the waters of the Panama Canal and areas adjacent thereto including the ports of Balboa and Cristobal, the passage and control of vessels through the Panama Canal or any part thereof including the locks and approaches thereto, and pilotage in the Canal or the approaches thereto through adjacent waters. Under this restatement of present law, the United States would exercise its regulatory authority in accordance with provisions of the new Treaty and related agreements.

Section 212. Furnishing of Services; Reimbursement.

Section 231 of title 2 of the Canal Zone Code would be repealed because it refers to funds of the Canal Zone Government, which is being discontinued. Section 232 would be amended to continue the arrangement under which the Panama Canal Commission would be reimbursed for amounts expended by the Commission in maintaining defense facilities in stand-by condition for the Department of Defense.

The Panama Canal Commission is not authorized by the new Treaty to continue operating schools and health care facilities. Under section 232, as amended, the President will designate an agency to provide educational and health care services to those individuals who are authorized under the Treaty and related agreements to receive such services. The agency designated would be authorized to utilize its appropriations to conduct educational and health care services. The amounts expended by this agency for furnishing services to employees of other agencies and their dependents, less amounts payable by such persons, would be fully reimbursable, as at present. The funds of other agencies of the United States in Panama would be made available for such reimbursements related to their employees and dependents. These agencies also would be authorized to pay for educational services for such other eligible persons as the heads of those agencies determined and for health care services provided to certain elderly or disabled persons, primarily disability relief recipients, Civil Service annuitants who retired prior to 1970, and a relatively few elderly persons receiving domiciliary care at Corozal Hospital. This provision would recognize the moral responsibility of the United States to continue past practices in this regard. Payments by the Panama Canal Commission under this section would be treated as operating costs of that agency.

Section 213. Public Property and Procurement; Transfers and Cross Servicing.

This section would repeal section 371 of title 2 of the Canal Zone Code which refers to the acquisition of equipment, buildings, and structures by the Canal Zone Government, which is being discontinued under the new Treaty. This section would also amend section 372 of title 2 of the Canal Zone Code, by deleting material concerning the Canal Zone Government and continuing existing provisions for transfers of property and facilities between departments and agencies that would be located in Panama. The Panama Canal Commission and other agencies would also be expressly authorized to enter into cross-servicing agreements for the use of facilities, furnishing of services, or performance of functions.

CHAPTER 2—TOLLS

This chapter amends the present provisions applicable to the determination of tolls charged for vessels transiting the Panama

Canal, in order to conform to the requirements under the new Treaty.

Section 230. Measurement Rules; Changes in Rates.

This section would amend section 411 of title 2 of the Canal Zone Code concerning the prescription of measurement rules and tolls. The present provisions would remain the same except that, in order to provide a more timely response to changing economic conditions, the required period for notice of proposed changes would be reduced from six months to three months.

Section 231. Setting of Rates Under New Treaty.

This section would recognize the fact that the increased financial obligations of the Commission imposed by the annuity provisions of the new Treaty would begin on the effective date of the Treaty and that increased rates of tolls should be put into effect on that same date so that revenues will be sufficient to meet these obligations. This section would take effect on the date of enactment of this legislation and would authorize the present Panama Canal Company to review and change the rates of tolls, as necessary, effective on the Treaty effective date. The changes would be subject to the approval of the President. The section would require that, if and to the extent that time permits, the Panama Canal Company would give three months' notice and conduct a public hearing in the usual manner.

Section 232. Bases of Tolls.

This section would amend the tolls formula in subsection (b) of section 412 of title 2 of the Canal Zone Code. Section 232 is intended to assure that tolls will be set at a level sufficient to provide for the operation of the Canal on a self-sustaining basis.

Tolls would continue to be prescribed at rates calculated to cover, as nearly as practicable, all anticipated costs of maintaining and operating the Canal, together with the facilities and appurtenances related thereto, including depreciation of assets, amortization of use rights, and payments to Panama pursuant to paragraphs 4(a) and 4(b) of Article XIII and paragraph 5 of Article III of the new Treaty. Paragraph 4(a) provides for payment to Panama of 30 cents per Panama Canal net ton for each vessel transiting the Canal for which tolls are charged, with a periodic adjustment for inflation (based on changes in the United States Wholesale prince index for total manufactured goods during biennial periods). Paragraph 4(b) provides a fixed annuity of $10 million to be paid to Panama out of Canal operating revenues. Paragraph 4(c) of Article XIII requires an additional annual amount of up to $10 million to be paid out of Canal operating revenues to the extent that such revenues exceed expenditures of the Panama Canal Commission, including the amounts paid to Panama pursuant to paragraphs 4(a) and 4(b). The payment under paragraph 4(c), to be made only if earned, is not included in the tolls formula. Under paragraph 5 of Article III, the Commission would pay Panama for certain public services rendered in specified areas.

In determining the rate of tolls, the Commission may also take into account unrecovered past costs, capital requirements, and the necessity of matching revenues with expenses during the projected period of a given toll rate.

Subsection (c) of section 412 of title 2 would be amended to require vessels operated by the United States, including warships and other military vessels, to pay direct tolls for transiting the Canal. The present law provides that if the President does not require such vessels to pay tolls (and he has not so required), the tolls shall nevertheless be computed and the amounts thereof offset against the obligations of the Panama Canal Company to the United States Treasury. This, in effect, has resulted in the indirect payment of tolls for United States vessels by the Treasury. The proposed legislation would convert the present system of computing toll credits and offsetting them against payments to the Treasury to a system of direct payment of tolls by United States vessels.

Subsection (d) of section 412 of title 2 of the Canal Zone Code which provides that the levy of tolls is subject to the provision of certain treaties, would be amended to delete the reference to the 1903 Treaty with Panama, which is abrogated by the new Treaty, and to include appropriate references to the new Neutrality Treaty. The provision implementing the 1914 treaty with Colombia prescribing free passage of the Canal for Colombian troops, materials of war, and war ships would be continued.

CHAPTER 3—CLAIMS

Section 260. Measure of Damages; Time for Filing; Board of Local Inspectors.

This section would make a number of changes in chapter 11 of title 2 of the Canal Zone Code dealing with claims for injuries to persons or property. Section 271 of title 2 of the Canal Zone Code would be repealed because it deals with the authority of the Governor in claims arising from civil government. The civil government functions would terminate on the Treaty effective date. The Panama Canal Commission would have its own authority to settle claims after that date.

Section 291 of title 2 of the Canal Zone Code, relating to claims for injuries to vessels in the locks of the Canal, would be amended to include the element of negligence as a condition of the liability of the Commission, as is the case in section 292 concerning injuries outside the locks. In cases under section 291, as revised, the Commission would have the burden of showing its freedom from negligence. A clarifying amendment to section 291 would also be made by substituting the words "any portion of the hull" for the words "the side."

Section 293 of title 2 of the Canal Zone Code, dealing with the types of damages recoverable from the Commission in vessel accident claims, would be revised to confirm the long-standing administrative construction of those damage provisions, that was affected by a court decision in 1973 concerning liability for charter hire, expenses for maintenance of the vessel, and wages of the crew, for the time the vessel is undergoing repairs. Subsection (b) would be amended specifically to cover other questions that have arisen with reference to general average expenses, attorneys' fees, bank commissions and port charges.

Section 294 of title 2 of the Canal Zone Code, specifying delays for which the Panama Canal Commission would not be responsible, would be amended by the addition of a new item, time necessary for investigation of marine accidents, which was previously covered by administrative regulation.

Section 296 of title 2 of the Canal Zone Code would be amended by providing that actions on vessel accident claims against the Commission would be brought in the United States District Court for the Eastern District of Louisiana rather than the court in the Canal Zone, since on the Treaty effective date the local court would lose jurisdiction over new civil cases.

Section 297 of title 2 of the Canal Zone Code requires that, prior to the departure of a vessel involved in an accident or injury giving rise to claim, an investigation by the competent authorities has been completed and the basis for the claim has been laid before the Panama Canal Company. This section would be amended to state expressly that lack of knowledge that an accident giving rise to a claim has occurred does not excuse noncompliance with the requirements.

A new section 298 would be added to title 2 of the Canal Zone Code establishing a statute of limitations, patterned after that contained in the Federal Tort Claims Act, for vessel accident suits against the Panama Canal Commission. A claim would be required to be presented in writing within two years and action brought within one year after notice of final decision on the claim by the Commission. This new provision would probably reduce the number of actions that have to be filed on claims under negotiation, and should be beneficial in terms of time and expense both to the Commission and to claimants in view of the distance between the Canal and the court in Louisiana.

A new section 299 would be added to title 2 of the Canal Zone Code establishing a board of local inspectors, comprised of officials of the Panama Canal Commission, which would conduct the investigation of vessel accidents. At the present time the board is part of the Canal Zone Government, which would be discontinued on the effective date of the Treaty.

CHAPTER 4—SEA-LEVEL CANAL STUDY

Section 270. United States-Panama Joint Committee; Study.

Subsection (a) provides that the President shall appoint the United States representative to any joint committee subsequently designated to study the possibility of a sea-level canal in Panama.

With respect to such a sea-level canal study, subsection (b) requires that the study be transmitted to the Congress, and subsection (c) precludes construction of a sea-level canal by the United States in Panama unless expressly authorized by Congress after submission of such a study.

TITLE III—EMPLOYEES AND POSTAL MATTERS

CHAPTER 1—EMPLOYMENT SYSTEM

This chapter would redesignate the present Canal Zone Merit System as the Panama Canal Employment System and provide for a number of changes consistent with the requirements and purposes of the Panama Canal Treaty of 1977. Many existing provisions would be continued through the definitional changes in sections 2 and 302 of the bill.

Section 301. Repealers and Changes in Canal Zone Code.

This section would repeal sections 101, 102, 122, 123, 147 and 154 of title 2 of the Canal Zone Code, and redesignate section 103 as section 122. Section 101 concerns appointment and compensation of employees of the Canal Zone Government, which is being discontinued pursuant to the Treaty. Section 102 provides an exemption from certain laws relating to dual compensation for "teachers in the public schools of the Canal Zone" who are also employed in night schools or vocational schools or programs. The provisions are not considered applicable to the circumstances that would obtain under the new Treaty. Section 103, concerning deduction from compensation of amounts due from employees for supplies or services, would be redesignated as section 122. Section 123, concerning hours of work for telegraph operators and train dispatchers, is inconsistent with other law and in any event would no longer be needed because under the new Treaty Panama would undertake operation of the railroad. Section 14 authorizes designation of positions which for security reasons must be occupied by a citizen of the United States. Under the new Treaty arrangements this provision would no longer be appropriate. Section 154, requiring training programs to be applied uniformly to employees regardless of citizenship, would be inconsistent with the provisions of the Treaty concerning increased employment and training of Panamanians.

Section 302. Definitions.

Section 141 of title 2 of the Canal Zone Code defines terms for the purpose of the

wage and employment practices provisions of the Code. The definitions of "department" and "position" are revised to delete references to the Canal Zone. The term "department" is also redefined to mean (1) the Panama Canal Commission and (2) an executive agency which makes an election under the revised section 142(b) (see analysis to section 303). The term "executive agency" has the same meaning as in 5 U.S.C. § 105.

Section 303. Panama Canal Employment System.

