HOUSE OF REPRESENTATIVES—*Tuesday, February 5, 1980*

The House met at 12 o'clock noon.

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

Praise the Lord! Praise the Lord, O my soul! I will praise the Lord as long as I live; I will sing praises to my God while I have being.—Psalms 146: 1, 2.

Gracious Lord, in the midst of the concerns of the day, we pause to offer our thanksgiving for the gift of life and the promise of Your spirit that nurtures and sustains us. Insure, O Lord, that our hearts are open to Your forgiveness and compassion, to Your healing and to Your power, that conscious of Your love to us, we may go forward to praise Your name and serve all those in need. In Your name, 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.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Chirdon, one of his secretaries.

MESSAGE FROM THE SENATE

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

H.R. 3236. An act to amend title II of the Social Security Act to provide better work incentives and improved accountability in the disability insurance program, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3236) entitled "An act to amend title II of the Social Security Act to provide better work incentives and improved accountability in the disability insurance program, and for other purposes," disagreed to by the House; request a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. LONG, Mr. TALMADGE, Mr. RIBICOFF, Mr. NELSON, Mr. BAUCUS, Mr. DOLE, Mr. DANFORTH, and Mr. DURENBERGER to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 3398) entitled "An act to amend the Food and Agriculture Act of 1977 relating to increases in the target prices for the 1979 crop of wheat, corn, and other commodities under certain circumstances, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. TALMADGE, Mr. MCGOVERN, Mr. HUDDLESTON, Mr. ZORINSKY, Mr. MELCHER, Mr. YOUNG, Mr. DOLE, and Mr. BOSCHWITZ to be the conferees on the part of the Senate.

PRIVATE CALENDAR

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

CLARENCE S. LYONS

The Clerk called the bill (H.R. 3818) for the relief of Clarence S. Lyons.

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

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

There was no objection.

BALL STATE UNIVERSITY AND THE AMERICAN ASSOCIATION OF COLLEGES FOR TEACHER EDUCATION

The Clerk called the bill (H.R. 3872) for the relief of Ball State University and the American Association of Colleges for Teacher Education.

The SPEAKER. Is there objection to the present consideration of the bill?

Mr. SENSENBRENNER. Mr. Speaker, I object.

Mr. ROUSSELOT. Mr. Speaker, I object.

The SPEAKER. Two objections are heard. Under the rule, the bill is recommitted to the Committee on the Judiciary.

MORRIS AND LENKE GELB

The Clerk called the bill (H.R. 4285) for the relief of Morris and Lenke Gelb.

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

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

There was no objection.

JOHN H. R. BERG

The Clerk called the bill (H.R. 2782) for the relief of John H. R. Berg.

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

H.R. 2782

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That John H. R. Berg shall be held and considered to have satisfied the requirements of section 316 of the Immigration and Nationality Act (8 U.S.C. 1427) relating to required periods of residence and physical presence within the United States and, notwithstanding the provisions of section 310(d) of that Act (8 U.S.C. 1421(d)), may be naturalized at any time after the date of enactment of this Act if otherwise eligible for naturalization under the Immigration and Nationality Act.

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

JOZEF SWIDERSKI

The Clerk called the bill (H.R. 4013) for the relief of Jozef Swiderski.

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

H.R. 4013

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the periods of time Jozef Swiderski has resided in the United States and any State since his lawful admission for permanent residence on July 22, 1968, shall be held and considered to meet the residence and physical presence requirements of section 316 of the Immigration and Nationality Act, and his petition for naturalization may be filed in any court having naturalization jurisdiction under section 310 of such Act.

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

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

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

There was no objection.

CERTIFICATE OF SPECIAL CONGRESSIONAL RECOGNITION FOR MATTHEW DAVID BAHR

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

Mr. MURPHY of Pennsylvania. Mr. Speaker, I rise today to pay tribute to a young man who will, this afternoon, receive a certificate of special congressional recognition from my office. Matthew David Bahr, the placekicker for the

Super Bowl XIV champion Pittsburgh Steelers, has, as a very young man, stepped into a pressure situation and met the challenge in an admirable manner, characteristic of the capabilities possessed by our country's youth. His contributions to the Steelers' successful season are ones of teamwork, sacrifice, and pride. Those qualities of excellence and spirit symbolize the character of the team, as well as the character of the Pittsburgh area. Therefore, I am pleased to have Matt Bahr in Washington today to receive the award as a testimonial to his abilities. He truly belongs in Pittsburgh, the city of champions.

Matt Bahr began his professional career with the Pittsburgh Steelers by kicking a 41-yard field goal in a game against the New England Patriots, which eventually was won in overtime. Appropriately enough, Matt ended the season by kicking a 41-yard field goal in the Super Bowl. These two games probably placed more pressure on Matt than is usually placed upon any other rookie. His ability to accept the challenge and successfully convert his attempts are characteristic of the quality Coach Chuck Noll seeks in his players. The spectacular successes of the Pittsburgh baseball and football teams are due to the teamwork, leadership, and pride of the men who comprise those teams.

Now that Matt Bahr has joined the Pittsburgh sports family, I am certain that more will be written about him as he continues a successful career, and contributes his time to many worthwhile civic functions, as so many of his fellow teammates do in the off-season. Pittsburgh as a vibrant and unique city in the United States. The people are warm, humble, hardworking, and friendly. They appreciate the efforts and accomplishments of their athletes and, in return, the athletes enjoy living in Pittsburgh. As the 1980's begin, Pittsburgh will be called the city of champions because of its World Series and Super Bowl victories. The champions, though, are the steelworkers, miners, executives, public servants, as well as the athletes. Among all those champions is the rookie placekicker for the Pittsburgh Steelers, Matthew David Bahr.

DISCRIMINATION AGAINST MINORITIES IN CENSUS HIRING

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

Mr. GARCIA. Mr. Speaker, I am about to sign a letter which will go to Mr. Vincent P. Barabba, Director of the Bureau of the Census. I have today directed the subcommittee staff to undertake a thorough review of the Bureau's testing procedure for employment in the upcoming census. Reports continue to come in from around the country that persons from minority communities are failing the eligibility test at a greater rate than any other group who have taken the test.

For the past year I have listened to the Bureau officials make reference about the efforts to recoup and assign indigenous people, and I have repeatedly been in contact with the Bureau with regard to these efforts. However, it is becoming increasingly apparent that the examination is biased against cultural and language minorities. Thus, Mr. Speaker, capable and dedicated people are being rejected on the basis of institutional expectations, and not on their ability to get the job done. As we progress to the census, I feel the problem will become more acute unless changes are instituted, or an alternative to the examination substituted. Accordingly, I urge the cooperation with our investigation and to make available to my staff the necessary memorandum reports included in the examination.

MUHAMMAD ALI'S FORAY INTO AFRICA

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

Mr. ASHBROOK. Mr. Speaker, now in its fourth year, President Carter's on-the-job-training foreign policy does not seem to be giving us much indication that it is improving. The latest insult in a long series of travesties would be Muhammad Ali's foray into Africa. I read the Cleveland Plain Dealer this morning, and I quote:

> With jabs at Jimmy Carter and hooks at the Kremlin, Muhammad Ali carried on yesterday with his U.S.-sponsored tour to promote a boycott of the Moscow Olympics. But he said his real aim now is to head off war between "the baddest two white men in history"—America and the Soviet Union.

□ 1210

Well, I do not know why in the world the President sent someone like that to Africa to represent this country. Maybe he could go out with the students and counsel against the draft, those who are going to Canada or Sweden, but how he can be an exponent of American foreign policy would make one wonder. Except we all wonder what our foreign policy is under Carter and Vance. Maybe the real reason Ali went is revealed in the rest of the story when he is quoted as saying—

> Plus, I came 'cause I don't pay my expenses. America does. I get a free plane ride, I get free cooks, I get free everything.

He gets free everything and the American people get the lumps—and the shame.

SOVIET SHIPS SHOULD BE DENIED ACCESS TO U.S. PORTS

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

Mr. SHUMWAY. Mr. Speaker, the President has outlined a number of measures in response to the Soviet invasion of Afghanistan. In the long run, the most important may well be the President's new-found dedication—based on his recent awakening to Soviet methods of operation and objectives—to a strong national defense and a long-overdue increase in defense spending.

With regard to the impact of his other measures—the grain embargo, the curtailment of fishing rights, the limitation of the transfer of American technology, and even the proposed Olympic boycott—only time will tell. There can be no question, however, that the American public is strongly supportive of such measures, and is even willing to sacrifice at home for the sake of national objectives.

I am, therefore, today introducing legislation which would have an immediate impact on the Soviet Union. I propose that we deny all Soviet ships access to any U.S. port until the Soviet troops are withdrawn from Afghanistan.

The Soviet Union has the world's largest merchant marine fleet, one that is gaining an increasing share of the cargo shipped to and from the United States. The Russians view their merchant marine fleet as an integral part of their defense system, as well as a profitable means of earning much-needed hard currency. A curtailment of U.S. operations would certainly be hard felt.

Mr. Speaker, the east and gulf coast longshoremen had the right idea. If we are serious about responding to Soviet actions, we should go farther than just "limiting" exports, just "curtailing" fishing rights. The measure I am proposing is decisive and direct—and will certainly be felt by the Soviets.

Further, while there may be some immediate financial hardship on U.S. users of Soviet bottoms, I am certain that the American people are willing to make this kind of sacrifice. And, in fact, an additional benefit might be the revitalization of our own merchant marine fleet.

Mr. Speaker, I urge my colleagues to join in support of this legislation.

NATIONAL TEENAGER DAY

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

Mr. HORTON. Mr. Speaker, I am today introducing a resolution calling on the President to issue a proclamation designating November 7 of each year as "National Teenager Day." This group of young Americans, representing as it does the future leaders of the Nation, is rarely accorded the recognition extended to other Americans. Enactment of this resolution will direct America's attention to the accomplishments and contributions of these young Americans between the ages of 13 and 19.

The years between 13 and 19 can often be the most difficult years for our young people. They often find themselves belonging neither to the adult world nor to the world of their younger brothers and sisters. At the same time, as they grow older, they begin to experience many of the same frustrations and rewards of young adults, without some of the prerogatives accorded the latter. By establishing a "National Teenager Day," all Americans can focus on the contributions, achievements, and experiences of this group of young people.

I selected November 7 of each year because it will be the anniversary date of a youth conference held in Rochester,

N.Y. On November 7, 1979, more than 1,000 junior and senior high school students from the Greater Rochester area gathered to discuss, for the first time as a group, their common problems and interests. Sponsored by the Urbanarium and the New York State Division on Youth, the conference afforded those attending the opportunity to discuss such issues as: The legal rights of youth, employment issues affecting youth, and integration and separation. Sponsors of the conference hope to make it an annual event.

The turnout for the conference and the diversity of the topics discussed attest to the seriousness of purpose. Meetings and conferences, similar to the one held in Rochester, should be held on an annual basis to further encourage young people to discus issues affecting them. Such conferences also offer an appropriate way to observe National Teenager Day.

I encourage my colleagues to join me in sponsoring this important resolution.

GENERAL PROTEST EXPRESSED OVER ANTICS OF NATIONAL SECURITY ADVISER

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

Mr. MAZZOLI. Mr. Speaker, with the greatest of respect for my President and the greatest deference to the gentleman who is, his National Security Adviser, I must register a general protest of the apparent antics which took place on the Khyber Pass, which separates Afghanistan and Pakistan.

Our constituents are being talked to with respect to war, and their sons and daughters perhaps with respect to being drafted to fight this war.

And yet, the National Security Adviser is, in a sense, playing a game of guns on the Khyber Pass. This led to the discharge of an automatic rifle, which directed fire into Afghanistan.

It seems to me that these are perilous and very sensitive times. I would hope that everybody who represents the administration, and everyone who represents the Congress, would be very restrained and very circumspect in their actions lest they contribute to heightening of these tensions.

PERMISSION TO EXCUSE FROM SERVICE AS CONFEREE AND APPOINTMENT OF NEW CONFEREE ON H.R. 5235 UNIFORMED SERVICES HEALTH PROFESSIONALS SPECIAL PAY ACT OF 1979

Mr. NICHOLS. Mr. Speaker, I ask unanimous consent that the gentleman from South Carolina (Mr. DAVIS) be excused from service as a conference on the House bill (H.R. 5235) to amend chapter 5 of title 37, United States Code, to revise the special pay provisions for certain health professionals in the uniformed services, and that the Speaker be authorized to appoint a Member to fill the vacancy.

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

There was no objection.

The SPEAKER pro tempore. Without objection, the Chair appoints the gentleman from Louisiana (Mr. LEACH) to serve as a conferee on H.R. 5235.

There was no objection.

The SPEAKER pro tempore. The Clerk will notify the Senate of the change in conferees.

ANNUAL REPORT COVERING THE IMPLEMENTING ACTIVITIES UNDERTAKEN DURING 1978 BY FEDERAL AGENCIES—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 Interstate and Foreign Commerce:

To the Congress of the United States:

I transmit to the Congress the annual report to be submitted under section 381 (c) of the Energy Policy and Conservation Act, 42 U.S.C. 6361(c) (1970).

This report covers the implementing activities undertaken during 1978 by Federal agencies. It concludes actions to establish mandatory policies and standards with respect to energy conservation and efficiency for Federal procurement activities along with progress towards developing a 10-year plan for energy conservation in Federally-owned or leased buildings. It also describes programs for carrying out a responsible public education program to encourage energy conservation and efficiency and to promote vanpooling and carpooling arrangements.

JIMMY CARTER.

THE WHITE HOUSE, *February 5, 1980.*

EIGHTH ANNUAL REPORT ON ADMINISTRATION OF RAILROAD SAFETY ACT OF 1970—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 Interstate and Foreign Commerce:

To the Congress of the United States:

I transmit herewith the Eighth Annual Report on the administration of the Railroad Safety Act of 1970 (84 Stat. 971, 45 U.S.C. 421 et. seq.) as required by that Act. This report has been prepared in accordance with Section 211 of the Act, and covers the period January 1, 1978 through December 31, 1978.

JIMMY CARTER.

THE WHITE HOUSE, *February 5, 1980.*

ELEVENTH ANNUAL REPORT OF NATIONAL ADVISORY COUNCIL ON ECONOMIC OPPORTUNITY—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 Education and Labor:

To the Congress of the United States:

In accordance with Title VI, Section 605 of the Economic Opportunity Act of 1964, as amended by P.L. 89–794, I am transmitting herewith the Eleventh Annual Report to the Congress of the National Advisory Council on Economic Opportunity.

This Report reflects the Council's views in its role in examining programs authorized by the Economic Opportunity Act of 1964, and their impact in alleviating certain problems confronting low-income people. While those views are not entirely consistent with this Administration's policies, we shall consider them in the future.

JIMMY CARTER.

THE WHITE HOUSE, *February 5, 1980.*

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CROSSWALK ALLOCATIONS

Mr. GIAIMO. Mr. Speaker, I ask unanimous consent that the crosswalk allocations to the House committees pursuant to section 302(a) of the Congressional Budget Act, as contained in the conference report (H. Rept. 96–582) accompanying Senate Concurrent Resolution 36, the second concurrent resolution on the budget for fiscal year 1980, be considered as meeting the requirements of section 302(a) of the Budget Act.

Section 302(a) requires that the managers' statement accompanying a conference report on a budget resolution allocate the total new budget authority and outlays specified in the resolution among all House and Senate committees with jurisdiction over spending bills.

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

Mr. BAUMAN. Mr. Speaker, reserving the right to object, I wonder if the gentleman from Connecticut could explain why this is necessary.

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

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

Mr. GIAIMO. I will try to explain. The gentleman will recall as part of the Budget Act the conference report which we normally would bring back and adopt would have in it the allocations to the committees so that they could comply therewith. Because of the fact that when we disagreed with the other body last fall on reconciliation, the gentleman will recall, the other body could not any further amend our resolution No. 36 and

therefore came forth with a new resolution, resolution No. 53. The gentleman will recall that we took up that resolution in lieu of the conference report. It was not a conference report but a Senate resolution which we acted on and adopted with an amendment which knocked out reconciliation. The Senate agreed to our amendment and we had a budget resolution. That Senate resolution was not a conference report and did not have a statement of conferees which would have included the section 302(a) allocations. It is now necessary that we adopt these allocations which were in the original conference report. The way in which we can accomplish that would be in this manner. It is what we have agreed to in the House when we originally adopted the Second Budget Resolution last year.

Mr. BAUMAN. Mr. Speaker, further reserving the right to object, the gentleman from Maryland was not aware of this request and is not fully apprised of its effect. I do recall that 2 years in a row the Budget Committee, instead of bringing back a conference report, has placed the House in a position where we had to act on the other body's resolution. It is my vague recall that that places opponents of that budget resolution in a disadvantaged parliamentary position because certain motions are not in order.

Now it appears that the gentleman is coming in to correct another problem of the Budget Act that flows from the lack of a budget conference report last year. Quite frankly, if that is the case, it seems to me we ought to get to the business of amending or changing the Budget Act if we are not to have conference reports. In other words, I just do not want to make it easier for the gentleman to do what he has been doing, to be quite frank about it.

Mr. GIAIMO. If the gentleman will yield further, I understand and I wish to God that the gentleman could make my job a little bit easier as chairman of the Budget Committee.

Mr. BAUMAN. If the gentleman will confer with me, I might make some suggestions.

Mr. GIAIMO. But if we do not have this allocation, the gentleman understands that then we are not going to be able to scorekeep the proper expenditures, and we could run the risk of expending additional moneys, which I am sure the gentleman does not want to do.

Mr. BAUMAN. The gentlemen's scores on savings are not worth the paper they are written on, and he knows that. Every year he projects $15 billion or so in deficit and it winds up at $40 billion. I would like to make the gentleman feel a little better, but I also would like to know a little bit more about this request and, at the moment, I am going to object.

The SPEAKER pro tempore. Objection is heard.

DISTRIBUTION OF FUNDS APPROPRIATED TO PAY JUDGMENTS AWARDED TO INDIAN TRIBES

Mr. UDALL. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the Senate joint resolution (S.J. Res. 108) to validate the effectiveness of certain plans for the use or distribution of funds appropriated to pay judgments awarded to Indian tribes or groups, and ask for its immediate consideration.

The Clerk read the title of the Senate Joint Resolution.

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

Mr. ROUSSELOT. Mr. Speaker, reserving the right to object, could we have an explanation of why we are doing this by unanimous consent?

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

Mr. ROUSSELOT. I am happy to yield to the gentleman from Arizona.

Mr. UDALL. I thank my friend for opening those particular old wounds. I will try to survive here.

This is a simple parliamentary stall or snarl.

Mr. ROUSSELOT. Stall?

Mr. UDALL. No, snarl.

Mr. Speaker, Senate Joint Resolution 108 provides for congressional validation of certain plans for the distribution of Indian judgment funds. The House passed a similar bill, House Joint Resolution 383, on September 17, 1979.

The need for this legislation arose because of a recent decision of the Federal district court. Pursuant to the act of October 19, 1973, the Secretary of the Interior is required to develop a plan for the use and distribution of funds awarded to Indian tribes by the Indian Claims Commission or the Court of Claims.

The act imposes certain time limitations on the Secretary in developing and submitting such plans to the Congress. The court ruled that failure to meet those time limitations resulted in invalid plans.

In almost every case, the Secretary has failed to meet those deadlines. Yet, in every case, Congress has not seen fit to disapprove of the plans as submitted.

This legislation merely validates those plans.

Through an oversight, the Senate failed to repass our bill after passing the Senate bill. The Senate bill is only slightly different than the House-passed bill. They accepted an amendment of the Interior Department with which we have no quarrel.

Mr. ROUSSELOT. Further reserving the right to object, did the other body add any things that we have not passed upon, looked at, or considered?

Mr. UDALL. No.

Mr. ROUSSELOT. As sometimes they are prone to do?

Mr. UDALL. No; this is a very simple little Indian bill that has been cleared with the minority, Mr. JOHNSON, Mr. CLAUSEN.

Mr. ROUSSELOT. Further reserving the right to object, and I would yield to my colleague from Colorado, does this cost very much?

Mr. UDALL. If the gentleman will yield further, nothing. This is simply the distribution of funds.

Mr. ROUSSELOT. Does the gentleman mean that this costs nothing?

Mr. UDALL. When an Indian claim is settled, then we have the problem of who gets the distribution of the pot. It is the money fund distribution; the fund is not enlarged. This deals with which Indians and under what conditions the money is distributed.

Mr. ROUSSELOT. I certainly do not want to get in trouble with our Indians.

Mr. JOHNSON of Colorado. Mr. Speaker, will the gentleman yield?

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

Mr. JOHNSON of Colorado. I thank the noted Indian fighter for yielding.

I would like to reassure the gentleman that what the gentleman from Arizona (Mr. UDALL) said is correct. There is no money to be spent under this bill, and it is just a matter of the snarl or the stall or however the chairman wishes to describe it.

Mr. ROUSSELOT. Snarl or stall. And if we do not use this procedure it would not move along; is that correct?

Mr. JOHNSON of Colorado. That is correct.

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

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

There was no objection.

The Clerk read the Senate joint resolution, as follows:

S.J. RES. 108

Whereas, pursuant to Public Law 93–134 (Act of October 19, 1973; 87 Stat. 466; 25 U.S.C. 1401), the Secretary of the Interior or his designee has submitted plans for the use or distribution of funds appropriated to pay judgments awarded to Indian tribes or groups; and

Whereas none of such plans have been disapproved by congressional action; and

Whereas a recent July 9, 1979, decision of the United States District Court for the District of Columbia in the case of Seminole Indian Tribe of Florida versus Andrus has called into question the effectiveness and validity of those plans submitted to Congress under Public Law 93–134; and

Whereas it is the purpose of this resolution to validate the effectiveness of the plans (other than the plan involved in the Seminole decision and a plan involving the tribes of the Warm Springs Reservation which is the subject of pending litigation) which were submitted to the Congress pursuant to Public Law 93–134; Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following plans for the use or distribution of funds submitted to the Congress pursuant to Public Law 93–134 are hereby declared to be valid and effective as of the dates indicated:

Tribe or group	Docket Nos.	Effective date
Washoe	ICC 288	Sept. 25, 1974.
Seneca	ICC 342-A and 368-A	Sept. 26, 1974.
Fort Berthold (Three Affiliated Tribes)	ICC 350-A, E, and H	Oct. 2, 1974.
Paiute, Northern	ICC 87	Oct. 10, 1974.
Nez Perce	ICC 175-B	Do.
Cherokee, Eastern	ICC 282-A through L	Do.
Ponca	ICC 322, 323, and 324	Nov. 23, 1974.
Tuscarora	ICC 321	Dec. 18, 1974.
Chippewa, Red Lake	ICC 189	Feb. 3, 1975.
Sioux, Yankton	ICC-332-B	Feb. 7, 1975.
Kikiallus	ICC 263	Feb. 18, 1975.
Skagit, Lower	ICC 294	Do.
Lummi	ICC 110	Mar. 3, 1975.
Apache Chiricahua	ICC 30 and 48 and 30-A and 48-A.	Mar. 16, 1975.
Sioux, Cheyenne River	ICC 114	Do.
Iowa	ICC 135	Mar. 24, 1975.
Otta va, Oklahoma	ICC 304 and 305	June 17, 1975.
Pueblos de Jemez, Santa Ana, and Zia	ICC 137	Do.
Apache, Jicarilla	ICC 22-K	July 8, 1975.
Suquamish	ICC 132	Sept. 14, 1975.
Winnebago	ICC 243, 244, and 245	Oct. 30, 1975.
Cabazon	ICC 148	Do.
Apache, Western	ICC 22-D	Dec. 3, 1975.
Cherokee	ICC 173-A	Nov. 5, 1975.
Navajo	Ct. Cl. 49692	Nov. 17, 1975.
Creek, Oklahoma	ICC 167-273	Nov. 16, 1975.
Angoon	ICC 278-B	Feb. 1, 1976.
Samish	ICC 261	Dec. 10, 1975.
Swinomish	ICC 233	Do.
Shawnee	ICC 334-B	Mar. 5, 1976.
Mohave	ICC 283 and 295	Apr. 12, 1976
Chippewa, Pillager	ICC 144	Apr. 28, 1976.
Yakima	ICC 161, 222, and 224	May 13, 1576
Colville	ICC 161, 222, and 224	May 21, 1976
Kiowa-Comanche-Apache	ICC 257 and 259-A	June 8, 1976
Fort Berthold (Three Affiliated Tribes)	ICC 350-F	June 20, 1976
Flathead (Confederated Salish and Kootenai)	Ct Cl 50233 No 8 and No 9	Aug. 25, 1976.
Seneca	ICC 84; 342-B, C, and 368; 342-F and I.	Jan. 29, 1977.
Six Nations and Stockbridge-Munsee	ICC 84 and 300-B, ICC 300	Mar. 4, 1977.
Devils Lake Sioux	ICC 363	July 23, 1977.
Siginaw Chippewa	ICC 57	Nov. 12, 1977.
Fort Berthold Three Affiliated Tribes	ICC 350-C and D	Mar. 13, 1978.
Fort Mohave	ICC 295-A	Nov. 12, 1977.
Potawatomi	ICC 15-K, 29-J, 217, 15-M, 29-K, and 146.	Mar. 6, 1978.
Mescalero (Lipan)	ICC 22-C	Apr. 9, 1978.
Taos Pueblo	ICC 357-A	Apr. 10, 1978.
Colville-Nez Perce	ICC 186	May 1, 1978.
Creek	ICC 275	June 15, 1978.
Seneca Nation	ICC 342-G	Feb. 1, 1979.
Lake Superior and Mississippi Chippewa	ICC 18-C and 18-T	Do.
Sisseton-Wahpeton	ICC 363 (1867 and 1872)	Mar. 26, 1979.
Pyramid Lake	ICC 87-B	June 12, 1979.
Bois Forte Chippewa	ICC 18-D	June 5, 1979.
Caddo	ICC 226	
Goshute	ICC 326-B and J	
Nisqually	ICC 197	
Potawatomi, Prairie Band	ICC 15-K, 29-J, 217, 15-M, 29-K and 146.	

SEC. 2. The foregoing plans for the use or distribution of funds submitted to the Congress pursuant to Public Law 93-134 are hereby declared to have been validly submitted and are exempted from the submission deadline in section 2 of said Act and shall be effective as provided in section 5 of said Act.

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

GENERAL LEAVE

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

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

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

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

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

REQUIRING THE SECRETARY OF THE INTERIOR TO CONVEY A PARCEL OF LAND LOCATED IN COLORADO TO THE UTE MOUNTAIN UTE TRIBE AND TO PAY AN AMOUNT TO SUCH TRIBE FOR ECONOMIC DEVELOPMENT

Mr. UDALL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5036) to require the Secretary of the Interior to convey a parcel of land located in Colorado to the Ute Mountain Ute Tribe and to pay an amount to such tribe for economic development, as amended.

The Clerk read as follows:

H.R. 5036

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within the thirty-day period beginning on the date of the enactment of this Act the Secretary of the Interior shall convey, without consideration, to the Ute Mountain Ute Tribe, all right, title, and interest of the United States in and to the parcel of land located in the State of Colorado described in section 3 and all mineral interest of the United States in and to the parcel of land located in the State of Colorado, county of Gunnison, commonly known as the Pinecrest Ranch, and more fully described in a warranty deed, book 325, pages 6-8 (reception numbered 234174) on file in the Office of the County Clerk and Recorder for Gunnison County. The parcel of land described in section 3 shall not be considered Indian country for any purpose and shall be subject to State and local governmental jurisdiction and taxation.

SEC. 2. The Secretary of the Interior shall pay to the Ute Mountain Ute Tribe for the economic development of lands owned by such tribe, from sums appropriated therefor, the sum of $5,840,000 in accordance with an economic development program submitted to the Secretary by the Ute Mountain Ute Tribe and approved by the Secretary.

SEC. 3. The parcel of land conveyed pursuant to the first section consists of—

(1) in township 48 north, range 3 west, New Mexico principal meridian—

(A) the northwest quarter, the west half of the northeast quarter, and the west half of the southeast quarter, in section 19; and

(B) the north half of the northwest quarter and the northwest quarter of the northeast quarter, in section 30;

(2) in township 48 north, range 4 west, New Mexico principal meridian—

(A) the east half of the northwest quarter, the south half of the northeast quarter, and the north half of the southeast quarter, in section 9;

(B) the south half, the northwest quarter of the northeast quarter, and the southeast quarter of the northeast quarter, in section 10;

(C) the south half of the northeast quarter, the northeast quarter of the southeast quarter, and the south half of the southeast quarter, in section 11;

(D) the north half of the northwest quarter, the northeast quarter, and the east half of the southeast quarter, in section 13;

(E) the east half of the southeast quarter and the southwest quarter of the northwest quarter, in section 14;

(F) the west half of the northeast quarter and the south half of the southwest quarter, in section 15;

(G) the northeast quarter of the southeast quarter in section 16;

(H) the southeast quarter of the southeast quarter in section 17;

(I) the northeast quarter of the northeast quarter in section 20;

(J) the northeast quarter of the southeast quarter in section 21;

(K) the northeast quarter of the northeast quarter and the north half of the southwest quarter, in section 23;

(L) the west half of the northeast quarter, the southeast quarter of the northeast quarter, the west half of the southeast quarter, and the northeast quarter of the southeast quarter, in section 26; and

(M) the east half of the northeast quarter in section 29; and

(3) in township 47 north, range 4 west, New Mexico principal meridian—

(A) the northeast quarter of the northwest quarter in section 10;

(B) the west half of the northwest quarter in section 15;

(C) the east half of the southeast quarter and the southeast quarter of the northeast quarter, in section 16;

(D) the southeast quarter of the southeast quarter in section 20;

(E) the north half of the northeast quarter, the southwest quarter of the northeast quarter, the northwest quarter of the southeast quarter, the northeast quarter of the southwest quarter, and the south half of the southwest quarter, in section 21;

(F) the northwest quarter of the southeast quarter in section 27; and

(G) the northeast quarter of the northeast quarter in section 29.

SEC. 4. The enactment of this Act shall fully satisfy all claims against the United States by the Ute Mountain Ute Tribe relating to the dispute over ownership of lands located in New Mexico and described as townships 31 and 32, range 16 west of the New Mexico principal meridian.

SEC. 5. Effective October 1, 1980, there is authorized to be appropriated to the Secre-

tary of the Interior the sum of $5,840,000 to carry out section 2. Any sums appropriated under the authority contained in this section shall remain available until expended by the Secretary.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Arizona (Mr. UDALL) will be recognized for 20 minutes, and the gentleman from Colorado (Mr. JOHNSON) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Arizona (Mr. UDALL).

GENERAL LEAVE

Mr. UDALL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks on the bill under consideration.

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

There was no objection.

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

Mr. Speaker, H.R. 5036 provides for the conveyance, in fee simple, of approximately 3,000 acres of BLM lands to the Ute Mountain Tribe of Colorado and authorizes the appropriation of $5,800,000 for economic development programs for the tribe.

The lands and funds are by way of compensation to the tribe for the loss of approximately 15,000 acres of lands and $6,000,000 in funds as a result of a Supreme Court decision on a land dispute between the Ute tribe and the Navajo tribe.

In an 1895 act of Congress ratifying an agreement with the tribe, the United States established a reservation for the tribe, most of which was in the State of Colorado. However, it did provide for six townships in New Mexico. Because of the use of two different Federal survey systems, an overlap conflict developed between the Ute lands and the lands of the Navajo tribe under a 1868 treaty.

For years the Federal Government treated the overlap lands as Ute lands until the 1972 Supreme Court decision held they were Navajo lands. The Federal court decision did not deal with any compensation which may be due the Utes as it did not have jurisdiction.

The administration opposes the bill on the grounds that the United States had no legal obligation to the tribe for the loss of the lands and the money. This is probably accurate.

However, the committee felt that it was very inappropriate for the United States, the trustee and guardian of this tribe, to set up the lack of any legal obligation to the tribe when there is unquestionably a moral obligation.

I urge the passage of the bill.

Mr. Speaker, I yield such time as he may consume to our very able committee member, the gentleman from Colorado (Mr. KOGOVSEK).

Mr. KOGOVSEK. Mr. Speaker, in 1895, the U.S. Congress entered into an agreement which established the Ute Mountain Reservation. The intent of Congress was to provide the Weeminuchi Band of Indians with a given amount of land on which to settle, establish a livelihood and carry on the traditions of the native Americans as other tribes were doing on other reservations.

Through surveying conflicts, it was later determined that 15,000 acres of the reservation were in conflict with a contiguous reservation granted by Congress to the Navajo Indian Tribe. A series of actions eventually lead to a clarification of the land's true owner. The U.S. Supreme Court agreed that the 15,000 acres in dispute belonged to the Navajos. The legislation which I have introduced does not attempt in any way to argue with the Court's findings.

However, the congressional intent of 1895 is violated by a lack of means to provide the tribe with the amount of land originally granted. The American Indian Policy Review Commission has documented the failure of the Federal Government to fulfill its responsibilities to Indian tribes in many instances. It is my belief that not compensating the Ute Mountain Tribe for the loss of land the members believed to be theirs would be yet another failure.

There is a special trust relationship between Indian tribes and the Federal Government, with the Congress acting officially as sole trustee. The Congress must abide by the highest standards of loyalty required by this special relationship. Failure to do so would result in a miscarriage of justice. The members of the Ute Mountain Tribe came here to testify, they told the Interior Committee about their tribe, clearly showing that a request for compensation of land, only 3,000 acres compared to 15,000 acres lost, and money lost from royalties earned from natural resources on the land now known as part of the Navajo Reservation, is a valid request.

I urge my colleagues to support the legislation which will honor the agreement this body made in 1895 and the obligation Congress has to protect Indian tribes.

□ 1230

Mr. JOHNSON of Colorado. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 5036. This bill would settle the claims of the Ute Mountain Ute Indian Tribe against the United States by conveying to the tribe 2,800 acres of Federal land in Colorado and paying them $5,840,000 to be used exclusively for economic development. The land and money would compensate the Utes for the loss of some 15,000 acres of land and more than $6 million in revenue as a direct result of conflicting, overlapping surveys mandated by separate acts of Congress.

Members of the Ute Mountain Tribe are descendants of the Weeminuchi Band of Ute Indians who, together with other Ute Indian bands, at one time owned and occupied a substantial portion of what is now the State of Colorado. The various Ute peoples ceded their land to the Federal Government through a series of transactions and were given reservation land in exchange. H.R. 5036 has its origins in the 1895 agreement which set up the present Ute Mountain Reservation.

The 1895 agreement was a direct outgrowth of a treaty negotiated by the Federal Government in 1880, but never ratified. The agreement was an attempt to put to rest the controversy over the proposed resettlement of all the Ute peoples outside of the State of Colorado. Under this agreement, Congress provided for the establishment of the Ute Mountain Reservation in Colorado and New Mexico. The property given to the tribe was described as follows:

> All that portion of their present reservation lying west of the range line between ranges thirteen and fourteen west of the New Mexico principal meridian, and also all of townships 31 and 32 of ranges 14, 15, and 16 west of the New Mexico principal meridian and lying in the Territory of New Mexico . . .

This area was not surveyed until 1914 by a Federal surveyor, Clayton Burt. As authorized in the 1895 agreement, he used the standard New Mexico grid system as the basis for his survey. Mr. Burt set the western boundary of the reservation at the then eastern boundary of the Navajo Reservation, which at that time had been platted under a special grid system based upon the Navajo special meridian. The effect of this procedure was to reduce the width of the Ute Reservation townships 31 and 32 by an area of some 23 square miles. Partial townships were thereby created where full townships had been specified by Congress.

In 1936 the General Land Office abolished the Navajo special meridian and caused all land in New Mexico to be platted in accordance with the New Mexico principal meridian. The replatting moved the boundary of the Ute Reservation westward, overlapping the previous Navajo Reservation boundary and showing the westernmost Ute Reservation townships in New Mexico as full-width townships. The subsequent dispute between the two tribes over ownership of the land within the overlapping boundaries existed until 1957, when oil and gas leasing began in the area. The companies engaged in such leasing were concerned about a possible cloud on the title to the land. Consequently, the Bureau of Indian Affairs refused to allow oil and gas revenues arising from the disputed land to be paid to either tribe, and the tribes agreed to put the revenues into an escrow account pending judicial resolution of their dispute.

In 1972 the U.S. Supreme Court affirmed the judgment of a special three-judge U.S. District Court panel in New Mexico (*Ute Mountain Tribe of Indians* v. *Navajo Tribe of Indians*, 409 U.S. 809, 34 L.Ed. 2d 70, 93 S.Ct. 68, October 10, 1972) which found that the disputed land belonged to the Navajos. The Court did not, however, address the issue of compensation for the Utes being denied the full amount of land granted to them by Congress in 1895. This left the Utes

with a claim but without an appropriate forum. The Indian Claims Commission could not hear it, since the Commission only had jurisdiction over claims arising before 1946, and the Utes claim only arose in 1972. The Court of Claims has no authority to restore any land to the tribe. Thus, the Utes saw no alternative but to go back to Congress for an equitable remedy.

The proposal now before the House, H.R. 5036, would provide such a remedy. As compensation for the loss of 15,000 acres of grazing land, H.R. 5036 would transfer to the Utes some 2,800 acres of land currently used solely by the tribe under lease from the U.S. Bureau of Land Management. The land joins and is intermingled with a ranch which the tribe owns as a private landowner. The tribe would pay taxes on the transferred land. The amount of money to be paid the tribe—$5,840,000—equals the amount of oil and gas lease revenue that was in the escrow account at the time of the Supreme Court decision in 1972. The entire amount could be used only for purposes of tribal economic development under a plan to be submitted to and approved by the Secretary of the Interior. None of the money would be available for per capita payments to tribal members.

I deeply regret that the official voices of the administration have spoken in opposition to H.R. 5036. The Interior Department said it does not believe the Utes have any equitable monetary or legal claim against the United States, because: First, the tribe received all or part of the six townships referred to in the 1895 agreement; second, the Department has no evidence that the Utes bargained for specific acreage or that Congress had a specific acreage in mind when it created the reservation; and third, Congress knew it was conveying partial townships because the House report on the ratification of the 1895 agreement referred to "fractional" townships.

It appears that the Department and the administration are splitting hairs in an attempt to avoid facing the equities of the Utes' case. For example, the administration asserts the Utes have no legal claim against the United States because they took possession of all of the townships referred to in the 1895 agreement. Never mind that the land was not surveyed for 20 years after Congress ratified the 1895 agreement, and never mind the fact that beginning in 1895, the Utes, believing that six full townships in New Mexico were theirs, grazed all of townships 31 and 32 of range 16 west each winter until forced to leave in 1972. And never mind the Utes had no cause of action until the outcome of litigation in 1972. The administration's legal position seems to be that if Congress or the Executive made a mistake and the tribe lost some land, the tribe should be happy with what it got and forget what it lost.

It is shameful for the Department to oppose H.R. 5036 on the grounds that they have no evidence of the tribe having bargained for specific acreage or that Congress had any specific acreage in mind when it created the reservation. In 1895, as is true today, a township consisted of 36 square miles. Six of them total 216 square miles or 138,240 acres. The 1895 agreement gave the Ute tribe six townships, no more, no less. What evidence of a specific number does the Department think is necessary?

The Department further argues that "Congress was aware that many of the townships granted to the Utes would be of fractional height, since several lay on the State line between Colorado and New Mexico," and since the House report refers to the New Mexico townships as "six fractional townships of unoccupied land in New Mexico." Moreover, the Department says that "we have no evidence as to whether Congress was aware that townships 31 and 32 of range 16 west were of fractional width." Lacking such evidence, the Department in effect asks us to presume that Congress was so aware and, further, that despite its clear language in the agreement calling for six townships, Congress intended to give the Utes townships that were shrunken in both height and width. I cannot make such a presumption.

It is appropriate here to note the testimony of an expert witness before the Interior Committee concerning the agreements and Executive orders involving the United States and Indian tribes in the latter part of the 19th century. Prof. Robert Delaney of Fort Lewis College, Durango, Colo., testified that "in all instances, if Congress or the Executive intended a fractional township, it was definitely stated."

A tribal witness summed up the tribe's feeling this way:

In 1895 our people did not understand the complexities of transfer of real property and we had no surveyors. We relied upon what was stated in the Agreement with the United States Government. We understood that we received six full townships in New Mexico upon which to live and graze our cattle and we acted upon this belief by claiming this land and exercising rights of possession for many years. We feel we have been promised something by the Government but we have not received it.

Mr. Speaker, H.R. 5036 is intended to make whole an Indian tribe that through no fault of its own was deprived of the ownership and use of some 23 square miles of land specifically provided them by an act of Congress. The bill fulfills the Ute Tribe's request for justice, not charity. If enacted, H.R. 5036 will go a long way to implement economic development plans which can eventually greatly decrease the tribe's dependency upon the Federal Transfer Payments System. The Ute Mountain people wish only to demonstrate that they can be economically productive, self-sufficient citizens while still maintaining their culture and community life.

I am happy to say that the State of Colorado is fully in support of this legislation, and that the County of Gunnison, Colo., in which the tribe's lands are located, is supportive of the bill. I urge the Members of the House to approve H.R. 5036 and settle for all time the Ute's claim.

Mr. JOHNSON of Colorado. Mr. Speaker, I have no further requests for time, and yield back the balance of my time.

The SPEAKER pro tempore (Mr. GONZALEZ). The question is on the motion offered by the gentleman from Arizona (Mr. UDALL) that the House suspend the rules and pass the bill, H.R. 5036, as amended.

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

A motion to reconsider was laid on the table.

AUTHORIZING INVESTIGATION OF CERTAIN WATER RESOURCE DEVELOPMENTS

Mr. KAZEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 5278) to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments, as amended.

The Clerk read as follows:

H.R. 5278

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is hereby authorized to engage in feasibility studies of the following proposals:

(1) Hungry Horse Project, Hungry Horse Powerplant Enlargement and Reregulating Reservoir, located on the South Fork of the Flathead River in Flathead County, Montana.

(2) Boise Project, Power and Modification Study, located in southwestern Idaho (Ada, Boise, Canyon, Elmore, Gem, Payette, and Valley Counties) and in eastern Oregon (Malheur County).

(3) San Francisco Bay Area Waste Water Reclamation Project, located in the San Francisco Bay area and western San Joaquin Valley of California.

(4) San Joaquin Valley Drainage Investigation with a study area in the San Joaquin River basin, Tulare basin, and the Sacramento-San Joaquin Delta-Suisun Bay area of California.

(5) Delta Overland Water Service Facilities, located in the Sacramento, San Joaquin, Solano, and Contra Costa Counties of California.

(6) Chino Valley Project, located in north central Yavapai County and south central Coconino County in Arizona.

(7) North Platte River Hydroelectric Power Study, Pick-Sloan Missouri Basin Program, Western Division, located in Natrona and Carbon Counties, Wyoming.

(8) Wind-Hydroelectric Energy Project in Carbon and Albany Counties, Wyoming.

(9) Lake Meredith Salinity Project, in Quay County, New Mexico, and Oldham, Potter, Moore, Carson, and Hutchinson Counties in Texas.

(10) Colorado-Big Thompson Powerplants of the Pick-Sloan Missouri Basin Program in Colorado.

(11) The relocation of the intake of the Contra Costa County Water District Canal from Rock Slough to the vicinity of the Clifton Court Forebay in Contra Costa County, California.

(12) The Los Vaqueros Dam, pump-generating plant, and related features at a site approximately eight miles west of the Clifton Court Forebay in Contra Costa County, California.

(13) The obtaining of a water supply of up to ten thousand acre-feet per year for existing and potential domestic, recreational, and municipal water users along the Colorado River in California who do not hold water

rights or whose rights are insufficient to meet their requirements.

SEC. 2. (a) The Secretary of the Interior is hereby authorized to engage in feasibility studies relating to enlarging Shasta Dam and Reservior, Central Valley Project, California, or to the construction of a larger dam on the Sacramento River, California, to replace the present structure.

(b) The Secretary of the Interior is further authorized to engage in feasibility studies for the purpose of determining the potential costs, benefits, environmental impacts, and feasibility of using the Sacramento River for conveying water from the enlarged Shasta Dam and Reservior or the larger dam to points of use downstream from the dam.

(c) Before funds are expended for the feasibility studies authorized by this section, the State of California shall agree to participate in the studies and to participate in the costs of the studies. The State's share of the costs may be partly or wholly in the form of services directly related to the conduct of the studies.

SEC. 3. The Secretary of the Interior is authorized to review and revise, as may be necessary, the feasibility study of the Kellogg Unit, Central Valley Project, Contra Costa County, California.

SEC. 4. In preparing the studies and review authorized by subsections (11) and (12) of section 1 and section 3, the Secretary of the Interior shall fully describe all potential beneficial or detrimental impacts resulting from the construction or operation of the projects under study. The Secretary shall further make recommendations to the Congress for assuring that neither the construction nor the operation of any such project results in the determination of the water quality and ecology of the Sacramento-San Joaquin Delta or the San Francisco Bay estuarine system.

SEC. 5. Notwithstanding any other provision of the law, the Secretary of the Interior is authorized to enter into new negotiated concession agreements with the present concessionaires at Rancho Monticello, South Shore, and Markley Cove Resorts at Lake Berryessa, California. Such agreements shall be for a term ending not later than May 26, 1989, and may be renewed at the option of the concessionaire for no more than two consecutive terms of ten years each. Such agreements must comply with the 1959 National Park Service Public Use Plan for Lake Berryessa, as amended, and with the Water and Power Resources Service Reservoir Area Management Plan: *Provided*, That the authority to enter into contracts or agreements to incur obligations or to make payments under this section shall be effective only to the extent and in such amounts as are provided in advance in appropriation Acts.

The SPEAKER pro tempore. Pursuant to the rule, a second is not required on this motion.

The gentleman from Texas (Mr. KAZEN) will be recognized for 20 minutes, and the gentleman from New Mexico (Mr. LUJAN) will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. KAZEN).

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

Mr. Speaker, H.R. 5278 is a bill to authorize the Secretary of the Interior to conduct feasibility investigations of numerous potential water resource projects located throughout the 17 reclamation States.

Based on preliminary studies, these proposed projects appear to warrant further investigation. However, without specific congressional authorization, the Secretary of the Interior cannot conduct further detailed feasibility investigations to determine if they should eventually be constructed. H.R. 5278 provides this study authority.

Specifically, H.R. 5278 authorizes the Secretary of the Interior to begin feasibility studies on 14 proposed projects and to review and revise a feasibility study on one other project.

The projects to be studied are for a variety of purposes, including hydroelectric production, waste water management, water quality, salinity control, water storage, and wind-hydro development. The study areas themselves are located in the States of Arizona, California, Colorado, Idaho, Montana, New Mexico, Oregon, Texas, and Wyoming. According to information provided the committee, the estimated cost of these feasibility studies is approximately $19.7 million. H.R. 5278 does not authorize the appropriation of any specific funds since the Secretary of the Interior has standing authority to request funds for investigations of potential Federal reclamation projects. However, the funds must be appropriated before they could be used to carry out these studies.

In addition to the aforementioned feasibility studies, H.R. 5278 also authorizes the Secretary of the Interior to enter into new negotiated concession agreements with present recreational concessionaires at Lake Berryessa, Calif., which is part of the Water and Power Resources Service Solano project.

Mr. Speaker, I believe that the measures authorized by H.R. 5278 are necessary and important in that they could, with future congressional construction authorization, result in the development of critically needed water resource development and, consequently, I urge approval of the bill, H.R. 5278, as amended.

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

Mr. Speaker, I concur with the statement of our distinguished subcommittee chairman, the gentleman from Texas, and I urge my colleagues on this side of the aisle to support the bill.

This is a study bill. The hydro projects authorized for feasibility-level studies could, when constructed, add some 1,400 megawatts of power to the Nation's energy supply. And one of the projects—the Medicine Bow wind-power demonstration project in Wyoming—will be the first large-scale development of modern wind turbine power generation in this country.

The majority of these projects have been under study for many years. They have been brought along from reconnaisance-level reports and appraisal studies, and have survived the long process of weeding out and selection that takes place as projects work their way through the system to get to this point of authorization. The fact that the studies actually have the approval of this administration speaks volumes in itself. I think it is fair to say that the Carter administration has taken more than a casual interest in western water and power projects. If they can find no reason for opposing a project, it is fairly safe to say that no such reasons exist.

In my opinion, some of these projects should be authorized for construction right now, without further studying or delay. Both the Medicine Bow wind project and the Colorado-Big Thompson pumped-storage project have been proven feasible and have been studied to death. As a matter of fact, I sponsored a bill three years ago authorizing immediate construction of the Colorado-Big Thompson project.

Even though that bill was cosponsored by the chairman and ranking member of our full committee, the chairman and ranking member of our Water and Power Subcommittee and 10 other ranking members of the Interior Committee, it was shot down by the administration and its supporters in this body. If that bill had passed 3 years ago, we would have had new hydropower coming on line late this year or early next year. But the administration said it wanted to study it some more, so here we are today, authorizing them to go back and study the Colorado-Big Thompson pumping unit for another 3 years, and then come back to us with a request for construction authorization. If we are lucky, our grandchildren may see the day when the new power comes on line.

I make this point at this time because I think there is such a thing as being overly cautious in some of these matters. When the Nation is in the midst of an energy crisis, and when we are faced with a situation where we either develop new domestic sources of energy or be subject to blackmail from foreign oil suppliers, I think the proper role of leadership is to speed up, not delay, the development of new power.

This bill should pass today without a dissenting vote. And I want to advise my colleagues that within a few days I will be circulating a "Dear Colleague" letter asking for cosponsors on a separate bill authorizing a speedup in the feasibility study of the Medicine Bow wind-turbine project, with additional authorization to get construction underway this year. I hope you will all join me in that effort, and in the meantime, I certainly urge a yes vote on the bill before us.

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

□ 1240

Mr. JOHNSON of California. Mr. Speaker, I appreciate the opportunity to rise in support of legislation to authorize feasibility investigations of certain water resource developments.

The bill I cosponsored with Mr. UDALL, H.R. 5278, includes a proposal of particular interest to me.

This is the enlargement of Shasta Dam and Reservoir, Central Valley project, Calif.

Enlargement of Shasta Lake, possibly up to three or four times its present size of 4,552,000 acre-feet, is one of the limited number of possibilities available for increasing the future water and hydropower supply for the Central Valley Basin and other areas in California.

Last year, the Water and Power Resources Service made a water-management study for the Central Valley Basin.

Justifications for enlarging Shasta's

capacity in this report included water problems caused by current overdrafts on the underground supply in the San Joaquin Valley, State water project shortages, the difficulty in maintaining water quality in the Sacramento-San Joaquin Delta, and fish resource problems from Shasta through the delta.

The State of California has agreed to participate in the studies, as well as the cost of the studies.

I know of little opposition to this proposal, with the possible exception of a few critics to any kind of study.

Rather, this is a very popular and, I believe, vitally important project.

Mr. Speaker, I take this time to ask the gentleman from Texas (Mr. KAZEN) to enter into a colloquy with me concerning the overall aspects of the study. I take this opportunity to ask the floor manager of the bill H.R. 5278, Mr. KAZEN, a question concerning the Shasta Dam and Lake feasibility study and investigation. Is it true that the tributaries of the Sacramento, Pit, and McCloud Rivers will be studied, as well as tributaries to the Sacramento River between Keswick Dam, along with the offstream storage sites along the west side of Sacramento Valley?

Mr. KAZEN. If the gentleman will yield, yes, it is.

Mr. JOHNSON of California. Also, I will ask the gentleman from Texas (Mr. KAZEN) would the study include the recreation, fish and wildlife, and environmental concerns in the study?

Mr. KAZEN. Yes. The study will certainly include those items.

Mr. JOHNSON of California. That is very fine.

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

Mr. LUJAN. Mr. Speaker, I yield so much time as he may consume to the gentleman from California (Mr. CLAUSEN).

Mr. CLAUSEN. Mr. Speaker, H.R. 5278 authorizes the Secretary of the Interior to engage in feasibility investigations of 15 water-resource development projects in eight western States.

Mr. Speaker, I want to take just a moment to commend the leadership of the Interior and Insular Affairs Committee, and more specifically the gentleman from Texas (Mr. KAZEN) and the gentleman from New Mexico (Mr. LUJAN), for moving out and addressing what many of us perceive to be a very important issue; namely, to utilize the great hydro potential in the West by moving in the direction of a feasibility study of the generating capacity. These gentlemen, in my judgment, have done a great deal to address the whole concept of adding to our energy supplies. I want the record to clearly show my support of what they are attempting to accomplish.

The projects actually include powerplant enlargements, a wind-hydro demonstration unit, a dam enlargement, and studies relating to wastewater reclamation, the recovery of seepage water, pump generation, and drainage canal relocation. The major thrust of the legislation is, however, to add hydro-generating capacity to nine existing dams by installing more turbines and pumped-storage units. I know of no opposition to the studies. The congressional authorization is necessary as a result of a provision in the Federal Project Recreation Act which requires specific authorization for all feasibility investigations.

The legislation also authorizes the Secretary of the Interior to enter into new negotiated concession agreements with present concessionaires at Lake Berryessa, notwithstanding any other provision of law.

Lake Berryessa is a water supply and recreational facility, as a result of a water development that is located in my congressional district. The provision was added to the legislation by way of an amendment that I offered in the full Interior Committee, and it had the concurrence not only of the committee as a whole but also the chairman and the ranking member of the Water and Power Resources Subcommittee.

New statutory authority is necessary due to the unique history of the project and the unusual circumstances which have developed there.

When Lake Berryessa was first built in the late 1950's the Bureau of Reclamation, now called the Water and Power Resources Service, did not believe there was any recreation potential at the lake, and refrained from development of recreational facilities.

Despite the position of the Bureau, thousands of people began using the lake for recreational purposes. As use increased, the county of Napa assumed responsibility for recreational management of the lake under the cognizance of the Bureau.

In order to develop facilities, the county leased concessions to individuals over 20- and 30-year periods with renewal provisions in the leases. The concessionaires developed launching ramps, picnic grounds, and limited day-use facilities. In order to realize any return on their investments in these facilities, they began charging fees, and opened a number of resorts, which included mobile-home trailers. The lake proceeded to develop along this pattern under agreement with Napa County, and under the acquiescence of the Bureau.

In 1972, concern was raised that the facilities were in disrepair and that the public was not being allowed proper access. Over the next several years a great deal of public debate took place over who should manage the lake, the types of facilities that should be allowed, and what steps could be taken to enhance public access and enjoyment of the lake.

During this same period, I appointed a Lake Berryessa task force whose purpose was to study the situation and come up with suggestions on what types of improvements needed to be made at the lake. The task force made its recommendations which resulted in legislative language in the Reclamation Development Act of 1974, which gave the Bureau authority to resume recreational management, and authorized expenditure of funds to develop new public day-use facilities.

In 1974, the county of Napa reversed its policy and informed the Bureau of Reclamation that it no longer would manage the recreational facility.

With enactment of the 1974 act, it became incumbent upon the Bureau to address the question of the rights of the present concessionaires. For a number of reasons, this period was stormy, with the future of the concessions left somewhat unclear. It is in the public interest that we resolve this uncertainty, and allow orderly development and improvements to go forward at Lake Berryessa.

As the author of the Lake Berryessa provision, I would like to clarify the terms under which the new concession agreements will be negotiated.

In the bill, H.R. 5278, we have provided that—

> Such agreements shall be for a term ending not later than May 26, 1989, and may be renewed at the option of the concessionaire for no more than two consecutive terms of ten years each. Such agreements must comply with the 1959 National Park Service Public Use Plan for Lake Berryessa, as amended, and with the Water and Power Resources Service Reservoir Area Management Plan; *Provided*, That the authority to enter into contracts or agreements to incur obligations or to make payments under this section shall be effective only to the extent and in such amounts as are provided in advance in appropriation Acts.

If the Secretary of the Interior finds that the operations of the concessionaires are not in accordance with the use and management plans mentioned, it is our intent that the Secretary shall declare those concessionaires agreements terminated and those concessionaires will have no further right to extension of the concession agreements.

Further, it is our intent that all permanent facilities placed by the concessionaires in the seven resorts at Lake Berryessa shall be considered the property of the respective current concessionaires. Further, any permanent additions or modifications to these facilities by the concessionaries shall remain the property of said concessionaires; however, at the option of the Secretary of the Interior, the United States may require that the permanent facilities not be removed from the concession areas, and instead, pay fair value for the permanent facilities or, if the new concessionaire assumes operation of the concession, require that new concessionaire to pay fair value for the permanent facilities.

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

Mr. CLAUSEN. I will be happy to yield to the gentleman from New Mexico.

Mr. LUJAN. I thank the gentleman for yielding. I want to make certain that the language which we have provided in this bill would fully protect those people who have made sizable investments at this lake. They have been whipsawed among three different agencies over the years, each of whom has had different regulations, and I commend the gentleman for his concern and for his timely action to provide congressional direction as to how the situation should be handled.

Let me ask the gentleman this ques-

tion: What will happen if the Secretary finds that the operations of the concessionaires are not in strict accordance with the use and management plans mentioned in the bill?

Mr. CLAUSEN. In that event, the Secretary may declare the agreements terminated, and those concessionaires would have no further right to extension of the agreements.

Mr. LUJAN. If the gentleman will yield further, yes, but it is my understanding that these concessionaires have made sizable investments in permanent facilities at the lake. What happens to those facilities? Does the Government just make a windfall profit in the form of confiscated property simply by declaring the agreements terminated? Would these people just have to walk away and leave their investments behind?

Mr. CLAUSEN. The answer to that question is no. As we have discussed previously in the committee, that eventuality has been foreseen, and we have no intent of such a thing happening. It is our intent that all permanent facilities placed by the concessionaires in these seven resorts at Lake Berryessa be considered the property of the respective current concessionaires, along with any permanent additions or modifications to those facilities. That is only right and fair, and the committee has no intention of stripping them of those rights. However, the committee is saying that the Secretary has the right to require those facilities to stay where they are and not to be removed from the premises if and when the concessionaire leaves. The Secretary has the option to require the facilities to be removed or to require that they remain. We simply intend that if the United States wants the facilities to stay when the concessionaire leaves, the Secretary will pay the concessionaire fair value for the permanent facilities; or, if the Secretary permits a new concessionaire to assume operation of the concession, he will require the new concessionaire to pay fair value for the permanent facilities.

Mr. LUJAN. That was my understanding at the time we adopted this portion of the bill as an amendment, and I simply wanted to be certain that the intent of the language in the bill, which referred to "new negotiated concession agreements," is fully understood as to the protections we are providing against confiscation of private property by the Government. The gentleman has covered that question fully, and I appreciate it.

If I may ask one further question: At the time we adopted this provision, there was some question as to whether the Park Service or the Water and Power Resources Service would have any reservations about any legal problems that may currently exist, or whether they would have any problems with these arrangements. So I would ask the chairman of our subcommittee, my friend from Texas (Mr. KAZEN), if these agencies were contacted and if they expressed any opposition or reservation?

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

Mr. CLAUSEN. I will be happy to yield to the gentleman from Texas.

Mr. KAZEN. I thank the gentleman for yielding.

The agencies were contacted, and they said that they had no problem with the new concessionaire arrangements as contained in the bill. I commend the gentleman from California and the gentleman from New Mexico for their clarifying remarks.

Mr. LUJAN. I thank the gentleman.

Mr. CLAUSEN. I thank the gentleman for assisting to make this legislative history because it is a unique set of circumstances and we are attempting to confine this particular legislation to that unique problem at Lake Berryessa and not have national application, which was the concern of some of the people down in the Department as well.

Mr. KAZEN. Mr. Speaker, I yield 1 minute to the distinguished gentleman from California (Mr. MILLER).

Mr. MILLER of California. Mr. Speaker, I simply rise in strong support of this legislation and wish to commend my chairman for bringing this matter to the floor, as well as the dean of my delegation, the gentleman from California (Mr. JOHNSON), who has really promoted much of the projects which are in the California portion of this legislation, which for the first time, if the feasibility studies go properly and everything goes right, will provide a significant amount of new feasibility in water management and conservation in the State of California. Also, I wish to commend the members of the committee on the minority side for helping us to arrive at this legislation.

● Mr. COELHO. Mr. Speaker, as a cosponsor of H.R. 5827, I strongly support this bill. As you know, it authorizes the Secretary of the Interior to conduct feasibility studies for a number of water projects in 6 of the 17 western reclamation States, where water is an increasingly scarce and precious commodity.

This bill was drafted not only with the intended goal of enhancing and supplementing existing water supplies, but with the intent of enhancing economic feasibility and benefits of proposed projects through cooperation of Federal and State water resource agencies and the consideration of water conservation. This bill also stresses and specifies the consideration of possible viable alternatives and the review and revision of certain projects—for example, the enlargement of Shasta Dam and the review of proposed plans for the Kellogg unit in California.

In short, this bill is an example of a responsible effort to mitigate a serious water shortage. Clearly, the consideration of true costs and benefits of these projects is the priority here, which is as it should be. However, I am concerned that these true costs and benefits be considered in terms of the fair distribution of those costs to the direct beneficiaries, and I will be watching these studies closely to see that they are. The proponents of some of the projects in this bill, I would note, are individuals who have been critical of projects and the distribution of project benefits in other areas—while, at the same time, beneficiaries of projects in their own districts were not meeting the standards of payment and eligibility advocated by these individuals.

I intend to see that all true costs are fairly distributed to all project beneficiaries.

As a direct beneficiary of water projects myself and a representative of an area where water shortages are a crucial reality, I am concerned that water development projects are planned and constructed only after the responsible and careful consideration of the best interests of all concerned.

I am satisfied that H.R. 5278 provides for that responsible and careful consideration, and I urge its approval.●

□ 1250

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

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

Mr. KAZEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. KAZEN) that the House suspend the rules and pass the bill, H.R. 5278, as amended.

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

The title was amended so as to read: "A bill to authorize the Secretary of the Interior to engage in feasibility investigations of certain water resource developments, and for other purposes.".

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

EXTENDING THE FILING DATE OF FINAL REPORT OF THE SELECT COMMITTEE ON COMMITTEES

Mr. DERRICK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 533 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 533

Resolved, That notwithstanding the provisions of sections 5 and 6 of H. Res. 118, Ninety-sixth Congress, the Select Committee on Committees of the House of Representatives, shall—

(1) report to the House on the matters within its jurisdiction not later than April 1, 1980; and

(2) expire thirty days after the filing of such report with the House.

The SPEAKER pro tempore (Mr. GONZALEZ). The gentleman from South Carolina (Mr. DERRICK) is recognized for 1 hour.

Mr. DERRICK. Mr. Speaker, I yield 30 minutes for purposes of debate only to the gentleman from Maryland (Mr. BAUMAN) pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 533 is a privileged resolution from the Committee on Rules to extend the filing date of the final report of the Select Committee on Committees. As a privileged resolution, House Resolution 533 is considered in the House under the 1-hour rule and would not be subject to amendment unless the floor manager yields for that purpose. Last year, the House established a Select Committee on Committees to study the operation and implementation of rules X, XI, and XLVIII of the Rules of the House of Representatives regarding the establishment and jurisdiction of standing committees, the rules of procedure for committees and the permanent Select Committee on Intelligence.

In creating the Select Committee on Committees, the House directed it to report to the House its recommendations on the matters within its jurisdiction not later than February 1, 1980, and to dissolve 90 days thereafter.

In order to complete its work, the chairman and ranking minority member of the Select Committee on Committees have requested the filing date of their final report be extended to April 1, 1980. On January 23, the Democratic Caucus adopted a resolution supporting such an extension.

House Resolution 533 extends the select committee's filing date of the final report for 60 days, from February 1 to April 1, 1980. All other provisions of the original resolution which established the Select Committee on Committees, House Resolution 118, remain unchanged and no additional funds are required. The Select Committee on Committees and its authority will still expire on May 1, 1980, 30 days after the new reporting deadline. Mr. Speaker, I urge my colleagues to adopt House Resolution 533.

Mr. BAUMAN. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, the Select Committee on Committees was created on March 20, 1979, by a vote of 208 to 200, hardly an overwhelming endorsement of the select committee's role. At that time I opposed its creation simply because I felt that the Committee on Rules of the House already has the original jurisdiction to deal with the matters that the select committee was given.

Mr. Speaker, one of the major complaints I have heard from the public throughout recent years asks why Congress does not act more quickly, why is it not more streamlined in its procedures, why does it take so long to achieve its goals if indeed it has any goals?

It is natural that in the contention of a democratic system reconciliation of viewpoints are going to take some time. However, I happen to believe rather strongly that this House has to change its procedures to make more expeditious the work of the committees.

Mr. Speaker, I would like to comment briefly that the Committee on Committees was given a deadline of February 1 to report back to the House on a number of different suggestions for procedural reform. This resolution would extend that reporting deadline to April 1 and 30 days thereafter the committee would presumably go out of existence.

Mr. Speaker, one question I would like to have answered in this debate is whether or not this is going to be the last request for extending the reporting time and the existence of this committee. If it is not, I think we have a right to ask why we should extend it now.

This committee has not particularly distinguished itself so far, at least in the view of the gentleman from Maryland, and the House has had no occasion to vote on all but one of its proposals, and that was indirectly. We refused to establish little cubbyholes out in statuary hall, known as carrels, where Members could repair to think in quiet, and have a file drawer in which to keep their things. One might ask what people keep in file drawers around here, in view of recent events.

Mr. Speaker, I would like to know, is this the last request for extension of the committee and if not, what other plans might be in the future.

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

Mr. BAUMAN. I yield to the distinguished chairman of the select committee.

Mr. PATTERSON. Mr. Speaker, our intention is not to seek an extension of time for the committee, not to seek one additional dollar. The committee, when it was created, was created for a life of 1 year. That year expires on or about May 1. There is no intention to go beyond that. It was perhaps conceived at the time that H.R. 118 was passed that there would be one report filed on February 1 and it would take 90 days thereafter to complete the floor transactions that might take place on the recommendation.

Mr. Speaker, we have chosen instead to go on an incremental approach and we have four or five proposals, in addition to the Energy and Environment Subcommittee proposal that we expect will be going to the floor and we do not need additional time beyond the April 30–May 1 date but we do need and are requesting a 60-day extension of time to file our report so that the report would be filed on April 1 rather than on February 1, which has now expired.

Mr. Speaker, if this extension is not adopted, we perhaps cannot do a couple of things that I think are very important. One is to adopt a multiple referral system that will improve and expedite legislation and another is a proposal for the reduction of the number of subcommittees over a period of time by 26.

We have matters of oversight and other matters we would like to look into. If the extension is not granted, we cannot do those things.

The proposal of the Subcommittee on Energy and Environment has been acted upon by our committee and we will of course proceed with that in any event.

Mr. BAUMAN. I appreciate the response of the chairman of the Select Committee on Committees and also his assurance that the so-called incremental changes in the rules will not require greater increases in the period of time of the committee's existence. I hope that by the deadline of May 1 all of these issues will be before us.

Mr. Speaker, I would only point out that some of us have grave reservations about the committee's proposal on energy jurisdiction because we do not think it goes far enough. Some of us would like to see all of the energy jurisdictions of this House consolidated into one committee rather than catering to the personal problems of committee chairmen and subcommittee chairmen who may lose some of their power. I think the hour is rather late for those personal considerations to be paramount.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. BAUMAN. Mr. Speaker, I yield myself an additional 3 minutes.

It gives us some pause to see the energy committee suggestion coming out of your select committee that accommodates the political problems of the Committee on Interior and Insular Affairs and other committees but does not produce a single unitary jurisdictional committee for energy.

Mr. PATTERSON. Would the gentleman yield further?

Mr. BAUMAN. I yield to the gentleman.