Section 142(a) of title 2 of the Canal Zone Code prescribes the general standards governing the system of wage and employment practices of the Panama Canal Company, the Canal Zone Government and all other United States agencies in the present Canal Zone. In place of this general Canal Zone system, section 142(a) would be revised and divided into three parts. Subsection (a) would require the Panama Canal Commission to conduct its wage and employment practices in accordance with the Panama Canal Employment System. The latter system, like the present Canal Zone Merit System, would be established in accordance with applicable Treaty requirements, provisions of law, including in particular section 149 of title 2 of the Canal Zone Code (see analysis to section 307), and regulations promulgated by or under the authority of the President. The views and recommendations of the Panama Canal Commission with respect to any proposed regulation would have to be sought and taken into account. This would give the Commission a voice in the formulation of applicable employment standards, particularly those affected by the Panama Canal Treaty of 1977.

Subsection (b) would give other executive agencies (as defined in 5 U.S.C. § 105) in Panama, which have their present employment practices governed by the Canal Zone Merit System, the option of electing either to continue in whole or in part under the Panama Canal Employment System, or to adopt their own employment system, e.g., the system otherwise applicable to the agency's employees worldwide.

Subsection (c) would exempt the Panama Canal Commission and its United States citizen employees from Title VII of the Civil Service Reform Act of 1978. In its place, the President would be required to establish a system of collective bargaining, applicable to the Commission's employees, into which is incorporated the substance of certain sections of the statutory scheme and the same collective-bargaining rights as are exercised generally by employees in the Federal service in the United States.

Section 304. Continuation of Canal Zone Merit System.

This section would continue the Canal Zone Merit System beyond the Treaty effective date if necessary and until such time as the Panama Canal Employment System is established under section 303 of this bill. This will permit both continuity and an orderly transition in employment practices.

Section 305. Overseas Recruitment and Retention.

Section 144 of title 2 of the Canal Zone Code, concerning compensation, is amended by deletion of subsection (d) which establishes a ceiling of 25 percent on the additional compensation authorized by section 146. Section 146 is then revised to conform to the new Treaty provisions concerning additional remuneration that may be paid as overseas recruitment and retention differentials (a) to persons employed prior to the Treaty effective date and (b) to persons thereafter recruited outside of Panama for a position in Panama. Section 146 is also revised to provide for the possibility of granting additional remuneration in the form of an overseas recruitment and retention differential to medical doctors employed by the Department of Defense and Panama Canal Commission. The present section authorizes a tax allowance intended to equalize the take-home basic compensation of United States citizens and non-United States citizens and an overseas "tropical" differential, with an overall ceiling of 25 percent. The proposed revision would allow payment in such amounts (not to exceed 25% of the prevailing United States wage rate) as the head of the agency concerned determines should be paid as overseas recruitment and retention differentials. Without this authority to pay incentive differentials, the Panama Canal Commission, as well as other United States Government agencies in the Republic of Panama, might have difficulty in recruiting and retaining both United States and non-United States citizens, particularly in certain critical skills, which are necessary for the continued effective operation of the Canal and essential support activities.

Section 306. Transfer of Federal Employees to Commission.

Subsection (a) of this section would authorize heads of federal agencies to enter into agreements to transfer or detail their employees to the Panama Canal Commission. Affected employees would be entitled to reemployment with their original agencies without loss of those pay, seniority or rights or benefits to which they would have been entitled had they remained with such agencies. This provision would help implement paragraph 5 of Article X of the Treaty, which requires the United States to rotate, with certain exceptions, at a maximum of five-year periods, United States citizens and other non-Panamanians hired after the Treaty effective date.

Subsection (b) of this section would update several citations contained in section 148 of title 2 of the Canal Zone Code, and would revise the language of that section to reflect changes made to section 146 by section 305 of the bill.

Section 307. Merit and Other Employment Requirements.

This would amend section 149 of title 2 of the Canal Zone Code, relating to the merit standard and other employment system requirements. Subsection (a) would authorize the President by regulation to amend or modify the Panama Canal Employment System consistent with section 142(a) as amended by section 303 of this bill. As in the latter section, the views and recommendations of the Panama Canal Commission would have to be sought and taken into account.

Subsection (b) combines the subsections (b) and (c) of the present section 149, and makes revisions required by the Treaty. In particular, the merit standard for personnel decisions would be limited by the requirements in Article X of the Treaty establishing certain preferences for Panamanians. Apart from such limitations, however, the merit standard would continue to apply. As with the present Canal Zone Merit System, the Panama Canal Employment System would be required to conform generally to policies, principles and standards established under the Civil Service Act, and could provide for interchange of United States citizen employees between this employment system and the competitive civil service.

Section 308. Regulations; Examining Office.

This section would amend section 155 of title 2 of the Canal Zone Code, which now authorizes the President to coordinate and promulgate regulations concerning the employment practices of departments and agencies in the Canal Zone. As amended, the section would require interagency coordination only in the event that an executive agency other than the Panama Canal Commission elected to participate in the Panama Canal Employment System under section 142(b) as revised by section 303 of this bill.

Subsection (b) as amended would authorize the President to establish, in conjunction with the Panama Canal Employment System, a central examining office like the one presently in the Canal Zone. However, such an office would be required to be a part of the Panama Canal Commission and to perform functions relating to recruitment, examination and determination of qualification standards in accordance with the Panama Canal Treaty and related agreements, particularly Article X of the Treaty.

Section 309. Compensation of Military, Naval or Public Health Service Personnel Serving Commission.

Section 201 of title 2 of the Canal Zone Code concerns the compensation of persons in the military, naval or public health services who serve with the Canal Zone Government or Panama Canal Company. The proposed amendment would delete references to the Governor of the Canal Zone and President of the Panama Canal Company and to the Lieutenant Governor of the Canal Zone and Vice President of the Panama Canal Company and substitute therefor references to the Administrator and Deputy Administrator of the Panama Canal Commission.

Section 310. Applicability to Smithsonian Institution.

This section applies the provisions of title III, chapter 1, to federal employees of the Smithsonian Institution.

CHAPTER 2—CONDITIONS OF EMPLOYMENT, PLACEMENT, AND RETIREMENT

This chapter prescribes special provisions relating to present employees of the Panama Canal Company, Canal Zone Government and other agencies in the Canal Zone, and relating to employees who, under the Treaty and related agreements, are to receive rights or benefits under the Social Security System of the Republic of Panama.

Section 321. Transferred Employees.

This section would add a new section 202 to title 2 of the Canal Zone Code, requiring that, pursuant to paragraph 2(b) of Article X of the Treaty, specified terms and conditions of employment applicable to employees of the Canal Zone Government and the Panama Canal Company who are transferred to employment with the Panama Canal Commission be generally no less favorable than those applied to them prior to the Treaty. This protection would also be extended to employees transferred to other United States agencies in Panama. This section would take effect on the date of enactment of this legislation.

Section 322. Placement.

This section would add a new section 203 to title 2 of the Canal Zone Code, according appropriate placement assistance to vacancies with the United States Government in the United States, for United States citizen employees of the Canal Zone Government and Panama Canal Company who separate or are scheduled to separate from employment for any reason other than misconduct or delinquency, and who are not placed in other appropriate positions with the United States Government in Panama. Subsection (b) extends the placement assistance contained in subsection (a) to employees of other United States agencies in Panama whose positions are eliminated as a result of implementation of the Treaty. Subsection (c) directs the Office of Personnel Management to develop and administer a placement program for all eligible employees who request assistance. This section would take effect on the date of enactment of this legislation.

Section 323. Educational Travel Benefits.

This section would add a new section 204 to title 2 of the Canal Zone Code, which would entitle dependents of United States citizen employees of the Panama Canal Com-

mission, who are eligible for educational travel benefits, to one round trip each year for undergraduate studies in the United States until they reach their 23rd birthday. This benefit to employees is fair and is important to Canal management because it provides incentives for employees to stay in their jobs under the new Treaty arrangements.

Section 324. Adjustment of Compensation for Loss of Benefits.

The privileges granted by the Treaty to United States citizen employees of the Panama Canal Commission to use the military postal services, sales stores, and exchanges will terminate in five years. Because the loss of these privileges is expected to result in an increased cost of living for the employees, this section would provide that they shall be paid offsetting additional compensation when that occurs.

Sections 325 and 326. Early Retirement Eligibility; Computation.

Employees of the Panama Canal Company, Canal Zone Government, Panama Canal Commission and any Executive agency in the Canal Zone, who are involuntarily separated or scheduled to be separated as a result of implementation of the Treaty will be eligible to retire if they have 20 years of Federal service or if they have 18 years service and are 48 years old. Persons employed by the Panama Canal Company or the Canal Zone Government prior to the effective date of exchange of instruments of ratification of the Treaty or prior to its effective date, including such employees who are transferred to the Panama Canal Commission or an Executive agency in the Republic of Panama, and who have at least 18 years of service and are 48 years old or who have 23 years of service at any age may elect to retire voluntarily if they do not wish to continue Federal employment in the Republic of Panama. There will be no reduction in the computation of the annuity because of the age at which an employee retires.

Employees of the Panama Canal Company or Canal Zone Government who continue employment with the new Panama Canal Commission or other Executive agency in the Republic of Panama will have their annuity computed at 2½ percent for each full year they continue in such employment after the effective date of the Treaty up to a maximum of 20 years.

Law enforcement officers and firefighters with at least 18 years of service as law enforcement officers or firefighters and who are at least 48 years of age when separated will have their annuities computed at 2½ percent for each year of such service (up to 20 years). Employees who separate prior to completing 18 years of law enforcement or fire service and reaching 48 years of age will have their annuities increased by $12 for each month of law enforcement or fire service (not to exceed 20 years) prior to the effective date of the Treaty. Law enforcement officers and firefighters will receive an additional annuity of $8 for each month of such service after the entry into force of the Treaty until they have served a total of 20 years as law enforcement officers or firefighters.

These sections would take effect on the date of enactment of this legislation.

Section 327. Employees of Related Organizations.

This section is necessary to extend to employees mentioned in this section the same benefits that the preceding sections would provide for Panama Canal Commission employees. These employees have always been so treated in matters such as these, and the policy should continue.

Section 328. Applicability of Benefits to Non-United States Citizens.

This section would effect technical amendments to conform certain provisions of personnel law to the new Treaty provisions concerning non-United States citizen employees of the Panama Canal Commission hired after the Treaty effective date who would be covered by the Social Security System of the Republic of Panama (see Article VIII of the Agreement in Implementation of Article III of the Panama Canal Treaty of 1977). The amendments would make inapplicable to such persons the provisions of title 5 of the United States Code dealing with compensation for work injuries, retirement, life insurance, and health insurance. Covering under such provisions would continue for non-United States citizen federal employees who had such coverage immediately prior to Treaty effective date.

Section 329. Non-United States Citizen Retirement.

Subsections (a) and (b) relate to persons separated from employment with the present Canal agencies or the Panama Canal Commission, as a result of the implementation of the new Treaty and related agreements, who become employed under the Social Security System of the Republic of Panama through the transfer of a function or activity or through a job placement assistance program. These provisions would implement paragraph 3 of Article VIII of the Agreement in Implementation of Article III of the Panama Canal Treaty and would apply regardless of the employee's nationality. In the cases specified in this section, the United States would pay matching funds to the Social Security System of Panama to aid in the purchase of a retirement equity in that System. The matching funds would come from the United States Civil Service Retirement Fund.

Subsection (c) would implement the requirements of paragraph 2 to Annex C of the Agreement in Implementation of Article IV of the Panama Canal Treaty. That provision requires that non-United States citizen employees, not covered by the Civil Service Retirement System, and employees paid by nonappropriated fund instrumentalities, be covered by the Panamanian Social Security System with contributions from United States employer agencies. It also requires the United States to request legislation to pay each such employee a retirement similar to that of the Panamanian Social Security System. Subsection (c) implements these requirements by authorizing the purchase or supplementation of a nontransferable deferred annuity for such employees. The provision will serve to provide retirements to nonappropriated fund employees (e.g., cafeteria and exchange workers), working at Department of Defense installations pursuant to the Treaty. As understood during the Treaty negotiations, the provisions would apply retroactively to cover service prior to the Treaty effective date.

Section 330. Technical Amendments.

This section would make technical amendments necessary to substitute the Administrator of the Panama Canal Commission for the Governor of the Canal Zone in the applicable statute establishing level of compensation, and to continue the present applicability of provisions concerning leave for jury service, severence pay, relocation expenses and injury compensation for federal employees, and to continue the inapplicability of the general law pertaining to overseas differentials and allowances and compensation.

CHAPTER 3—POSTAL MATTERS

Section 341. Postal Service.

This section would provide for the discontinuance of the Canal Zone postal service, as required by the Treaty, but would authorize the Panama Canal Commission to pay outstanding postal savings and money orders and otherwise to handle the liquidation of the service. Since it can be anticipated that mail from the United States and elsewhere will continue to be addressed to the Canal Zone for an indefinite period until the military postal services and the Panama postal service become fully used by senders of mail, the section would provide a procedure intended to assist, to the extent practicable, in the proper routing and distribution of such mail through the military post offices. Subsection (e) contains technical amendments necessary to reflect the discontinuance of the Canal Zone postal service.

TITLE IV—COURTS AND RELATED FUNCTIONS

Section 401. Continuation of Code and Other Laws.

This general provision would expressly continue existing law, including large portions of the Canal Zone Code, for the purpose of preserving the authority that is to be retained by the United States during the 30-month transition period provided for in Article XI of the Treaty. However, this continuation of laws could not be construed as regulating, or providing authority to regulate, matters as to which the United States may not exercise jurisdiction under the Treaty.

Laws presently applicable in the Canal Zone by virtue of the territorial jurisdiction of the United States over the Zone would be inapplicable inasmuch as the "Canal Zone" would no longer be territory under the jurisdiction of the United States. In such cases, references to the Canal Zone would not be construed as references to areas and installations in Panama made available to the United States pursuant to the Treaty, contrary to the general rule established by section 2(d) of the bill. Therefore, provisions such as the minimum wage and maximum hours requirements of the Fair Labor Standards Act would be inapplicable to any employee working in the Republic of Panama after the effective date of the Treaty, including employees of a United States Government agency. As a result of Treaty and other guarantees, the wages of United States Government employees already employed prior to the effective date of the Treaty would not be reduced.

Section 402. Jurisdiction during Transition Period.

This section, after stating a finding that the Treaty prescribes special provisions governing the jurisdiction of the United States during a 30-month transition period, would limit the jurisdiction of the United States courts in Panama as provided by Article XI of the Treaty. Subsection (c) incorporates Treaty definitions of certain terms used in Article XI relating to the jurisdiction of the United States during the transition period.

Section 403. Division and Terms of District Court.

This section would recognize changed circumstances under the Treaty by repealing provisions establishing geographical subdivisions of the district court within which the court must hold terms. The court would be authorized to designate its places and times for holding terms.

Section 404. Term of Certain Offices.

This section would reduce the term of office of the district judge (eight years), United States Attorney (eight years), United States Marshal (eight years), and magistrate (four years), to the period ending thirty-six months after the effective date of exchange of instruments of ratification, in the case of any appointment made after enactment of this bill. The courts and court personnel would no longer function after the 30-month transition period. This section would take effect on the date of enactment of this legislation.

Section 405. Residence Requirements.

This section would repeal present requirements that a district judge, clerk of the court, United States Attorney, Assistant United States Attorney, United States Marshal, magistrate and constable reside in the Canal Zone.

Section 406. Special District Judge.

This section would authorize the chief judge of the appropriate judicial circuit to

designate and assign a special district judge to act during the absence, disability or disqualification of the district judge, or when the office of district judge is vacant. At present the President is authorized to appoint a special district judge under similar circumstances, but not in the case where there is merely a vacancy. Experience has shown the need for provision for designation of a special judge whenever the position is vacant, and vesting this authority in the chief judge of the judicial circut would conform to present practice both in the Canal Zone and in the United States.

Section 407. Magistrate's Courts.

At the present time there are two magistrates' courts and a district court in the Canal Zone. Under the new Treaty, the courts will continue for only a 30-month transition period, and their jurisdiction will be greatly limited by Article XI of the Treaty. All civil jurisdiction would be gone except for cases pending on the Treaty effective date. Criminal jurisdiction would be reduced to pending cases and to certain offenses committed by United States citizen personnel. Because it may develop that the workload may be reduced to such a point that it would be feasible to discontinue one or both magistrates' courts, this section would authorize the President or his designee to do so, leaving the district court to exercise all jurisdiction if both magistrates' courts were abolished.

Section 408. Oath.

This section would supersede a provision of the Canal Zone Code prescribing the text of the oath to be taken by an applicant to the bar of the district court. The prescribed text would no longer be appropriate in some respects, and the revised section would authorize the district judge to prescribe an appropriate oath.

Section 409. Transition Authority.

For the purpose of exercising the authority of the United States under Article XI of the Panama Canal Treaty of 1977 during the transition period, this section provides that such authority, except as provided in this bill, other laws, the Treaty or by executive order, shall be vested in the Panama Canal Commission.

Section 410. Special Immigrants.

This section would permit the immigration into the United States of certain non-United States citizen employees of the United States Government in the Canal Zone and their spouses and children. Section 410 would extend special immigrant status to Panama Canal Company and Canal Zone Government employees residing in the Canal Zone on the effective date of exchange of instruments of ratification of the Panama Canal Treaty of 1977 who have performed faithful service for one year or more, and to Panamanian employees of the United States Government in the Canal Zone who have 15 years or more of faithful service and are honorably retired prior to the date of entry into force of the Treaty, or who have been faithful employees for 15 years or more on that date and who subsequently retire honorably. Subsection (b) would exempt special immigrants admitted under this section from certain requirements of present law relating to physical health and proof that the immigrant would not become a public charge.

This proposal arises from a desire to provide retired employees and employees presently living under United States jurisdiction in the Canal Zone with an opportunity to immigrate to the United States if they so choose. Many of these persons have been historically affiliated with the United States presence and have not become fully assimilated into Panamanian society. The bulk of those eligible for immigration will be persons retired from their employment with the United States Government.

This section would take effect on the date of enactment of this legislation.

Section 411. Prisons; Parole; Pardon.

The general purpose of this section is to transfer the present responsibility of the Canal Zone Government over the custody of persons convicted of felonies by the District Court for the District of the Canal Zone to the Department of Justice, Bureau of Prisons.

Subsection (a) provides that, upon the date of enactment of this legislation, the Governor of the Canal Zone is required to contract for the transfer to the Attorney General of prisoners in his custody. Such contracts are permitted, but not required, under the present section 6503 (c) of the Canal Zone Code with regard to citizens of the United States.

Subsection (b)(1) provides that, upon entry into force of the Panama Canal Treaty, the cost of maintaining those prisoners transferred pursuant to contracts entered into under section 6503 of the Panama Canal Code would be borne by the United States. These costs are presently borne by the Canal Zone Government.

Subsections (b) (2), (3), and (4) grant to the Panama Canal Commission authority to operate jails for the confinement of persons sentenced during the transition period to terms of one year or less. It would be impracticable to confine these persons in the United States under the custody of the Attorney General. Subsection (b)(5) would terminate the existing pardon authority of the Governor of the Canal Zone upon the entry into force of the Panama Canal Treaty.

Subsection (c) provides that, after entry into force of the Panama Canal Treaty, prisoners convicted by the District Court in the former Canal Zone and sentenced to terms of more than one year will be committed directly to the custody of the Attorney General.

It is expected that, prior to the date of enactment of this legislation, the United States will have entered into a treaty with Panama providing for the transfer of prisoners as contemplated by paragraph 11 of Article IX of the Panama Canal Treaty. This treaty will afford Panamanian nationals convicted by United States courts an opportunity to serve their sentences in Panama. No Panamanian national will be moved from the former Canal Zone to the United States until he has an opportunity to exercise rights he may have under this treaty.

TITLE V—MISCELLANEOUS PROVISIONS

Section 501. Health Director; Hospitals.

This section would make technical amendments to various provisions of the Canal Zone Code which now make references to the hospitals, health bureau, and health director of the Canal Zone Government. Since the Canal Zone Government would be discontinued and the health care facilities would be operated by an agency other than the Panama Canal Commission, the references are clarified to fit the new situation. The various provisions concern hospitalization of the mentally ill, autopsies, disposition of bodies, and litigation involving pre-marital examinations. There would probably be little application of these provisions after the Treaty effective date, but there is a potential application in connection with pending cases during the transition period.

Section 502. Disinterment, Transportation, and Reinterment of Remains.

The purpose of this section is to implement Reservation (3) to the Resolution of Ratification of the Treaty Concerning the Permanent Neutrality and Operation of the Panama Canal which authorizes the expenditure of funds for the removal, transportation, and reinterment of the remains of United States citizens.

This section would authorize to be appropriated to designated United States Government agencies such sums as are necessary to fund the costs incurred for the disinterment from Corozal Cemetery and transportation to the United States for reinterment there of the remains of United States citizens and of members of their immediate family buried with them.

It is anticipated that, prior to entry into force of the Neutrality Treaty, the remains of most of the United States citizens and of members of their immediate family buried with them will be disinterred from Mount Hope cemetery and reinterred in Corozal Cemetery.

This section would take effect on the date of enactment of this legislation.

Section 503. Effective Date.

Section 231 concerning the advance establishment of new rates of tolls; sections 321, 322, 325 and 326 concerning rights to benefits, priority placement and retirement annuities of present employees of the Panama Canal Company and Canal Zone Government; section 404 concerning the terms of offices of certain court personnel appointed after the date of enactment of this bill; section 410 concerning special immigrants; section 411 concerning prisons, parole, and pardon; and section 502 concerning the disinterment, transportation, and reinterment of the remains of United States citizens become effective on the date of enactment of the bill.

All other provisions of the bill take effect on the date the Panama Canal Treaty of 1977 enters into force.●

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. BEREUTER) to revise and extend their remarks and include extraneous material:)

Mr. BOB WILSON, for 60 minutes, today.
Mr. GOLDWATER, for 5 minutes, today.
Mr. FINDLEY, for 5 minutes, today.
Mr. BROYHILL, for 5 minutes, today.
Mr. GREEN, for 5 minutes, today.
Mr. STAGGERS, for 10 minutes, today.

(The following Members (at the request of Ms. FERRARO) and to revise and extend their remarks and include extraneous matter:)

Mr. ANNUNZIO, for 5 minutes, today.
Mr. BINGHAM, for 15 minutes, today.
Mr. HEFTEL, for 5 minutes, today.
Mr. GONZALEZ, for 5 minutes, today.
Mr. ST GERMAIN, for 5 minutes, today.
Mr. LAFALCE, for 5 minutes, today.
Ms. HOLTZMAN, for 60 minutes, today.
Mr. ALEXANDER, for 15 minutes, today.
Mr. BEDELL, for 5 minutes, today.
Mr. DRINAN, for 5 minutes, today.
Mr. EVANS of Indiana, for 5 minutes, today.
Mr. BOLLING, for 60 minutes, on February 1.
Mr. ANNUNZIO, for 60 minutes, on February 14.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MURPHY of New York, 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 $5,211.

Mr. CONYERS, and to include extraneous matter notwithstanding the fact that it exceeds two pages of the RECORD and is estimated by the Public Printer to cost $4,632.