Mr. PATTERSON. Mr. Speaker, I know there have been references made by some to the point that the committee recommendation does not go far enough. Of course this is not the time for full debate but I would point out there is no committee or subcommittee in this Congress at the present time that has broad energy jurisdiction granted to it under rule 10 of the House of Representatives.

□ 1300

Mr. Speaker, our select committee proposal grants jurisdiction over energy policy matters generally, and specifically it goes far beyond any present grants of energy jurisdiction in a wide area from solar to nuclear. It is, I think, a very extensive, futuristic, positive proposal for an energy committee that will have great strength and will have teeth in it. I know we will debate that issue when the matter comes to the floor.

The practical side of it is that we do not pull away from presently existing jurisdictions and jurisdiction over matters that other committees have been handling for years. This will not adversely, in our opinion, affect the national energy policy.

Mr. BAUMAN. Mr. Speaker, again I thank the gentleman from California (Mr. PATTERSON) for his response. I would only observe that I believe I did hear him say that one of the issues to be addressed by the select committee before it expires is that we limit the number of committee and subcommittee assignments for Members. I hope indeed that will be the fact.

I do not think the sequential referral changes and jurisdictional changes will cure all the problems that this House faces. There should be a reduction of the total number of committees and subcom-

mittees on which Members serve. That is absolutely necessary, and I hope the gentleman's committee will address that matter.

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

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

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

WATER RESOURCES DEVELOPMENT ACT OF 1979

Mr. ROBERTS. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 4788) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes.

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

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

Mr. EDGAR. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 379, nays 6, answered "present" 1, not voting 47, as follows:

[Roll No. 27]

YEAS—379

Abdnor	Brinkley	Dellums
Addabbo	Brodhead	Derrick
Akaka	Brooks	Derwinski
Albosta	Broomfield	Devine
Ambro	Brown, Calif.	Dickinson
Anderson, Calif.	Broyhill	Dicks
Andrews, N.C.	Buchanan	Dingell
Andrews, N. Dak.	Burgener	Dixon
Annunzio	Burlison	Dodd
Archer	Burton, John	Donnelly
Ashbrook	Burton, Phillip	Dornan
Ashley	Butler	Dougherty
Aspin	Byron	Downey
Atkinson	Campbell	Drinan
AuCoin	Carney	Duncan, Oreg.
Badham	Carr	Duncan, Tenn.
Bafalis	Carter	Early
Bailey	Cavanaugh	Edwards, Ala.
Baldus	Chappell	Edwards, Calif.
Barnard	Cheney	English
Barnes	Clausen	Erdahl
Bauman	Clay	Erlenborn
Beard, R.I.	Clinger	Ertel
Beard, Tenn.	Coelho	Evans, Del.
Bedell	Coleman	Evans, Ga.
Beilenson	Collins, Ill.	Evans, Ind.
Benjamin	Collins, Tex.	Fary
Bennett	Conte	Fascell
Bereuter	Conyers	Fazio
Bethune	Corcoran	Fenwick
Bevill	Corman	Ferraro
Biaggi	Cotter	Findley
Bingham	Coughlin	Fisher
Blanchard	Courter	Fithian
Boggs	Crane, Daniel	Flippo
Boland	D'Amours	Florio
Bolling	Daniel, Dan	Foley
Boner	Daniel, R. W.	Ford, Tenn.
Bonker	Danielson	Forsythe
Bouquard	Dannemeyer	Fountain
Bowen	Daschle	Frenzel
Brademas	Davis, Mich.	Frost
Breaux	de la Garza	Fuqua
	Deckard	Garcia
		Gaydos
Giaimo	Lundine	Rudd
Gibbons	Lungren	Russo
Gilman	McClory	Sabo
Gingrich	McCormack	Satterfield
Ginn	McDade	Sawyer
Glickman	McEwen	Scheuer
Goldwater	McKay	Schroeder
Gonzalez	McKinney	Schulze
Goodling	Maguire	Sebelius
Gore	Markey	Seiberling
Gradison	Marks	Sensenbrenner
Grassley	Marlenee	Shannon
Green	Marriott	Sharp
Grisham	Martin	Shelby
Guarini	Matsui	Shumway
Gudger	Mattox	Shuster
Guyer	Mavroules	Simon
Hagedorn	Mazzoli	Skelton
Hall, Ohio	Mica	Slack
Hall, Tex.	Michel	Smith, Iowa
Hamilton	Mikulski	Smith, Nebr.
Hammer-schmidt	Miller, Calif.	Snowe
	Miller, Ohio	Snyder
Hance	Mineta	Solarz
Hanley	Minish	Solomon
Hansen	Mitchell, N.Y.	Spellman
Harkin	Moakley	Spence
Harris	Mollohan	St Germain
Harsha	Moore	Stack
Hawkins	Moorhead, Calif.	Staggers
Heckler		Stangeland
Hefner	Moorhead, Pa.	Stanton
Heftel	Mottl	Stark
Hillis	Murphy, N.Y.	Steed
Holland	Murphy, Pa.	Stenholm
Hollenbeck	Murtha	Stewart
Holt	Myers, Ind.	Stockman
Holtzman	Natcher	Stokes
Hopkins	Neal	Stratton
Howard	Nedzi	Studds
Hubbard	Nelson	Stump
Huckaby	Nichols	Symms
Hughes	Nolan	Synar
Hyde	Nowak	Tauke
Ichord	O'Brien	Taylor
Ireland	Oakar	Thomas
Jacobs	Oberstar	Thompson
Jeffords	Ottinger	Traxler
Jeffries	Panetta	Treen
Jenkins	Pashayan	Trible
Jenrette	Patten	Ullman
Johnson, Calif.	Paul	Van Deerlin
Johnson, Colo.	Pease	Vanik
Jones, N.C.	Pepper	Vento
Jones, Okla.	Perkins	Volkmer
Jones, Tenn.	Petri	Walgren
Kastenmeier	Peyser	Walker
Kazen	Pickle	Wampler
Kemp	Porter	Watkins
Kildee	Preyer	Waxman
Kogovsek	Price	Weaver
Kramer	Pursell	Weiss
LaFalce	Quayle	White
Lagomarsino	Quillen	Whitehurst
Latta	Rahall	Whitley
Leach, Iowa	Railsback	Whittaker
Leach, La.	Rangel	Williams, Mont.
Leath, Tex.	Ratchford	Williams, Ohio
Lederer	Regula	Wilson, Tex.
Lee	Reuss	Winn
Lehman	Rhodes	Wirth
Leland	Richmond	Wolff
Lent	Rinaldo	Wolpe
Levitas	Ritter	Wright
Lewis	Roberts	Wydler
Livingston	Robinson	Wylie
Loeffler	Roe	Yatron
Long, La.	Rose	Young, Alaska
Long, Md.	Rosenthal	Young, Fla.
Lott	Roth	Young, Mo.
Lowry	Rousselot	Zablocki
Lujan	Roybal	Zeferetti
Luken	Royer	

NAYS—6

Conable	Lloyd	Moffett
Edgar	Mitchell, Md.	Wilson, Bob

ANSWERED "PRESENT"—1

Vander Jagt

NOT VOTING—47

Alexander	Fish	McCloskey
Anderson, Ill.	Ford, Mich.	McDonald
Anthony	Fowler	McHugh
Applegate	Gephardt	Madigan
Bonior	Gramm	Mathis
Brown, Ohio	Gray	Montgomery
Chisholm	Hightower	Murphy, Ill.
Crane, Philip	Hinson	Myers, Pa.
Davis, S.C.	Horton	Obey
Diggs	Hutto	Patterson
Eckhardt	Kelly	Pritchard
Edwards, Okla.	Kindness	Rodino
Emery	Kostmayer	Rostenkowski
Runnels	Udall	Wyatt
Santini	Whitten	Yates
Swift	Wilson, C. H.	

□ 1310

So the motion was agreed to.

□ 1320

The result of the vote was announced as above recorded.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 4788, with Mr. PEASE (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. When the Committee of the Whole rose on Tuesday, January 29, 1980, title IV was open to amendment, and pending was an amendment offered by the gentleman from Indiana (Mr. FITHIAN).

AMENDMENT OFFERED BY MR. ERTEL AS A SUBSTITUTE FOR THE AMENDMENT OFFERED BY MR. FITHIAN

Mr. ERTEL. Mr. Chairman, I offer an amendment as a substitute for the amendment.

The Clerk read as follows:

Amendment offered by Mr. ERTEL as a substitute for the amendment offered by Mr. FITHIAN: Page 171, after line 25, insert the following:

(e) The following projects are not authorized after the date of enactment of this Act:

(1) the navigation project on the Illinois Waterway, Illinois and Indiana, authorized by section 101 of the River and Harbor Act of 1962 (Public Law 87-874);

(2) the flood control project for the Big Blue River, Wabash River Basin, authorized by section 203 of the Flood Control Act of 1968 (82 Stat. 742);

(3) the portion of the Norfolk Harbor and Thimble Shoal Channel, Virginia, improvement project (authorized by section 101 of the River and Harbor Act of 1954 (68 Stat. 1250)) identified in paragraph 2(2)(b) of the report of the Chief of Engineers, Department of the Army, dated February 19, 1954 (Senate document numbered 122, Eighty-third Congress, second session, pages 1 and 2) as "an anchorage 38 feet deep and 1,500 feet square, an anchorage 35 feet deep and 1,500 feet square, and an anchorage 20 feet deep, 1,000 feet wide, and 3,000 feet long, opposite Lambert Point and south of Craney Island.";

(4) the project for Cascadia Dam and Reservoir, South Santiam River, Oregon, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1193);

(5) the flood control projects for South Plymouth and Geneganslet Lakes, Susquehanna River Basin, authorized by section 10 of the River and Harbor Act of December 22, 1944 (58 Stat. 893);

(6) the projects for West Oneonta Lake, Davenport Center Lake, and Copes Corner Lake, authorized by section 5 of the Flood Control Act of June 22, 1936 (49 Stat. 1573);

(7) the project for improvement of the Chester River, Pennsylvania, authorized by the first section of the River and Harbor Act of March 2, 1919 (40 Stat. 1277);

(8) the project for the Connecticut River, above Hartford, Connecticut, authorized by the first section of the River and Harbor Act of July 3, 1930 (46 Stat. 919);

(9) the project for Sixes Bridge Dam and Lake, Maryland, authorized by section 85 of the Water Resources Development Act of 1974 (88 Stat. 36);

(10) Salt Creek Lake, Salt Creek, Ohio,

authorized by the Flood Control Act of 1962 (76 Stat. 1188);

(11) Lincoln Dam and Reservoir, Wabash River, Illinois, authorized by section 204 of the Flood Control Act of 1965 (79 Stat. 1081);

(12) Helm Lake, Skillet Fork of the Little Wabash River, Illinois, authorized by section 203 of the Flood Control Act of 1968 (83 Stat. 742–743);

(13) the project for Coney Island Creek, New York, authorized by the River and Harbor Act of August 30, 1935 (49 Stat. 1030).

(f) No Federal money may be authorized for planning or implementation of the Northfield Mountain Water Supply Project, Massachusetts, or the Miller's River Basin Water Supply Project, Massachusetts.

(g) The Secretary of the Army, acting through the Chief of Engineers, shall review the following projects and report to Congress not later than June 30, 1981 his recommendations concerning the continued authorization of such projects:

(1) the Lafayette Lake Dam and Reservoir project, Wabash River, Indiana, authorized by section 204 of the Flood Control Act of 1965 (Public Law 89–298); and

(2) the project for Elk Creek Lake, Rogue River Basin, authorized by section 203 of the Flood Control Act of 1962 (76 Stat. 1192).

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

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. MOFFETT. Mr. Chairman, reserving the right to object, I will not object if the gentleman assures us that we can see a list of the projects in his amendment.

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

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

Mr. ERTEL. I will be happy to give the gentleman a list of the projects.

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

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania (Mr. ERTEL)?

There was no objection.

Mr. ERTEL. Mr. Chairman, this amendment is a substitute amendment for that offered by the gentleman from Indiana (Mr. FITHIAN) prior to the time that we closed the last time we were on the water bill.

The substitute amendment does only two things: First, it changes the Fithian amendment by changing the deauthorization of the Lafayette Lake dam and reservoir project and the Elk Creek Lake-Rouge River Basin project. The amendment provides that they shall be studied with the intent of coming back to the Congress by June 30, 1981, with a report, indicating whether the projects' authorization should be continued or deauthorized.

Mr. Chairman, the second aspect of the amendment is it incorporates all of the Fithian amendment language for the deauthorization of those projects deauthorized in the original amendment. It is a compromise between the position of the gentleman from Indiana (Mr. FITHIAN) and the gentleman from Indiana (Mr. MYERS), and a compromise between the gentleman from Oregon (Mr. DUNCAN) and the gentleman from Oregon (Mr. WEAVER).

Mr. DUNCAN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. ERTEL. I yield to the gentleman from Oregon.

Mr. DUNCAN of Oregon. I would like to suggest that the gentleman may go down in history along with Henry Clay as the great compromiser. I thank the gentleman for what he has done.

Mr. ERTEL. I thank the gentleman. I do not know whether that is a compliment or not, being a compromiser, but I take it as a compliment and I thank the gentleman.

At this point I think we have agreement.

I yield back the balance of my time, Mr. Chairman.

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

Mr. Chairman, insofar as the minority is concerned, we have no problem with this substitute offered by the gentleman from Pennsylvania (Mr. ERTEL). I just would like to point out that 14 of these projects that appear in this amendment would, by normal process of the procedure established by section 12 of the Water Resources Development Act of 1974, be deauthorized in any event either this year or at the end of 1981.

I would also like to point out that the amount of money that is involved in these projects we are deauthorizing is somewhere in the neighborhood of $2.3 billion.

I would hope that our friends in the press who have been so assiduous in their interpretation of the cost of this legislation in their reporting would also give the committee credit for this reduction of some $2.3 billion.

Insofar as I am concerned, Mr. Chairman, this substitute is acceptable.

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

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

Mr. CLAUSEN. Mr. Chairman, I want to concur in what the gentleman from Ohio (Mr. HARSHA) has stated and add simply that of all of the 19 projects incorporated into this deauthorization, there were only two requests made specifically by Members to the committee during the hearings on H.R. 4788.

□ 1330

For the record the committee received testimony relative to Lafayette Lake Dam, Indiana, and Thimble Shoal Channel, Norfolk Harbor, Va.

Mr. Chairman, as a follow-on to the statement of my good friend, the gentleman from Ohio (Mr. HARSHA), I would just like to make perfectly clear that the action we take here today in accepting the Ertel substitute for the Fithian amendment is intended in no way to be a withdrawal of Public Works Committee support for the water project deauthorization process that we established in 1974 and that has worked well since then. By accepting the Ertel substitute, we mean to do no more than to help to reach a compromise concerning the controversy that has arisen over the original Fithian amendment.

As the ranking minority member of the Public Works Committee so aptly pointed out, the statutorily mandated deauthorization procedure that we have followed since 1974 has worked and worked well. More than 360 projects have been deauthorized using this procedure. Most of the projects contained in the Fithian amendment would have soon been candidates for deauthorization under the existing procedure. For example, in 1980 the projects for Thimble Shoal Channel, Cascadia Dam, Susquehanna River Basin, West Oneonta Lake, Davenport Center Lake, Copes Corner Lake, Chester River, Hartford, and Coney Island Creek would have been eligible for deauthorization under section 12 of the 1974 act. In 1981, the same would have been true for the projects at Salt Creek Lake, Lincoln Dam and reservoir and Helm Lake. The Lafayette Lake, Illinois Waterway and Elk Creek Lake projects would have become candidates in 1983 or 1984. The amendment offered by Mr. FITHIAN is really unnecessary, but we have agreed to the Ertel substitute in the spirit of compromise so that the entire bill can move forward.

Mr. Chairman, I would just like to make two additional points. The first is that I hope the import of the fact that we have deauthorized these projects has not escaped the attention of those who have criticized the cost of this bill to the U.S. taxpayer. In deauthorizing projects in this bill, we have eliminated approximately $3.6 billion in water project authorizations. This fact has totally been ignored by those attacking the cost of the bill. My second point, Mr. Chairman, is that these deauthorizations are positive evidence testifying to the fact that roughly 50 percent of water resources projects which are authorized by the Congress are never constructed and are deauthorized before any Federal construction funds are ever spent. This is another fact totally ignored by those who criticize this bill by inflating and overstating the cost of the bill. The real truth of the matter is that the net cost of this year's Water Resources Development Act is nowhere near the $4.3 billion that has been incorrectly claimed by opponents.

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

Mr. HARSHA. I am happy to yield to the gentleman.

Mr. EDGAR. I appreciate the gentleman yielding and appreciate his comments about the total cost that is involved in deauthorization of these projects.

I was a little confused about what the gentleman's comment reflected in terms of the total cost of the bill. While we are taking a constructive action in deauthorizing these projects and the sum that is being deauthorized is a sizable amount, I do not think it follows that you can deduct that from the cost of the project in the bill. I just want to make that point.

Mr. HARSHA. I am sure that the gentleman does not think that because he would not even take the cost of the deauthorization of the Dickey-Lincoln project from the cost of the bill, and certainly that should have been.

Mr. EDGAR. I appreciate the gentle-

man's comments. I think we just have to focus on the real costs involved in this legislation.

Mr. HARSHA. Neither has the gentleman focused on the real costs of the bill before us.

Mr. ROBERTS. Mr. Chairman, I move to strike the last word and rise in support of the amendment.

Mr. Chairman, I wish to commend the gentleman from Pennsylvania (Mr. ERTEL) and the two gentlemen from Indiana for working out this provision. They have had a most difficult situation and have labored long and hard to reach an agreement.

I have no objection to the amendment. It meets the requirements, and I hope the substitute is adopted.

Mr. CONTE. Mr. Chairman, I move to strike the requisite number of words, and I rise in support of the Fithian amendment. This amendment proposes to deauthorize several costly and unnecessary water projects and includes language pertaining to the Northfield-Millers Rivers diversion proposals for the Connecticut River.

I should like to first address myself to this latter issue. On December 8, 1979, the Assistant Secretary of the Army for Civil Works, Mike Blumenfeld, sent a letter to the Office of Management and Budget stating that it was his determination after careful study of the matter not to recommend proceeding any further with the Northfield-Millers Rivers diversion proposal. Secretary Blumenfeld stated that there was no State support for the project and that upon review of the Chief of Engineers' report, he had not found the project to be superior to other alternatives. The language in this amendment reaffirms the decision of Mr. Blumenfeld for the corps by specifically providing no authorization for any additional work on the project.

Mr. Chairman, I believe my past record with regard to the funding of water resources projects demonstrates my very real concern over the misdirection of Federal policies in this area. I wholeheartedly supported the President's water policy reforms which I felt added a welcomed degree of rationality to the decisionmaking process. I deeply regret that this water resources bill does not incorporate most of these water policy reforms.

A number of my colleagues who also support the Fithian amendment have already listed a number of reasons why the particular projects listed in this amendment should be deauthorized. I will not repeat what has already been said. I would like to point out, however, that this amendment is unique because we have not only chosen these projects for deauthorization after careful analysis of their environmental and economic feasibility but, lo and behold, these projects are also opposed by the Members in whose districts they fall.

During the debate on the energy and water appropriations bill last year there was lively debate here in the House over amendments to delete funding for certain projects. At that time many Members of this body took pains to point out that the opinion of Members in whose districts projects were located should be given considerable weight in the final determinations. You may recall the creation of the Pinocchio Award by one of our esteemed colleagues who suggested this award should be issued to those Members who put their nose in other people's districts when it does not concern them. If this is the basis on which many Members are making decisions on these amendments, then for heaven's sake, let us be consistent.

I would also like to recall to Members of this Chamber that during the energy and water appropriations bill debate, it was suggested by one Member that those who opposed funding of projects should have stepped forward with a bill to deauthorize the projects rather than waiting for the appropriations process. Well here we are. We have accepted your criticism. We have taken your advice. Now we ask for your support.

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

Mr. CONTE. I am happy to yield to the gentleman from California.

Mr. CLAUSEN. I commend the gentleman for his continuing vigilance in defense of his own district and his penetrating presentation to each of the members of the committee. At the outset the gentleman made reference to the fact he was supporting the Fithian amendment, and I am assuming that that would carry forth to the Fithian amendment as amended here by this substitute amendment by the gentleman from Pennsylvania (Mr. ERTEL)?

Mr. CONTE. By all means. I am just interested in this one project.

Mr. MYERS of Indiana. Mr. Chairman, I move to strike the last word and rise in support of the amendment.

Mr. Chairman, I, too, join my colleagues in commending the gentleman from Pennsylvania (Mr. ERTEL) in his efforts and his success, apparently, in compromising here. This is a question where really there can be no winners.

I am sure my colleague from Indiana is not completely satisfied with this language, nor am I really satisfied. I think we all have our own views.

The thing that has concerned me with action by this body to strike projects without due consideration is the fact that several years ago this committee taught me a lesson. When I came down here as a young Member, I decided there was a project that needed to be built. Now, this project had not gone through the study process and the planning process, so I thought it should be authorized and I introduced it as an amendment to an omnibus public works bill. The committee, very appropriately, and very rightfully, beat the dickens out of me and proved that I was wrong in using this procedure on the House floor to authorize.

Correspondingly, I believe it is just as wrong to use this procedure to deauthorize. I know nothing about the other 18 projects. For that reason I am accepting this compromise. But the thing that deeply concerns me is what the Under Secretary of the Army, Mr. Blumenfeld and the Chief of the Army Corps of Engineers said when they appeared before our subcommittee this morning. The Chief of the Army Corps of Engineers said this: The people of the United States have been saved in flood damages this past year almost $20 billion. Almost $20 billion in 1 year was saved in flood damages that could have occurred had there not been in place the flood control measures already enacted by this Congress in past years. The startling fact is how little the country has invested in flood protection in the past, the cumulative amount for all of the years amounts to slightly over $18 billion. To say that these are wastes and, every once in a while, in a snide way some call them pork barrel, when they returned more than the total investment in total for 200 years, is something we should all keep in mind.

Now, most of us hope to be around in the year 2000 when it is projected that our country's population will be something near 300 million. It has already been projected that this country of 300 million is going to need about twice as much water as it has available today. Yet we say we do not want to provide water for the future.

That is the same kind of judgment and thinking which has given us the energy problem we find our country in today. We can import more energy, we can import oil from abroad. Maybe we cannot get as much as we would like to. But where can we import water from?

Most of us at the year 2000 expect to be grandparents, or maybe even great grandparents. When that little tyke crawls up in our lap and says "Grandpa, grandma, was it really true that when you were a little boy or little girl that you could flush the stool more than once a day; is it really true that you could take a shower or a bath anytime you wanted; was it really true that you could even water the lawn or wash your automobile; if you had an abundance of water like that, what happened to it, grandpa, grandma"; then what are you going to say to that child?

The CHAIRMAN pro tempore (Mr. PEASE). The time of the gentleman from Indiana has expired.

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

Mr. MYERS of Indiana. I know my political life would probably be easier if I succumbed to the popular notion today that these projects are bad, that we are not really going to need the water, just that same wisdom that said that we would not need energy this year. It is not easy for the farsighted people, or at least the nearsighted people to realize that we are going to need all of this water in the future and we may not have it. God is not making any more water. We have to wisely use the water we have today.

Storage makes a lot of sense. It is the only way. Ground tables are lowering.

But I say to my colleagues today, I do not want to have to answer my grandchildren and say that I took the easy way out, that I wanted an easier political life, so I went the way what seemed to be popular opinion, and I did not have the

courage to do what is right. I hope that I may not have to answer that question to my grandchildren, and the decision we make here in this Congress today can make an answer to that question unnecessary. So I ask my colleagues not to vote for what is politically popular maybe for the time, but to vote for what is right, vote for water for our country's future.

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

I want to thank Mr. ERTEL for the work that he has done and the chairman of the Committee on Public Works and Transportation, the ranking minority member, and all of the members of the committee.

I support the revised amendment offered by Mr. ERTEL that calls for a thorough economic analysis of the project. I support this amendment only if the study be a completely new and thorough examination of Elk Creek Dam based on current data, costs, and rates. In order that this body can be assured of making an informed final decision on that project, the corps must prepare an itemized benefit/cost analysis reflecting present-day figures and current principles and standards.

The citizens of the Rogue River Valley deserve to have project economics presented to them that are indicative of today's values and emerging thought regarding our Nation's water needs.

Elk Creek was authorized almost 20 years ago and was designed to meet the needs of that era. Yet in our present world of declining natural resources and runaway inflation, we can little afford to invest in projects of questionable value. Current Federal expenditures must be allocated only to those activities that meet the needs of today, and will serve future generations of Americans. Elk Creek must make it or die on its own merits as a justifiable additional increment to the existing water system.

We cannot approve construction of a $100 million Federal project that, as a weak sister, must be justified by relying on the sunk costs of projects already in place and operating.

I would like to clarify my concerns regarding this project, concerns that have been repeatedly expressed by myself and residents of the Rogue River Valley, but which to date have been inadequately addressed by the corps.

This project has been plagued for years by claims that the Elk Creek watershed is characterized by unstable soils subject to erosion, mass wasting, and turbid runoff. A not too dissimilar situation exists in an adjacent watershed, also within my district, the south Umpqua. The corps has proposed a major water project there and is conducting extensive preimpoundment studies. Those studies are designed to predict critical postimpoundment water quality characteristics such as: dissolved oxygen and biochemical oxygen demand; the potential for nutrient enrichment; turbidity and temperature; and occurrence of heavy metals. This information is vital if the effects of that dam upon the Umpqua's fishery are to be accurately portrayed.

Exactly this same information is needed for Elk Creek Dam, yet similar studies have not been undertaken. Regarding the effects of that dam, past predictions have been based on use of a computer model which has been severely criticized by scientists across the country. This is despite the fact that Elk Creek reservoir releases would directly impact the Rogue River. That is the river made world famous by author Zane Grey for its magnificent salmon and steelhead fishery. Such a fishery is dependent upon a healthy river, with clean, clear waters. We must be assured that construction of Elk Creek Dam would not jeopardize that valuable resource.

As I mentioned in my remarks last week, serious questions continue to surround other aspects of the project as well. Proposals to use Elk Creek reservoir waters for irrigation have come and gone. To date, no irrigation project has been developed to the satisfaction of all concerned parties. Studies of early Bureau of Reclamation proposals were terminated because their own economic investigations determined that the local irrigation district had inadequate capacity to repay the expenditures necessary for construction and operation of the canal and distribution system. Yet, without such a system potentially turbid waters would need to be released directly into the mainstem Rogue, with attendant deleterious effects upon the fishery.

Public and official State support for the project has wavered over the years. Downstream developers who view the dam as providing an opportunity to build on hazardous flood-plain lands continue to support the project. Gentlemen farmers and other suburban residents are vying for the project's irrigation waters. The timber industry, fishermen, and watershed land management agencies all view the project as a major threat. The controversy continues, and the corps has yet to supply answers satisfactory to concerned parties. A sound economic rationale has yet to be presented that clearly justifies expenditure of $100 million for a project of such questionable value.

The study must answer the above issues or it will be of no avail.

□ 1340

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

Mr. Chairman, I rise to commend the gentleman from Pennsylvania (Mr. ERTEL) for his effort to get us out of a difficult situation, and to express my appreciation for that. I also want to explain what I believe we are doing here today, and then to engage the gentleman, the maker of the amendment, in a colloquy so that I understand precisely what his intent is.

First, I think that we clearly, he or I, established the principle that projects can be deauthorized by action on the floor, and thereby speed up those projects. In so doing, we also catch up with projects which have not been funded for more than 8 years. We start a process here today which will lead to the deauthorization of Lafayette Lake, which is essential if we are going to provide for equity and fairness and justice to those people in the area affected. Finally, we make further reaffirmation that the person in whose district most of the project lies has something to say about the work of this committee, so that I commend the gentleman from Pennsylvania.

I now would like to engage my friend in a colloquy so that I understand precisely what his amendment does, and then I will subside, Mr. Chairman.

First of all, is my interpretation correct that the amendment language calling for a review generally limits the review to an analysis of the economic feasibility of the Lafayette Lake project and that it does not, for example, require or imply that the Army Corps of Engineers would redo their whole general design memorandum or their environmental impact statements? Is this your interpretation of the language?

Mr. ERTEL. The intent of this language is to permit the Army Corps of Engineers to undertake what is commonly referred to as a "feasibility study" or "survey report." This is the level of study preceding the general design memorandum. The Committee on Public Works and Transportation recommends and the House approves or disapproves water project authorizations based on the findings of the "survey report" or "feasibility study." While the Chief of Engineers makes his recommendation for project authorization based on the economic feasibility of a project; that is, the projects having a favorable benefit-to-cost ratio, the final survey report does include an environmental impact statement.

Mr. FITHIAN. It is my understanding that the amendment language calling for a review indicates that the Army Corps of Engineers should use current criteria in calculating the benefit-to-cost ratio and the economic feasibility of the project. Is this your undertsanding of the amendment language?

Mr. ERTEL. Yes. My interpretation of the language is that the Army Corps of Engineers should use current criteria in calculating the benefit/cost ratio and the economic feasibility of the project.

Mr. FITHIAN. The amendment reads that the "results of such review his recommendations concerning continued authorizations of such projects." Is my interpretation of your intent correct that the Army Corps of Engineers' recommendations on "continued authorization" would be a recommendation to either continue authorization or to deauthorize the project if the benefit/cost or economic feasibility is negative?

Mr. ERTEL. Yes. My interpretation is that the Chief of Engineers would make a recommendation to either continue authorization of the project if the benefit/cost ratio is favorable or to deauthorize the project if the benefit/cost ratio is unfavorable. I would add, however, that Congress has made it clear in this and prior legislation that projects can be authorized on other than economic criteria. For example, authorization for a project could be based on regional eco-

nomic benefits, the social well-being of the people, or on environmental grounds. Generally, however, the primary determinant is the national economic development account, the benefit/cost ratio, and I would expect the Chief of Engineers to make his recommendation on this basis.

Mr. FITHIAN. It is my understanding that the funds for this review will come from Army Corps of Engineers discretionary funds, rather than a line item in the appropriations bill. It is also my understanding that the so-called 8-year deauthorization process will not be interrupted by this review. Is this your understanding also?

Mr. ERTEL. Since neither Lafayette Lake or Elk Creek Dam would be eligible for deauthorization until 1983, well after the mandatory completion date of the new survey report, I do not intend this amendment to interrupt the 8-year waiting time. Pertaining to your second question, since the amendment states the corps "shall" undertake this new survey study, I would expect it to use discretionary funds. Certainly, however, the Appropriations Committee could add funds for this purpose.

The CHAIRMAN pro tempore. The time of the gentleman from Indiana has expired.

(At the request of Mr. WEAVER and by unanimous consent, Mr. FITHIAN was allowed to proceed for 1 additional minute.)

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

Mr. FITHIAN. I yield to the gentleman from Oregon.

Mr. WEAVER. Mr. Chairman, I just wanted to include myself in this colloquy and to associate myself with this colloquy on the Elk Creek project, and ask if I might ask the gentleman to yield to the gentleman from Pennsylvania (Mr. ERTEL).

Would the gentleman from Pennsylvania respond that my remarks and concerns about the study are also embodied in the general intent of this amendment?

Mr. ERTEL. If I understand the gentleman's question correctly, if the gentleman would be asking the same question about his project, would I respond the same?

Mr. WEAVER. Yes.

Mr. ERTEL. Yes, it would be the same.

Mr. WEAVER. And my own remarks, if the gentleman will yield further, that I made concerning these studies—and there were other remarks I made—would the gentleman say that was the intent of the amendment also?

Mr ERTEL. I must beg the gentleman's indulgence. I did not hear all his comments on the floor. I was doing something else at the time, but I would intend that they do a thorough job, but not spend a great deal of money.

Mr. WEAVER. I thank the gentleman very much.

□ 1350

Mr. DUNCAN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. FITHIAN. I yield to the gentleman from Oregon.

Mr. DUNCAN of Oregon. I thank the gentleman for yielding. The gentleman is not intending by his colloquy to change any of the substitute provisions of his amendment?

The CHAIRMAN. The time of the gentleman has expired.

(At the request of Mr. DUNCAN of Oregon, and by unanimous consent, Mr. FITHIAN was allowed to proceed for 30 additional seconds.)

Mr. DUNCAN of Oregon. My question was that by the gentleman's colloquy, he is not intending to change the substantive provisions of his substitute amendment?

Mr. ERTEL. If the gentleman will yield, absolutely not. I was interpreting the amendment as we had drafted it, and I hope that the gentleman would understand it that way.

Mr. FITHIAN. Mr. Chairman, I would urge an aye vote on the amendment, and let us get on with finishing this bill.

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

First of all, Mr. Chairman, I want to state to the gentleman from Pennsylvania and the gentleman from Indiana that we on the minority cannot accept that which has been contained in this colloquy because we were not given a copy of the colloquy that just now took place. Any legislative history that interprets the amendment should be agreed to by all parties. This is a concurred-in arrangement that has been in effect for quite some time, and it is just normal procedure.

Mr. ERTEL. Mr. Chairman, will the gentleman yield for a moment?

Mr. CLAUSEN. I would be happy to yield to the gentleman from Pennsylvania.

Mr. ERTEL. I thank the gentleman for yielding. I apologize to the gentleman for not having given him the colloquy. I should have. I have a copy here and would be glad to give it to him. I did not intend to change the language of the statute by the colloguy. It was strictly a magnification of the language.

Mr. CLAUSEN. In listening to what was just verbalized here and after reading from the statements during the course of the colloquy, we have been given the impression that the gentleman may be legislating beyond that which is contained in the amendment and, therefore, under no circumstances can we concur.