(The following Members (at the request of Mr. BEREUTER), and to include extraneous matter:)

Mr. MARTIN in two instances.
Mr. DANNEMEYER in three instances.
Mr. COURTER.
Mr. RINALDO.
Mr. MCCLORY in two instances.
Mr. SENSENBRENNER.
Mr. CONABLE.
Mr. ROTH in two instances.
Mr. WYDLER.
Mr. MICHEL in two instances.
Mr. RUDD.
Mr. HAMMERSCHMIDT.
Mr. SYMMS in three instances.
Mr. WHITEHURST.
Mr. CARTER in three instances.
Mr. SAWYER in two instances.
Mr. DERWINSKI in two instances.
Mr. LAGOMARSINO in five instances.
Mr. GILMAN in two instances.
Mr. QUAYLE.
Mr. BEARD of Tennessee.
Mr. LOTT.
Mr. PHILIP M. CRANE.

(The following Members (at the request of Ms. FERRARO) and to include extraneous matter:)

Mr. MCDONALD in four instances.
Mr. HOWARD.
Mr. ANDERSON of California in three instances.
Mr. GONZALEZ in three instances.
Mr. HAMILTON in two instances.
Mr. MOAKLEY.
Mr. LAFALCE.
Mr. BONKER.
Mr. DRINAN.
Mr. CHARLES H. WILSON of California.
Mr. MAVROULES.
Mr. IRELAND.
Mr. YATRON.
Mr. GEPHARDT.
Mr. MINETA.
Mr. BLANCHARD.
Mr. GINN.
Mr. OBEY in six instances.
Mr. VENTO.
Mr. ALEXANDER in three instances.
Mr. JOHN L. BURTON.
Mr. MILLER of California in three instances.
Mr. STAGGERS in two instances.
Mr. PREYER.
Mr. EVANS of Indiana in two instances.
Mr. DANIELSON.
Mr. BIAGGI.
Mr. PANETTA.
Ms. HOLTZMAN in two instances.
Mr. STARK.
Mr. ZABLOCKI in two instances.
Mr. EARLY.
Mr. ROBERTS.
Mr. FOUNTAIN.

ADJOURNMENT

Mr. PATTERSON. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 33 minutes p.m.), the House adjourned until Thursday, February 1, 1979, at 11 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:

500. A letter from the Secretary of Agriculture, transmitting a report covering fiscal year 1978 on the location of new Federal offices and other facilities in rural areas, pursuant to section 901(b) of the Agricultural Act of 1970. as amended; to the Committee on Agriculture.

501. A letter from the Secretary of Defense, transmitting the annual report of the Department of Defense for fiscal year 1980; to the Committee on Armed Services.

502. A letter from the Secretary of Defense, transmitting the fifth annual report on rationalization/standardization within NATO, pursuant to section 302(c) of Public Law 93-365, as amended, and section 814(b) of Public Law 94-106, as amended; to the Committee on Armed Services.

503. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of the omission of clauses authorizing the examination of records by the Comptroller General in two contracts with Marine Cement Limited, Zurich, Switzerland, and the United Kingdom Government, pursuant to 10 USC 2313(c); to the Committee on Armed Services.

504. A letter from the Administrator, National Aeronautics and Space Administration, transmitting notice of the omission of a clause authorizing the examination of records by the Comptroller General in a contract with the European Space Agency, pursuant to 10 U.S.C. 2313(c); to the Committee on Armed Services.

505. A letter from the Secretary of Labor, transmitting a report on the number of cases reviewed and the number of exemplary rehabilitation certificates issued during calendar year 1978, pursuant to section 6(f) of Public Law 89-690; to the Committee on Armed Services.

506. A letter from the Director, Congressional Budget Office, transmitting the annual report of the Office, pursuant to section 202(f) of Public Law 93-344; to the Committee on the Budget.

507. A letter from the senior vice president, Finance, Potomac Electric Power Co., transmitting a balance sheet of the company as of December 31, 1978, pursuant to section 8 of the act of March 4, 1913; to the Committee on the District of Columbia.

508. A letter from the Assistant Secretary of Health, Education, and Welfare for Education, transmitting a report prepared by the National Center for Education Statistics on teacher and school administrator supply and demand, pursuant to section 406(d)(1)(D) of the General Education Provisions Act, as amended (90 Stat. 2226); to the Committee on Education and Labor.

509. A letter from the Deputy Assistant Secretary of Defense (Administration), transmitting notice of a proposed new records system, pursuant to 5 U.S.C. 552a(o); to the Committee on Government Operations.

510. A letter from the Chairman, U.S. Water Resources Council, transmitting a draft of proposed legislation to amend the Water Resources Planning Act; to the Committee on Interior and Insular Affairs.

511. A letter from the Assistant Secretary of the Interior, transmitting an announcement of water resources research and development areas of interest for fiscal year 1979, pursuant to section 411 of Public Law 95-467; to the Committee on Interior and Insular Affairs.

512. A communication from the President of the United States, transmitting a report on progress toward conclusion of a negotiated solution of the Cyprus problem, pursuant to section 620C(c) of the Foreign Assistance Act of 1961, as amended (92 Stat. 739) (H. Doc. No. 96-47); to the Committee on International Relations and ordered to be printed.

513. A letter from the Secretary of State, transmitting a report on efforts undertaken to comply with the provisions of law regarding the use of herbicides in the Mexican marihuana eradication program, pursuant to section 481(d)(3) of the Foreign Assistance Act of 1961, as amended (92 Stat. 730); to the Committee on International Relations.

514. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a report on the review of arms sales controls on non-lethal items, pursuant to section 25 of Public Law 95-384; to the Committee on International Relations.

515. A letter from the Administrator, Agency for International Development, Department of State, transmitting the fiscal year 1978 report of the Agency's Auditor General, pursuant to section 624 of the Foreign Assistance Act of 1961, as amended; to the Committee on International Relations.

516. A letter from the Assistant Administrator for Legislative Affairs, Agency for International Development, Department of State, transmitting a report on contracts awarded in excess of $100,000 without competitive selection procedures during the period April 1 to September 30, 1978, pursuant to section 601(e)(2)(A) of the Foreign Assistance Act of 1961, as amended (92 Stat. 956); to the Committee on International Relations.

517. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the Navy's intention to offer to sell certain defense equipment to the Netherlands (transmittal No. 79-6), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

518. A letter from the Director, U.S. Arms Control and Disarmament Agency, transmitting a report on arms control education and academic study centers, pursuant to section 2 of Public Law 95-338; to the Committee on International Relations.

519. A letter from the Chairman, Board for International Broadcasting, transmitting the fifth annual report of the Board and its review and evaluation of the operation and mission of Radio Free Europe/Radio Liberty, covering fiscal year 1978, pursuant to section 4(a)(8) of Public Law 93-129, as amended; to the Committee on International Relations.

520. A letter from the Secretary of Transportation, transmitting his final recommendations for a restructured intercity rail passenger system to be operated by the National Railroad Passenger Corporation, pursuant to section 4(e)(1) of Public Law 95-421; to the Committee on Interstate and Foreign Commerce.

521. A letter from the Secretary of Energy, transmitting DOE Energy Action No. 3, to exempt aviation gasoline and kerosene-base jet fuel from the Mandatory Petroleum Allocation Regulations, and DOE Energy Action No. 4, to exempt aviation gasoline and kerosene-base jet fuel from the Mandatory Petroleum Price Regulations, pursuant to section 12 of the Emergency Petroleum Allocation Act of 1973, as amended (H. Doc. No. 96-48); to the Committee on Interstate and Foreign Commerce and ordered to be printed.

522. A letter from the Secretary, Interstate Commerce Commission, transmitting notice of the Commission's inability to render a final decision within the statutory 7-month period in docket No. 36966, Perishable Protective Tariffs, NPFC, TCFB, and CRB, and docket No. 37023, Train Schedules for Handling Perishables, Official Territory, pursuant to 49 USC 10707(b)(1); to the Committee on Interstate and Foreign Commerce.

523. A letter from the president, U.S. Railway Association, transmitting a draft of proposed legislation to amend section 214(c) of the Regional Rail Reorganization Act of 1973 to authorize appropriations for fiscal year 1980; to the Committee on Interstate and Foreign Commerce.

524. A letter from the president, U.S. Railway Association, transmitting a report on the methodology for monitoring the Consolidated Rail Corporation, pursuant to section 307 (c)(2) of Public Law 93-236, as amended (92 Stat. 2400); to the Committee on Interstate and Foreign Commerce.

525. A letter from the Deputy Comptroller General of the United States, transmitting a report covering calendar year 1978 on positions in the General Accounting Office in grades GS-16, 17, and 18, pursuant to 5 U.S.C. 5114(a); to the Committee on Post Office and Civil Service.

526. A letter from the Chairman, Board of Governors, U.S. Postal Service, transmitting the annual report of the Postmaster General for fiscal year 1980, pursuant to 39 U.S.C. 2402; to the Committee on Post Office and Civil Service.

527. A letter from the Secretary of the Army, transmitting a Corps of Engineers report on North Beach, town of Hampton and Foss Beach, and town of Rye, N.H., in response to resolutions of the Senate and House Committees on Public Works adopted December 8, 1969, and December 2, 1970, respectively; to the Committee on Public Works and Transportation.

528. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a draft of proposed legislation to authorize appropriations to the National Aeronautics and Space Administration for research and development, construction of facilities, and research and program management, and for other purposes; to the Committee on Science and Technology.

529. A letter from the Comptroller General of the United States, transmitting a report on the AV-8B Advanced Harrier aircraft program (PSAD-79-22, January 30, 1978); jointly, to the Committees on Government Operations and Armed Services.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ALEXANDER:

H.R. 1639. A bill to amend the Tennessee Valley Authority Act; to the Committee on Public Works and Transportation.

By Mr. ANDERSON of Illinois:

H.R. 1640. A bill to amend the Disaster Relief Act of 1974; to the Committee on Public Works and Transportation.

By Mr. ANDREWS of North Dakota:

H.R. 1641. A bill to authorize the Secretary of the Interior to defer payment of municipal and industrial water supply costs of the Dickinson unit; to the Committee on Interior and Insular Affairs.

By Mr. BEARD of Tennessee:

H.R. 1642. A bill to amend title 5, United States Code, to provide that legal public holidays established in the future occur on a Saturday or Sunday; to the Committee on Post Office and Civil Service.

By Mr. BEDELL:

H.R. 1643. A bill to amend the Social Security Act and the Internal Revenue Code of 1954 to provide that disability insurance benefits shall be financed from general revenues rather than through the imposition of employment and self-employment taxes as at present, to adjust the rates of such taxes for old-age and survivors insurance and hospital insurance purposes, to provide for reductions in the amount of such disability benefits to take account of the recipient's need as determined on the basis of his family income, to improve disability determination procedures, and for other purposes; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. RANGEL, Mr. JONES of Oklahoma, Mr. MIKVA, Mr. FORD of Tennessee, Mr. BRODHEAD, Mr. DOWNEY, Mr. BAFALIS, Mr. ADDABBO, Mr. AKAKA, Mr. ANDERSON of California, Mr. APPLEGATE, Mr. BEDELL, Mr. BEVILL, Mr. BINGHAM, Mr. BURLISON, Mr. BONIOR of Michigan, Mr. CARR, Mr. CLEVELAND, Mrs. COLLINS of Illinois, Mr. CONTE, Mr. CORCORAN, Mr. D'AMOURS, Mr. DANIELSON, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DIXON, Mr. DRINAN, Mr. EVANS of Indiana, Mr. FASCELL, Mr. FLORIO, Mr. FORSYTHE, Mr. GUDGER, Mr. GUYER, Mr. HAMILTON, Mr. HUBBARD, Mr. HUGHES, Mr. JOHNSON of California, Mr. KILDEE, Mr. LAFALCE, Mr. LAGOMARSINO, Mr. LEE, Mr. LONG of Louisiana, Mr. MCHUGH, Mr. MARLENEE, Mr. MATHIS, Ms. MIKULSKI, Mr. MILLER of California, Mr. MINETA, Mr. MITCHELL of Maryland, Mr. MITCHELL of New York, Mr. MOAKLEY, Mr. NOLAN, Mr. OTTINGER, Mr. PATTEN, Mr. PATTERSON, Mr. PEPPER, Mr. PRITCHARD, Mr. RAHALL, Mr. RICHMOND, Mr. RINALDO, Mr. RODINO, Mr. STANGELAND, Mr. VAN DEERLIN, Mr. VENTO, Mr. VOLKMER, Mr. WEISS, Mr. CHARLES WILSON of Texas, Mr. YOUNG of Missouri, and Mr. ZEFERETTI):

H.R. 1644. A bill to amend title XVIII of the Social Security Act to authorize payment under the medicare program for certain services performed by chiropractors; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

Mr. BIAGGI:

H.R. 1645. A bill to authorize the Secretary of the department in which the Coast Guard is operating to prescribe manning requirements for certain small vessels carrying freight or passengers for hire, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. BINGHAM:

H.R. 1646. A bill to amend parts B and E of title IV of the Higher Education Act of 1965 to provide for deferral of repayment on insured and direct student loans during temporary total disability of a borrower or spouse; to the Committee on Education and Labor.

By Mr. BRINKLEY (for himself, Mr. NICHOLS, and Mr. GINGRICH):

H.R. 1647. A bill to amend the Federal Civil Defense Act of 1950 to allow Federal civil defense funds to be used by local civil defense agencies for natural disaster relief, and for other purposes; to the Committee on Armed Services.

H.R. 1648. A bill to amend title 10, United States Code, to allow supplies under the control of departments and agencies within the Department of Defense to be transferred to the Federal Emergency Management Agency as if it were within the Department of Defense and to amend the Federal Civil Defense Act of 1950 to authorize the Federal Emergency Management Agency to loan to State and local government property transferred to such agency from other Federal agencies as excess property; jointly, to the Committees on Government Operations and Armed Services.

By Mr. PHILLIP BURTON:

H.R. 1649. A bill to amend the Immigration and Nationality Act to permit more persons to immigrate from colonies of foreign states; to the Committee on the Judiciary.

By Mr. CARTER:

H.R. 1650. A bill to amend the Public Health Service Act to establish a clearinghouse for information respecting digestive diseases, to authorize grants to strengthen educational programs in digestive diseases in medical schools, and to establish the National Digestive Diseases Advisory Board; to the Committee on Interstate and Foreign Commerce.

H.R. 1651. A bill to amend title VIII of the Public Health Service Act to extend for 2 fiscal years the program of assistance for nurse training, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. CORMAN:

H.R. 1652. A bill to amend title XVI of the Social Security Act to remove certain work disincentives for the disabled under the supplemental security income benefits program; to the Committee on Ways and Means.

By Mr. CORMAN (for himself, Mr. BAFALIS, and Mr. MOORE):

H.R. 1653. A bill to amend the Unemployment Compensation Amendments of 1976 with respect to the National Commission on Unemployment Compensation, and for other purposes; to the Committee on Ways and Means.

By Mr. CORRADA:

H.R. 1654. A bill to amend title 13, United States Code, to require that the Secretary of Commerce treat the Commonwealth of Puerto Rico as a State for the purpose of making surveys to furnish interim current data on subjects covered by censuses; to the Committee on Post Office and Civil Service.

H.R. 1655. A bill to amend title II of the Social Security Act and chapter 21 of the Internal Revenue Code of 1954 to provide social security coverage for work performed in prison industries and other services performed for remuneration by inmates of penal institutions; to the Committee on Ways and Means.

By Mr. PHILIP M. CRANE:

H.R. 1656. A bill to amend the Disaster Relief Act of 1974; to the Committee on Public Works and Transportation.

By Mr. DICKINSON:

H.R. 1657. A bill to amend the Food Stamp Act of 1964, to exclude from coverage under the act households which have members who are on strike, and for other purposes; to the Committee on Agriculture.

H.R. 1658. A bill to amend section 218 of the Social Security Act to require that States having agreements entered into thereunder will continue to make social security payments and reports on a calendar-quarter basis; to the Committee on Ways and Means.

By Mr. DONNELLY:

H.R. 1659. A bill to amend the Social Security Act and the Internal Revenue Code of 1954 to provide for Federal participation in the costs of the old-age, survivors, and disability insurance program and the medicare program, with appropriate reductions in social security taxes to reflect such participation, and with a substantial increase in the amount of an individual's annual earnings which may be counted for benefit and tax purposes; to the Committee on Ways and Means.

By Mr. DUNCAN of Tennessee:

H.R. 1660. A bill to continue until the close of June 30, 1981, the existing suspension of duties on certain forms of zinc; to the Committee on Ways and Means.

By Mr. EVANS of Delaware:

H.R. 1661. A bill to insure equal protection of the laws as guaranteed by the 5th or 14th amendments to the Constitution of the United States; to the Committee on the Judiciary.

H.R. 1662. A bill to amend section 144 of title 23 of the United States Code, relating to the special bridge replacement program, in order to make highway bridge projects costing more than $1 million in those States receiving minimum apportionments of Federal funds under such program eligible for Federal aid under the discretionary part of the

program; to the Committee on Public Works and Transportation.

By Mr. FLOOD:

H.R. 1663. A bill for the relief of the Shippensburg Public Library, the Osterhout Library, the West Pittston Library, the West Shore Public Library, the Milton Public Library, and the Himmelreich Library; to the Committee on the Judiciary.

By Mr. FOUNTAIN (for himself, Mr. JONES of North Carolina, Mr. WHITLEY, and Mr. HEFNER):

H.R. 1664. A bill to provide procedures for calling constitutional conventions for proposing amendments to the Constitution of the United States, on application of the legislature of two-thirds of the States, pursuant to article V of the Constitution; to the Committee on the Judiciary.

By Mr. GILMAN (for himself, Mr. ADDABBO, Mr. ANDERSON of Illinois, Mr. BEDELL, Mr. BUCHANAN, Mr. BURGENER, Mr. CLEVELAND, Mr. CONTE, Mr. DORNAN, Mr. DUNCAN of Tennessee, Mr. GEPHARDT, Mr. GIBBONS, Mr. GRISHAM, Mr. GUYER, Mr. HOLLENBECK, Mr. HUGHES, Mr. ICHORD, Mr. LAGOMARSINO, Mr. LONG of Maryland, Mr. LOTT, Mr. MILLER of Ohio, Mr. NOLAN, Mr. PRITCHARD, Mr. SCHEUER, Mrs. SPELLMAN, Mr. WALKER, Mr. WHITEHURST, and Mr. YATRON):

H.R. 1665. A bill to amend the Legislative Reorganization Act of 1946 to improve the oversight capabilities of the standing committees of the House of Representatives and of the Senate; to the Committee on Rules.

By Mr. GREEN:

H.R. 1666. A bill to amend title XX of the Social Security Act to increase the entitlement ceiling under the social services program, and to provide for the reallocation of unused funds from a State's allotment to other States which need additional funds; to the Committee on Ways and Means.

By Mr. HAMMERSCHMIDT:

H.R. 1667. A bill to provide for the establishment of a National Agricultural Cost of Production Board; to the Committee on Agriculture.

H.R. 1668. A bill to amend the Federal Mine Safety and Health Amendments Act of 1977 to provide that the provisions of such act shall not apply to stone mining operations or to sand and gravel mining operations; to the Committee on Education and Labor.

H.R. 1669. A bill to clarify the circumstances under which territorial provisions in licenses to manufacture, distribute, and sell trademarked soft drink products are lawful under the antitrust law; to the Committee on the Judiciary.

H.R. 1670. A bill to provide that the Internal Revenue Service may not implement certain proposed rules relating to the determination of whether private schools have discriminatory policies; to the Committee on Ways and Means.

By Ms. HOLTZMAN:

H.R. 1671. A bill to amend title XII of the National Housing Act; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1672. A bill to restore citizenship to persons who renounced or otherwise lost American nationality because of opposition to American military action in Indochina, and for other purposes; to the Committee on the Judiciary.

H.R. 1673. A bill to establish an additional procedure for the reacquisition of U.S. citizenship by former U.S. citizens; to the Committee on the Judiciary.

By Mr. KINDNESS:

H.R. 1674. A bill to amend the Small Business Act to establish a regulatory clearinghouse in the branch and regional offices of the Small Business Administration in order to provide information and technical assistance with respect to Federal regulations having a significant impact on small business; to the Committee on Small Business.

By Mr. LAFALCE:

H.R. 1675. A bill to establish Federal product liability tort law standards; to the Committee on Interstate and Foreign Commerce.

H.R. 1676. A bill to provide uniform standards for state product liability tort laws; to the Committee on Interstate and Foreign Commerce.

H.R. 1677. A bill to amend the Internal Revenue Code of 1954 to provide that trusts established for the payment of product liability claims and related expenses shall be exempt from income tax, that a deduction shall be allowed for contributions to such trusts, and for other purposes; to the Committee on Ways and Means.

H.R. 1678. A bill to amend the Internal Revenue Code of 1954 to provide for a deduction for certain amounts paid into a reserve for product liability losses and expenses, to provide a deduction for certain amounts paid to captive insurers, and for other purposes; to the Committee on Ways and Means.

H.R. 1679. A bill to amend the Right to Financial Privacy Act of 1978; to the Committee on Banking, Finance and Urban Affairs.

By Mr. LAGOMARSINO:

H.R. 1680. A bill to provide survivors' annuities under chapter 83 of title 5, United States Code, to certain widows and widowers; to the Committee on Post Office and Civil Service.

By Mr. LEHMAN:

H.R. 1681. A bill to provide energy conservation by alleviating current and continuing fuel waste, to reduce empty vehicle movements, and to increase efficiency in transporting goods by motor carriers which will ultimately benefit consumers, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1682. A bill to amend title 18 of the United States Code to provide penalties for obtaining or attempting to obtain controlled substances from pharmacies by force or by breaking and entering, and for other purposes; to the Committee on the Judiciary.

H.R. 1683. A bill to prohibit the pretrial release of any person charged with an act of aggravated terrorism; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H.R. 1684. A bill to amend the Internal Revenue Code of 1954 to provide for the payment of interest at a rate of 5 percent on excess amounts withheld from individuals' wages; to the Committee on Ways and Means.

By Mr. LUJAN:

H.R. 1685. A bill to amend title 10, United States Code, to raise the mandatory retirement age for members of the Army, Navy, Air Force, and Marine Corps to age 65; to the Committee on Armed Services.

H.R. 1686. A bill to amend title 10, United States Code, to eliminate mandatory retirement for age for members of the Army, Navy, Air Force, and Marine Corps; to the Committee on Armed Services.

H.R. 1687. A bill to authorize the President of the United States to present, on behalf of the Congress, a specially struck gold medal to Ben Abruzzo, Maxie Anderson, and Larry Newman; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1688. A bill to authorize the Secretary of the Interior to construct hydroelectric powerplants and various existing water projects, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1689. A bill to increase the amount of privately owned land eligible to receive irrigation water under the Federal reclamation laws, and remove Federal subsidies from water delivered to excess lands, and for other purposes; to the Committee on Interior and Insular Affairs.