Mr. Chairman, a couple of points need to be made perfectly clear about what the understanding is accompanying our agreement concerning the so-called Ertel compromise substitute. The first is that the language of the Ertel substitute was jointly drafted and agreed to by the principal parties to the controversy surrounding the original Fithian amendment. These included the gentleman from Indiana (Mr. MYERS), the gentleman from Oregon (Mr. DUNCAN), and the chairman and ranking minority members of both the Committee on Public Works and Transportation and the Subcommittee on Water Resources. All of the gentlemen I just identified agreed beforehand to the language of the gentleman's amendment. None of us agreed to—or, for that matter, knew anything about—the colloquy just entered into by the gentleman from Pennsylvania (Mr. ERTEL) and the gentleman from Indiana (Mr. FITHIAN). I think I can speak for all of us when I say that we do not consider the colloquy to be part of the compromise contained in the language of the Ertel substitute and so we reject outright any assertions that it constitutes part of the understanding or legislative history associated with the substitute amendment.

Second, Mr. Chairman, I want to make certain that everyone understands that nothing contained in or associated with the Ertel substitute is meant to authorize a new study of the Lafayette Lake or Elk Creek Lake projects. In addition, nothing is meant to change or otherwise affect the underlying premises and factual assumptions supporting the original authorizations of these projects. For example, no change is intended to result from the Etrtel substitute to previously enacted statutes and their requirements, such as section 80 of the Water Resources Development Act of 1974. No change is understood to be intended in terms of how these statutes and their requirements are to be applied to the projects to be reviewed by the corps under the Ertel language. And, for purposes of the deauthorization review to be conducted by the corps of the Lafayette Lake and Elk Creek Lake projects, only the rules and requirements and policies existing at the time the projects were originally authorized—as modified by sections 12 and 80 of the 1974 act—and to be taken into account by the corps in forwarding its reports on those project's deauthorizations to Congress.

Third, it should be understood by all that the Ertel substitute cannot, on its own, result in the deauthorization of either the Lafayette Lake or Elk Creek Lake projects. Both of these projects are expected to continue to follow the existing deauthorization procedure and come before the Public Works Committee before their deauthorizations, should such appear to be warranted.

Mr. ERTEL. Mr. Chairman, will the gentleman yield on that last point so I can clarify it?

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

Mr. ERTEL. I thank the gentleman for yielding. I believe the language that we read would say that they should in fact look at this and come back to our committee. It does not deauthorize. We still have the discretion to do that, or if it continues with the authorization, we do nothing because it is already authorized. What it means is that we would have a report, and the language. Obviously we would have to come out with a report to deauthorize the project. so I hope we are not changing the standard process. All we are doing is bringing the criteria up to date and changing them in light of the inflation which has occurred, and we all know that, both on the benefits and costs side, and to look at those things which may have been disproportional.

Mr. CLAUSEN. As I already stated the review which the corps is being authorized here to perform is not to use criteria and standards different from those exist-

ing at the time the two projects were authorized. Furthermore, I understand that the gentleman from Pennsylvania, who is a valued member of the Public Works Committee, certainly concurs with me that this is not to set a precedent for altering the deauthorization procedure.

Mr. ERTEL. It is not, but it gives us language that if we decided to do it in our discretion, we can go back and do it.

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

Mr. CLAUSEN. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. I thank the gentleman for yielding. We entered into an agreement with an understanding quite different from the colloquy developed here. I find no place in the language of the amendment, as it is being now proposed anyway, to make a restudy. It says: "shall review the following projects"—and "review" means we do not go back to the very expensive studies. That is something we are all trying to escape because it adds to the burden of the taxpayers of this country.

I contacted a friend at Indiana State University over the weekend about restudies, and he said, "We don't want any more studies." He said, "I have got volume after volume of studies already." He said, "You might want to reevaluate what is already in the record. You might want to review it."

This is what the language says: "shall review the following projects."

In helping draft the language of this substitute amendment by Mr. ERTEL and in supporting it, it is my intention and understanding that no additional study is authorized and that the Corps of Engineers in conducting the review provided in this amendment shall use only that data and information it presently has available from its own investigations and plans, and not from any GAO studies or reports, or from any other authority.

Paragraph (L)(1) says: "the Lafayette Lake Dam and Reservoir project, Wabash River, Indiana, as authorized by section 204 of the Flood Control Act of 1965 (Public Law 89-298); and". This makes it clear that there is no authority to use any different B/C ratio than that provided in the 1965 act and that the Corps of Engineers is not to use any criteria provided recently by the so-called principles and standards.

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

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

Mr. ERTEL. I thank the gentleman for yielding. I should tell the gentleman that we had to change the colloquy because we changed the language of the amendment just before we put it on the floor, and that "restudy" word was cut out. He did use the word "review" in the colloquy on the floor. I want the gentleman to understand that. We had to change that to conform to the amendment, as we had to make the changes which were agreed upon here before, so that is not in the colloquy. I apologize to the gentleman. I did not have a chance to strike it.

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

Mr. CLAUSEN. I yield to the gentleman from Indiana.

Mr. MYERS of Indiana. I thank the gentleman for yielding. In question No. 2 of the colloquy, it was said:

> It is my understanding that the amendment language calling for a "review as of the date of submission of such report" indicates that the Army Corps of Engineers should use current criteria in calculating the benefit-to-cost ratio. * * *

Again, I find nothing in the amendment that says anything about changing the cost-benefit ratio or the criteria used in its development. It merely says it shall be reviewed. I reject any attempt to make the language of the amendment—and the compromise it is supposed to embody—different from what was agreed to.

Mr. ERTEL. If the gentleman will yield again, I have to caution the gentleman we gave him a statement which we had to change. The words "and restudy" as of the date of the report were excluded from the colloquy, but we do want them to review the benefit-to-cost ratio. Why? Because of inflation. There is no reason to review a report unless you bring in those particular factors. You have to bring it up to date.

Mr. CLAUSEN. I will reclaim my time.

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

The CHAIRMAN. The time of the gentleman has expired.

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

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

Mr. ROBERTS. I thank the gentleman for yielding. I would like to read to both of the gentlemen the statement that goes into the law, the amendment.

> The Secretary of the Army, acting through the Chief of Engineers, shall review the following projects and report to Congress not later than June 30, 1981, his recommendations concerning the continued authorization of such projects:

There is no restudy; it is a review. The legislative language does not call for the preparation of a survey report or a feasibility report for these projects—only a review based on information which is available. I would also point out that the interest rate to be used in determining the benefit-costs ratios of these projects will be that established by existing law and regulations, which specify the discount rates to be used for older projects and contain a "grandfather clause" relating to the applicable interest rate.

Mr. CLAUSEN. As the gentleman knows, since the Lafayette Lake project was authorized prior to 1969, the interest rate which was used when the project was authorized was grandfathered by section 80 of the 1974 act and meant to be retained. I am sure the gentleman will agree with that.

Mr. ROBERTS. I agree.

Mr. MYERS of Indiana. Will the gentleman yield.

Specifically, section 80's grandfather clause came along after such project as the Lafayette Lake and River project was authorized in section 204 of the Flood Control Act of 1965. That is the authorization, and there is nothing in the colloquy here that would change that law.

Mr. CLAUSEN. That is correct.

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

Mr. Chairman, I rise in support of the amendment. I think it demonstrates the flexibility and the willingness to work with Members on controversial problems demonstrated by the gentleman from Texas (Mr. ROBERTS) and the gentleman from California (Mr. CLAUSEN). There has been a good deal of attack on these gentlemen in the press in connection with this bill. I want to say that as the founder of the Environmental Study Conference, I have worked with them and we have been able to resolve many problems.

There have also been attacks on these gentleman in the press as regards retribution against people who oppose them. I suppose I have been as vigorous as anybody in this body in opposing them on a number of occasions, disagreeing with them on matters which affect the environment. I would just like to point out for the record that they and the committee as a whole have included in this bill projects that are very significant to my district in Mamaroneck, N.Y., and elsewhere, and they are among the largest projects that are in the bill. I want to express my appreciation for that and point out that the gentlemen have done this, despite the fact that I have disagreed with them on a number of occasions and voted for amendments which cut projects from last year's bill. While they expressed strong objections to my votes, they considered the projects in the bill on the merits and included them in the bill despite our disagreements.

I would like to take this time if I could to have a colloquy with the gentleman from California with respect to one of the projects in my district. Mr. Chairman, as the gentleman knows, we have a problem with a potential cost overrun on a small corps project in my district in Chappaqua, Westchester County, in New York, the sawmill project. Although inflation has driven the cost of this project about $300,000 above the current ceiling, under the provisions of section 437 of this bill it would be a qualified project. Since subsection (b) provides for retroactive application of this provision under appropriate circumstances, I would like to clarify that this provision is intended to permit the corps to revise existing cooperation agreements for projects within the purview of this provision.

Mr. JOHNSON of California. If the gentleman will yield, the gentleman is absolutely right. One of my first visits serving on this committee was to the gentleman's district when he first arrived here, and we looked over some of those projects at that time. I do hope that this goes on and that it is built.

Mr. OTTINGER. I want to thank the gentleman, and I want to thank the committee for starting to address some of our probems in the Northeast. They are fully as compelling in many cases as the

projects which have been traditionally funded in the West. Including in this bill the Hudson River Tunnel that is vitally needed for additional water for our area and including some of the smaller projects such as occur in my district is a sign of concern for Northeast problems which we very much appreciate.

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

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

Mr. ROBERTS. I thank the gentleman for yielding. I want to thank the distinguished gentleman from New York for his kind statement about the gentleman from Texas. All I want to say is that the gentleman from Texas is doing his best to see that the people of this country do not have the problem outlined by the gentleman from Indiana (Mr. MYERS) in that we do not have enough water. The gentleman and I have disagreed on a lot of things, but in this bill, as the gentleman knows, we have got environmental protection, plus we have built-in fish and wildlife, 10 percent, into every single project over $7.5 million. I appreciate very much the gentleman's help.

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Mr. CLAUSEN. Mr. Chairman, if the gentleman will recall, we have spent innumerable hours working with each one of the Members of the Congress who do have special and unique problems. The gentleman is one of those to whom I think the committee has given an extraordinary amount of time in order to arrive at a solution.

Mr. Chairman, I do not know whether the gentleman would like to have any further comments on this but I would like to think that maybe we have tried to work this out together in an amicable way that would serve to satisfy the interests of the gentleman's people as well as the projects sponsored by other Members of Congress.

Mr. OTTINGER. Mr. Chairman, I want to thank the gentleman from California very much for his interest and help. I voted for the Edgar amendment in the last bill and there was considerable controversy over that before the committee. The gentleman from California was particularly critical of my vote. As the gentleman knows, I have differed with the committee on a number of matters in the past. He nevertheless agreed fully that the projects should be considered on their merits and actively supported their inclusion. I am extremely grateful to him and want to reiterate that, despite our strong disagreement, he acted in complete fairness as affected my projects.

Mr. Chairman, I would just like to express my appreciation that the committee took a look at the problems on the Mamaroneck, on their merits and in resolving these problems certainly took no acts of retribution.

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

Mr. Chairman, I would like to congratulate the gentleman from Pennsylvania on his compromise. I will not take 5 minutes but I will merely say that two of the projects mentioned in this substitute are projects that relate to the Connecticut River, one of which was first authorized in 1930 and has since that time been most studied but never funded. The other is much more controversial. That is called the Connecticut River diversion project and would divert about 148 million gallons of water a day from the Connecticut River and ultimately into the Quabbin Reservoir for supply to Boston. The interesting thing about this project is virtually no one likes it. Early on the Army Engineers did and now even they have appeared to withdraw their support from the project.

Mr. Chairman, I would read a whole list of groups who oppose it but I think it is sufficient to say it is not wanted in any way. There are some people in Boston who still say the project could be a last resort for Boston and that certainly is not ruled out. I applaud the gentleman for including it and I thank him for his amendment.

● Mr. BOLAND. Mr. Chairman, as many Members of this House know, the Dickey-Lincoln School project on the St. Johns River in Maine has been a source of controversy since its authorization in the Flood Control Act of 1965. The Dickey-Lincoln project was envisioned as both, an aid to flood control in northern Maine, and as an alternative energy source for New England. New England desperately needs to develop alternative sources of power because so much of the region's power is now generated by imported oil. The Dickey-Lincoln project could save 2.3 million barrels of oil per year, a savings that is clearly in the best interests of insuring a bright economic future for New England.

In spite of the economic advantages of the Dickey-Lincoln project, opponents have succeeded in providing for its deauthorization in the legislation now under consideration by this committee. One of the project's most consistent supporters, Senator EDMUND S. MUSKIE of Maine recently made a forceful and persuasive argument in favor of Dickey-Lincoln at a meeting of the Northeast Public Power Association. I insert Senator MUSKIE's remarks at this point in the RECORD.

I am sure that the deauthorization of the Dickey-Lincoln project that is carried in this bill will not be the last word on it. The distinguished senior Senator from Maine, Mr. MUSKIE, will assure that in another forum.

REMARKS OF SENATOR EDMUND S. MUSKIE, BOSTON, MASS.

I appreciate the opportunity to be with you to discuss the Dickey-Lincoln School project.

I want first to thank all of you for your efforts over a long haul through a very difficult period.

We are at a critical point in the effort for Dickey-Lincoln. I believe we have weathered the worst the opponents have to hurl at this project with public support still relatively intact. You deserve a good deal of credit for that fact. We have much work ahead of us, but I believe we will succeed. We will succeed because Dickey-Lincoln is vital to New England's energy future.

I feel a little like the preacher sermonizing to the faithful on the importance of church attendance. But I have not had occasion to share my thoughts on Dickey with you for some time. I hope you will bear with me, because I would like to consider with you the future of Dickey-Lincoln—where do we go from here?

Dickey-Lincoln has been so frequently and grossly mischaracterized by opponents that I always consult the record before I discuss the project. It is always a refreshing experience.

After more than a quarter century in public life, one becomes accustomed to exaggerations and distortions by proponents or opponents of one or another point of view. The opponents of Dickey-Lincoln may have reached new heights—or depths—and I suppose in the process, unintentionally paid tribute to inherent merits of the project.

I was not surprised to hear opponents of Dickey-Lincoln announce that a project specifically designed to preserve the Allagash Wilderness waterway would destroy that splendid canoeing river.

I was not surprised when I heard opponents proclaim that the project would cost $2 billion and flood 500 thousand acres, when in fact it will cost $800 million and flood 88,000 acres—less than half of one percent of Maine's forest land. They're off by a factor of 250 and 500 percent, respectively, but their figures sound dramatic and make good headlines.

I was not surprised that opponents would tell Maine people that all the power was being exported to benefit the profligate energy consumers in Massachusetts and southern New England—and then watch the same opponents tell the people of Massachusetts and southern New England that the project would make no significant contribution to their energy needs. In fact, about 45% of the output from Dickey-Lincoln will be consumed as base and intermediate load power in Maine. The remainder will be distributed as peaking power around New England to meet 17% of the region's peaking power needs.

I was not surprised to read a letter last year in which opponents describe the environmental impact statement as an attempt by the Corps of Engineers "to justify building the dam." The same opponents have said we don't need an environmental impact statement and opposed funding for it every year. These same opponents first used the environmental impact process to delay the project—they then used the hearings that process requires as a forum to distort and denounce the project. And I fully expect the same opponents will soon proclaim that the statement they didn't want completed is inadequate and that we need more studies before construction begins.

In fact, the New England Division of the Corps of Engineers has done an outstanding job on the environmental impact statement. It deserves to be commended for its thoroughness, fairness and openness. The record will show that the environmental process was honored and protected by the Corps, while opponents of Dickey, flying an environmental banner, sought at every turn to undermine the process.

I was not even surprised when a young woman approached me recently to ask how I could support construction of a nuclear dam at Dickey-Lincoln.

For some reason, opponents are unwilling to accept the simple fact that I find Dickey-Lincoln the most environmentally acceptable energy alternative available to Maine and New England. They go to considerable lengths to reconcile my environmental record with my support of Dickey-Lincoln. They have variously asserted that "Muskie has a blind spot on Dickey-Lincoln" or "Muskie is a tool of labor" or "Muskie puts public power over public resource." But apparently, they could never find one that stuck, because I have now come across a new approach which does surprise me and does offend me.

I am advised by my colleagues in the Senate that the latest distortions by those lobbying against Dickey-Lincoln involve the suggestion—and sometimes outright assertion—that I don't really support Dickey-Lincoln. The opponents apparently persuaded themselves—if no one else. I received a letter from the National Audubon Society last year asserting that I shared their view that Dickey-Lincoln is "environmentally destructive."

I may be overly sensitive, but I think that's going too far. I went to some trouble to assure the National Audubon Society that I do not share their view.

I hope I succeeded. It may be a small beginning, but if they can begin with this one fact, perhaps they can move on to develop an accurate assessment of the whole project.

Well, Dickey-Lincoln is not a nuclear dam, but what is it?

Dickey-Lincoln is a hydroelectric and flood control project which will be constructed on the upper St. John River in Northern Maine. It will consist of two dams: A large storage dam which will capture the spring runoff from the snow melt, provide flood control to eliminate floods in the St. John Valley which cost an average of $6.5 million per year, and generate 1,183,000,000 kilowatt hours of power as required for New England consumers: And a regulating dam downstream which will capture the water released from Dickey and discharge it over a period of time to generate 262 million kilowatt hours of energy annually and provide a steady flow on the river. That regular flow will enhance generation at existing downsteram dams by an additional 350 million kilowatt hours per year.

In current dollars, the total cost for construction of the project, including both dams and transmission lines, is $844 million.

The Federal Government will build the project with funds appropriated by Congress. The cost will be repaid to the Federal government with interest over the first 50 years of the project. Because much of our region's peaking power is now generated by burning heating oil, the project will reduce oil consumption in New England by 2.3 million barrels a year. At today's prices, it would displace more than $60 million a year in oil that will otherwise be imported to New England.

No one knows what oil might cost in 10 or 20 years, but even at today's prices, New England will spend $850 million in 15 years for the oil Dickey-Lincoln would have displaced if it were on the line. Dickey-Lincoln would pay for itself through the sale of power in less than 50 years. And it would still be producing power in 100 years—quite literally, free, inflation-proof power.

In short, Dickey-Lincoln will be an outstanding investment for the Federal government and a tremendous bargain for New England consumers.

The most remarkable fact about Dickey-Lincoln is that we have not built it yet. After years of study and struggle, it looks as good as we thought it would. Perhaps better.

Dickey-Lincoln actually entered public debate, of course, as something of a stepchild. Initial interest in federal energy development in Maine was directed at the potential for generating electricity from the tides in eastern Maine and New Brunswick. President Roosevelt actually began construction of the Passamaquoddy project in the 30's, but stopped development after one year.

When President John Kennedy took office in 1961, he agreed to take another look at Passamaquoddy. In the course of those studies, it became clear that tidal power would not be economically feasible on its own, but might be if accompanied by a conventional hydro project that could "smooth out" the 12-hour tidal cycle. So we looked at the upper St. John River in the early sixties and reached a point where President Johnson, in July of 1965, recommended construction of the Dickey-Lincoln project. Congress authorized construction of Dickey-Lincoln in the flood control act of 1965.

That 1965 authorization was a major milestone and represents a significant achievement. It was a very difficult fight, not unlike the effort which remains ahead of us.

Dickey-Lincoln is the first major Federal hydroelectric project authorized for construction east of the Mississippi and north of the Mason-Dixon Line. There are a number of historic reasons for that which I won't go into now. I think most of you understand them.

New England consumers pay a tremendous price for that anomaly. It is a price we cannot afford any longer. New England is 80 percent dependent on oil for its energy, compared to a national average of 47 percent. Most of New England's oil is imported, and most of that is from OPEC. New England's energy costs are 26 percent higher than the national average.

Recent international events very clearly demonstrate the vulnerability of oil supplies abroad. Disruptions and continuing price increases are weakening our national economy, driving inflation up and complicating our international relations. The entire nation is affected. But in many ways, New England is affected most directly and most severely.

The absence of Federal hydropower doesn't fully explain our energy problems in New England, but construction of Dickey-Lincoln is a critical element in responding to them.

Although Dickey-Lincoln was authorized in 1965 over the objections of investor-owned utilities from the northeast, these opponents succeeded in blocking appropriations for any work on the project from 1965 to 1974. In 1974, the Arab oil embargo focused attention on Dickey, and $800,000 was appropriated for advanced planning and engineering. The National Environmental Policy Act was the law of the land, so we directed the corps in 1974 to proceed with environmental studies and provided $2.5 million in that year. We have financed the studies at the level requested each year since.

The money in the current budget should allow for completion of the environmental studies this spring, as I understand it.

The environmental review of Dickey-Lincoln has been a long, tedious and thorough process. It was not painless for supporters of the project. Like all major energy projects, Dickey-Lincoln will affect the environment. Indeed, it will change the character of the St. John River. But no significant environmental problems were discovered. The search was exhaustive and it provided opportunities for opponents to dramatize and distort aspects of the project. The environmental impact statement is intended, in part, to provide a forum for opponents. If I am disappointed with events of the last few years, it is not because opponents of Dickey came forward to speak. It is because those opponents had so little faith in the process, or their own position, and chose instead to abuse the process and distorted the facts.

There is no question opponents managed to erode support for Dickey-Lincoln. But after five years of a massive and intensive public relations campaign in Maine and a lobbying campaign in Congress against Dickey-Lincoln, it is clear that more Maine people support Dickey-Lincoln than oppose it. And Congress continues to provide funds for the project.

The University of Maine last fall conducted a statewide poll for the state office of energy resources. That poll, which was released on December 24, shows 42% of Maine people in support of the project and 36% opposed to it. In northern Maine—Aroostook county, where the project will be located—a clear majority favors construction.

After five years of very noisy opposition, that survey is testimony to the basic good sense of Maine people, and the clear merits of the project.

So we are here today to look at the future and to look toward construction.

I think we have reached the testing point. I am prepared to agree now with one major point advanced by opponents of Dickey-Lincoln:

We need no further studies of Dickey-Lincoln, we have examined the project and it is sound. It is sound economically. It is sound environmentally. And it is sound from an energy perspective.

But we still face the serious and difficult task of making it a reality.

The $800 million required for construction of Dickey-Lincoln will have to be appropriated by Congress over the 7-year construction period. The money will have to be provided during a time when the Federal budget will be under tremendous pressure from those who want to achieve balance, keep programs up with inflation, increase defense spending and cut taxes.

A new project, particularly a new water resource project, is not guaranteed a warm reception in that climate.

We shall have to show that Dickey-Lincoln is not only in Maine's interest, in New England's interest and in the national interest, but is a priority item on the agenda. Dickey-Lincoln meets those criteria and I believe if we set out today with the objective of presenting that case to Congress, we can succeed.

We start with some real pluses. There is a strong reservoir of very effective members in both Houses on both sides of the aisle who understand and support Dickey-Lincoln. The battles we have come through thus far have established a depth of support that will be invaluable as we proceed.

The environmental impact statement and the debate which accompanied it will help us. We can go into Congress with credibility because we have examined Dickey-Lincoln not as a pork-barrel project, but rather as an energy alternative.

During the hearings on the environmental impact statement, when debate on Dickey-Lincoln was raging in Maine, some of my colleagues were befuddled and would ask me about it. They tended to be from districts where the accumulation of Federal installations was considered the primary responsibility of the local Congressman. They were unable to comprehend why Maine people could debate for a second the infusion of $800 million of federal capital. The old saying to the contrary notwithstanding, I had to explain that Maine people have a long tradition of very carefully counting the teeth of gift horses.

So we have counted Dickey-Lincoln's teeth.

We have demonstrated that Dickey-Lincoln is important to Maine and New England. It provides clean, dependable energy at reasonable and inflation-proof prices. It reduces our dependence on imported oil, and it will allow development of additional sources—alternative sources if you will, that could further reduce our dependence on imported oil.

The same factors that make it valuable to Maine and New England make it valuable to the country. These factors are receiving increased attention in Washington as we survey the national energy landscape.

One week ago today, January 11, the general accounting office issued a report entitled "Hydropower—An Energy Source Whose Time Has Come Again."

That report reiterates the virtues of hydropower: Clean, inflation-proof, reliable and flexible.

The report repeats the general mathematical evaluation for hydropower which the corps announced for Dickey-Lincoln in December. Because oil costs are rising so fast relative to construction costs, hydropower

and Dickey-power become more and more attractive every month. Hydro costs are almost entirely associated with construction, so once a plant is in place, costs do not rise but actually fall.

Dickey-Lincoln compares favorably with oil-fired plants today. How much better will it compare 50 years from now after all capital costs have been paid back and the plant continues to generate electricity for Maine and New England?

I recommend the GAO report to you. It examines present restraints and urges specific action to encourage development of hydro.

The GAO report will not rule the day, but it is one more important confirmation of the excellent work the corps has been doing and an important buttress to many of our arguments.

There is one last justification for Dickey-Lincoln that I want to share with you. It relates back to the very reasons we first conceived the project. A storage project like Dickey not only provides peaking capacity for regular anticipated daily and seasonal load increases. It also provides tremendous reserve capacity for energy emergencies and to back up a less reliable alternative source.

As the managers who must assure the steady flow of current to your customers, you understand the importance of adequate capacity and reserve capacity. You also understand the trends in demand and supply and the real squeeze on reliable capacity. I suspect that most of you were aware that as of early December last year, New England was looking at the real prospect of blackouts and brownouts in January if a Nuclear Regulatory Commission order to close down six nuclear plants in New England was not waived. A waiver was granted and the crisis avoided, but it was uncomfortably close.

If a future emergency required that a shutdown be implemented, the reserve capacity of Dickey would pick up a significant part of the load.

On a more positive side, Dickey-Lincoln enhances opportunity for development of a variety of alternative energy sources in New England. Opponents of Dickey-Lincoln attempted to convert the debate from an evaluation of Dickey as a substitute for oil to an analysis of alternatives to Dickey. They did not succeed, in part because the need to displace oil is obvious, and in part because Dickey wins hands down over the alternatives. But we do not have an "either-or" situation, and if we really want to improve our energy future, we should use Dickey to allow us to proceed with new sources.

Just as Dickey's reliability and flexibility could enhance the feasibility of tidal power—a prospect I think will some day be realized—so too can Dickey enhance the feasibility of low head hydro development, wind and even solar power.

Even wood burning may require some electrical back-up which Dickey could help provide. I understand some Maine utilities are worried that houses which heat primarily with wood stoves or furnaces but use an electric back-up system may increase the winter peak demand in ways that are difficult to predict. Dickey's reserve capacity would help avoid problems in that regard.

If you detect a theme in this part of my remarks, I have succeeded. There is a vital role for Dickey in the future, and you are in the best position to help define it. I hope you will apply your talent and resources to seeing that Dickey-Lincoln's importance is clearly understood.

If you look at the map of Maine, the northern part of Maine is roughly in the shape of an arch. Dickey-Lincoln is located pretty close to the keystone of the arch. That is an appropriate symbol. Dickey-Lincoln can be the keystone to our energy future. We have to move to put it in place.

I see no reason to wait. Opponents say we have studied long enough. With your help, I will ask the Congress this year to finance construction of the project. With a divided New England delegation, it will be a tough fight. But if the facts win out, so will we.●

● Mr. FITHIAN. Mr. Chairman, it is my understanding in conversations off the floor that if the Army Corps of Engineers "review" concludes that the Lafayette Lake project is either economically infeasible, with a negative cost-benefit ratio, or should be deauthorized, that members of the subcommittee here today are prepared to accept deauthorization of Lafayette Lake as part of the next water resources bill in the 97th Congress.

I am pleased that the Fithian amendment, as amended by Mr. ERTEL, would lead to the deauthorization of 17 projects that are unneeded and unwanted in the districts they were designed to serve. I am joined in this bipartisan effort by 13 colleagues—Congressmen EDGAR, O'BRIEN, SHARP, HANLEY, MOFFETT, WEAVER, ROBERT W. DANIEL, SOLARZ, SIMON, CORCORAN, DAN CRANE, CLARENCE MILLER, and Congresswoman BYRON—who have experienced frustration in getting their projects deauthorized.

If these 17 unwanted projects were ever built, they would potentially cost the American taxpayer more than $2 billion. I believe that there is a great deal of merit in trimming out the deadwood from already existing authorizations at the same time that Congress is considering billions of dollars in new water projects. I am hopeful that this amendment has established the principle of deauthorization of water projects on the House floor by Members in whose districts these useless projects are located.

PROJECTS IN THE FITHIAN AMENDMENT

Project	State	Member's district	Date author-ized	Last funded	Estimated cost (millions)
1. Chester River	Pennsylvania	Robert Edgar	1919	1955	$0.07
2. Connecticut River above Hartford	Connecticut	Toby Moffett	1930	(1)	256.0
3. Coney Island Creek	New York	Stephen Solarz	1935	1936	2.0
4. Copes Corner Lake	do	James Hanley	1938	1951	101.7
5. West Oneonta Lake	do	do	1938	1951	64.8
6. Davenport Center Lake	do	do	1938	1964	74.5
7. Genegantslet Lake	do	do	1944	1951	63.1
8. South Plymouth Lake	do	do	1944	1950	42.4
9. Norfolk Harbor anchorage	Virginia	Robert Daniel	1954		
10. Cascadi Dam	Oregon	James Weaver	1962	1969	141.0
11. Salt Creek Lake	Ohio	Clarence Miller/Tom Corcoran	1962	1973	31.0
12. Illinois Waterway navigation project	Illinois	George O'Brien	1962	1975	851.3
13. Lincoln Lake	do	Dan Crane	1965	1972	131.0
14. Helm Lake	do	Dan Crane/Paul Simon	1968	1974	32.9
15. Big Blue Lake	Indiana	Phil Sharp	1968	1979	130.0
16. Sixes Bridges Dam	Maryland	Beverly Byron	1974		35.4
17. Connecticut River diversion project	Connecticut	Toby Moffett			129.0
Total					2,086.17

1 None.

Reform must go hand in hand with new authorizations. I am hopeful that future authorizations will contain a deauthorization provision. and that Members of the House will have an opportunity to avail themselves of this process.

I believe this amendment reaffirms the longstanding custom of the House and the Public Works Committee in granting congressional privilege to the Member in whose district a particular public works project is located when such issues come for a vote. It takes a great deal of courage for Members to seek deauthorization of projects in their district; in the past, it has been tantamount to political heresy. But times have changed, and many things have been reversed. Most of these 17 projects are environmentally unsound and economically infeasible, and will never be built. It is reasonable, therefore, that these projects be terminated so that local initiatives for alternative development of the resource can be implemented. You cannot create a State park or a county or municipal recreation area where a Federal project has been authorized. Under these circumstances I do not think it is too much to ask Federal Government to step aside to let local and State governments work their will and to give the people living in these designated areas peace of mind about their future.

In my own district, I have been trying unsuccessfully for nearly 5 years to get Lafayette Lake project deauthorized. I am hopeful that the "review" mandated by this substitute will lead to deauthorization of this project during the first water resources bill in the 97th Congress. The "review" is due for completion on June 30, 1981.

I am confident that any review of the Lafayette Lake project based on current criteria, including the current interest rate of 7⅛ percent, will conclude that the project is economically infeasible, with a negative cost-benefit ratio. In 1976 the Army Corp of Engineers calculated that the project had a positive cost-benefit ratio of 1.3 to 1, but was based on an interest rate of 3¼ percent; if calculated at present criteria, the ratio would be well below 0.50 to 1. This project never included criteria for a local water supply or hydropower benefits and these new aspects could not be added to this project design. Therefore, it is unlikely that the Army Corps of Engineers could return anything but a negative economic assessment of this project. I will request that the GAO review the methodology utilized by the Army Corps of Engineers in its "review" of Lafayette Lake.

If the Army Corps of Engineers recommends that the Lafayette Lake project be discontinued or deauthorized, I am hopeful that the Congress would accept these conclusions and proceed to deauthorize the project. There is no point in conducting a study unless Members are willing to abide by the results. It would be a waste of the taxpayer's money to ignore these results. I appeal to every member of the

subcommittee and full Public Works Committee—on the basis of fairness and equity—that they include the deauthorization of Lafayette Lake in the first water bill during the 97th Congress.

The case against the construction of Lafayette Lake is overwhelming. There are several compelling reasons for deauthorization of the project.

First, the Indiana congressional delegation is strongly in favor of deauthorization, as both U.S. Senators and 10 of the 11 Congressmen support deauthorization.

Second, the Indiana House of Representatives and the Indiana State Senate recently passed a resolution deauthorizing the project at the State level, by votes of 89 to 4 and 32 to 14, respectively. Governor Otis Bowen signed this resolution on February 12, 1977. The State has, therefore, officially withdrawn all support from the project.

Third, the Congress blocked funds for the projects in fiscal year 1977 and no funds have been requested for fiscal year 1978 or fiscal year 1979, or fiscal year 1980 or fiscal year 1981.

Fourth, the Army Corps of Engineers has placed the project on the inactive list.

Fifth, the Office of Management and Budget in the past indicated that it did not oppose immediate deauthorization of the project.

Sixth, the project is environmentally unsound and economically infeasible.

Seventh, the general public is decisively opposed to this project.

Eighth, the project cannot. and will not, be constructed.

In addition, the lack of deauthorization of the project is causing special problems in Tippecanoe County. Without Federal deauthorization, State and local officials will not pursue alternatives such as a State park or recreational area. Neither State nor local officials are willing or able to commit funds for an area in which a Federal project is still authorized.

Significantly, there are many other problems caused by the lack of deauthorization. These include:

First, the uncertainty of deauthorization keeps the county, private developers, and residents of the Lafayette Lake area in a constant dilemma. There is a definite lack of initiative for development when the threat of the lake remains. People are reluctant to build onto their present homes. There is a flat prohibition against new construction in the area, except on existing lots. No new subdivisions are permitted.

Second, the Wildcat Valley is gradually becoming a "depressed area," not only in the marketplace definition of the term, but also in the potential and promise which such a productive and valuable area would normally achieve for itself.

Third, county officials have adopted a Band-Aid approach to bridge and road structures in the area, that is, construction of temporary structures. There is a great reluctance by the county to make major improvements or build permanent structures in areas that could later be condemned.

Fourth, local farmers who work the land in the proposed lake area are unwilling to take the financial risks necessary to purchase equipment, land, and generally improve their farming operation. Full production, therefore, is not obtained.

Fifth, the board of county commissioners concluded that "the most significant damage being done by authorizations is the personal sense of loss incurred by the residents of the Wildcat Valley. To live under the constant fear of being forced from their homes is a severe cross to bear."

I strongly believe that it would be unfair for the Lafayette community to have to wait 8 years until Federal deauthorization is accomplished under the provisions of section 12 of Public law 93-251. This law states that only projects which have not received funding for 8 consecutive years could be candidates for deauthorization. Immediate deauthorization is a practical means to resolve not only the day-to-day problems in the Wildcat Valley, but also the long-range pressing problems of agricultural, commercial, residential. and recreational planning for the entire area.●

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. ERTEL) as a substitute for the amendment offered by the gentleman from Indiana (Mr. FITHIAN).

The amendment offered as a substitute for the amendment was agreed to.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana (Mr. FITHIAN), as amended.

The amendment, as amended, was agreed to.

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

Mr. Chairman, as we come to the close of the debate on this important bill, I think it is appropriate to emphasize several issues that have arisen during the course of these deliberations.

It is obvious, Mr. Chairman, that this bill has widespread support in the House. I am fairly certain that it enjoys equally widespread support in the other body. Our task now becomes one of opening the eyes of the administration as to the need to sign this legislation into law promptly so that the appropriations process can work its will on those projects most worthy and most urgently needed.

I rose during the debate last week to raise an issue that I believe lies at the heart of this "clash" between the legislative branch and the executive branch of our Government. The crux of the matter is who is going to decide water policy for these United States. Will it be the Congress or shall it be a handful of self-appointed individuals within the administration?

This clash is not a new one. The Congress and this administration have differed on water policy from the start. We must continue to work to resolve those differences. But the Congress must not abdicate to the executive branch powers that will virtually hand to the executive branch the roles of prosecutor, judge and executioner where water projects are concerned.

We have heard contentions from downtown that water projects are inherently wasteful expenditures of money and that they fail to take proper account of environmental considerations.

Yet the folks downtown refuse to recognize that the scrutiny which these projects undergo in the Public Works Committee speaks primarily to those issues. No project is recommended by that committee which does not meet environmental concerns or whose cost-benefits ratio does not justify allocation of Federal resources.

The administration buries its head in the sand when we speak of the costs that will be saved because of a Federal investment. I spoke last week of four projects in my district—Fifteen Mile Bayou, Helena Harbor, Lake Neark, and Eight Mile Creek—that are just such cases. Federal investment in those projects will prevent chronic flooding in West Memphis, Ark., saving thousands of dollars to the Federal Government in flood damages and assistance to recoup losses; Federal investment will provide heretofore nonexistent recreational opportunities to the people of northeast Arkansas and obviate the need for frequent dredging of Osceola Harbor; Federal investment will free some 3,000 citizens of Paragould, Ark., from the fear of being driven from their homes every 2 or 3 years by uncontrollable waters; and finally, Federal investment will generate the spark that one of the most economically depressed areas in the State of Arkansas needs to reverse a trend of no growth to one of renewed growth. The new harbor construction at Helena will provide the jobs and the tax base necessary to rejuvenate the Phillips County area.

These needs are people needs, Mr. Chairman. You will find few people in my State who view Federal expenditures for water resources as a wasteful investment. On the contrary, my people place few needs at a higher priority than the need for wise management of water resources.

Water resource projects have come under fire as running counter to environmental needs. The forces of production have collided with the forces of preservation, setting off highly charged embers of emotion which often blinds both sides of the argument to reality. Clearly, we have a responsibility to preserve the environment in which we live, but we also have the responsibility for meeting the economic and social needs of our people.

Every project contained in this bill must meet rigid environmental guidelines. They should not be held hostage on charges of being unsafe for the environment. Those charges are unfounded.

We have heard other contentions about some of these water projects; namely, that they should be eliminated from the bill because there is no final report. It is the administration, Mr. Chairman, that controls that process. And they have. We have not seen a final report since we locked horns on water policy.

The administration has chosen to play another game with the Congress in terms of the question of "finality" of reports.

In the proposed budget for fiscal year 1981, we find, and I quote:

No new starts for water resource construction are specifically recommended in the 1981 budget because the independent review of projects by the Water Resources Council must await authorizing legislation. The administration will propose funding for new starts as soon as such reviews can be legally conducted.

This latest entry in the eternal circle of water policy determination leaves us with an administration withholding or delaying final corps reports as a basis for opposition to water resource project authorizations measure that they maintain are needed to proceed with budget recommendations.

In other words, since Congress has not approved the executive branch's water resource policy proposals the executive branch will attempt to block authorization of new projects and funding of new construction starts with the argument that the needed project report reviews has not been completed.

This committee has had sufficient time to review the projects contained in this bill. There is nothing hasty or ill conceived in their product. It has been 4 years since the Congress has enacted a water resources authorization bill. This bill has been thoroughly washed and dried. I say that it is time that this process and this committee have our support.

I would only remind my colleagues again of the warnings of our Speaker. Let us not adopt a wait-and-see attitude about what the future holds for this Nation's water resources, as we did for energy.

Is Congress a strong and coequal institution with the executive branch? Or are we a weak reed bowing before the winds of executive branch proposals we believe not to be in the best national interest?

Congress has a duty to make responsible decisions on water resource projects. Though our Nation has a need for the Congress and the executive branch to work in harmony, when those conflicts cannot be resolved, it is up to the Congress to take a firm stand.

I urge an affirmative vote on this bill, Mr. Chairman, and I hope that we achieve it in numbers sufficient to signal the administration that the American people want water resource needs addressed in the time-tested process that the Congress adopted and which has served this Nation well.

AMENDMENT OFFERED BY MR. EDGAR

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

The Clerk read as follows:

Amendment offered by Mr. EDGAR: Page 180, line 3, add the following after 'condition.' before the '"': The Secretary is not authorized to carry out any of the work described in this subsection unless the state in which the work is to be accomplished has in existence and is maintaining a dam safety program for non-Federal dams which insurers that non-Federal dams are built in accordance with sound engineering practice, protect the safety of the public, and are maintained in safe condition.

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

Mr. EDGAR. I yield to the chairman of the subcommittee.

Mr. ROBERTS. Mr. Chairman, the gentleman from Pennsylvania has provided us with a copy of his amendment. We see nothing wrong with it and this side is willing to accept the amendment.

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

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

Mr. HARSHA. Mr. Chairman, when we agreed to open up title III for the gentleman, so he could offer his other amendments, he told me at that time he would only offer certain amendments. Is the gentleman going to abide by that understanding? The gentleman has but one other amendment to offer?

Mr. EDGAR. This gentleman has but one other amendment that he will offer this afternoon.

Mr. HARSHA. The minority has no objection to the amendment, Mr. Chairman.

Mr. EDGAR. Mr. Chairman, section 435 would put the Corps of Engineers into the business of repairing hazardous, non-Federal dams owned by the States or political subdivisions thereof. The section provides that the costs of repair are to be repaid to the United States over a period of 50 years. Hazardous non-Federal dams are a serious problem; however, the approach outlined in section 435 would, in my judgment make the situation worse, not better. The reason is that there is no quid pro quo, in the sense that there is no incentive for States to have good dam-safety statutes on the books with good dam-safety inspection.

I am proposing an amendment to section 435 which would correct this defect. My amendment would condition Federal help in repair of hazardous non-Federal dams upon the States themselves having in effect dam-safety statutes governing the building of non-Federal dams—statutes which protect the public safety, which set down solid engineering standards, and which provide for regular inspection and maintenance of such dams.

My amendment is needed because the rate of construction of non-Federal dams has been increasing exponentially in recent decades. We are not talking about dams built at the turn of the century. Almost half of the States in the country do not have adequate dam-safety laws according to testimony given to the House Government Operations Committee. Even States which do have good dam-safety laws sometimes do not appropriate any money to carry them out and enforce the inspection program. Passing section 435 is likely to aggravate the present situation, not improve it. My amendment would go a long way to correcting the failure of section 435 to provide any incentive to a State to keep non-Federal dams in a safe-and-sound condition and to insure that new non-Federal dams are built up to sound standards.

It should also be noted that this section provides a handsome subsidy to those States that have not maintained their dams in sound condition: They get immediate relief from the Federal Government and get easy repayment terms. Unless my amendment passes, the House will simply be rewarding those States that have exercised the least amount of responsibility in maintaining safe non-Federal dams.

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

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

Mr. CLAUSEN. In concurrence with the chairman of the subcommitttee and the ranking member of the full Committee on Public Works and Transportation (Mr. HARSHA), I, too, want to join in supporting this amendment, and also to state that it does follow the track record of this committee in attempting to address in a very positive way the whole issue of dam safety. I think the gentleman is to be commend for offering the amendment consistent with established committee policy.

Mr. EDGAR. I thank the gentleman, and yield back the balance of my time.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. M'CLORY

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

The Clerk read as follows:

Amendment offered by Mr. McCLORY: Page 180, after line 5, insert the following:

(c) Section 3 of the Act entitled "An Act to authorize the Secretary of the Army to undertake a national program of inspection of dams" (Public Law 92–367; 33 U.S.C. 467b) is amended by adding after the first sentence thereof the following new sentence: "In any case in which any hazardous conditions are found during an inspection, upon request by the owner, the Secretary, acting through the Chief of Engineers, may perform detailed engineering studies to determine the structural integrity of the dam, subject to reimbursement of such expense.".

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

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

There was no objection.

Mr. McCLORY. Mr. Chairman, this amendment has been cleared with both the majority and the minority. It merely authorizes the Secretary of the Army, through the Corps of Engineers, to authorize phase II engineering studies subject to being reimbursed following the performance of those phase II studies.

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

Mr. McCLORY. I am happy to yield to the gentleman from Texas.

Mr. ROBERTS. Mr. Chairman, the gentleman's amendment ties in basically with what the gentleman from Pennsylvania was doing, and I have no objection to the amendment.

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

Mr. McCLORY. I will be happy to yield to the gentleman from California.

Mr. CLAUSEN. In considering the amendment, as I have discussed it with the gentleman, and discussed it with other members of the committee, it is

with the understanding that the contracting for the engineering itself by the Corps of Engineers would place the maximum emphasis on going to the private sector, which is essentially basic policy, but this amendment does conform to that objective?

□ 1410

Mr. McCLORY. It is my understanding that is the practice at the present time. It is understood that that would be followed by the Chief of the Corps of Engineers if this amendment is adopted.

I thank the gentleman.

Mr. Chairman, under the legislation authorizing the Corps of Engineers to inspect dams throughout the country, a visual examination of thousands of publicly and privately owned dams has been carried out.

According to the reports of the Corps of Engineers, many of the dams have been declared to pose hazards to persons and property. Unfortunately, the corps' reports do not designate the repairs or replacements that should be undertaken to remove the hazards cited in the corps' reports. The dilemma which devolves upon the local communities or private property associations or owners under such circumstances is unprecedented. In general, as in the case of the Lake-in-the-Hills Dam, the level of the privately owned lakes was ordered lowered to a depth which exposed large areas of the lake bottom. This, in turn, created an unsightly and unhealthy condition. The Property Owners' Association found itself without a source of funds to determine what, if any, repairs were required to be made.

Mr. Chairman, my amendment will enable the Corps of Engineers to undertake the so-called phase II engineering provided that the owners—public or private—agree to reimburse the corps.

Mr. Chairman, my amendment provides for the authorization and funding pursuant to which the Secretary of the Army, through the Corps of Engineers, might assume responsibility for phase II engineering analyses in cases where dams are declared unsafe after a phase I (visual) inspection.

Of particular concern to me are three dams in my own congressional district: Lake-in-the-Hills, Tara, and Lake Marian. When the corps initially declares a dam to be unsafe, it is not a conclusion based upon a thorough and detailed engineering analysis; rather, a judgment is made upon a cursory visual inspection, even though such findings may result in emergency action; for example, posting a 34-hour watch at a damsite, or lowering the water level, et cetera.

The corps' findings can thus impose a tremendous liability upon the property owners or the local community. I think it is a pretty serious business to take this sort of action, based only upon preliminary findings, and that is why I am offering this amendment. It seems to make sense for the corps to fully complete their inspection following the initial phase I inspection and then follow through by making the results of the phase II engineering analysis available to State and local dam owners.

Mr. Chairman, my amendment will enable local citizens to better protect their community against dam failures, and will enable people all over the country, including my constituents, to make the repairs necessary.

No one needs to be reminded of the present situation of unsafe dams. As of June 1979, 24 percent of the dams inspected thus far under the National Dam Inspection Act of 1972 have been classified as unsafe and in need of repair.

Adoption of my amendment will be a significant step toward insuring the safety of our dams and will provide the means for determining what repairs may be necessary. Following such phase II engineering studies, needed repairs or other action may be undertaken to protect human life and property in accordance with the clear objective of the act authorizing the inspection of our Nation's dams.

Adoption of the amendment should be of benefit to virtually every part of the country—and will specially benefit many of my constituents in Illinois' 13th Congressional District.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. WON PAT

Mr. WON PAT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. WON PAT: Page 185, after line 8 insert the following:

SEC. 443. Section 22 of the Water Resources Development Act of 1974 (Public Law 93–251) is amended by adding at the end thereof the following:

"(c) For the purposes of this section, the term 'State' means the several States of the United States, the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, the Commonwealth of the Northern Marianas, and the Trust Territory of the Pacific Islands.".

Renumber subsequent sections accordingly.

Mr. WON PAT. Mr. Chairman, the amendment which I am offering today will make Guam, Puerto Rico, American Samoa, the Virgin Islands, the Northern Mariana Islands, and the Trust Territory of the Pacific Islands eligible for comprehensive planning assistance related to the development, utilization, and conservation of our water resources. Such comprehensive planning assistance is already available to the States under section 22 of the 1974 Water Resources Development Act. My amendment today will merely expand the definition of State within that section so as to include the various territories of the United States.

I am taking this action because of the acute need for the comprehensive planning of the use of our water resources in Guam and in other insular areas as well. Island ecosystems are very fragile and water is one of our most precious resources. This amendment will make the territories eligible for technical assistance from the U.S. Army Corps of Engineers in developing comprehensive plans for the protection of this resource. We are long overdue for assistance of this nature and I trust that my colleagues will not disagree and that they will concur with this amendment. I thank the Chair.

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

Mr. Chairman, I rise in support of H.R. 4788, the Water Resources Development Act of 1979, which authorizes the Army Corps of Engineers to undertake the construction, repair, and preservation of various projects along our Nation's rivers and harbors. I also want to commend the fine work of Mr. ROBERTS and Mr. CLAUSEN in guiding this bill through committee and bringing it to the House floor.

There are two specific aspects of the bill that I would like to address briefly. The first involves a section of the bill which relates to an important project in southern Minnesota. Section 112 authorizes the Army Corps of Engineers to undertake a demonstration project for the removal of silt and aquatic growth from Albert Lea Lake in Freeborn County, at an estimated cost of $4.27 million.

In recent years, there has been considerable concern over the eutrophic condition of Albert Lea Lake. The decline in the condition of the lake has been evidenced by noxious odors, "scum," and a decline in the quantity and quality of fish in the lake. This has resulted in drastically reduced recreational use of the lake, as well as a possible public safety hazard.

Initial studies indicate that it would be economically feasible to dredge at least the major portion of Albert Lea Lake from the Shellrock channel to the outlet of the lake. This portion of the lake comprises approximately 910 acres, of which 610 might be dredged and the remaining 300 acres might be used as a deposit area for the dredged material.

The Secretary of the Army will report to the Administrator of the Environmental Protection Agency the plans for and the results of the project together with such recommendation as may be necessary to assist the Administrator in carrying out programs elsewhere for freshwater lakes under section 314 of the Federal Water Pollution Control Act. In this way the information and experience developed at Albert Lea Lake will prove valuable in improving the environmental quality of other lakes with similar problems around the country. The demonstration project called for in the bill will insure future recreational use of the lake and provide a solution for other lakes which suffer similar problems.

Mr. Chairman, I would also like to take a moment to clarify committee report language which makes reference to the locks and dam 26 ordeal. I need not go into detail on the plethora of obstacles which have impeded the construction of this important project. In its report, the Public Works and Transportation Committee reemphasized the need to move ahead with the construction of the new locks and dam, and made reference to an ongoing lawsuit that was preventing construction. I would like to point out

that in the time since the committee report was drafted further progress has been made.

Of all the impediments thrown in the way of locks and dam 26, perhaps the most formidable was the lawsuit filed in 1974 by 18 midwestern railroads and 3 environmental groups. However, an October 23, 1979 decision by the U.S. district court has paved the way for the completion of the new facility. After 5 years of court hagglings, the court ruled that the corps' final environmental impact statement complied with NEPA requirements. I am pleased to note that the initial phases of construction of the new locks and dam have begun and as a result, the agricultural and transportation needs of the Midwest and upper Midwest are being addressed.

In conclusion, Mr. Chairman, the committee has brought before the House an important bill, designed to address the water resource problems throughout the country, and I urge favorable consideration by my colleagues.

PARLIAMENTARY INQUIRY

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

Mr. Chairman, I am in support of the amendment, but I have a parliamentary inquiry.

The CHAIRMAN pro tempore. The gentleman will state it.

Mr. CLAUSEN. Mr. Chairman, what is the status of the amendment offered by the gentleman from Guam?

The CHAIRMAN pro tempore. The amendment is still pending.

Mr. CLAUSEN. Mr. Chairman, section 22 of the Water Resources Development Act of 1974 provides authority for the U.S. Army Corps of Engineers to cooperate with any State in the preparation of comprehensive plans for the development, utilization, and conservation of the water and related resources located within the boundaries of the State and to submit to Congress reports and recommendations with respect to appropriate Federal participation in carrying out such plans.

Through what I believe was an oversight on our part, the governments of Guam and the other Pacific Territories have not been eligible to participate under section 22's comprehensive planning provisions. The governments of Puerto Rico and the Virgin Islands, on the other hand, are eligible.

There is no good reason of which I am aware for this situation to go uncorrected, and so our colleague has offered this amendment. It will result in no additional cost to the Federal Government but will rather make Guam and the Pacific Territories eligible to participate in a program that they should always have been eligible to participate in. The amendment has been recommended by the Pacific Division of the Corps of Engineers. In addition, it has been discussed with members of the Hawaii congressional delegation and they are fully supportive. It is totally consistent with the 1947 United Nations Trusteeship Agreement under which the United States is obligated to promote political, social and economic advancement in the Trust Territory of the Pacific Islands. It is also consistent with our actions in other public works legislation such as the Local Public Works Employment Act and the Economic Development Act of just a few months ago.

It is a good amendment and I urge its adoption.

Mr. ROBERTS. Mr. Chairman, I move to strike the requisite number of words. I rise in support of the gentleman's amendment. It just puts Guam in the same category as the Virgin Islands and other territories considered as States.

I ask for adoption of the amendment.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Guam (Mr. WON PAT).

The amendment was agreed to.

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

Mr. Chairman, I want to take this time to express my sincere thanks for the record to the gentleman from California (Mr. JOHNSON), and the gentleman from Texas (Mr. ROBERTS) and my colleague from Ohio (Mr. HARSHA), who was most helpful, as well as the gentleman from California (Mr. CLAUSEN) for including in this bill a transfer of land to the Department of Natural Resources for the State of Ohio from the Federal Government along the Big Darby Creek. This land involves the transfer of land which was deactivated in June 1973 due to economic conditions causing it to become economically infeasible. Analysis indicated an economic benefit to cost ratio of less than 1.0 to 1.0 and it became apparent that any reevaluation would not result in a benefit to cost ratio sufficient to justify the project. In July of 1978 a public notice was circulated to all appropriate agencies and interested parties. The fact no negative comment was received doubly strengthened our position and the recommendation has since resulted that the project be deauthorized. It has been maintained and administered by the State of Ohio as a wildlife preserve since 1965.

The environmentalists want this because there are five endangered species now in the waters of the Big Darby Creek. I submit that these gentlemen have extended me every courtesy. They are gentlemen with a heart and I just wanted to let them know of my appreciation for this assist to the people of my district.

AMENDMENT OFFERED BY MR. ROBERTS

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

The Clerk read as follows:

Amendment offered by Mr. ROBERTS: Page 185, after line 8, insert the following:

SEC. 443. The project for flood control, Hocking River at Logan and Nelsonville, Ohio, is hereby authorized for construction substantially in accordance with the report of the Chief of Engineers dated June 30, 1978, at an estimated cost of $7,650,000.

Renumber succeeding sections accordingly.

Mr. ROBERTS. Mr. Chairman, I will not take the full 5 minutes.

Mr. Chairman, this project was in the bill the last time. It had some problems. It has now cleared the Chief of Engineers. It has cleared everybody and it is now available for full consideration.

I ask for adoption of the amendment.

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

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

Mr. CLAUSEN. Mr. Chairman, as the gentleman has stated, we are prepared to accept the amendment.

I would ask the chairman to yield to the gentleman from Ohio, the initial sponsor.

Mr. ROBERTS. I would be happy to yield to the gentleman from Ohio.

Mr. MILLER of Ohio. Mr. Chairman, I thank the gentleman for yielding. These critically important projects are in the heart of Appalachia Ohio where the cost of unemployment compensation would far outweigh the cost of the projects. Failure of the Congress to authorize the work will force business and industry to leave the Hocking Valley. That, in turn, will cost desperately needed jobs and will halt economic development and growth. The people of the Hocking Valley deserve nothing less than a full measure of help from us.

I thank the gentleman for yielding.

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

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

Mr. EDGAR. Mr. Chairman, I would like to clarify the intent of the amendment. This will add $7,650,000 to this bills?

Mr. ROBERTS. That is correct.

Mr. EDGAR. The gentleman has stated that the final report from the Army Corps of Engineers has been completed?

Mr. ROBERTS. Everything has been cleared. If the gentleman will remember, it was in the bill 2 years ago, or the last Congress. It had some restudy problems. Now it has been cleared and it is all ready to go.

□ 1420

Mr. EDGAR. Mr. Chairman, let me ask the gentleman, is any cost sharing involved in this particular project through local initiative?

Mr. ROBERTS. There is the standard money, yes.

Mr. EDGAR. Which would be what?

Mr. ROBERTS. There are lands, easements, rights of way, and so forth. The standard procedures are followed.

Mr. EDGAR. Mr. Chairman, would the gentleman indicate whether this was one of the objections of the Army Corps of Engineers, or are they fully supportive of it?

Mr. ROBERTS. Mr. Chairman the Army Corps of Engineers is fully in support of the project.

Mr. EDGAR. Mr. Chairman, I thank the gentleman for his response.

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

Mr. ROBERTS. I am happy to yield to the gentleman from Texas.

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

Mr. Chairman, I have advocated the approval of the Boggy Creek project, which is a flood control project in Texas. We have had a feasibility study, and the

Corps of Engineers has been looking at the project for 6 or 7 years. It has approved the project on both the regional and district bases, but the official notice of that reached the gentleman's committee just a few days after the committee had acted on the bill. Therefore, the project is not in the bill before us.

I regret that it is not before us; the timing was just unfortunate. However, I am hopeful and I anticipate that it will have been cleared in the other body, and that the matter will be before the conferees when they vote.

This is a very much needed project, and I assume that all the problems will have been cleared up by that time. Technically it was not cleared in the full committee, and there was not time to act on it.

Therefore, Mr. Chairman, I will not offer an amendment, but I wish to state to the gentleman that I anticipate that when we go to conference, the project will be in the bill in the other body and that the issue will be before the conferees when they go to conference.

Mr. ROBERTS. Mr. Chairman, had it been cleared, it would have been in the same position as this amendment and would have been offered at the same time. I agree with the gentleman from Texas (Mr. PICKLE). If the project is in the bill in the other body, we will certainly try to be helpful in conference.

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

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

Mr. CLAUSEN. Mr. Chairman, as part of the dialog and the colloquy that is taking place, and after consultation with the minority staff, let me say that we will attempt to cooperate in whatever manner the committee chairman decides would be in the best interests of the gentleman's objective.

Mr. PICKLE. Mr. Chairman, I thank the gentleman from California (Mr. CLAUSEN) and the gentleman from Texas (Mr. ROBERTS).

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

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentleman from Texas (Mr. ROBERTS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. ROBERTS

Mr. ROBERTS. Mr. Chairman, I ask unanimous consent that I may be permitted to offer a corrective amendment which would actually go to title II.

We find that in a previous amendment the letter "E" has to be inserted in lieu of the letter "G." This is a technical amendment, and I ask unanimous consent for its consideration.

The CHAIRMAN pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ROBERTS: On Page 97, line 20, strike the letter "G" and insert in lieu thereof the letter "E".

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

Mr. EDGAR. Mr. Chairman, reserving the right to object, I will not object, but let me ask this question:

This is just a technical change; is that correct?

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

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

Mr. ROBERTS. Mr. Chairman, the gentleman is correct. It simply changes the letter, "G" to the letter, "E."

Mr. EDGAR. It does not make any substantive change in the language?

Mr. ROBERTS. It does not make any substantive change.

Mr. EDGAR. Mr. Chairman, I will not object.

Mr. CLAUSEN. Mr. Chairman, if the gentleman will yield, we have no objection to the amendment.

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

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The CHAIRMAN pro tempore. The question is on the amendment offered by the gentlemen from Texas (Mr. ROBERTS).

The amendment was agreed to.

AMENDMENT OFFERED BY MR. EDGAR

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

The Clerk read as follows:

Amendment offered by Mr. EDGAR: On page 172 strike lines 8 through 25 and on page 173 strike lines 1 through 13 and redesignate succeeding sections accordingly.

(By unanimous consent, Mr. EDGAR was allowed to proceed for 5 additional minutes.)

The CHAIRMAN pro tempore. The gentleman from Pennsylvania (Mr. EDGAR) is recognized for 10 minutes.

Mr. EDGAR. Mr. Chairman, as we are moving toward completion of this omnibus water bill, I would like to draw everyone's attention to the amendment which is pending and which I have just offered.

The amendment eliminates the language in the bill authorizing the construction of an Army Corps of Engineers monument in Washington, D.C.

While it can be argued that no upfront money will be necessary to build this particular monument, it will not be argued successfully that the American public will not have to pay on into the future the cost of maintaining and keeping this monument in a good physical condition over the long run. It seems to me that this amendment is symbolic of some of the negative points in this particular bill.

I will be interested to see how many Members enthusiastically stand up and say that in a time when we have a $39 billion deficit this year and a projected Presidential budgetary deficit of $16 billion next year they feel comfortable about committing the American public to this particular authorization.

I think more important than the actual construction of a monument is the fact that this particular bill constructs and spends money on projects that, after careful study, if one would look at the details, would be inappropriate for the Federal Government to be spending. For example, we heard last week that the Army Corps of Engineers objected to 125 of the projects contained in this legislation. We heard that their objections come to some $2.5 billion worth of projects in this bill.

We heard defended on this floor a project to shore up a mountain for some private developer who built on top of a mountain and whose houses are now falling off. We are committing $700,000 of American taxpayers' money to strengthen and to reconstruct that mountainside.

We have also heard that the Federal Government is going to spend $300,000 in this bill to build a marina. That marina is going to be built on a large lake in Texas.

I would suggest to all of us that we focus on things like the landslide, the marina, and the 54 projects in the bill that have no final report. I would hope that we will look at those projects that have no cost sharing. We are building highways and roads in this bill with 100 percent Federal dollars, and we are not asking local communities to pay a 10-percent or 20-percent or 25-percent local matching share.

We have projects in this bill that violate international law. We have projects in this bill that give 100 percent of the benefits to a private company without at any time asking that private company to spend one dime or to share its wealth with the Federal Government in order that we might dredge a river or dredge a harbor for them to carry on private commerce.

After careful analysis of this bill, a number of organizations, including environmental groups, tax groups, and public interest groups like the League of Women Voters and others have examined the bill and demonstrated, I think, pretty clearly that we are moving in the wrong direction.

I would like to suggest to all the Members that we use this particular amendment as our symbolic opportunity to speak out on what we find is a very objectionable bill. The arguments in the well have indicated that "if you are for the bill, you are for a water policy; if you are opposed to the bill, you somehow think that over the next 20 to 30 years we are not going to have a water crisis."

I would like to say from the well that as a futurist, as an environmentalist, as someone who looks at the next 20 years in terms of population trends, who looks at the Northeast-Midwest urban system and sees the deterioration that is taking place in that system, who looks at the total national perspective of the North, East, South, and West in terms of the value of spending critical resources where they are needed, that I want a water bill that is based on merit. I want a water policy based on sound criteria. I do not want a shopping list of everybody's project, good and bad, put together in an omnibus water package.

What I want to suggest to the President and to the Nation is that we have a water policy based on merit so that Members of Congress can come to the Committee on Public Works and Transportation and analyze the economic cost, the environmental and social cost, and

the engineering and safety needs so we can produce, not on an every-2-year basis for political purposes, an annual bill that has in it those meitorious projects that have final report studies, that have cost sharing, and that meet the basic criteria of necessity. We would, therefore, be spending critical dollars on those projects that are most necessary to save lives in flooding, to provide water resources for areas of our country that have drought, and to provide for the reconstruction and renovation needs of our older cities where there is great deterioration and destruction of water systems.

□ 1430

I would like to suggest to all of the Members that in offering my 184 amendments to focus attention on this bill was not simply a dilatory tactic. It was not done simply to pat BOB EDGAR on the back and say, somehow, that he has seen something that others have not. It is to suggest that we need in this country a national water policy to focus on the real needs, and we do not have to spend billions and billions of dollars on worthless projects or projects that simply do not meet the basic criteria.

I would hope that as we focus attention on this monument that is to be constructed in Washington, D.C., that we focus our attention on it in a symbolic way. I fail to see how the Army Corps of Engineers needs any more monument than the construction projects that it has constructed all over this country over the past few years. I fail to see why the American taxpayers have to spend critical dollars in times of deficit for projects that are either worthless or are projects simply placed in this legislation for a Member's political purposes. I fail to see why the American taxpayer cannot demand that we in the Congress of the United States really go through the legislative process in a fair and equitable way and base our determination on the projects on merit and not on how they vote, not on how they conform to the committee's rules and regulations or proper criteria, but based on something that the administration, whether it is Democratic or Republican, can also agree on.

So I would urge all Members to vote against the construction here in the District of Columbia of an unneeded and unnecessary monument to the Army Corps of Engineers and instead spend time, energy and effort in building a monument to the American public, who is demanding more of this House, who is demanding more of each of us as Representatives, and who is asking us to have a water policy that does not spend the whole Federal Treasury on projects that do not have merit.

So I hope that the Members will direct their attention to this amendment and that the Members will unanimously accept the opinion that this Army Corps of Engineers monument is not necessary. It is symbolic of other negative things in this bill, and we must stand together and develop, as will be offered by the gentleman from Pennsylvania (Mr. ERTEL), and others, a process whereby we can base our decisions on merit and sound criteria; not simply on an ad hoc shopping list of good and bad projects called the omnibus water bill.

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

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

Mr. HARSHA. Mr. Chairman, would the gentleman agree that the Corps of Engineers has done anything constructive in its history?

Mr. EDGAR. The gentleman would say that the Army Corps of Engineers has done many things that have been constructive. I think the Army Corps of Engineers should be commended for their efforts throughout the United States in flood control and dredging projects. I think the Army Corps of Engineers has done a number of terrible projects simply because those projects have been forced upon them by Members of Congress. What I am suggesting is that there is monument enough to the Army Corps of Engineers out in the United States proving their merit, giving them an international reputation. But that is not to say that they have not also failed to respond in some instances to sound and meritorious projects.

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

Mr. Chairman, the gentleman who just offered the amendment in a few words admitted the great contributions that the Corps of Engineers has made, not only in wartime, but in peacetime as well, to the country as a whole, and to the economy of the country.

It seems to me rather picayunish and almost absurd to offer an amendment of this type to this bill simply because the gentleman does not like the bill. He says it is a bad bill and, therefore, all of it should be stricken out.

Assuming the gentleman is right about the bill being bad—and I challenge that statement wholeheartedly—but for argument's sake, assuming the gentleman is right, the amendment fails to recognize the outstanding contribution the Corps of Engineers has made to this Nation throughout its history.

The Corps of Engineers' contributions are not limited to flood control, dams, and navigation facilities. They have been involved in the defense of our country in wartime, from the earliest days of our history, when they constructed fortifications. The Army Engineers have been the first ashore, sustaining heavy casualties, to clear the mines, and other obstacles, to landing craft during amphibious operations. They go out in front of the infantry to clear the roads, and to build the bridges over which a combat army must travel. They construct the airfields and port facilities for the movement of materiel to support the combat troops and, after the last war, they rebuilt the railroads in Europe.

In peacetime the Nation utilizes the expertise of our Army Engineers for the construction of civil works projects, such as the Manned Space Flight Center at Houston, and Cape Canaveral, as well as our navigation and flood-control projects. The corps has also constructed, or designed, most of official Washington from the Capitol, the White House, to the Washington Monument, and the Lincoln Memorial. They have also contributed to the construction of the postal facilities and surveying of the railroads. Another contribution of the corps is of a different dimension entirely, namely, the systematic development of engineering excellence in this country. Though few on this floor may recall the fact, the U.S. Military Academy at West Point was the first—and for a long time the only—engineering institution in the United States.

And yet in our Nation's Capital, there exists no worthy recognition of this continuing contribution to the Nation.

This is the purpose of section 423 which authorizes the Corps of Engineers Historical Foundation to construct a memorial to the U.S. Army Corps of Engineers.

And let me point out this to the Members. The language in the bill provides that neither the United States, nor the District of Columbia, shall be put to any expense in the construction of this particular memorial. This memorial will be placed at an appropriate location that is already federally owned. There will be absolutely no cost in construction either to the American taxpayer through general tax revenues, or to the citizens of the District of Columbia through their tax process. It is to be constructed by the Corps of Engineers' Historical Foundation. The only expense whatsoever will be for leaf raking, grass cutting, and the removal of ornithic deposits. If any of my colleagues have a question about that, I will be glad to explain that a little more specifically on the other side of the aisle.