H.R. 1690. A bill to amend the Railroad Retirement Act of 1974 with respect to benefits payable to certain individuals who on December 31, 1974, had at least 10 years of railroad service and also were fully insured under the Social Security Act; to the Committee on Interstate and Foreign Commerce.

H.R. 1691. A bill for the relief of the Vermejo Conservancy District; to the Committee on the Judiciary.

H.R. 1692. A bill to incorporate the American Ex-Prisoners of War, Inc.; to the Committee on the Judiciary.

H.R. 1693. A bill to clarify the circumstances under which territorial provisions in licenses to manufacture, distribute, and sell trademarked soft drink products are lawful under the antitrust laws; to the Committee on the Judiciary.

H.R. 1694. A bill to amend title 5 of the United States Code to extend to 60 days the number of days of annual leave which may be accumulated by employees who have completed 25 years or more of service; to the Committee on Post Office and Civil Service.

H.R. 1695. A bill to provide that members of all commissions, councils, and similar bodies in the executive branch of the Government appointed from private life shall serve without any remuneration for their services other than travel, subsistence, and other necessary expenses; to the Committee on Post Office and Civil Service.

H.R. 1696. A bill to amend the Congressional Budget Act of 1974 to establish in the Congress a zero-base budgeting process, with full congressional review of each Federal program at least once every 6 years; to the Committee on Rules.

H.R. 1697. A bill to reduce unemployment by providing that unemployment insurance funds may be used pursuant to State laws establishing programs for payments to employers who hire the unemployed; to the Committee on Ways and Means.

H.R. 1698. A bill to amend the Internal Revenue Code of 1954 to eliminate the adjusted gross income limitation on the credit for the elderly, to increase the amount of such credit, and for other purposes; to the Committee on Ways and Means.

H.R. 1699. A bill to amend the Internal Revenue Code of 1954 to allow a deduction from gross income for certain social security taxes; to the Committee on Ways and Means.

By Mr. BLANCHARD (for himself, Mr. MINETA, Mr. GEPHARDT, and Mr. GRADISON):

H.R. 1700. A bill to require authorizations of new budget authority for Government programs at least every 10 years, to provide for review of Government programs every 10 years, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. LUJAN:

H.R. 1701. A bill to amend the Internal Revenue Code of 1954 to allow individuals certain credits against income tax for certain expenses for education and a deduction from gross income for certain contributions to qualified higher education funds, and for other purposes; to the Committee on Ways and Means.

H.R. 1702. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits thereunder; to the Committee on Ways and Means.

H.R. 1703. A bill to amend the Internal Revenue Code of 1954 to repeal the estate and gift taxes and the tax on generation-skipping transfers; to the Committee on Ways and Means.

H.R. 1704. A bill to amend the Internal Revenue Code of 1954 to permit a taxpayer to claim a credit for amounts paid as tuition to provide education for himself, for his spouse, or for his dependents, and to provide

that such credit is refundable; to the Committee on Ways and Means.

H.R. 1705. A bill to amend the Internal Revenue Code of 1954 to disregard, in the valuation for estate tax purposes of certain items created by the decedent during his life, any amount which would not have been capital gain if such item had been sold by the decedent at its fair market value; to the Committee on Ways and Means.

H.R. 1706. A bill to amend the act of October 31, 1949 (63 Stat. 1049), to change the authority of the Surgeon General to make certain payments to Bernalillo County, N. Mex., for furnishing hospital care to certain Indians; jointly, to the Committees on Interior and Insular Affairs and Interstate and Foreign Commerce.

H.R. 1707. A bill to encourage the use of alcohol in motor vehicle fuels by requiring certain retailers to make alcohol-blended fuels available for sale, by allowing the rapid amortization of facilities producing alcohol for use in motor vehicle fuels, and by exempting alcohol-blended fuels from certain requirements of the Clean Air Act; jointly, to the Committees on Interstate and Foreign Commerce, and Ways and Means.

H.R. 1708. A bill to amend part B of title XI of the Social Security Act to assure appropriate participation by optometrists in the peer review and related activities authorized under such part; jointly, to the Committees on Ways and Means and Interstate and Foreign Commerce.

By Mr. LUJAN (for himself and Mr. RUNNELS):

H.R. 1709. A bill to prohibit the excessing of cabin sites and removal of cabins located at Conchas Lake, N. Mex., prior to 1996 without State approval; to the Committee on Public Works and Transportation.

By Mr. MARTIN:

H.R. 1710. A bill to amend the Internal Revenue Code of 1954 relative to educational activities and advertising income of nonprofit organizations; to the Committee on Ways and Means.

By Mr. MILLER of California (for himself, Ms. MIKULSKI, Mrs. BOGGS, Mr. LEHMAN, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, Mr. HOWARD, Mr. SOLARZ, Mr. VENTO, and Mr. STUDDS):

H.R. 1711. A bill to amend title XX of the Social Security Act to authorize payments thereunder for the cost of emergency shelter or services furnished to individuals (whether adults or children) because of the danger of abuse or injury; to the Committee on Ways and Means.

By Mr. MITCHELL of New York:

H.R. 1712. A bill to amend the Department of Defense Appropriation Act, 1979, to allow up to 10 percent of the funds appropriated in that act for payments under contracts to be used for payments under contracts made for the purpose of relieving economic dislocations; to the Committee on Appropriations.

H.R. 1713. A bill to provide for the recycling of used oil, and for other purposes; jointly, to the Committees on Interstate and Foreign Commerce, Ways and Means, Government Operations, and Science and Technology.

By Mr. MOTTL:

H.R. 1714. A bill to amend the Public Utility Regulatory Policies Act of 1978 to prohibit the use of fuel adjustment clauses by retail gas and electric utilities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York:

H.R. 1715. A bill to amend the Shipping Act to vest jurisdiction in the Federal Maritime Commission over complaints against shippers, consignors, and consignees, and for other purposes; to the Committee on Merchant Marine and Fisheries.

By Mr. MURPHY of New York (for himself, Mr. ZABLOCKI, Mr. RODINO, and Mr. PRICE) (by request):

H.R. 1716. A bill to implement the Panama Canal Treaty of 1977 and related agreements, and for other purposes; divided and referred for a period ending not later than April 10, 1979 as follows: Sections 101 through 105 and section 107 to the Committee on International Relations; title II and section 106 to the Committee on Merchant Marine and Fisheries; title III to the Committee on Post Office and Civil Service; title IV to the Committee on the Judiciary; and title V and section 2 concurrently to the Committees on International Relations, the Judiciary, Merchant Marine and Fisheries, and Post Office and Civil Service.

By Mr. NICHOLS (for himself and Mr. MITCHELL of New York):

H.R. 1717. A bill to amend chapter 5 of title 37, United States Code, to revise the special pay provisions for certain health professionals in the uniformed services; to the Committee on Armed Services.

By Mr. PERKINS:

H.R. 1718. A bill to amend the Railroad Retirement Act of 1974 to provide that certain additional military service shall be deemed part of the years of service of an individual for the computation of certain annuities; to the Committee on Interstate and Foreign Commerce.

By Mr. QUILLEN:

H.R. 1719. A bill to provide that the Internal Revenue Service may not implement certain proposed rules relating to the determination of whether private schools have discriminatory policies; to the Committee on Ways and Means.

By Mr. RICHMOND:

H.R. 1720. A bill to amend the Internal Revenue Code of 1954 to provide that the executor may elect to disregard, in the valuation for estate tax purposes of certain items created by the decedent during his life, any amount which would not have been capital gain if such item had been sold by the decedent at its fair market value; to the Committee on Ways and Means.

By Mr. RANGEL:

H.R. 1721. A bill to amend the Internal Revenue Code of 1954 to allow elderly individuals a deduction for one-half of the amounts paid or incurred by them for electricity used in their residences; to the Committee on Ways and Means.

H.R. 1722. A bill to amend title IV of the Social Security Act to stabilize State welfare costs by providing full Federal reimbursement for any increases in a State's aid to families with dependent children payments which reflect rises in the cost of living since 1973 or are due to increased caseload, if the State agrees to make provision for cost-of-living adjustments in such payments, to implement a program of aid to dependent children of unemployed fathers, and not to impose any new restrictive requirements under its approved State plan; to the Committee on Ways and Means.

H.R. 1723. A bill to amend the Internal Revenue Code of 1954 to deny the foreign tax credit for any tax paid or accrued to the Republic of South Africa; to the Committee on Ways and Means.

H.R. 1724. A bill to amend the Internal Revenue Code of 1954 to reduce the foreign tax credit for taxpayers found to be in violation of certain principles of fair employment in the Republic of South Africa, and for other purposes; to the Committee on Ways and Means.

H.R. 1725. A bill to amend the Social Security Act to make certain that recipients of aid or assistance under the various Federal-State public assistance and medicaid programs (and recipients of assistance under the veterans' pension and compensation programs or any other Federal or federally assisted program) will not have the amount of such aid or assistance reduced because of increases in monthly social security benefits; to the Committee on Ways and Means.

H.R. 1726. A bill to amend the Internal Revenue Code of 1954 to exclude from gross income amounts received as prizes in connection with the New York State Olympic lottery; to the Committee on Ways and Means.

H.R. 1727. A bill to amend title XVI of the Social Security Act to provide that support and maintenance furnished in kind shall not be counted as income in determining the eligibility of any individual for supplementary security income benefits or the amount of such benefits, whether such individual is living in another person's household or otherwise; to the Committee on Ways and Means.

H.R. 1728. A bill to amend the Internal Revenue Code of 1954 to permit the full deduction of medical expenses incurred for the care of individuals of 65 years of age and over, without regard to the 3-percent and 1-percent floors; to the Committee on Ways and Means.

H.R. 1729. A bill to allow a credit against Federal income taxes or payments from the U.S. Treasury for State and local real property taxes or an equivalent portion of rent paid on their residences by individuals who have attained age 65 to the Committee on Ways and Means.

H.R. 1730. A bill to amend title II of the Social Security Act to provide that the marriage or remarriage of a beneficiary shall not terminate his or her entitlement to benefits or reduce the amount thereof; to the Committee on Ways and Means.

H.R. 1731. A bill to amend title XVI of the Social Security Act to authorize the prompt issuance of duplicate supplemental security income benefit checks to individuals whose original benefit checks are lost or delayed and who are faced with financial hardship as a result; to the Committee on Ways and Means.

H.R. 1732. A bill to establish the Food Research Corporation to support efforts to eliminate malnutrition and starvation throughout the world, and to amend the Internal Revenue Code of 1945 to allow the designation of certain Federal income tax liability for use by such Corporation; jointly, to the Committees on Agriculture and Ways and Means.

By Mr. ST GERMAIN:

H.R. 1733. A bill to amend the Home Owners' Loan Act of 1933 to authorize Federal Savings and Loan Associations to offer certain alternative mortgage instruments and to require certain consumer protections for such mortgage instruments; to the Committee on Banking, Finance and Urban Affairs.

H.R. 1734. A bill to amend the Federal Property and Administrative Services Act of 1949, as amended, to provide for the disposal of surplus real property to States and their political subdivisions, agencies, and instrumentalities for economic development purposes; to the Committee on Government Operations.

H.R. 1735. A bill to provide for loans for the establishment and/or instruction of municipal, low-cost, nonprofit clinics for the spaying and neutering of dogs and cats, and for other purposes; to the Committee on Interstate and Foreign Commerce.

H.R. 1736. A bill to provide that the Internal Revenue Service may not implement certain proposed rules relating to the determination of whether private schools have

discriminatory policies; to the Committee on Ways and Means.