But let us put this silliness and absurdity aside and focus on the contribution the Corps of Engineers has made throughout our history, the work of the Corps of Engineers in wartime and in peace. Let use reflect on the civil works of the Corps of Engineers in strengthening the underpinnings of our economic well-being.

As Americans, we are often accused of slighting our history. Yet Washington is often characterized as a monumental city. Let use put aside this small-minded amendment, whose only apparent purporse is to punish the Corps of Engineers for what the Congress tells it to do. The gentleman admitted that the corps had some reservations about some of the projects in the bill, but I should hazard the guess that this was due to the administration who gave instructions to the corps not to support the projects; while the corps probably does support some of them, because of political purposes they are required to make the statement that they did. But let us not punish the Corps of Engineers, and let us not fail to recognize the monumental service they have given to this Nation, and to the people of this country, by saying that they are not worthy of a memorial, in effect, because they do what we, the Congress, tell them to do. If we did not authorize these projects, if we did not fund them, if we did not direct them to construct them, why, they

would not construct them. So they are hardly to be blamed for projects they have constructed that the gentleman does not like.

But the gentleman is not the only one to consider in this amendment. Some of the others of us in this House like the particular bill. We certainly approve of this language in the legislation because we recognize the oustanding job that the Corps of Engineers has done, and I think that it is a recognition long overdue. Only a very small portion of expense will be involved in the maintenance. It is no more than the maintenance that is involved in all of these other monuments around the District of Columbia, and on federally owned lands. I would hazard to guess that it would only amount to several hundred dollars a year to maintain this particular memorial.

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

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

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

Mr. EDGAR. I wonder if the gentleman could tell the House what the Corps of Engineers Historical Foundation is, who its officers are, and what date it was incorporated?

Mr. HARSHA. No, I cannot. All I can assure the gentleman is that the Federal taxpayer will not pay any money for the construction or erection of this memorial.

Mr. EDGAR. Will the gentleman yield further?

Mr. HARSHA. I will be happy to yield.

Mr. EDGAR. I am confused with the gentleman's comments, because in the language of the bill, the language that I choose to strike, we say that the Corps of Engineers Historical Foundation is authorized to design and erect a memorial on public grounds.

The CHAIRMAN pro tempore. The time of the gentleman from Ohio (Mr. HARSHA) has expired.

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

Mr. EDGAR. If the gentleman will yield further, I would suggest to the gentleman that what we are asking the House to accept with the language of the bill, is that an organization which we do not have the officers' names of, and we do not know when it was incorporated, or who controls it, will have the opportunity, and right, to build a monument here in Washington, D.C. I would suggest to the gentleman that that would be inappropriate if we were bringing this particular amendment out of the Subcommittee on Buildings and Grounds, on which I serve. We would want to know who is constructing, and who is funding, and who is putting the dollars in. In this case, I would suggest that not one member of our committee can tell us who the officers are of the Corps of Engineers Historical Foundation, who runs it, when it was incorporated, and where the funds come from to build this project.

Mr. HARSHA. If the gentleman wants to take part of the language of the act, and rest his case on that, I submit that he has to take all of the language of the act, and then rest his case, because the act further says that the United States and the District of Columbia shall be put to no expense in the erection thereof.

If the gentleman is relying on this very language to argue his point, he has to accept it all. He cannot just consider what he takes and distorts to meet his own personal opinion.

I have been also advised by staff that the Corps of Engineers' Historical Society consists of former officers and members of the Corps of Engineers who have since retired, and the society is incorporated in accordance with the District of Columbia Nonprofit Corporation Act.

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

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

□ 1440

Mr. EDGAR. What if we do not like the monument? What if we do not like the engineering, the construction, or the architecture of the monument?

Mr. HARSHA. The language of the authorization is clear—"The design and plans for such memorial shall be subject to the approval of the Secretary of the Interior, the Commission of Fine Arts and the National Capital Planning Commission" all those people have to approve and pass judgment on this particular part.

I would suspect whatever they did, the gentleman would not like it.

The CHAIRMAN pro tempore. The time of the gentleman from Ohio (Mr. HARSHA) has again expired.

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

Mr. HARSHA. I would like, for the purpose of the record, to point out that I have the articles of incorporation of the Corps of Engineers' Historical Foundation, and that it is a nonprofit corporation located here in the District of Columbia, and the articles can be perused by anybody who has a concern.

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

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

Mr. EDGAR. I thank the gentleman for yielding.

We had asked the Army Corps of Engineers' historian about this particular organization, and he is unaware of this particular foundation and its incorporation.

Are the officers listed there that could be read on the public record?

Mr. HARSHA. I do not see the list of the officers by name. It provides that the officers of the corporation shall consist of a president, secretary, treasurer, and such other officers as may be deemed necessary by the board of directors, but as to who those officers are, I do not have that information.

Mr. SMITH of Iowa. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I have listened throughout the several days that this bill has been on the floor, and I am somewhat disappointed at some of the things I have read and heard concerning the bill.

I think at this juncture, as we are finishing up the bill, it might be a good time for me to mention a few things I believe should be considered.

We hear a lot about the environment. Every Member of this House is concerned about the environment. We will have differences of opinion as to what should be done to preserve and enhance the environment, but I give credit to everybody on both sides of the debate. Everybody wants to consider the environment, but I think some have not considered what this bill does to improve the environment.

One of the principal reasons we need such a bill as this is because the development and urbanization and the increase in population in this country has assaulted the environment for 300 years. We are assaulting it day after day and year after year through legislation and programs for new storm sewer systems which carry runoff water to the river instead of hold it back in a basin. The environment is assaulted through a number of other pieces of legislation under which there is no requirement that benefits exceed costs as is the case in this bill, and in legislation under which there is no consideration for all of the procedures cooperating with wildlife authorities and others which the committee reporting this bill must go through before it can approve or recommend one of these projects.

Many years ago when my ancestors landed at Plymouth Rock, there were only 1 million people in this country, just 1 million in what is now the mainland United States. The various forms of life had developed over a period of centuries to what we call a balance of nature.

One million people could be absorbed, there were all kinds of predators, birds, insects, plants, and other forms of life. When one form of life reproduced in surplus to its share, another form was encouraged to expand until it devoured the excess. The streams ran clear and the rain fell up plant life and earth which absorbed it.

But now we have 220 million people. That huge increase in population required major adjustments in the environment. Land was cleared for agriculture so more food for humans could be raised, plants and animal life which competes with man was reduced or eliminated urban areas were developed which drained the land and increased the volume poured into the river. Parking lots and buildings are being built every day.

The water that falls on top of the buildings does not go into the ground. It goes into a sewer system that we help pay for with Federal money, goes right down to the river with dirt and pollution and swells the river, and that causes greater floods. When more and more water is poured into a river, the flood plain is assaulted and hardwood existing above the edge of the flood plain experience wet feet, that kills them and they are replaced with plants that can withstand water.

So what we have done is to assault the environment over a period of time, but

we have not done enough to correct what we have done to harm the environment. We have done far too little to hold back some of that excess so the area below can be damaged less below the reservoir. Since the water ran off too fast, there is also too little during dry periods. Most of the projects in this bill are for the purpose of helping to counteract the assault that we have made upon the environment and are continuing to make. This bill helps the environment and reduced the severity of the adjustments which must be made. I hear some urban people around here saying how bad this bill is. We would not need this bill if we did not have all these sewer systems and all the new parking lots and all the new buildings in these urban areas. Those who promote urban programs should be ashamed of themselves if they vote against this bill which merely helps to correct damages to the environment caused by urbanization.

So I say to my colleagues, a vote against this bill is a vote against the environment, it is a vote against using some of our increased resources gained from development by previous generations to offset damage done to our streams. What we should think about is this: 220 million people have assaulted the environment in this country, and it is about time that we do a bit more to help correct the damage that has been done and our society is still doing. That is what we are trying to do in this bill. This bill really represents a very, very puny amount to spend out of the great resources that we have as a result of the development of our lands in this country and the development of our urban areas by previous generations.

I think it is a good bill overall. Anyone can argue about one project or another, but it is about time we support this kind of a bill with enthusiasm instead of having it attacked all of the time as just being a pork barrel and ignoring the fact that what we are trying to do is correct damage that has been done in previous years and to prepare for a better tomorrow.

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

Mr. Chairman, the amendment of the gentleman would strike the monument to the Corps of Engineers, built with private money, donated by the people who have fought for this country during wartime and worked for this country in peacetime.

The men and women of the Corps of Engineers have valiantly served their country and deserve the eternal gratitude of our people. Such gratitude is especially warranted in these times of increasing international strife. Other branches of our military have similar memorials in the Washington area. The Seabee memorial and the memorial to the 101st Airborne were authorized and constructed in just this manner. The funds to construct this memorial will come entirely from private donations. Absolutely no Federal or other public funds will be expended for its construction. There may be miniscule expenses for maintenance, but no more than a couple of hundred dollars per year. The site and the memorial itself will have to meet the exacting standards of the Commission on Fine Arts and other organizations who are involved in monuments in the area of the District of Columbia. This provision is a valid and worthwhile one. I ask for the defeat of the amendment.

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

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

Mr. EDGAR. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN pro tempore. The Chair will count.

RECORDED VOTE

Mr. EDGAR. Mr. Chairman, I withdraw my point of order and demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 133, noes 273, not voting 27, as follows:

[Roll No. 28]

AYES—133

Ashbrook	Ford, Tenn.	Minish
Aspin	Fountain	Mitchell, Md.
Atkinson	Garcia	Moffett
Baldus	Gephardt	Nolan
Barnes	Gonzalez	O'Brien
Bauman	Goodling	Ottinger
Beard, R.I.	Gradison	Panetta
Bedell	Grassley	Patterson
Beilenson	Gray	Paul
Bennett	Green	Petri
Bingham	Guarini	Porter
Blanchard	Gudger	Pursell
Bonior	Hamilton	Quayle
Brademas	Harkin	Rangel
Brinkley	Harris	Ratchford
Brodhead	Hinson	Regula
Broyhill	Holtzman	Richmond
Burton, Phillip	Hopkins	Ritter
Byron	Hughes	Rosenthal
Carr	Jacobs	Roth
Chisholm	Jeffords	Rousselot
Collins, Ill.	Kastenmeier	Seiberling
Conyers	Kemp	Shannon
Corcoran	Kindness	Sharp
Coughlin	Kostmayer	Simon
Courter	LaFalce	Solarz
D'Amours	Leach, La.	Spellman
Daschle	Lederer	St Germain
Deckard	Leland	Stack
Dellums	Levitas	Stark
Derrick	Long, Md.	Stockman
Derwinski	Lowry	Studds
Devine	Luken	Udall
Dodd	McDonald	Vanik
Downey	McKinney	Walker
Drinan	Maguire	Waxman
Early	Markey	Weaver
Edgar	Marks	Weiss
Edwards, Calif.	Marlenee	Williams, Mont.
Edwards, Okla.	Martin	Williams, Ohio
Evans, Ind.	Mattox	Wolpe
Fenwick	Mavroules	Wylie
Fisher	Mica	Young, Fla.
Fithian	Miller, Calif.	
Florio	Mineta	

NOES—273

Abdnor	AuCoin	Bouquard
Addabbo	Badham	Bowen
Akaka	Bafalis	Breaux
Albosta	Bailey	Brooks
Alexander	Barnard	Broomfield
Ambro	Beard, Tenn.	Brown, Calif.
Anderson, Calif.	Benjamin	Brown, Ohio
	Bereuter	Buchanan
Andrews, N.C.	Bethune	Burgener
Andrews, N. Dak.	Bevill	Burlison
	Biaggi	Burton, John
Annunzio	Boggs	Butler
Anthony	Boland	Campbell
Applegate	Bolling	Carney
Archer	Boner	Carter
Ashley	Bonker	Cavanaugh
Chappell	Horton	Pickle
Cheney	Howard	Preyer
Clausen	Hubbard	Price
Clay	Huckaby	Quillen
Cleveland	Hutto	Rahall
Clinger	Hyde	Railsback
Coelho	Ichord	Reuss
Coleman	Ireland	Rinaldo
Collins, Tex.	Jeffries	Roberts
Conable	Jenkins	Robinson
Conte	Jenrette	Roe
Corman	Johnson, Calif.	Rose
Cotter	Jones, N.C.	Roybal
Crane, Daniel	Jones, Okla.	Royer
Daniel, Dan	Jones, Tenn.	Rudd
Daniel, R. W.	Kazen	Russo
Danielson	Kelly	Sabo
Dannemeyer	Kildee	Satterfield
Davis, Mich.	Kogovsek	Sawyer
de la Garza	Kramer	Scheuer
Dickinson	Lagomarsino	Schroeder
Dicks	Latta	Schulze
Diggs	Leach, Iowa	Sebelius
Dingell	Leath, Tex.	Sensenbrenner
Dixon	Lee	Shelby
Donnelly	Lehman	Shumway
Dornan	Lent	Shuster
Dougherty	Lewis	Skelton
Duncan, Oreg.	Livingston	Slack
Duncan, Tenn.	Lloyd	Smith, Iowa
Eckhardt	Loeffler	Smith, Nebr.
Edwards, Ala.	Long, La.	Snowe
English	Lott	Snyder
Erdahl	Lujan	Solomon
Erlenborn	Lundine	Spence
Ertel	Lungren	Staggers
Evans, Del.	McClory	Stangeland
Fary	McCormack	Stanton
Fascell	McDade	Steed
Fazio	McEwen	Stenholm
Ferraro	McKay	Stokes
Findley	Madigan	Stratton
Flippo	Marriott	Stump
Foley	Mathis	Swift
Ford, Mich.	Matsui	Symms
Forsythe	Mazzoli	Synar
Frenzel	Michel	Tauke
Frost	Mikulski	Taylor
Fuqua	Miller, Ohio	Thomas
Gaydos	Mitchell, N.Y.	Thompson
Giaimo	Moakley	Traxler
Gibbons	Mollohan	Trible
Gilman	Montgomery	Ullman
Gingrich	Moore	Van Deerlin
Ginn	Moorhead, Calif.	Vander Jagt
Glickman		Vento
Goldwater	Moorhead, Pa.	Volkmer
Gore	Mottl	Walgren
Gramm	Murphy, N.Y.	Wampler
Grisham	Murphy, Pa.	Watkins
Guyer	Murtha	White
Hagedorn	Myers, Ind.	Whitehurst
Hall, Ohio	Myers, Pa.	Whitley
Hall, Tex.	Natcher	Whittaker
Hammer-schmidt	Neal	Wilson, Bob
	Nedzi	Wilson, C. H.
Hance	Nelson	Winn
Hanley	Nichols	Wirth
Hansen	Nowak	Wolff
Harsha	Oakar	Wright
Hawkins	Oberstar	Yatron
Heckler	Pashayan	Young, Alaska
Hefner	Patten	Young, Mo.
Heftel	Pease	Zablocki
Hillis	Pepper	Zeferetti
Holland	Perkins	
Hollenbeck	Peyser	

NOT VOTING—27

Anderson, Ill.	Johnson, Colo.	Runnels
Crane, Philip	McCloskey	Santini
Davis, S.C.	McHugh	Stewart
Emery	Murphy, Ill.	Treen
Evans, Ga.	Obey	Whitten
Fish	Pritchard	Wilson, Tex.
Fowler	Rhodes	Wyatt
Hightower	Rodino	Wydler
Holt	Rostenkowski	Yates

□ 1500

The Clerk announced the following pairs:

On this vote:

Mr. Emery for, with Mr. McCloskey against.

Mrs. Holt for, with Mr. Wydler against.

Messrs. GOLDWATER, VENTO, ANNUNZIO, BIAGGI, MARRIOTT, MITCHELL of New York, and SAWYER changed their votes from "aye" to "no."

Mrs. FENWICK, Messrs. McDONALD, EARLY, MITCHELL of Maryland,

STACK, PHILLIP BURTON, DERWINSKI, and WILLIAMS of Ohio changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

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

Mr. Chairman, last week and again this week we have been witness to the courageous work of my colleague from Pennsylvania (Mr. EDGAR). The efforts of our colleague, Mr. EDGAR, are perhaps not popular here in the House, and the kind of things he is trying to do, but I simply wanted to rise as one Member of the House to pay my respects to him for the job he has done.

□ 1510

It is difficult to do what he is trying to do. He has not been entirely successful, but I think that is not altogether the most important thing here. Back in Pennsylvania in our own State our own people are aware of the job he has done. I think he has raised some very legitimate questions about these projects. While I do not serve on the committee itself, and while I certainly do not question the intentions of the members who do, I think it is important that these questions be raised. He is representing the taxpayers. Not only is he representing the taxpayers of his own district, I think he is representing the taxpayers of all 435 districts in this country in raising very serious questions about these projects. I simply wanted to commend him. I wish that more people, including myself, could have been with him here on the floor during his lonely days to engage in the struggle with him. But I support him. I am proud of him and proud to be associated with him. I think he has done a good job.

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

Mr. Chairman, I take this time for the purpose of engaging in a colloquy with my friend, the gentleman from Alaska (Mr. YOUNG), to develop some legislative history as relates to section 404. Section 32 of the Water Resources Development Act of 1974, established a national streambank erosion evaluation and control program so that new methods and techniques for bank protection in varying types of conditions could be developed. The Congress, therefore, recognized a number of serious streambank erosion problems. I recognize however that no such demonstration projects have been conducted under Arctic conditions.

Mr. YOUNG of Alaska. Will the gentleman yield?

Mr. CLAUSEN. I yield to the gentleman from Alaska.

Mr. YOUNG of Alaska. The distinguished gentleman from California is absolutely correct. In Bethel, Alaska, for example, there is a serious problem with streambank erosion from the Kuskokwim River. The unique conditions in the Arctic environment would enable the Corps of Engineers to obtain additional knowledge with respect to streambank erosion in extremely harsh environments. The information gathered by the corps would hopefully provide additional insight for streambank erosion control.

Mr. CLAUSEN. I thank the gentleman for his comments and I agree with his analysis that the scope of these demonstration projects should include sites with unique conditions such as the one described at Bethel, Alaska. I would urge my colleagues to designate Bethel in the committee report as a site to be studied under this program.

I now yield to the Chairman, the gentleman from Texas (Mr. ROBERTS), to determine if he concurs with this colloquy.

Mr. ROBERTS. I thank the gentleman for yielding. I concur in the colloquy. If the gentleman would yield further, I would also like to make an announcement at this time. So far as we know on this side, there is only one further amendment to this bill, and we hope to have it completed within 30 minutes.

Mr. CLAUSEN. Mr. Chairman, I yield back the remainder of my time.

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

Mr. Chairman, I will not take the full extent of my 5 minutes. I simply want to suggest in my revision of remarks that section 415 would provide for congressional veto of any rule or regulation promulgated under any law of the United States relating to Army water resources projects. Such rule or regulation would have to be submitted to the Congress and then could be made ineffective with the adoption of a concurrent resolution of disapproval by both Houses of Congress within 90 calendar days of continuous session or by the adoption of such resolution by one House within 60 such days, that is not then disapproved by the House within 30 such days.

The administration has advised that this provision is unconstitutional. I suggest, however, that there are other ways of assuring congressional oversight of such regulations. One method would be to revise the provision to require the submission of any such rule or regulation to the Congress for its review and thus its possible disapproval by enactment of appropriate legislation.

You may ask why is the existing provision unconstitutional?

It is my understanding that it violates the principle of Separation of Powers by denying the President the opportunity to exercise his necessary review and possible veto of legislation under article I. section 7, of the Constitution.

AMENDMENT OFFERED BY MR. ERTEL

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

The Clerk read as follows:

Amendment offered by Mr. ERTEL: Page 185, after line 8, insert the following:

SEC. 443. (a) There is hereby established a Commission on Federal Water Policy, hereinafter referred to as the "Commission".

(b) The Commission shall investigate and study the water policy of the United States and submit to Congress no later than January 1, 1981, its recommendations for a comprehensive Federal water policy.

(c) The Commission shall consist of 29 members as follows:

(1) The Chairman and ranking minority Member of the following committees of the House of Representatives:

(A) Public Works and Transportation,
(B) Interior and Insular Affairs, and
(C) Agriculture.

(2) Two other Members of each of the committees referred to in paragraph (1), appointed by the Speaker.

(3) Three additional Members of the House of Representatives appointed by the Speaker.

(4) The Chairman and the ranking minority Member of the following committees of the Senate:

(A) Environment and Public Works, and
(B) Agriculture.

(5) Two other Members of each of the committees referred to in paragraph (4), appointed by the majority leader of the Senate.

(6) Six additional Members of the Senate appointed by the majority leader of the Senate.

(d) The two co-Chairmen of the Commission shall be appointed, one by the Speaker of the House of Representatives from among Members of the House of Representatives who are members of the Commission, and one by the majority leader of the Senate from among Members of the Senate who are members of the Commission.

(e)(1) The Commission, or on authorization of the Commission, any committee of two or more members may, for the purpose of carrying out this section, hold such hearings and sit and act at such times and places as the Commission or such authorized committee may deem advisable.

(2) The Commission is authorized to secure from any department, agency, or instrumentality of the executive branch of the Government any information which it deems necessary to carry out its functions under this section and each such department, agency or instrumentality shall furnish such information to the Commission upon request made by the co-Chairmen.

(f) Members of the Commission shall serve without compensation in addition to that received for their services as Members of Congress; but they shall be reimbursed for travel, and per diem in accordance with the Rules of the House of Representatives or subsistence and other necessary expenses incurred by them in performance of the duties vested in the Commission.

(g) The Commission is authorized to appoint and fix the compensation of such personnel as may be necessary to enable it to carry out its functions. Such personnel may be appointed without regard to provisions of law relating to appointments in the competitive services and may be paid without regard to provisions of law relating to classification and General Schedule pay rates, except that no employee shall receive compensation in an amount in excess of the maximum rate for GS–18 of the General Schedule under section 5332 of title 5, United States Code. In addition, the Commission is authorized to obtain the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the maximum rate of pay for grade GS–18, as provided in the General Schedule under section 5332 of title 5, United States Code.

(h) The Speaker and the majority leader of the Senate shall provide such office space as the Commission may require.

(i) Any vacancy in the Commission shall be filled in the same manner as was the office originally.

(j) There is authorized to be paid out of the contingent fund of the House of Representatives, on vouchers approved by the Committee on House Administration of the House of Representatives not to exceed $200,000 to carry out this section.

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

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

Mr. EDGAR. Reserving the right to object, will the gentleman in the well assure us that he will explain the full content of the amendment?

Mr. ERTEL. If the gentleman will yield, yes, I anticipate doing so.

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

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

There was no objection.

Mr. ERTEL. Mr. Chairman, I rise in support of my amendment.

The debate on H.R. 4788 has focused attention on the need to reform and standardize the procedures by which Congress authorizes, funds, and oversees the construction of the Nation's water projects.

Take, for example, project authorization. We hear arguments favoring the two-step authorization for reasons of close congressional scrutiny. Certainly, this is a very good point. On the other hand, we hear arguments favoring the one-step authorization. Proponents of the one-step authorization note that close congressional scrutiny of water projects already is provided by the annual appropriations process, and that the two-step authorization is time consuming, thereby adding unnecessarily to total project cost. These, too, are very good points.

Let me make it clear that the issue of a one-step or a two-step authorization is not the only question facing us. There are valid questions on project cost sharing, the procedures for deauthorization, cost ceilings, and independent review of projects, to name some.

My distinguished committee and subcommittee chairmen and ranking members have noted, and properly so, that the Committee on Public Works and Transportation alone does not have jurisdiction over Federal water policy or the procedures under which Congress evaluates and authorizes water projects. In the House, at least two other committees are involved. In the Senate, two committees share jurisdiction.

My amendment is simple and inexpensive. It creates a commission of Members of the House and Senate to make recommendations for a standardized congressional approach for water project authorization and for the promulgation of comprehensive Federal water policy reform. While those committees now having jurisdiction over Federal water policy would be represented on the commission, the commission's membership would not be exclusive. Other Members of the House and Senate could be placed on the commission by the Speaker or majority leader.

Members of the House and Senate would not receive any additional compensation above their congressional salaries for serving on the commission. The amendment does provide $200,000 from the House contingency fund for unforeseen expenses, most likely clerical support. I do, however, envision the commission where possible to draw from the existing committee staffs.

In short, my amendment embodies the same concept as the Speaker's Energy Task Force in 1977 which took up the National Energy Act. The primary difference is that my amendment would bring the Senate into the process.

I think this is a step the House and Senate have to take and I urge your support.

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

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

Mr. CLAUSEN. I thank the gentleman for yielding.

The minority is prepared to accept the gentleman's amendment. I do want to add also that the gentleman has not only presented the minority with a copy of the amendment but has worked very closely with both the majority and the minority in developing what I think is a very important amendment. Hopefully, it will help the congressional process address the whole concept of methodology for evaluating a project according to certain criteria. This has been long overdue. I compliment the gentleman for his amendment.

Mr. ERTEL. I thank the gentleman.

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

Mr. ERTEL. I will be happy to yield to the gentleman from Texas.

Mr. ROBERTS. I thank the gentleman for yielding. The gentleman provided us with an amendment and an explanation thereof. I think it is an excellent amendment. It goes a long way to setting water policy that some of the people have been talking about, giving the Congress a chance to participate, and this side is happy to accept the amendment.

□ 1520

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

Mr. ERTEL. I will be happy to yield to the gentleman from New York.

Mr. KEMP. Mr. Chairman, I want to compliment the committee on the efforts they have made on this legislation and I rise in support of it.

Mr. Chairman, I would like to commend the distinguished chairman and ranking minority member of the Committee on Public Works and Transportation, Mr. JOHNSON and Mr. HARSHA, and also the chairman and the ranking minority member of the Subcommittee on Water Resources, Mr. ROBERTS and Mr. CLAUSEN, for their hard work and diligent efforts in bringing to the floor a sound bill that will benefit millions of Americans and American homeowners all across this country and particularly help save lives and property in western New York.

In particular, I appreciate the support these Members along with their staff have given me in bringing about the final authorization of two projects in my community, the Cazenovia Creek flood control project and the Ellicott Creek flood control project. Both of these projects are badly needed to prevent devastating flooding that occurs virtually every year because of the severe Buffalo winters. Damage to property since these projects were first initiated has by now run into the millions of dollars, and the threat to personal safety and health as well as private property is severe every spring.

The Cazenovia Creek project is located principally in West Seneca, N.Y., and encompasses 144 square miles of watershed, the basin extending over Erie and small portions of Genesee and Wyoming counties. The purpose of the project is to prevent flooding in the watershed area, principally in West Seneca and portions of the city of Buffalo. The project will consist of cleaning debris from the channel, straightening that channel, and constructing an ice retaining, concrete gravity dam and ice boom structure. The total estimated Federal cost is $1,670,000, with a local contribution of $330,000, and the benefit-cost ratio is a healthy 1.8 to 1.

The Ellicott Creek project authorization contained in this bill modifies the project for Sandridge Dam and Reservoir at the request of local residents who were concerned about the preservation of valuable farmland, and authorizes the construction of a combination of channel enlargement work and diversion channels in lieu of the authorized multiple-purpose reservoir. Flooding on Ellicott Creek is caused by melting snow and moderate rains in the late winter and early spring, and damages urban properties in Williamsville, Amherst, and Tonawanda, and rural properties in the upstream reaches of these areas. Thirty-four alternative solutions to this flooding problem have been examined, and the diversion channel solution proved to be the most able to solve the Ellicott Basin's needs. The total estimated Federal cost of this project is $13,200,000 with a local contribution of $2,800,000. It also has a very favorable benefit-cost ratio of 1.6 to 1.

Mr. Chairman, the people of my district have waited many long years for the final go-ahead on these projects from the Federal Government. I urge my colleagues to support this bill so that these critical projects do not face any more delays, and so that the people of western New York can look forward to relief from the constant threat of flooding along Cazenovia and Ellicott Creeks.

Mr. ERTEL. Mr. Chairman, I yield back the balance of my time.

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

Mr. Chairman, I take the well at this time to support the amendment offered by the gentleman from Pennsylvania (Mr. ERTEL).

Mr. Chairman, the proposal for a review of Federal water resources policy made by the gentleman from Pennsylvania (Mr. ERTEL) is a constructive one, but I believe it is extremely important to put it in proper context.

First, I suggest that the need for a better water resource policy has very little to do with inadequate study. In fact, comprehensive studies of national water resource policy have been carried out in this country for decades on the average of one about every 4 years. These include: First Hoover Commission (1947), Cooke Commission (1950), Advisory Committee on Water Resources Policy

(1954), Hoover Commission (1954), Senate Select Committee on National Resources (1959), National Water Commission (1973), National Water Quality Commission (1976), and the section 80 study (1976).

Many of them, like the report of the National Water Commission, have yielded valuable recommendations. Some of them like more realistic cost sharing, improved project review, improved fish and wildlife mitigation, ground-water management, and more realistic pricing policies have been repeated time and again.

What is missing clearly is action on such reviews by any President or Congress.

President Carter was criticized after his "hit list" objections to water projects in 1977 for having an inadequate policy base, and he responded by conducting the most thorough review of Federal water policy in many years. His review took almost 2 years, and included a nationwide program of State, interest group, and public participation.

At the end of that process, he did something no other President has ever done before. He adopted a comprehensive water policy, and sent it to us in detail on June 6, 1978. He made it clear how and why he would carry out Executive responsibilities on water development, and made a series of proposals for Congress to consider on water planning. on the evaluation of projects, the Water Resources Council, cost sharing, and other key issues—many raised in the debate on this bill.

Substantial progress in implementing the President's policy has been made in the executive branch, but very little has been done on the congressional proposals. Whether this is our fault or the administration's is debatable, but it is clear to me that we should promptly address the issues the President has raised, and if we do not like his policy, let us at least frame one of our own, rather than simply defend a traditional system that has defects which have been identified time and again.

I believe we should take the initiative. The efforts made in this debate gave us a chance to do so which the members refused to take. If we are to undertake our own policy review, let us look at what the President has done and incorporate it, and the past efforts of similar studies in our efforts. For this reason, I am inserting in the RECORD, at the proper time, the message of President Carter to Congress on water policy, and a series of other documents which make clear how much effort has already gone into this subject.

I commend the gentleman from Pennsylvania for his suggestion that we in Congress take that policy and other recommendations of the many reports seriously.

Mr. Chairman, I include here a copy of the President's message to Congress, dated June 6, 1978, on the subject of water policy initiatives, followed by a news release of the National Taxpayers Union of today's date. The material follows:

THE WHITE HOUSE,
June 6, 1978.

To the Congress of the United States:

I am today sending to Congress water policy initiatives designed to;

Improve planning and efficient management of Federal water resource programs to prevent waste and to permit necessary water projects which are cost-effective, safe and environmentally sound to move forward expeditiously;

Provide a new, national emphasis on water conservation;

Enhance Federal-State cooperation and improved State water resources planning; and

Increase attention to environmental quality.

None of the initiatives would impose any new federal regulatory program for water management.

Last year, I directed the Water Resources Council, the Office of Management and Budget and the Council on Environmental Quality, under the chairmanship of Secretary Cecil Andrus, to make a comprehensive review of Federal water policy and to recommend proposed reforms.

This new water policy results from their review, the study of water policy ordered by the Congress in Section 80 of the Water Resources Planning Act of 1974 and our extensive consultations with members of Congress, State, county, city and other local officials and the public.

Water is an essential resource, and over the years the programs of the Bureau of Reclamation, the Corps of Engineers, the Soil Conservation Service and the Tennessee Valley Authority have helped permit a dramatic improvement in American agriculture, have provided irrigation water essential to the development of the West, and have developed community flood protection, electric power, navigation and recreation throughout the Nation.

I ordered this review of water policies and programs because of my concern that while Federal resources programs have been of great benefit to our Nation, they are today plagued with problems and inefficiencies. In the course of this water policy review we found that:

Twenty-five separate Federal agencies spend more than $10 billion per year on water resources projects and related programs.

These projects often are planned without a uniform, standard basis for estimating benefits and costs.

States are primarily responsible for water policy within their boundaries, yet are not integrally involved in setting priorities and sharing in Federal project planning and funding.

There is a $34 billion backlog of authorized or uncompleted projects.

Some water projects are unsafe or environmentally unwise and have caused losses of natural streams and rivers, fish and wildlife habitat and recreational opportunities.

The study also found that water conservation has not been addressed at a national level even though we have pressing water supply problems. Of 106 watershed subregions in the country, 21 already have severe water shortages. By the year 2000 this number could increase to 39 subregions. The Nation's cities are also beginning to experience water shortage problems which can only be solved at very high cost. In some areas, precious groundwater supplies are also being depleted at a faster rate than they are replenished. In many cases an effective water conservation program could play a key role in alleviating these problems.

These water policy initiatives will make the Federal government's water programs more efficient and responsive in meeting the Nation's water-related needs. They are designed to build on fundamentally sound statutes and on the Principles and Standards which govern the planning and development of Federal water projects, and also to enhance the role of the States, where the primary responsibilities for water policy must lie. For the first time, the Federal government will work with State and local governments and exert needed national leadership in the effort to conserve water. Above all, these policy reforms will encourage water projects which are economically and environmentally sound and will avoid projects which are wasteful or which benefit a few at the expense of many.

Across the Nation there is remarkable diversity in the role water plays. Over most of the West, water is scarce and must be managed carefully—and detailed traditions and laws have grown up to govern the use of water. In other parts of the country, flooding is more of a problem than drought, and in many areas, plentiful water resources have offered opportunities for hydroelectric power and navigation. In the urban areas of our Nation, water supply systems are the major concern—particularly where antiquated systems need rehabilitation in order to conserve water and assure continued economic growth.

Everywhere, water is fundamental to environmental quality. Clean drinking water, recreation, wildlife and beautiful natural areas depend on protection of our water resources.