By Mr. SOLARZ:

H.R. 1737. A bill to amend title 39 of the United States Code to reduce postal rates for small magazines, and for other purposes; to the Committee on Post Office and Civil Service.

H.R. 1738. A bill to amend the Internal Revenue Code of 1954 to provide individuals a credit against income tax for amounts paid or incurred for certain State and local individual income taxes and to repeal the deduction for such taxes, State and local general sales taxes, and State and local taxes on gasoline and other motor fuels; to the Committee on Ways and Means.

By Mr. STENHOLM:

H.R. 1739. A bill to require authorizations of new budget authority for Government programs at least every 10 years, to provide for review of Government programs every 10 years, and for other purposes; jointly, to the Committees on Government Operations and Rules.

By Mr. STUDDS:

H.R. 1740. A bill to authorize payment of costs incurred in the alteration or replacement of certain municipal waste incinerators for the purpose of controlling air pollution; to the Committee on Interstate and Foreign Commerce.

H.R. 1741. A bill to amend the Tank Vessel Act in order to establish certain minimum construction safety standards for tank barges; to the Committee on Merchant Marine and Fisheries.

By Mr. TAUKE:

H.R. 1742. A bill to amend the Small Business Act to reduce the rate of interest on certain disaster loans under such act; to the Committee on Small Business.

H.R. 1743. A bill to provide mandatory social security coverage for Members of Congress and the Vice President; to the Committee on Ways and Means.

By Mr. WOLFF:

H.R. 1744. A bill to amend the National Traffic and Motor Vehicle Safety Act of 1966 for the purpose of authorizing the Secretary of Transportation, under certain circumstances, to require manufacturers of tires to provide public notice of tire defects; to the Committee on Interstate and Foreign Commerce.

By Mr. IRELAND (for himself, Mr. AKAKA, Mr. ERTEL, Mr. GUYER, Mrs. HECKLER, Mr. DICKS, Mr. EDGAR, Mr. DUNCAN of Tennessee, Mr. FOUNTAIN, Mr. RAHALL, Mr. NATCHER, Mrs. BOUQUARD, Mr. ADDABBO, Mr. D'AMOURS, Mr. DORNAN, Mr. WHITEHURST, Mrs. SPELLMAN, Mr. LEE, Mr. SOLARZ, Mr. MCKAY, Mr. TRAXLER, Mr. WEAVER, Mr. BIAGGI, Mr. PICKLE, Mr. FRENZEL, Mr. WYATT, Mr. MATHIS, Mr. JOHNSON of California, Mr. WINN, Mr. MINETA, Mr. NEAL, Mr. HOLLAND, Mr. SKELTON, Mr. CHARLES WILSON of Texas, Mr. FORSYTHE, Mr. DOUGHERTY, Mr. HEFTEL, Mr. JEFFORDS, Mr. GINN, Mr. PANETTA, Mr. HANLEY, Mr. BADHAM, Mr. PEASE, Mr. CAVANAUGH, Mr. YATRON, Mr. CONTE, Mr. STUMP, Mr. NOLAN, Mr. MURPHY of Pennsylvania, Mr. LOTT, Mr. FLIPPO, Mr. RINALDO, Mr. VOLKMER, Mr. BEVILL, Mr. EVANS of Georgia, Mr. LAGOMARSINO, Mr. LUKEN, Mr. MARRIOTT, Ms. MIKULSKI, Mr. MILLER of Ohio, Mr. ANDREWS of North Dakota, Mr. LAFALCE, Mr. HUGHES, Mr. MURPHY of Illinois, Mr. GEPHARDT, Mr. HUTTO, Mr. WHITTAKER, Mr. ROBINSON, Mr. ERDAHL, Mr. MCHUGH, Mr. HOLLENBECK, Mr. GRISHAM, Mr. HAGEDORN, Mr. BAFALIS, Mr. HARSHA, Mr. ABDNOR, Mr. CHAPPELL, Mr. CLINGER, Mr. GLICKMAN, Mr. MAVROULES, Mr. PRICE, Mr. DAN DANIEL, Mr. MADIGAN, Mr. FORD of Michigan, and Mr. WOLFF):

H.R. 1745. A bill to amend the Small Business Act to provide regulatory flexibility for small business in certain instances so that the effect of regulation matches the size of business regulated; to the Committee on Small Business.

By Mr. DICKINSON:

H.J. Res. 171. Joint resolution proposing an amendment to the Constitution requiring that Federal judges be reconfirmed by the Senate every 6 years; to the Committee on the Judiciary.

By Mr. FINDLEY:

H.J. Res. 172. Joint resolution to amend the Constitution of the United States to provide for balanced budgets; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT:

H.J. Res. 173. Joint resolution proposing an amendment to the Constitution of the United States to prohibit compelling the attendance of a student in a public school other than the public school nearest the residence of such student; to the Committee on the Judiciary.

H.J. Res. 174. Joint resolution designating July 15, 1979, as "National Child's Day"; to the Committee on Post Office and Civil Service.

By Mr. KRAMER (for himself, Mr. ANDERSON of California, Mr. BUCHANAN, Mr. DANNEMEYER, Mr. DORNAN, and Mr. KINDNESS):

H.J. Res. 175. Joint resolution proposing an amendment to the Constitution of the United States which requires (subject to suspension during a time of war or national emergency) that the annual deficit of United States be gradually reduced over a 3-year period and thereafter be eliminated; to the Committee on the Judiciary.

By Mr. LUJAN:

H.J. Res. 176. Joint resolution proposing an amendment to the Constitution of the United States to provide that appropriations made by the United States shall not exceed its revenues, except in time of war or national emergency; to the Committee on the Judiciary.

By Mr. QUAYLE:

H.J. Res. 177. Joint resolution proposing an amendment to the Constitution of the United States which establishes an index to measure increases in consumer prices and which requires (subject to suspension during a time of war or national emergency) that the annual deficit of the United States during any fiscal year not exceed 80 percent of any increase in that index; to the Committee on the Judiciary.

By Mr. ROSE:

H.J. Res. 178. Joint resolution proposing an amendment to the Constitution of the United States to provide that the level of total outlays of the United States for any fiscal year shall not exceed the level of total receipts of the United States for such fiscal year and for the disposition of unanticipated deficits; to the Committee on the Judiciary.

By Mr. SHUMWAY (for himself and Mr. BURGENER):

H.J. Res. 179. Joint resolution proposing an amendment to the Constitution of the United States providing for staggered 4-year terms for Representatives, for a limitation on the number of terms a person may serve in the House of Representatives or the Senate, and for other purposes; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT:

H. Con. Res. 40. Concurrent resolution relating to withdrawing the new guidelines proposed by the Secretary of Labor with respect to the health and safety training of miners; to the Committee on Education and Labor.

By Mr. BEARD of Tennessee (for himself, Mr. BADHAM, Mr. BAFALIS, Mrs. BOUQUARD, Mr. BURGENER, Mr. COLLINS of Texas, Mr. COUGHLIN, Mr. PHILIP M. CRANE, Mr. DERWINSKI, Mr. GUDGER, Mr. HAGEDORN, Mr. ICHORD, Mr. KELLY, Mr. LAGOMARSINO, Mr. LIVINGSTON, Mr. LLOYD, Mr. LOTT, Mr. MCDONALD, Mr. MARTIN, Mr. MILLER of Ohio, Mr. MONTGOMERY, Mr. SEBELIUS, Mr. SKELTON, Mr. SOLOMON, Mr. STANGELAND, Mr. WHITE, Mr. WHITEHURST, Mr. BOB WILSON, Mr. WINN, Mr. HYDE, and Mr. GOODLING):

H. Res. 81. Resolution requesting that the Secretary of Defense should rescind that portion of the Department of Defense directive which permits deserters from military service to receive in absentia discharges; to the Committee on Armed Services.

By Mr. BEARD of Tennessee (for himself and Mr. GINGRICH):

H. Res. 82. Resolution pertaining to the retention of Jay Solomon as the Administrator of General Services; to the Committee on Government Operations.

By Mrs. COLLINS of Illinois:

H. Res. 83. Resolution to express the intent of Congress to restore funds for certain youth programs and countercyclical public service employment programs under the Comprehensive Employment and Training Act which would be cut by the President's budget; to the Committee on Education and Labor.

By Mr. MILLER of California (for himself, Mr. WEISS, Mr. CORRADA, Mr. PEPPER, and Mr. OTTINGER):

H. Res. 84. Resolution amending rule XXXII of the Rules of the House; to the Committee on Rules.

By Mr. REUSS:

H. Res. 85. Resolution to provide for the expenses of the investigations and studies to be conducted by the Committee on Banking, Finance and Urban Affairs; to the Committee on House Administration.

By Mr. RODINO:

H. Res. 86. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on the Judiciary; to the Committee on House Administration.

By Mr. THOMPSON:

H. Res. 87. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on House Administration; to the Committee on House Administration.

By Mr. ULLMAN (for himself and Mr. CONABLE):

H. Res. 88. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Ways and Means; to the Committee on Ways and Means.

By Mr. ZABLOCKI (for himself, Mr. FOUNTAIN, Mr. FASCELL, Mr. DIGGS, Mr. ROSENTHAL, Mr. WOLFF, Mr. BINGHAM, Mr. YATRON, Mr. SOLARZ, Mr. BONKER, Mr. IRELAND, Mr. MICA, Mr. BARNES, Mr. GRAY, Mr. HALL of Ohio, Mr. WOLPE, Mr. BOWEN, Mr. FITHIAN, Mr. BROOMFIELD, Mr. DERWINSKI, Mr. FINDLEY, Mr. BUCHANAN, Mr. WINN, Mr. GILMAN, Mr. GUYER, Mr. LAGOMARSINO, Mr. GOODLING, Mr. PRITCHARD, Mrs. FENWICK, and Mr. QUAYLE):

H. Res. 89. Resolution to amend the Rules of the House of Representatives to change the name of the Committee on International Relations to the Committee on Foreign Affairs; to the Committee on Rules.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

21. By the SPEAKER: Memorial of the Legislature of the State of Washington, relative to price supports for the sugar beet industry; to the Committee on Agriculture.

22. Also, memorial of the Legislature of the Territory of Guam, relative to the funding of programs for the education of the handicapped; to the Committee on Education and Labor.

23. Also, memorial of the Legislature of the Territory of Guam, relative to exempting Guam from the provisions of the Clean Air Act; to the Committee on Interstate and Foreign Commerce.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. ASPIN:

H.R. 1746. A bill for the relief of Mr. and Mrs. Joseph S. Fok; to the Committee on the Judiciary.

By Mr. BONKER:

H.R. 1747. A bill for the relief of Chitra Schlotterbeck; to the Committee on the Judiciary.

By Mr. D'AMOURS:

H.R. 1748. A bill for the relief of Vera Lucia Carvalho and Marcos Vinecius Carvalho; to the Committee on the Judiciary.

By Mr. DAN DANIEL:

H.R. 1749. A bill for the relief of Dr. Mario Y. Dimacali; to the Committee on the Judiciary.

By Mr. DICKINSON:

H.R. 1750. A bill for the relief of John A. Peterson Charitable Trust; to the Committee on the Judiciary.

By Mr. DODD:

H.R. 1751. A bill for the relief of Daniel Tang; to the Committee on the Judiciary.

By Mr. DONNELLY:

H.R. 1752. A bill for the relief of Pius Joseph Lund; to the Committee on the Judiciary.

By Mr. ERLENBORN:

H.R. 1753. A bill for the relief of Sergio and Javier Arredondo; to the Committee on the Judiciary.

By Mr. GINN:

H.R. 1754. A bill for the relief of Julious Killingsworth; to the Committee on the Judiciary.

By Mr. HAMMERSCHMIDT:

H.R. 1755. A bill for the relief of Raul Arriaza, his wife, Maria Marquart Schubert Arriaza, and their children, Andres Arriaza and Daniel Aivouich Arriaza; to the Committee on the Judiciary.

By Mrs. HECKLER:

H.R. 1756. A bill for the relief of Melba Robateau; to the Committee on the Judiciary.

By Mr. HEFTEL:

H.R. 1757. A bill for the relief of Judge Louis Le Baron; to the Committee on the Judiciary.

H.R. 1758. A bill for the relief of George K. Oga; to the Committee on the Judiciary.

By Mr. LEVITAS:

H.R. 1759. A bill for the relief of Carlo Avino; to the Committee on the Judiciary.

H.R. 1760. A bill for the relief of Maj. Ralph Edwards, U.S. Air Forces, retired; to the Committee on the Judiciary.

By Mr. LONG of Maryland:

H.R. 1761. A bill for the relief of Dr. John C. Hume; to the Committee on the Judiciary.

By Mr. LUJAN:

H.R. 1762. A bill to convey all interests of the United States in certain real property in Sandoval County, N. Mex., to Walter Hernandez; to the Committee on Interior and Insular Affairs.

H.R. 1763. A bill for the relief of Los Alamos Developers, Inc.; to the Committee on the Judiciary.

H.R. 1764. A bill for the relief of the heirs of Demetrio Madrid; to the Committee on the Judiciary.

H.R. 1765. A bill for the relief of Sammy H. Marr; to the Committee on the Judiciary.

By Mr. MIKVA:

H.R. 1766. A bill for the relief of Soon Hee Han; to the Committee on the Judiciary.

By Mr. PATTERSON:

H.R. 1767. A bill for the relief of Seoung Ja Kim and Lada Kim; to the Committee on the Judiciary.

By Mr. RANGEL:

H.R. 1768. A bill for the relief of Antoinette Slovik; to the Committee on the Judiciary.

By Mr. STENHOLM:

H.R. 1769. A bill for the relief of Virgilio C. Carandang, M.D. and Cecilia Tanedo Carandang; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 2: Mr. ANTHONY, Mr. BONER of Tennessee, Mr. CAVANAUGH, Mr. COELHO, Mr. CORCORAN, Mr. DAN DANIEL, Mr. DONNELLY, Mr. DOUGHERTY, Mr. DOWNEY, Mr. EDGAR, Mr. EDWARDS of Alabama, Mr. FAZIO, Mr. GIBBONS, Mr. GINN, Mr. GUARINI, Mr. HAGEDORN, Mr. HALL of Ohio, Mr. JONES of Oklahoma, Mr. KASTENMEIER, Mr. KINDNESS, Mr. LEACH of Iowa, Mr. LEDERER, Mr. LEE, Mr. LEHMAN, Mr. MARLENEE, Mr. MAVROULES, Mr. MICA, Ms. MIKULSKI, Mr. MIKVA, Mr. MILLER of Ohio, Mr. MOLLOHAN, Mr. NELSON, Mr. PATTEN, Mr. QUILLEN, Mr. RICHMOND, Mr. SEIBERLING, Mr. SHARP, Mrs. SPELLMAN, Mr. STANGELAND, Mr. SWIFT, Mr. SYNAR, Mr. WALGREN, Mr. CHARLES WILSON of Texas, Mr. WOLPE, Mr. WYATT, Mr. YOUNG of Alaska, and Mr. YOUNG of Missouri.

H.R. 15: Mr. WEISS, Mr. EVANS of Georgia, Mrs. FENWICK, Mr. GRAMM, Mr. STRATTON, Ms. HOLTZMAN, Mr. BIAGGI, Mr. WAXMAN, Mr. VENTO, Mr. LONG of Louisiana, Mr. KOSTMAYER, Mr. CAVANAUGH, Mr. DOWNEY, Mr. FROST, Mr. MIKVA, Mr. SHARP, Mr. MARKS, Mr. NOWAK, Mr. RAHALL, Mr. YATES, Mr. PREYER, Mr. LUNDINE, Mr. ASHLEY, Mr. BONIOR of Michigan, Mr. ROSE, Mr. HUGHES, Mr. SCHEUER, Mr. PATTERSON, and Mr. CORRADA.

H.R. 21: Mr. FORD of Michigan, Mr. MURPHY of New York, Mr. ROE, Mr. ST GERMAIN, Mr. SOLARZ, and Mr. VENTO.

H.R. 29: Mr. BONIOR of Michigan, Mr. DICKS, Mr. DRINAN, Mr. PEPPER, Mr. BOLAND, Mr. EMERY, Mr. LUKEN, Mr. BINGHAM, Mr. EDWARDS of California, Mr. MOAKLEY, Mr. MITCHELL of Maryland, Mr. RODINO, Mr. LEHMAN, Ms. HOLTZMAN, Mr. WEISS, Mr. WEAVER, Mr. SOLARZ, Mr. LONG of Maryland, Mr. YOUNG of Missouri, Mr. MCHUGH, Mr. KILDEE, Mr. OTTINGER, Ms. SPELLMAN, Mr. STOKES, Mr. EDGAR, Mr. WOLPE, Mr. DOWNEY, Mr. BEDELL, Mr. ST GERMAIN, Mr. DODD, Mr. CARR, and Mr. JENRETTE.

H.R. 39: Mr. WYLIE, Mr. ANDERSON of Illinois, Mr. FLOOD, Mr. GIBBONS, Mr. MAVROULES, Mr. LEACH of Iowa, Mr. EVANS of Delaware, Mr. DODD, and Mr. NEAL.

H.R. 65: Mr. ADDABBO, Mr. ANTHONY, Mr. BEDELL, Mr. BENJAMIN, Mrs. BOUQUARD, Mr. CAMPBELL, Mr. COLEMAN, Mr. CORCORAN, Mr. DORNAN, Mr. DOWNEY, Mr. DUNCAN of Tennessee, Mr. EDGAR, Mr. ERDAHL, Mr. FOUNTAIN, Mr. GAYDOS, Mr. GLICKMAN, Mr. HOLLENBECK, Ms. HOLTZMAN, Mr. LAFALCE, Mr. LEHMAN, Mr. LOTT, Mr. LUNDINE, Mr. MCEWEN, Mr. MIKVA, Mr. MOFFETT, Mr. PANETTA, Mr. PREYER, Mr. PRICE, Mr. RAHALL, Mr. ROBINSON, Mr. RUNNELS, Mr. SCHEUER, Mr. SIMON, Mrs. SPELLMAN, Mr. STANGELAND, Mr. WIRTH, Mr. WYATT, Mr. YATRON, and Mr. YOUNG of Missouri.

H.R. 80: Mr. ZABLOCKI.

H.R. 118: Mr. PEASE, Mr. KINDNESS, Mr. MADIGAN, Mr. STEED, Mr. MYERS of Indiana, Mr. PICKLE, Mr. NEAL, Mr. KASTENMEIER, Mr. ENGLISH, Mr. DASCHLE, Mr. ANDREWS of North Dakota, Mr. HAGEDORN, Mr. STANGELAND, Mr. EVANS of Georgia, Mr. ICHORD, Mr. LEACH of Iowa, Mr. VENTO, and Mr. SKELTON.

H.R. 120: Mr. MATHIS, Mr. HARKIN, Mr. KASTENMEIER, Mr. ENGLISH, Mr. ANDREWS of North Dakota, and Mr. DASCHLE.

H.R. 365: Mr. DEVINE, Mr. COLEMAN, Mr. WINN, Mr. PASHAYAN, Mr. ROUSSELOT, Mr. WILLIAMS of Ohio, Mr. JONES of North Carolina, Mr. COELHO, Mr. LOEFFLER, Mr. PRITCHARD, Mr. HINSON, Mr. ARCHER, Mr. BAFALIS, and Mr. EDGAR.

H.R. 366: Mr. STANGELAND, Mr. LEACH of Iowa, and Mr. PASHAYAN.

H.R. 628: Mr. THOMAS, Mr. MARLENEE, Mr. LUKEN, Mr. VAN DEERLIN, Mr. MAGUIRE, Mr. BLANCHARD, and Mr. MCDADE.

H.R. 769: Mr. HARRIS, Mr. DRINAN, Mr. PEPPER, Mr. CONYERS, Mr. MOAKLEY, Mr. VENTO, Mr. SEIBERLING, Mr. ADDABBO, Mr. DELLUMS, Ms. HOLTZMAN, Mr. WEISS, Mrs. COLLINS of Illinois, Mr. SOLARZ, Mr. HUGHES, Mr. STOKES, Mr. LEDERER, Mr. EDGAR, Mr. DOWNEY, Mr. SABO, and Mr. MAGUIRE.

H.R. 1149: Mr. CORCORAN, Mr. EDGAR, Mr. HYDE, Mr. CLINGER, Mr. ROBINSON, Mr. ROTH, Mr. SOLOMON, and Mrs. SPELLMAN.

H.R. 1320: Mr. TAUKE, Mr. HYDE, Mr. ROSTENKOWSKI, Mr. DERWINSKI, Mr. MURPHY of Illinois, Mr. MOAKLEY, Mr. NATCHER, Mr. MURPHY of Pennsylvania, Mr. BEARD of Rhode Island, Mr. HALL of Texas, Mr. RAHALL, Mr. KINDNESS, Mr. FORSYTHE, Mr. SOLARZ, Mr. HAMILTON, Mr. CORRADA, Mr. LEACH of Iowa, Mr. BEVILL, Mr. AKAKA, Mr. MAVROULES, Mr. ERTEL, Mr. STANGELAND, Mr. MARLENEE, Mr. VENTO, Mr. YOUNG of Missouri, and Mr. DELLUMS.

H.R. 1603: Mr. GUDGER, Mr. ERTEL, Mr. ERDAHL, Mr. ASHBROOK, Mr. SYMMS, Mr. DAN DANIEL, and Mr. LEWIS.

H.J. Res. 2: Mr. BURGENER, Mr. DUNCAN of Tennessee, Mr. SIMON, Mr. ROTH, Mr. NICHOLS, Mr. EMERY, Mr. JEFFRIES, Mr. LONG of Maryland, Mr. EVANS of Georgia, Mr. GINGRICH, Mr. LEWIS, and Mr. SYMMS.

H.J. Res. 73: Mr. HYDE, Mr. BUTLER, Mr. BROWN of Ohio, Mr. ROBINSON, Mrs. HOLT, Mr. KINDNESS, Mr. BADHAM, Mr. DORNAN, Mr. COLLINS of Texas, Mr. WHITEHURST, Mr. SNYDER, Mr. ROUSSELOT, Mr. BAFALIS, Mr. SYMMS, Mr. RUDD, Mr. GINGRICH, Mr. LEE, and Mr. BUCHANAN.

H. Con. Res. 5: Mr. MITCHELL of Maryland, Mr. OTTINGER, Mr. BEILENSON, Mr. DOWNEY, Mr. HARKIN, Mr. DODD, Mr. MOFFETT, Mr. VENTO, Mr. EDGAR, and Mr. BONKER.

H. Res. 54: Mr. EDWARDS of Alabama.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

49. By the SPEAKER: Petition of the city council, New York, N.Y., relative to services to older Americans under the Older Americans Act; to the Committee on Appropriations.

50. Also, petition of the board of commissioners, Escambia County, Fla., relative to a resource conservation and development program; to the Committee on Interior and Insular Affairs.