Given this diversity, Federal water policy cannot attempt to prescribe water use patterns for the country. Nor should the Federal government preempt the primary responsibility of the States for water management and allocation. For those reasons, these water policy reforms will not preempt State or local water responsibilities. Yet water policy is an important national concern, and the Federal government has major responsibilities to exercise leadership, to protect the environment and to develop and maintain hydroelectric power, irrigated agriculture, flood control and navigation.

The primary focus of the proposals is on the water resources programs of the Corps of Engineers, the Bureau of Reclamation, the Soil Conservation Service and the Tennessee Valley Authority, where annual water program budgets total approximately $3.75 billion. These agencies perform the federal government's water resource development programs. In addition, a number of Federal agencies with water-related responsibilities will be affected by this water policy.

I am charging Secretary Andrus with the lead responsibility to see that these initiatives are carried out promptly and fully. With the assistance of the Office of Management and Budget and the Council on Environmental Quality, he will be responsible for working with the other Federal agencies, the Congress, State and local governments and the public to assure proper implementation of this policy and to make appropriate recommendations for reform in the future.

SPECIFIC INITIATIVES IMPROVING FEDERAL WATER RESOURCE PROGRAMS

The Federal government has played a vital role in developing the water resources of the United States. It is essential that Federal water programs be updated and better coordinated if they are to continue to serve the nation in the best way possible. The reforms I am proposing are designed to modernize and improve the coordination of federal water programs. In addition, in a few days, I will also be sending to the Congress a Budget amendment proposing funding for a number of new water project construction and planning starts. These projects meet the criteria I am announcing today. This is the first time the Executive Branch has proposed new water project starts since Fiscal Year 1975, four years ago.

The actions I am taking include:

A directive to the Water Resources Council to improve the implementation of the Principles and Standards governing the planning of Federal water projects. The basic planning objectives of the Principles and Standards—national economic development and environmental quality—should be retained and given equal emphasis. In addition, the implementation of the Principles and Standards should be improved by:

adding water conservation as a specific component of both the economic and environmental objectives;

requiring the explicit formulation and consideration of a primarily non-structural plan as one alternative whenever structural water projects or programs are planned;

instituting consistent, specific procedures for calculating benefits and costs in compliance with the Principles and Standards and other applicable planning and evaluation requirements. Benefit-cost analyses have not been uniformly applied by Federal agencies, and in some cases benefits have been improperly recognized, "double-counted" or included when inconsistent with federal policy or sound economic rationale. I am directing the Water Resources Council to prepare within 12 months a manual which ensures that benefits and costs are calculated using the best techniques and provides for consistent application of the Principles and Standards and other requirements;

Ensuring that water projects have been planned in accordance with the Principles and Standards and other planning requirements by creating, by Executive Order, a project review function located in the Water Resources Council. A professional staff will ensure an impartial review of pre-construction project plans for their consistency with established planning and benefit-cost analysis procedures and applicable requirements. They will report on compliance with these requirements to agency heads, who will include their report, together with the agency recommendations, to the Office of Management and Budget. Project reviews will be completed within 60 days, before the Cabinet officer makes his or her Budget request for the coming fiscal year. Responsibility will rest with the Cabinet officer for Budget requests to the Office of Management and Budget, but timely independent review will be provided. This review must be completed within the same budget cycle in which the Cabinet Officer intends to make Budget requests so that the process results in no delay.

The manual, the Principles and Standards requirements and the independent review process will apply to all authorized projects (and separable project features) not yet under construction.

Establishment of the following criteria for setting priorities each year among the water projects eligible for funding or authorization, which will form the basis of my decisions on specific water projects:

Projects should have net national economic benefits unless there are environmental benefits which clearly more than compensate for any economic deficit. Net adverse environmental consequences should be significantly outweighed by economic benefits. Generally, projects with higher benefit/cost ratios and fewer adverse environmental consequences will be given priority within the limits of available funds.

Projects should have widely distributed benefits.

Projects should stress water conservation and appropriate non-structural measures.

Projects should have no significant safety problems involving design, construction or operation.

There should be evidence of active public support including support by State and local officials.

Projects will be given expedited consideration where State governments assume a share of costs over and above existing cost-sharing.

There should be no significant international or inter-governmental problems.

Where vendible outputs are involved preference should be given to projects which provide for greater recovery of Federal and State costs, consistent with projects purposes.

The project's problem assessment, environmental impacts, costs and benefits should be based on up-to-date conditions (planning should not be obsolete).

Projects should be in compliance with all relevant environmental statutes.

Funding for mitigation of fish and wildlife damages should be provided concurrently and proportionately with construction funding.

Preparation of a legislative proposal for improving cost-sharing for water projects. Improved cost-sharing will allow States to participate more actively in project decisions and will remove biases in the existing system against non-structural flood control measures. These changes will help assure project merit. This proposal, based on the study required by Section 80 of P.L. 93-251, has two parts:

Participation of States in the financing of federal water project construction. For project purposes with vendible outputs (such as water supply or hydroelectric power), States would contribute 10 percent of the costs, proportionate to and phased with federal appropriations. Revenues would be returned to the States proportionate to their contribution. For project purposes without vendible outputs (such as flood control), the State financing share would be 5 percent. There would be a cap on State participation per project per year of ¼ of 1 percent of the State's general revenues so that a small State would not be precluded from having a very large project located in it. Where project benefits accrue to more than one State, State contributions would be calculated accordingly, but if a benefiting State did not choose to participate in cost-sharing, its share could be paid by other participating States. This State cost-sharing proposal would apply on a mandatory basis to projects not yet authorized. However, for projects in the authorized backlog, States which voluntarily enter into these cost-sharing arrangements will achieve expedited Executive Branch consideration and priority for project funding, as long as other project planning requirements are met. Soil Conservation Service projects will be completely exempt from this State cost-sharing proposal.

Equalizing cost-sharing for structural and non-structural flood control alternatives. There is existing authority for 80-20 percent Federal/non-Federal cost-sharing for non-structural flood control measures (including in-kind contributions such as land and easements). I will begin approving non-structural flood control projects with this funding arrangement and will propose that a parallel cost-sharing requirement (including in-kind contributions) be enacted for structural flood control measures, which currently have a multiplicity of cost-sharing rules.

Another policy issue raised in Section 80 of P.L. 93-251 is that of the appropriate discount rate for computing the present value of future estimated economic benefits of water projects. After careful consideration of a range of options I have decided that the currently legislated discount rate formula is reasonable, and I am therefore recommending that no change be made in the current formula. Nor will I recommend retroactive changes in the discount rate for currently authorized projects.

WATER CONSERVATION

Managing our vital water resources depends on a balance of supply, demand and wise use. Using water more efficiently is often cheaper and less damaging to the environment than developing additional supplies. While increases in supply will still be necessary, these reforms place emphasis on water conservation and make clear that this is now a national priority.

In addition to adding the consideration of water conservation to the Principles and Standards, the initiatives I am taking include:

Directives to all Federal agencies with programs which affect water supply or consumption to encourage water conservation, including:

Making appropriate community water conservation measures a condition of the water supply and wastewater treatment grant and loan programs of the Environmental Protection Agency, the Department of Agriculture and the Department of Commerce;

Integrating water conservation requirements into the housing assistance programs of the Department of Housing and Urban Development, the Veterans Administration and the Department of Agriculture;

Providing technical assistance to farmers and urban dwellers on how to conserve water through existing programs of the Department of Agriculture, the Department of Interior and the Department of Housing and Urban Development;

Requiring development of water conservation programs as a condition of contracts for storage or delivery of municipal and industrial water supplies from federal projects;

Requiring the General Services Administration, in consultation with affected agencies, to establish water conservation goals and standards in Federal buildings and facilities;

Encouraging water conservation in the agricultural assistance programs of the Department of Agriculture and the Department of Interior which affect water consumption in water-short areas; and

Requesting all Federal agencies to examine their programs and policies so that they can implement appropriate measures to increase water conservation and re-use.

A directive to the Secretary of the Interior to improve the implementation of irrigation repayment and water service contract procedures under existing authorities of the Bureau of Reclamation. The Secretary will:

Require that new and renegotiated contracts include provisions for recalculation and renegotiation of water rates every five years. This will replace the previous practice of 40-year contracts which often do not reflect inflation and thus do not meet the beneficiaries' repayment obligations;

Under existing authority add provisions to recover operation and maintenance costs when existing contracts are renegotiated, or earlier where existing contracts have adjustment clauses;

More precisely calculate and implement the "ability to pay" provision in existing law which governs recovery of a portion of project capital costs.

Preparation of legislation to allow States the option of requiring higher prices for municipal and industrial water supplies from Federal projects in order to promote conservation, provided that State revenues in excess of Federal costs would be returned to municipalities or other public water supply entities for use in water conservation or rehabilitation of water supply systems.

FEDERAL-STATE COOPERATION

States must be the focal point for water resource management. The water reforms are based on this guiding principle. Therefore, I am taking several initiatives to strengthen Federal-State relations in the water policy

area and to develop a new, creative partnership. In addition to proposing that States increase their roles and responsibilities in water resources development through cost-sharing, the actions I am taking include:

Proposing a substantial increase from $3 million to $25 million annually in the funding of State water planning under the existing 50%–50% matching program administered by the Water Resources Council, State water planning would integrate water management and implementation programs which emphasize water conservation and which are tailored to each State's needs including assessment of water delivery system rehabilitation needs and development of programs to protect and manage groundwater and instream flows.

Preparation of legislation to provide $25 million annually in 50%–50% matching grant assistance to States to implement water conservation technical assistance programs. These funds could be passed through to counties and cities for use in urban or rural water conservation programs. This program will be administered by the Water Resources Council in conjunction with matching grants for water resources planning.

Working with Governors to create a Task Force of Federal, State, county, city and other local officials to continue to address water-related problems. The administrative actions and legislative proposals in this Message are designed to initiate sound water management policy at the national level. However, the Federal government must work closely with the States, and with local governments as well, to continue identifying and examining water-related problems and to help implement the initiatives I am announcing today. This Task Force will be a continuing guide as we implement the water policy reforms and will ensure that the State and local role in our Nation's water policy is constant and meaningful.

An instruction to Federal agencies to work promptly and expeditiously to inventory and quantify Federal reserved and Indian water rights. In several areas of the country, States have been unable to allocate water because these rights have not been determined. This quanitification effort should focus first on high priority areas, should involve close consultation with the States and water users and should emphasize negotiations rather than litigation wherever possible.

ENVIRONMENTAL PROTECTION

Water is a basic requirement for human survival, is necessary for economic growth and prosperity, and is fundamental to protecting the natural environment. Existing environmental statutes relating to water and water projects generally are adequate, but these laws must be consistently applied and effectively enforced to achieve their purposes. Sensitivity to environmental protection must be an important aspect of all water-related planning and management decisions. I am particularly concerned about the need to improve the protection of instream flows and to evolve careful management of our nation's previous groundwater supplies, which are threatened by depletion and contamination.

My initiatives in this area include the following:

A directive to the Secretary of the Interior and other Federal agency heads to implement vigorously the Fish and Wildlife Coordination Act, the Historic Preservation Act and other environmental statutes. Federal agencies will prepare formal implementing procedures for the Fish and Wildlife Coordination Act and other statutes where appropriate. Affected agencies will prepare reports on compliance with environmental statutes on a project-by-project basis for inclusion in annual submissions to the Office of Management and Budget.

A directive to agency heads requiring them to include designated funds for environmental mitigation in water project appropriation requests to provide for concurrent and proportionate expenditure of mitigation funds.

Accelerated implementation of Executive Order No. 11988 on floodplain management. This Order requires agencies to protect floodplains and to reduce risks of flood losses by not conducting, supporting or allowing actions in floodplains unless there are no practicable alternatives. Agency implementation is behind schedule and must be expedited.

A directive to the Secretaries of Army, Commerce, Housing and Urban Development and Interior to help reduce flood damages through acquisition of flood-prone land and property, where consistent with primary program purposes.

A directive to the Secretary of Agriculture to encourage more effective soil and water conservation through watershed programs of the Soil Conservation Service by:

Working with the Fish and Wildlife Service to apply fully the recently-adopted stream channel modification guidelines;

Encouraging accelerated land treatment measures prior to funding of structural measures on watershed projects, and making appropriate land treatment measures eligible for Federal cost-sharing;

Establishing periodic post-project monitoring to ensure implementation of land treatment and operation and maintenance activities specified in the work plan and to provide information helpful in improving the design of future projects.

A directive to Federal agency heads to provide increased cooperation with States and leadership in maintaining instream flows and protecting groundwater through joint assessment of needs, increased assistance in the gathering and sharing of data, appropriate design and operation of Federal water facilities, and other means. I also call upon the Governors and the Congress to work with Federal agencies to protect the fish and wildlife and other values associated with adequate instream flows. New and existing projects should be planned and operated to protect instream flows, consistent with State law and in close consultation with States. Where prior commitments and economic feasibility permit, amendments to authorizing statutes should be sought in order to provide for streamflow maintenance.

CONCLUSION

These initiatives establish the goals and the framework for water policy reform. They do so without impinging on the rights of States and by calling for a closer partnership among the Federal, State, county, city and other local levels of government. I want to work with the Congress, State and local governments and the public to implement this policy. Together we can protect and manage our nation's water resources, putting water to use for society's benefit, preserving our rivers and streams for future generations of Americans, and averting critical water shortages in the future through adequate supply, conservation and wise planning.

JIMMY CARTER.

THE WHITE HOUSE, *June 6, 1978.*

MEMBER'S EMPTY PROMISES OF FISCAL RESTRAINT EXPOSED BY DECADE'S MOST EXPENSIVE RIVERS AND HARBORS BILL

According to the National Taxpayers Union, the Washington based lobbying organization representing the taxpayer, "The proposed Water Resources Development Act, H.R. 4788, is fiscally irresponsible and contradicts all of our efforts to cut the waste out of government expenditures and balance the federal budget."

H.R. 4788 is scheduled for final debate in the House of Representatives on Tuesday, February 5. The bill authorizes over 100 Corps of Engineer water development projects, including many which are needed to meet regional navigation, flood control, and water supply needs. Also included in this bill are projects which are not a high national priority and, in fact, would, if passed, represent the irresponsible use and mismanagement of the taxpayer's money.

David Keating, Director of Legislative Policy for NTU, remarked, "It is ironic that some of the bill's staunchest support comes from those who have continually advocated cutting government spending and balancing the budget. The very members who are getting large chunks of money from this bill are also those who make statements to their constituency on cutting government spending down to the bone."

More than 50 projects in this bill are being authorized with insufficient data and review. The results of this type of authorization are clearly evident, as the bill also provides for more than 27 projects, totalling more than $86 million, which correct a problem caused by an already constructed Corps project. According to the Corps of Engineers, H.R. 4788 authorizes five projects which will return less than a dollar in benefits for every taxpayer dollar spent on the project. Congressmen may be able to swallow these costly authorizations, but the National Taxpayer's Union feels they have bitten off more than the taxpayer can chew.

Congressman Wes Watkins (D-OK) supports the Parker Lake project in his district which the bill authorizes without a concurrent plan for the mitigation of fish and wildlife losses. By doing so, Congress would be authorizing the project without knowing its full costs. Congressman Watkins, though, reported to his constituents in a recent release:

"Since being elected to Congress, I have consistently worked for sound spending policies and the wise use of our taxpayer's dollars . . . I will continue to do whatever I can at every opportunity to bring federal expenditures in line."

Congressman William Harsha (R–OH) who has three objectionable projects in the bill, totalling more than $252 million, has spoken in favor of the bill numerous times, including one discourse in support of a marina construction on Lake Texoma, Texas, costing a "measly $300,000." He is also sponsoring an amendment to balance the federal budget and berates other congressmen who do not follow suit. In a release dated March 17, 1979, Congressman Harsha says:

"For far too many years, those of us who have favored bringing spending in line with revenues have been outnumbered by a majority in Congress who voted for every conceivable spending program and against the taxes necessary to finance them."

The Corps of Engineers has not completed even the most meager level of evaluation, the district engineer's report, for a project in Harlan County, Nebraska, costing more than $4.8 million, yet Congresswoman Virginia Smith (R–NE) strongly supports the project. In Mrs. Smith's January 8, 1980 news release, she states:

"Priorities for the Congress when it reconvenes later this month include a reduction in taxes and a reduction in government spending."

Congressman Leon Panetta (D–CA) has two projects in his district which the Army objects to because final reports are not complete. This type of authorization has proved to be ineffective in the past due to the stifling effect on the planning process. But Mr. Panetta, in a December 4, 1979 newsletter, criticizes Congressional spending saying:

"Despite the overwhelming support of the American public for a balanced federal budget and the need for fiscal restraint, the Congress has continued to give little more than lip-service to these important goals . . . the

only way we will ever reform the spending habits of this Congress, is by forcing committees to go back and look at those programs that are already on the books—making changes where they are needed and eliminating programs which have proven to be wasteful and ineffective."

NTU feels that although it is a good exercise to examine programs that are already on the books, the place to start with sound spending policy is at the authorizing level.

These examples are just a few of the many projects which illustrate the irresponsible use of the taxpayer's money in H.R. 4788. There are many more cases. The National Taxpayer's Union is merely attempting to highlight representative instances of contradictory statements and actions.

Mr. FITHIAN. Mr. Chairman, I rise to support the proposal for increased congressional attention to water policy, but also to make certain that such an effort is intended to ask the hard questions, and having received answers, to make some fundamental changes in the way in which Congress deals with water problems.

Although Congress may not agree with all the results of water policy studies which have been done in the past, the fact is that much work has been done, and many good ideas have been produced.

President Carter has made water policy a major effort of his administration, and has submitted to Congress a comprehensive proposal which represents his thinking. He is the first President in many years to do so, and our response should be something more than a promise of further study while we do business as before. The efforts of the President are well and objectively set out in an article in the National Journal of March 10, 1979, which I will seek permission to insert in the RECORD at the appropriate time.

My point is this: We have heard many times in this debate that, regarding water development, Congress has the prerogative. I would go further; I believe we have the responsibility to make progressive changes in water policy.

No one likes to fight out broad policy issues in the context of a bill authorizing or funding the project of individual Members or the veto of a bill with all the traditional problems. But until Congress responds to the ideas the administration has put on the table or creates some new ones of its own, such confrontations are likely to continue.

[From the National Journal, Mar. 10, 1979]

CARTER'S WATER POLICY REFORMS—TRYING NOT TO MAKE WAVES

(By Dick Kirschten)

President Carter once again is navigating in perilous waters. With the political shoals of 1980 drawing ever closer, he is trying to push ahead carefully with his water policy reforms.

In the last Congress, Carter plunged in boldly—some would say blindly—with his 1977 water projects "hit list" and almost found himself swept over the falls in a congressional pork barrel. Miraculously, the President emerged at the end of 1978 as a big winner when the House sustained his veto of a bloated water projects appropriations bill.

The bruises from that victory remain, however, and Carter appears to be trying to chart a safer course through the 96th Congress. His fiscal 1980 budget proposals for water resources spending have drawn fire from both reformers and defenders of the status quo—a sign that the President is somewhere in the middle of the channel.

The Administration also is showing little enthusiasm for crusades to reopen the fight over user fees on the inland waterways or to halt the massive Tennessee-Tombigbee Waterway project, which is under fierce legal attack by railroad and environmental interests but—perhaps more significantly—is just as fiercely being defended by senior southern legislators who wield considerable power in Congress.

Nor will Carter, in pushing his natural resources reorganization proposal, include a frontal attack on the cozy relationship that has existed between congressional sponsors of water projects and the federal agencies that design and build them.

Two key players in the multi-agency effort to implement Carter's water policy told National Journal, in separate interviews, that the Administration does not wish to get into any gratuitous new fights at this point. They hope to make some quiet progress without making too many waves. But even that won't be easy.

Eliot R. Cutler, an associate director of the Office of Management and Budget (OMB), said the Administration wants "to consolidate the strength" it showed in last year's veto victory and use it to get on with "the not-so-glamorous job of building some policy reforms into the system" for future federal water project decisions.

Assistant Interior Secretary Guy R. Martin, who is spearheading the implementation effort, stressed the importance of "living with" some of the past congressional decisions that are not to the Administration's liking rather than "resurrecting those battles that already have been lost."

Looking ahead, the Carter forces have three immediate objectives in this session of Congress: the defense of their 1980 water projects budget; passage of a state-federal cost-sharing bill designed to give the states some leverage in the selection of projects; and a quick infusion of funds for the Water Resources Council that Carter has tapped to set new project standards, review construction decisions and administer grant programs to promote state water conservation and planning efforts.

The cost-sharing bill—now being redrafted in light of objections by the states—faces a rough fight on its own. As for the Water Resources Council, it would have been wiped out last year if Carter had not prevailed with his veto. With many Members of Congress apparently still smarting over their failure to override that veto, Carter may find himself in hot water on all of these issues.

POLICY DEVELOPMENT

Last June, after a year-long study that originally was to have taken only six months, Carter sent Congress his promised message on new directions in national water policy. It was something less than the "comprehensive" master plan it had been billed as. The White House conceded that the message was only a beginning—"the initial stage of an important long-term effort." The President said he was offering "the goals and framework for water policy reform" that would have to be carried out in several stages.

But there was no mistaking the fact—as the Council of State Governments pointed out in a report last November—that Carter had bluntly challenged "traditional congressional domination in federal water policy decision making" and had questioned "congressional judgment in project selection." The fight was on.

"The basic issue raised by the President's initiatives," the council said, "is whether national water policy choices and program decisions should be made on the congressional appropriations battlefield or by the states, the Administration and Congress working together within the framework of some generally accepted principles and guidelines." The council clearly favors the latter approach.

Since June, 19 interagency task forces have been scrambling to find grounds for such general acceptance, not only among the states, the Administration and Congress, but within the sprawling 25-agency federal water bureaucracy as well. The task has not been easy.

Carter's water policy has three major goals: to avoid wasteful or low-benefit water projects; to promote water conservation; and to bring the state governments into financial partnership through a state-federal cost-sharing scheme for future water projects.

To halt economically or environmentally unsound projects, Carter wants better federal planning. He has ordered the Water Resources Council to develop a new procedural manual to bring uniformity, consistency and accuracy to the previously suspect cost-benefit calculations that federal agencies have relied on to justify projects sought by Congress. The manual is to be in force by July, if all goes well.

As a further curb on extravagant projects, Carter wants Congress to face up to the total cost of each new project at the outset—not just the sum needed to get it started. He wants Congress to appropriate the entire amount needed to complete each project at the time it approves its construction.

To promote more efficient use of water, a variety of educational and research steps have been taken, including a Housing and Urban Development Department study of water-saving plumbing code revisions.

Water pricing is another key to the Carter strategy, not only to discourage unnecessary consumption but also to recover the costs of building and operating projects. A "conservation pricing" bill that would allow higher-than-cost fees to discourage excess municipal and industrial consumption of water from federal projects is to be sent to Capitol Hill later this year.

To bring the states into the financing—as well as the selection—of water projects, Carter has proposed that no new project be approved unless a state has agreed to put up a set percentage of the total cost. In each year of construction, the state would have to pay its share of that year's costs in advance, and in cash. Where a project produces revenue, the state would share the take with the federal government in proportion to its contributions.

BUDGET PROPOSALS

Carter gave everybody something to howl about with his 1980 budget proposal for water resources. In terms of new budget authority, he proposed giving the federal water agencies a whopping 16.5 per cent increase. But in terms of outlays—the money to be spent in the coming year—the proposed increase was only 2 per cent, or far less than the rate of inflation. Included were 26 proposed new water projects, costing an estimated $578 million to complete.

Perhaps the loudest howls came from the President's nominal allies in the water policy reform fight. One environmental organization—the Environmental Policy Center—fired off a press release that attacked two of the new projects, objected to continued spending on several older ones, including Tennessee-Tombigbee, and charged that "the Administration has abandoned its full-funding principle" with respect to a Mississippi River lock and dam that was at the center of last year's hassle over waterway users' fees.

Twelve House Members who supported Carter's 1978 veto wrote to the President on Feb. 5 to echo the criticisms of the environmentalists and to say that they were "greatly disappointed" with Carter's failure to "follow through" on his own policy initiatives.

On the very same day, however, a Carter emissary was being bombarded with com-

plaints about a different aspect of the water resources budget at a meeting of the House Appropriations Subcommittee on Public Works. W. Bowman Cutter, OMB's executive associate director for budget, was informed in no uncertain terms that the subcommittee viewed the Carter policy as an executive power grab.

Rep. Virginia Smith, R-Neb., told Cutter that Congress is "not about to give up our stewardship" over water projects. And Rep. John T. Myers, R-Ind., said Congress would not act as "a rubber stamp" for the President's project preferences. The subcommittee and its staff are openly opposed to the full-funding proposal because it takes away their power to control the pace of construction. Once Congress appropriates the full project cost, OMB assumes control over the amount to be spent each year and, in theory, could choke off a project it did not favor. Subcommittee chairman Tom Bevill, D-Ala., also challenged the Administration's estimates of the costs of its proposed projects. "You'll come up short," he told Cutter.

A week later, OMB's Eliot Cutler was taken to task at a White House luncheon by Reps. Berkley Bedell, D-Iowa, and Robert W. Edgar, D-Pa., who took the other side of the full-funding argument. They wanted to know why Carter included only $20 million in his budget to begin construction of a new Lock and Dam 26 on the Mississippi River near Alton, Ill. The full cost of the structure—which would replace the aging locks that have become a bottleneck for the river's barge operators—is $491 million, according to the Army Corps of Engineers' latest estimate.

Bedell and Edgar, no friends of the project, said Carter should have asked Congress to appropriate the entire sum needed to complete the facility. Although it would not affect the level of annual outlays, such a large appropriation, when added to the cost of other desired water projects, might put Congress, sensitive as it is to demands for reduced federal spending, in a bind.

That is just what environmentalists who generally deplore water projects, would like to see. Brent Blackwelder of the Environmental Policy Center angrily denounced the Administration for treating Lock and Dam 26 as an incomplete, rather than a new, project. As Blackwelder argued in a press release, a full appropriation for the project "would virtually have precluded funding any other new starts."

In a Jan. 24 letter to OMB director James T. McIntyre Jr., Blackwelder pointed out that "this project was not even authorized until October 1978, and . . . not a spade of dirt has been lifted." In an interview, the environmental lobbyist said the Administration was backing down from its own idea "of forcing Congress to bite the bullet and accept the entire price tag if it wants to go ahead with a project."

At his Feb. 13 lunch with Bedell and Edgar, Cutler explained that OMB, as well as the congressional Appropriations Committees, view Lock and Dam 26 as an old project even though it has not yet been authorized. Congress voted funds in 1974 to begin land acquisition for the new facility, and some of that money was spent. In the bookkeeping for water projects, Cutler said, land acquisition is listed as a contruction cost.

Bedell and Edgar told National Journal in interviews that they were partially satisfied by Cutler's explanation but intend to pursue the subject. They are among those who wish that Carter had vetoed the compromise struck last year by Congress on user fees for barge operators. Lock and Dam 26 had been held hostage by advocates of a user fee and its authorization was approved only when Congress and Carter accepted a tax on the fuel used by barge operators in lieu of a fee for the use of federal navigational facilities.

The compromise, fashioned by Sen. Russell B. Long, D-La., calls for a phased fuel tax, starting at 4 cents a gallon in 1980 and rising to a maximum of 10 cents by 1985, that goes into a trust fund that can be used only for new construction. The final outcome was a far cry from the original proposal, vigorously pushed by Sen. Pete C. Domenici, R-N.M., that would have imposed a system of user fees to recoup all inland waterway maintenance costs and half of any new construction.

Bedell was one of the leading House proponents of the Domenici bill, which originally had Carter's strong backing. The Iowa Democrat was sorely disappointed by the Administration's failure to insist on a tougher measure to reduce the subsidy enjoyed by the barge industry. He cited a 1977 Congressional Budget Office report that federal subsidies equal about 42 percent of all barge revenues, compared with 3 percent for railroads, 1 percent for trucks and none at all for pipelines.

Bedell has a new bill this year to impose a modified waterway user fee on top of Long's fuel tax. The combined receipts by 1985 would equal 25 percent of federal waterway expenditures.

The fuel tax alone, according to Bedell's calculations, will offset only 5 percent of federal costs in 1981 and 10.2 percent in 1985. Neither the Carter Administration nor Domenici, however, are in a mood to resurrect the user fee battle this soon. Bedell is going it alone.

Another subject on the agenda when Bedell and Edgar lunched with Cutler was the Tennessee-Tombigbee barge canal in Alabama and Mississippi. Serious questions about the project's economic justification have come to light in a recent court trial, and Sen. Gaylord Nelson, D-Wis., has prepared a bill to halt the $1.67 billion project. Nelson hopes to force hearings on the project, which he characterizes as "the biggest pork-barrel boondoggle of them all." The project, according to a Nelson aide, is 364 percent over its original budget. Carter is asking $165 million for it in fiscal 1980.

Cutler, in an interview, said that the Administration had decided not to take on the Tennessee-Tombigbee fight during its hit list review in 1977. At that time, a White House staffer—not Cutler—remarked that the reason was that "Sen. Stennis isn't dead yet." Sen. John C. Stennis, D-Miss., the chairman of the Armed Services Committee and second-ranking Democrat on the Appropriations Committee, is one of the project's most forceful boosters.

Cutler said he told Bedell and Edgar that "no new information" had come to light at the time the new budget was prepared to change the 1977 decision to continue the Tennessee-Tombigbee construction.

As for Lock and Dam 26, he said, "We just didn't want to muddy the waters with Congress about what our intentions are with respect to projects already started."

COST SHARING

An underlying theme of Carter's water policy is that better project decisions will be made if fiscal responsibility can be brought closer to home. Cost sharing is not new for federal water projects, but so far, state governments have not been asked to join in.

The Council on Environmental Quality estimates that the federal government pays an average of 70 percent of water project costs, with the remainder covered by local project sponsors or beneficiaries. "States seldom participate in project funding and do not play a major role in setting project priorities," the council pointed out in a recent report.

Carter—with cautious backing from a National Governors' Association panel—has decided that the time has come to make the states start picking up part of the tab. In return, the states would be able to influence the choice of which of their new projects would receive funds first. They also would be offered a chance to expedite work on previously authorized projects if they chose to share in the costs.

Three cost-sharing levels have been proposed. For non-revenue-producing projects, the state would put up 5 percent of the cost. Where there are potential revenues—and thus the potential for the state to recover all or part of its investment—the share is to be 10 percent. Finally, for flood control measures, where the non-federal requirement for "non-structural" measures—usually land acquisition—is now 20 percent, the same requirement would apply to "structural" measures—dams, levees, floodwalls and the like. This would eliminate the existing bias against non-structural solutions.

The governors' association, in endorsing "the concept of cost sharing" but not the draft bill, has taken a strong position in opposition to one provision—that states share in the cost of navigational projects such as the controversial Lock and Dam 26.

The draft bill—by categorizing navigational projects as among those considered to have revenue-producing potential (or "vendible outputs")—seemed to be designed with an eye toward encouraging the states to push for higher waterway user fees. If states have to foot 10 percent of the costs of future Lock and Dam 26 projects, they would certainly become interested in revenue-raising mechanisms that might eventually repay their considerable investments. Russell Long's fuel tax trust fund would be no help in that regard.

In a Feb. 13 letter to Interior Secretary Cecil D. Andrus, Gov. Scott M. Matheson, D-Utah, chairman of the governors' water policy subcommittee, warned that it would be difficult to apportion the regionally "diffused" benefits of most inland waterway facilities on an equitable basis.

Aside from the prospect that states where facilities such as locks and dams may be built could be unfairly burdened by the cost-sharing requirement. Matheson went a step further and noted that the draft bill also would apply to port and harbor projects "crucial to strengthening the U.S. position in international trade."

The Utah governor archly added, "There has been no companion suggestion that the federal government share with states the substantial customs revenue which ports and harbors generate."

In an interview, the Interior Department's Martin indicated that in all likelihood navigational projects will be dropped from the cost-sharing bill, or at least from the 10 percent state sharing requirement. The matter was discussed at a recent policy meeting, Martin said, and "we agreed that the navigational projects have vendible outputs, but they aren't being vended."

The Interior official also indicated that another potentially controversial provision relating to reimbursement by project beneficiaries and indirectly, by the states, for federal dam safety expenditures also would be dropped. "OMB wanted that in there because they got beat when it was before Congress last year." Martin said. "But there is no reason to think we would win it this year either."

WATER RESOURCES COUNCIL

One of the most ticklish challenges facing the Administration is to get Congress to quintuple the budget of an agency that the legislators attempted to kill just a year ago. That agency is the Water Resources Council, a small, independent body governed by the heads of larger governmental agencies and with a record of unimpressive achievement.

Carter, however, is counting on the council to write strict new rules for the hereto-

fore rough-and-tumble game of calculating water project costs and benefits and to create a new independent review team to see that those rules are honored. The President also wants to expand the council's $3 million-a-year program of state planning grants to $25 million and to add another $25 million annually for state technical assistance grants to promote water conservation.

To get all of these objectives rolling, the council is asking for a $49.2 million supplemental appropriation for the current fiscal year and permission to reprogram $431,000 in unspent funds from its 1978 budget. Its current $12.7 million appropriation was bestowed begrudgingly by Congress in the post-veto compromise it struck with Carter. In the bill vetoed by the President, the council got nothing, although some of its functions were to be reassigned to the Interior Department.

The supplemental and reprogrammed funds would bring its total budget to $62.3 million, roughly equivalent to the $61.2 million that Carter proposed for the agency in his 1980 budget.

Most of the supplemental funds—$47 million—are being sought to bring the two state grant programs up to the new levels Carter desires. The planning funds would let the states become more sophisticated partners in the new water policy that the President envisions. The conservation grants would be used for public education and research but not equipment or other hardware.

Another $2 million is needed to get the council started on a major study to weigh the environmental and other impacts of increased commercial traffic on the Upper Mississippi River system. This study was authorized as a part of the Lock and Dam 26 compromise.

Last, but by no means least, the council wants $625,000 to assemble and find working space for the independent review panel that Carter, by executive decree, has ordered to be in operation by next month. This team, which would not judge the merits of water projects but only check the procedures followed in bringing them to the point where construction funds are sought, is expected to review new project starts for the fiscal 1981 budget.

The council received a new lease on life when Carter rejected a proposal by his reorganization advisers to fold the agency into a new Department of Natural Resources, built around the nucleus of the Interior Department. Instead, it will remain independent, even though its chairman would continue to be the Interior (or Natural Resources) Secretary.

State officials and others had objected to the transfer of the council and its functions to a Cabinet department responsible to the President. Instead, they would prefer a fully independent council with state representatives—perhaps several governors—sitting as voting members.

Carter's reorganization plan had originally also called for the transfer of the water planning and design functions of the Army Corps of Engineers and the Agriculture Department's Soil Conservation Service to the new department.

The corps, in turn, would have picked up the construction functions now performed by the Soil Conservation Service and the Interior Department's Bureau of Reclamation while retaining its current construction duties.

The intent was clear; to strip the corps—and its congressional allies—of the power to plan and promote its own projects. Instead, the new department would have determined whether to move ahead on water projects of all kinds.

In the face of strong opposition, especially from the corps and its supporters, Carter rejected the proposed changes.

Domestic Policy Staff chief Stuart E. Eizenstat made it clear at a March 1 briefing on the reorganization plan that the Administration will face a tough enough time trying to sell Congress on major "substantive changes" in the way water projects are planned and financed. He added, "It didn't make sense . . . to dilute our attention" with a fight over the organization of the water agencies.

"We are far from giving up in terms of reforming the whole water area," he insisted, but "our major water battle this year" is to sell Cogress on such concepts as full funding and state participation. "It is going to take all our resources."

Clearly, the President has ordered his helmsmen to steer a cautious course.

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

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

Mr. ERTEL. I agree the Commission should review all of the previous work, tie it together, bring it back and put into a legislative form so that this House and Senate—this is composed of both House and Senate Members—put it together into legislative form, into something we can pass in this House and make a coherent water policy.

Mr. FITHIAN. Mr. Chairman, I thank the gentleman for his comment. I would say that when we get back to the House we are going to have some of the same problems we have now.

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

Mr. FITHIAN. I will be happy to yield to my friend from Virginia.

Mr. FISHER. Having participated in three or four of the studies in past years that the gentleman from Pennsylvania (Mr. EDGAR) mentioned, I can say with some feeling that the trouble with most of the studies—certainly the several in which I took part—is that they never could move from the recommendations of study into congressional and executive action, especially congressional action.

I would hope very much that we would give this one more try, this time with the focus upon a congressional commission and with the main challenge of taking the best of the recommendations that have accumulated from all of these commissions in the past and moving them across the goal line into significant action.

□ 1530

So I want to support the amendment that is being offered.

Mr. FITHIAN. Mr. Chairman, I thank the gentleman for his remarks.

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

The amendment was agreed to.

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

Mr. Chairman, I think I recognize the mood and the temperament of the House. They want to vote. I shall not take the 5 minutes, but I did want to point out that the Members have been deluged by propaganda directed against this bill, the chief source of which has been the so-called Coalition for Water Project Review. In order to put this debate in the proper perspective and to point out the glaring misrepresentation, false statements, erroneous deductions, and misleading inferences, I took one of the projects named by this Coalition for Water Project Review, the Gallipolis Lock and Dam, and analyzed its allegations in comparison with the facts.

Let me say in the outset that this project is not in my congressional district. I have no parochial interest in it. It lies between the congressional district of the gentleman from Ohio (Mr. MILLER) and the gentleman from West Virginia (Mr. RAHALL) and let me also say that unfortunately many organizations, who have credibility with Congress and with the press, have lent their name to the so-called Coalition for Water Project Review, thereby giving it some credibility but I doubt if all these organizations read the reports on these projects.

In the coalition release of January 8, 1980, entitled "Profiles in Pork"—profiles in propaganda would be a better term—they stated "as in the past the committee places no requirements on the barge beneficiaries to repay the cost of this expensive project through user fees." This is absolutely false because Congress in 1978 passed the Inland Waterway Revenue Act wherein a fee is charged to the users of this inland waterway; that fee is graduated and by the time this project is built the water users will be paying the maximum fee assessed. To single this project out and to suggest that its users be required to reimburse the total cost of this project or all the other navigation projects on the system seems to me to be totally inequitable.

Their chief allegation, though, was that raising the water level of the river has caused massive erosion and implied that the damage to the shore and the banks of the Ohio was caused by the construction of navigation dams and locks. In addition, in their January 22, 1980 release they stated that—

Past developments on the Ohio River have caused deterioration of the water quality and rampant erosion. The committee should examine the regional effects of one more high-head dam before authorizing the project.

Now, one would think this coalition had some responsibility to review the reports on projects it criticizes. Had it actually reviewed the reports, it would have found that this project does not call for a high-head dam, it does not raise the level of the water one fraction of an inch. It is chiefly a lock replacement project, substituting a 1,200-foot lock for a 600-foot lock, accompanied by rehabilitation of the existing dam that was built in 1937. Erosion is due to floods and their resulting high, fast water. Navigation dams lower the velocity of the river when it is at normal stage but have no control over floods. Whenever the river floods, the locks are all open, as are the gates on the dam; thus, the river is in its natural state. There is absolutely no substance to this claim that massive erosion is caused by these dams and their operation.

Furthermore, a comprehensive, exhaustive and detailed study of the Ohio River was made by Dr. Joseph Hagerty, Dr. Daryl Simons, and Dr. Stanley Schumm. The study was directed at sys-

tem mechanics and basic causes of erosion.

Dr. Hagerty was an associate professor of civil engineering and an associate in department of geology at the University of Louisville. He also performed engineering consulting work.

Dr. Simons heads all research projects for the Colorado State University. Previously, as a professor at the University of Wyoming and as an employee of the U.S. Geological Survey, he had been involved in the civil engineering field with emphasis on problems of erosion, sedimentation, river mechanics and related matters. In other words, an expert.

Dr. Schumm, a Ph. D. in geomorphology from Columbia University, previously worked for 12 years for the U.S. Geological Survey dealing in erosion problems and presently is a professor of geology at Colorado State University.

All three, after extensive study, found that erosion on the Ohio River was not due to the construction and operation of the navigation dams, but rather to flooding which, as I have said, is not affected by the dams.

This finding and conclusion was introduced into a lawsuit in the U.S. Court of Claims last October and, after cross examination and other appropriate legal procedures, the court likewise found that erosion was not caused by the construction and operation of the dams on the Ohio—but by floods.

Therefore, there is just no substance to such a wild and invalid claim that Gallipolis Dam would add to the erosion problems on the Ohio.

Their next allegation is deterioration of water quality. Gallipolis lock and dam will not change the flow of the river or raise the water level any more than it has already been raised by the existing lock and dam. Further, there is no credible evidence that these dams have increased the cost of waste water treatment. Certainly this one dam, because it is not to be raised or changed or lowered but merely rehabilitated, will have no effect on water quality. Still further, for the past 10 years or so the Ohio River has undergone tremendous improvements in water quality at precisely the time the navigation improvement program has been carried on. This is confirmed by aquatic biology experts with the Ohio River Valley Water Sanitation Commission on the basis of long-term physical and electronic monitoring. These findings are supported by the Ohio River fish survey, which has recorded a dramatic increase in the number and diversity of fish in the river, significantly including pollution-sensitive species.

Their next allegation is that more dams on the tributaries will be required. This is absolutely not necessary. In the first place, the tributary dams are basically structured for flood control, water supply and recreation, not navigation. They are structured to keep the river from exceeding its capacity in times of flood and excessive rain and water runoff; the need for upstream dams is for flood control and not navigation. Therefore, there is no substance to their charge that Gallipolis will require additional dams on tributaries.

Their last allegation discusses the vulnerability of the barge system to droughts, floods, freeze-ups and accidents. When the river freezes over the barge traffic stops, just as it is curtailed on the Great Lakes, but that is a result of nature, an act of God, and not the result of navigation dams. Barge traffic has been stopped because of freeze-ups only one time during modern history and the construction of Gallipolis would not aggravate this problem. To argue on this basis that the Gallipolis project would unduly increase the Ohio River Valley's dependence on navigation and therefore to freezes bank to bank is ridiculous.

As to accidents, Gallipolis at the present time is one of the most accident prone dams on the system because of its antiquated state, congestion at the lock endangering the lock operation, and just as importantly the hazardous approach conditions due to the bend in the river which increases the accident rate at the dam to 16 times what it is at any other modern lock on the Ohio. This is a compelling reason for building the new facility as soon as possible to eliminate these hazards. Further, any real environmentalist would be concerned about the accident rate at the dam because sufficient quantities of oil and gasoline are transported by barge as to constitute the threat of water pollution in the case of an accident.

As I said earlier, navigation dams have nothing to do with the flood conditions or the river. When the river is in flood condition the gates of these dams are open and the dams exert no control over the river or its flow; the river essentially flows and acts in its natural state and the dams under these circumstances do not contribute to any problems of navigation due to high flow. The velocity of the river is in no way affected by the dams under flood conditions.

The release refers to unofficial estimate of damage from new locks and dams by Senator FORD of Kentucky. That is just what it is, an unofficial estimate and, as a matter of fact, the evidence is to the contrary. That is, there is no substance to these unofficial damage estimates, and this so-called coalition was or should have been aware of this court case documenting the fact.

Admittedly, I have examined only one of the projects contained in the release of the Coalition for Water Project Review. However, these inflamatory statements, if made in the one instance, are in all probability made in others in their eagerness to defeat this legislation. How do you separate the wheat from the chaff? These tactics are not worthy of your consideration and I respectfully submit that you should cast them aside for what they are—misrepresentations, falsehoods, distortions, and misleading inferences—and support the committee.

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

Mr. Chairman, I take this time to commend the chairman of our Subcommittee on Water and Power Resources, the gentleman from Texas, Mr. RAY ROBERTS. This is the last time the gentleman will probably handle a bill of this size on the floor. He has done a wonderful job over the last 3 years in perfecting this bill and along with the rest of the members of the committee he has worked long and hard on this bill in getting it in shape to bring to the floor.

We have had a long and hard debate. Everyone has had an opportunity to speak on the bill. The bill is a very comprehensive bill dealing with the water resource program of the United States. It is one that is very necessary. I commend all participants.

We are going to miss the gentleman from Texas, Mr. RAY ROBERTS, when he leaves this House at the end of this session. I hate to see him go. He has been a very, very fine subcommittee chairman. He replaced me as chairman when I was ill here a year or so ago. He did a wonderful job with the committee at that time.

I say to the gentleman, RAY, you are to be congratulated for a very fine job on the floor. Your friends will miss you.

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

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

Mr. CLAUSEN. Mr. Chairman, I want to join in the accolades that have been presented to our distinguished chairman, the gentleman from Texas, Mr. ROBERTS. On a number of occasions I have taken the microphone in the well of the House and extolled the gentleman, who has been described as one of the fairest and firmest individuals that I have had the privilege to share a ranking minority chairmanship with, that is the gentleman from Texas, Mr. RAY ROBERTS.

In peace and war RAY ROBERTS has devoted his life unsparingly to the service of his country. As chairman of our Water Resources Subcommittee, he has been a leader in the fight to protect and upgrade our irreplaceable water supplies, to clean up our ravaged rivers and lakes and restore them for the benefit of future generations. His farsightedness has contributed substantially to the development of a progressive national water program. The legislation adopted under his aegis will stand as tribute to him and his recognition of the Nation's need for development and conservation of its water resources.

In addition to the gentleman from Texas, Mr. RAY ROBERTS, I am sure that the chairman, the gentleman from California (Mr. JOHNSON) would join with me in giving equal acknowledgment and recognition of another retiring member of this committee, the ranking member from the State of Ohio, the gentleman from Portsmouth (Mr. HARSHA). BILL has served with extraordinary distinction. He is a man recognized and enormously respected for being smart, tough, and always thoroughly prepared. He has mastered the intricacies of parliamentary procedure as well as anyone in this body and if there is anyone that has done a job that is also worthy of recognition, it is the gentleman from Ohio, BILL HARSHA.

Mr. Chairman, BILL HARSHA has an unprecedented record of protecting and advancing the interests of his constituents. At the same time, he has been

a champion of legislation that is responsible and responsive from a nationwide perspective. He shows the highest esteem and deep respect of all of us here in Congress because he is fair, firm, and factual. He is fair in the scrutiny that he gives the legislative proposals that come before him; firm in the commitment he makes to properly evaluate those proposals; and factual in the approach he takes in formulating positions concerning those proposals.

Because of BILL HARSHA and the 20 years of service he has given to this Congress and this Nation, our rivers and streams will be cleaner and more able to be enjoyed by both recreational and commercial users. Our highways will be better designed and safer. The country's airport and aviation laws have been vastly improved so that new aircraft will be built with cleaner and quieter engines and airports will become good neighbors in the community. Because of BILL HARSHA, we have a body of economic development legislation that is revitalizing regional growth and prosperity nationwide. And locks and dam 26 on the Mississippi River will stand as living monuments to BILL HARSHA's perseverance and legislative genius.

Mr. Chairman, when BILL HARSHA retires at the end of this session, the rest of us in the House will miss him and his contributions far more than anyone else who has retired in a long, long time.

I think it would be appropriate that we give those gentlemen, the gentleman from Texas and the gentleman from Ohio, a round of applause and a standing ovation for their work.

Will you join me?

[Applause, the Members rising.]

Mr. JOHNSON of California. Mr. Chairman, I want to join my colleague, the gentleman from California, in commending the gentleman from Ohio (Mr. HARSHA). The gentleman from Ohio (Mr. HARSHA) has been a fine ranking minority member to have served with. He has been a real bulwark of the committee. I have worked with him side by side. The result has been meaningful legislation for all America. BILL HARSHA's contribution to the committee has made it a cohesive, active unit. We have passed legislation that covers the spectrum from the arts to highway safety. BILL has been with us all the way.

I salute him. Wish him well.

Mr. ROBERTS. Mr. Chairman, I want to express great appreciation for the accolades for myself and the gentleman from Ohio. We will be happy with a unanimous vote on this bill.

● Mrs. SCHROEDER. Mr. Chairman, let us look at H.R. 4788, the Water Resource Development Act on the lighter side.

THE CONGRESS AND THE ENGINEER

(With sincere apologies to Lewis Carroll, the Walrus, the Carpenter and the Oysters)

The Congress and the Engineer
Were walking close at hand
They wept like anything to see
Such quantities of sand:
"If this were only cleared away,"
They said, "it would be grand!"

"If seven mill and seven thou
We gave for half a year,
Do you suppose," the Congress said,
"That that could get it clear?"
"I doubt it," said the Engineer,
"You needn't be austere."

"O Voters, put your trust in us!"
The Congress did beseech.
"Dredging projects are just the thing
Along this briny beach:
We cannot do with less than four
No care the cost of each."

An elder Voter looked at them
And many a word he said:
The elder Voter slammed his fist
And shook his heavy head—
Meaning to say he did not choose
To take part in this dread.

But four young Voters hurried up,
All eager for this treat:
The idea of a public work
To them seemed very neat—
To have big bucks come fly their way
Was something hard to beat.

Four other Voters followed them
And yet another four;
And thick and fast they came at last,
And more, and more, and more—
All hoping, through the frothy waves,
To be friends of the corps.

"The time has come," the Congress said,
"To hand out many things;
Ports and dams and harbor sights
Reservoirs and springs
Waterways across the sea
And a monument to kings."

"But wait a bit," the Voters cried,
"Before you do all that;
The cost of some is out of sight,
And some of them are fat!"
"No worry!" said the Engineer.
They thanked him much for that.

"Much more money," the Congress said,
"Is what we chiefly need:
You'll pay more tax until we find
We have enough indeed—
Now if you're ready, Voters dear,
We can begin to feed."

"But not on us!" the Voters cried,
Turning a little blue.
"After such kindness, that would be
A dismal thing to do!"
"Things will be fine," the Congress said,
"No need to sit and stew."

"It seems a shame," the Congress said,
"To play them such a trick,
After we've bought them all so much
But made them pay so quick!"
The Engineer said nothing but
"What blueprint shall I pick?"

"I weep for you," the Congress said:
"I deeply sympathize."
With sobs and tears they sorted out
Those of the largest size,
Holding pocket-calculators
Before their streaming eyes.

"O Voters," said the Engineer,
"We've had a lot of fun!
Won't you be going home again?"
But answer came there none—
And this was scarcely odd, because
They bankrupted every one.●

● Ms. HOLTZMAN. Mr. Chairman, I oppose H.R. 4788, the Water Resources Development Act of 1979 because it authorizes approximately $2.5 billion for water projects that are unwarranted at a time that we can ill afford such expenditures.

I strongly support certain aspects of the bill, particularly those portions that are important and beneficial to New York. For the first time the corps is granted authority to engage in single purpose urban water supply projects. Accordingly, section 203 authorizes a $25 million loan for work on New York City Water Tunnel No. 3, which is essential.

As amended by the House, section 203 also accomplishes the intent of an amendment I had originally planned to offer. It stops any work and any further studies of the Hudson River skimming project. That project, which called for taking water from the Hudson River and using it as part of New York City's drinking water supply, would have posed serious environmental and health problems. It would have added to New York City's drinking water—currently among the purest in the country—water from the Hudson River that has been contaminated by a wide variety of toxic and carcinogenic chemicals discharged as industrial waste. Congressman MCHUGH and I worked with the Public Works Committee to develop a committee amendment, adopted by the House, that has effectively stopped this project.

Although I favor this part of the bill, I cannot vote for the entire bill because more than 50 percent of its $4 billion price tag is for projects that are seriously questionable. With a projected budget deficit of well over $40 billion and an inflation rate higher than any time except just after World War II, we cannot afford wasteful Government expenditures. We cannot continue with business as usual; we cannot blithely spend taxpayers' dollars on projects and programs that are not clearly justifiable.

Unfortunately this bill has many such inadvisable and unneeded projects. The Army Corps of Engineers itself opposes 54 projects with an estimated price tag of $2.5 billion, because the administrative review process on them has not been completed. Other projects have been included in the bill without meeting local cost-sharing requirements, without engineering feasibility reports or without plans for mitigating fish and wildlife losses. Serious challenges have been raised to other projects on the grounds that they are environmentally unjustified, unnecessary, and too costly.

I urge defeat of this bill and the development of an alternative that is fiscally responsible and authorizes only projects that are clearly warranted.●

● Mr. STOKES. Mr. Chairman, I rise in strong support of H.R. 4788, the Water Resources Development Act of 1979.

I do so primarily because of section 113 of that act, which provides an essential $31.2 million for improvements to Cleveland Harbor. Cleveland, like many Midwest cities, is a city with a seriously declining economic base. The long-term viability of the region will depend in large part, on the success of current heavy industries and on the development of new business. Vastly improved port facilities are essential to both elements.

The steel industry is a vital part of the economy of Cleveland. That industry relies heavily on water shipment of cargoes and supplies. As larger ships come on line, in particular, the new 1,000-foot iron ore carriers, Cleveland Harbor will no longer be able to serve the steel industry adequately. The approach and entrance channels are not deep enough,

not wide enough, and not long enough for the new bulk carriers, especially during inclement weather operations.

The improvements authorized in H.R. 4788, will do the deepening, the widening, and the extending essential to the maintenance of the local steel industry. The 100,000 jobs linked to steel and port operations will, in turn, be maintained and hopefully increase.

Yet, steel is not the only aspect of Cleveland which depends on a viable port. Many other existing concerns depend on water for receipt of supplies and distribution of products. If Cleveland is to attract new industries and develop new economic bases, such as shipping or exporting, the need for port modernization becomes even more urgent. Plans currently exist for development of the port terminal areas and construction of surrounding industrial park areas. In conjunction with these activities, the nearby downtown airport would be expanded to handle all types of traffic. The expanded industrial areas and improvement in transportation possibilities would be great stimuli to new investment in the business area.

Cleveland simply cannot hope to maintain its current status or to establish any significant growth and development as an industrial city or as a major American trade center without the funds authorized in H.R. 4788. Section 113 is not an attempt to obtain Federal dollars simply for the sake of obtaining those Federal dollars. It provides money vital to avert certain loss of thousands of jobs and finances to the Cleveland area. Again, Mr. Chairman, I strongly urge my colleagues' support of H.R. 4788 so that Cleveland can continue at its current status and ultimately be renewed as a model for other cities which face financial difficulties and seek to return to their former strength. In closing, Mr. Chairman, I want to commend the distinguished chairman of this committee, Mr. JOHNSON, of California for bringing this bill to the floor and for his outstanding service to this Nation.●

● Mr. CAVANAUGH. Mr. Chairman, I thank the committee for accepting my amendment which will add no additional authority under the bill but will simply make a technical correction which will allow contracts to be let between the State of Nebraska Game and Parks Commission and the Army Corps of Engineers to begin work on an erosion protection project at the Louisville, Nebr., State Recreation Area under the auspices of section 14 of the Flood Control Act of 1946 (Public Law 79–526) as amended by the Water Resources Development Act of 1974 (Public Law 93–251).

During a recent flood crisis along the Platte River considerable damage occurred to public facilities and eroded enormous portions of shoreline at the Louisville State Recreation Area. The shoreline is valuable to the public for park expansion purposes and for future facility development.

Louisville State Recreation Area is one of the more popular public use areas in the State. Being situated between Omaha and Lincoln, the site serves as the recreation resource for the two largest population centers of the State. During 1977 over 200,000 visitors were counted using the area.

Section 221 of the Flood Control Act of 1970 requires that non-Federal interests enter into enforceable contracts to provide the required non-Federal cooperation for Corps of Engineers water resource projects. Most States have developed means to comply with this requirement, but some have as of yet been unable to do so. The primary problem is a constitutional one—the inability to commit future legislatures to appropriate funds for repayment of such project purposes as water supply and recreation. The Nebraska commission has obtained an opinion from the Attorney General which prohibits the commission from entering into the contract because section 221 assurances are violative of the Nebraska Constitution which prohibits the binding of the State legislature for future unappropriated funds.

The problem which I am seeking to correct in Nebraska for the Louisville State Recreation Area is similar to the situation found in Indiana and corrected in this bill at section 435.

This Nebraska constitutional limitation only applies to State government, and political subdivisions, such as local natural resource districts, may obligate themselves beyond 1 tax year for section 221 purposes. Problems such as the the one presented by this amendment are normally cured by making the local natural resources district the local sponsor for section 221 purposes. In this instance that cannot be accomplished because the State recreation area is under the sole and exclusive jurisdiction of the State game and parks commission. Therefore the problem must be corrected by statute.

Parkland in Nebraska and especially in eastern Nebraska is in far too short of supply to be wasted away by flooding action. Therefore, I am asking your assistance in the preservation of parkland.

AMENDMENT BY MR. CAVANAUGH TO H.R. 4788—WATER RESOURCES DEVELOPMENT ACT OF 1979

SEC. 445. The requirements of section 221 of the Flood Control Act of 1970 (Public Law 91–611) shall not apply to any agreements between the Federal Government and the State of Nebraska for local cooperation as a condition for the construction of the erosion protection project at the Louisville State Recreation Area on the right bank of the Platte River, near Louisville, Nebraska, authorized by section 14 of the Flood Control Act of 1946. The Secretary of the Army, acting through the Chief of Engineers, is authorized to contract with the State of Nebraska on the items of local cooperation for this project, which is to be assumed by the State, notwithstanding that the State may elect to make its performance of any obligation contingent upon the State legislature making the necessary appropriations and funds being allocated for the same or subject to the availability of funds on the part of the State.●

The CHAIRMAN pro tempore. Are there further amendments to title IV? If not, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN pro tempore. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. PEASE, Chairman pro tempore of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 4788) authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation, flood control, and for other purposes, pursuant to House Resolution 513, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the committee amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

MOTION TO RECOMMIT OFFERED BY MR. SOLOMON

Mr. SOLOMON. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SOLOMON. I am, in its present form, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SOLOMON moves to recommit the bill, H.R. 4788, to the Committee on Public Works and Transportation.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

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

RECORDED VOTE

Mr. ROBERTS. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 283, noes 127, not voting 23, as follows:

[Roll No. 29]

AYES—283

Abdnor	Ashbrook	Bevill
Addabbo	Ashley	Biaggi
Akaka	AuCoin	Bingham
Albosta	Badham	Blanchard
Alexander	Bafalis	Boggs
Ambro	Bailey	Boner
Anderson, Calif.	Baldus	Bonior
	Barnard	Bonker
Andrews, N.C.	Bauman	Bouquard
Andrews, N. Dak.	Beard, Tenn.	Bowen
	Benjamin	Brademas
Annunzio	Bennett	Breaux
Anthony	Bereuter	Brooks
Archer	Bethune	Brown, Calif.

Brown, Ohio	Hillis	Price
Broyhill	Hinson	Quillen
Buchanan	Holland	Rahall
Burgener	Horton	Railsback
Burlison	Howard	Rangel
Burton, John	Huckaby	Regula
Butler	Hughes	Reuss
Campbell	Hutto	Richmond
Carney	Hyde	Rinaldo
Carter	Ichord	Roberts
Cavanaugh	Jenrette	Robinson
Chappell	Johnson, Calif.	Roe
Cheney	Johnson, Colo.	Rose
Chisholm	Jones, N.C.	Rosenthal
Clausen	Jones, Okla.	Rousselot
Cleveland	Jones, Tenn.	Roybal
Clinger	Kazen	Royer
Coelho	Kemp	Rudd
Coleman	Kildee	Satterfield
Collins, Ill.	Kogovsek	Scheuer
Corcoran	Kramer	Schulze
Corman	Lagomarsino	Sebelius
Daniel, Dan	Leach, Iowa	Shelby
Daniel, R. W.	Leach, La.	Shumway
Danielson	Leath, Tex.	Shuster
Daschle	Lederer	Simon
Davis, Mich.	Lehman	Skelton
de la Garza	Lent	Slack
Dickinson	Lewis	Smith, Iowa
Dicks	Livingston	Smith, Nebr.
Diggs	Lloyd	Snowe
Dingell	Loeffler	Snyder
Dixon	Long, La.	Solarz
Donnelly	Long, Md.	Spellman
Dornan	Lott	Spence
Duncan, Oreg.	Lujan	St Germain
Duncan, Tenn.	Luken	Staggers
Eckhardt	Lundine	Stangeland
Edwards, Ala.	Lungren	Stanton
Edwards, Okla.	McClory	Steed
English	McCormack	Stenholm
Erdahl	McEwen	Stokes
Ertel	McKay	Stratton
Evans, Ga.	McKinney	Stump
Fary	Madigan	Swift
Fascell	Marlenee	Symms
Fazio	Marriott	Synar
Ferraro	Mathis	Taylor
Findley	Matsui	Thomas
Flippo	Mattox	Thompson
Foley	Mikulski	Traxler
Ford, Mich.	Miller, Ohio	Treen
Ford, Tenn.	Mineta	Trible
Frenzel	Mitchell, Md.	Udall
Frost	Mitchell, N.Y.	Van Deerlin
Fuqua	Moakley	Vander Jagt
Garcia	Mollohan	Vanik
Gaydos	Montgomery	Volkmer
Giaimo	Moore	Walgren
Gibbons	Moorhead, Pa.	Wampler
Gilman	Motti	Watkins
Gingrich	Murphy, N.Y.	Weaver
Ginn	Murphy, Pa.	Weiss
Glickman	Murtha	White
Goldwater	Myers, Ind.	Whitehurst
Gonzalez	Myers, Pa.	Whitley
Gore	Natcher	Williams, Mont.
Gramm	Nedzi	Wilson, Bob
Gray	Nichols	Wilson, C. H.
Guyer	Nowak	Wilson, Tex.
Hagedorn	Oakar	Winn
Hall, Tex.	Oberstar	Wirth
Hamilton	Ottinger	Wolff
Hammer-schmidt	Panetta	Wright
	Pashayan	Wylie
Hance	Patten	Yatron
Hanley	Patterson	Young, Alaska
Hansen	Pepper	Young, Mo.
Harsha	Perkins	Zablocki
Hawkins	Peyser	Zeferetti
Hefner	Pickle	
Heftel	Preyer	

NOES—127

Applegate	Courter	Fithian
Aspin	Crane, Daniel	Florio
Atkinson	D'Amours	Forsythe
Barnes	Dannemeyer	Fountain
Beard, R.I.	Deckard	Gephardt
Bedell	Dellums	Gradison
Bellenson	Derrick	Grassley
Boland	Derwinski	Green
Bolling	Devine	Grisham
Brinkley	Dodd	Guarini
Brodhead	Dougherty	Gudger
Broomfield	Downey	Hall, Ohio
Burton, Phillip	Drinan	Harkin
Byron	Early	Harris
Carr	Edgar	Heckler
Clay	Edwards, Calif.	Hollenbeck
Collins, Tex.	Erlenborn	Holtzman
Conable	Evans, Del.	Hopkins
Conte	Evans, Ind.	Hubbard
Conyers	Fenwick	Ireland
Cotter	Fish	Jacobs
Coughlin	Fisher	Jeffords
Jeffries	Miller, Calif.	Schroeder
Jenkins	Minish	Seiberling
Kastenmeier	Moffett	Sensenbrenner
Kelly	Moorhead, Calif.	Shannon
Kindness	Neal	Sharp
Kostmayer	Nelson	Solomon
LaFalce	Nolan	Stack
Latta	O'Brien	Stark
Lee	Paul	Stewart
Leland	Pease	Stockman
Levitas	Petri	Studds
Lowry	Porter	Tauke
McDonald	Pursell	Vento
Maguire	Quayle	Walker
Markey	Ratchford	Waxman
Marks	Ritter	Whittaker
Martin	Roth	Williams, Ohio
Mavroules	Russo	Wolpe
Mazzoli	Sabo	Wydler
Mica	Sawyer	Young, Fla.
Michel		

NOT VOTING—23

Anderson, Ill.	McCloskey	Rostenkowski
Crane, Philip	McDade	Runnels
Davis, S.C.	McHugh	Santini
Emery	Murphy, Ill.	Ullman
Fowler	Obey	Whitten
Goodling	Pritchard	Wyatt
Hightower	Rhodes	Yates
Holt	Rodino	

□ 1550

The Clerk announced the following pairs:

On this vote:

Mr. Rodino for, with Mr. Obey against.
Mr. Emery for, with Mr. McHugh against.

Until further notice:

Mr. Santini with Mr. Anderson of Illinois.
Mr. Rostenkowski with Mr. Goodling.
Mr. Ullman with Mr. Philip M. Crane.
Mr. Whitten with Mrs. Holt.
Mr. Yates with Mr. Pritchard.
Mr. Murphy of Illinois with Mr. McDade.
Mr. Fowler with Mr. Wyatt.
Mr. Runnels with Mr. McCloskey.
Mr. Davis of South Carolina with Mr. Hightower.

Mr. LELAND and Mr. RITTER changed their votes from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

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

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

There was no objection.

LEGISLATIVE PROGRAM

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

Mr. WRIGHT. Mr. Speaker, I take this time simply to share with the Members two changes in the schedule for today.

Immediately it will be the purpose of the leadership to recognize the gentleman from Wisconsin (Mr. ZABLOCKI) for the consideration of House Concurrent Resolution 272, expressing the sense of Congress that Andrei Sakharov should be released from internal exile, and following that, to return to the bill originally scheduled for yesterday, and to consider H.R. 5507, relating to the treatment of retirement benefits under Federal employment insurance law. The rule is a closed rule, with 1 hour of general debate. Upon completion of those two matters we would have completed the legislative business for the day.

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

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

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

In other words, we will take up just the rule on the Federal employment insurance bill?

Mr. WRIGHT. I think it is the purpose to take up the bill, which is a closed rule, 1 hour of general debate, and then a vote.

Mr. ROUSSELOT. If the gentleman will yield further, because it is a closed rule, there is a little controversy on that. Is it possible that we are going to rise at 5:30 regardless?

Mr. WRIGHT. It is possible that we might even get through by 5:30, I think even probable, if we address ourselves diligently to that task.

Mr. ROUSSELOT. But if we did not, would we rise at 5:30?

Mr. WRIGHT. If we did not, we would regroup and sort of reconsider things along about that time.

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

Mr. WRIGHT. I yield to the gentleman from California, who may have some assurances to share.

Mr. BROWN of California. Mr. Speaker, would the gentleman be able to say at this point in time whether there will be any change in the schedule for Thursday?

Mr. WRIGHT. I am happy to announce that at this time I know of no changes.

Mr. BROWN of California. I thank the gentleman.

Mr. MICHEL. Mr. Speaker, will the distinguished majority leader yield?

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

Mr. MICHEL. Noting that on the program there are just two smaller bills, depending upon one's interests, which are scheduled for Thursday, would that suggest that, the schedule being kept, we could avoid a session on Friday?

Mr. WRIGHT. Well, yes. There is always Wednesday, of course. And tomorrow we meet at 3 o'clock. We hope to have Wednesday on regular schedule tomorrow, meeting at 3 o'clock, to dispose of the Agricultural Land Protection Act. If we are successful in doing that and completing the bill today and taking up whatever other legislative business may be ripe for consideration, the appropriations ceiling on the Colorado River Basin Authority and the Small Reclamation Projects Act, subject to granting a rule, if all of those things were finished by Thursday and there would be no reason for our meeting Friday, then I think it is likely that we might not meet on Friday.

Mr. MICHEL. I thank the gentleman.

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

Mr. WRIGHT. I yield to the distinguished gentleman from Maryland.

Mr. BAUMAN. I thank the gentleman for yielding.

Mr. Speaker, I understand the majority leader has a personal event tonight at 7 o'clock in which he has an intimate interest, dealing with his future, and that we could therefore at least know that we will be out of session before that time; is that correct?

Mr. WRIGHT. The gentleman from Maryland may be absolutely certain that the gentleman from Texas will be out by that time, and I expect that all of us will be. I thank the gentleman; I appreciate the advertisement.

□ 1600

EXPRESSING SENSE OF CONGRESS FOR RELEASE OF ANDREI SAKHAROV AND URGING PRESIDENT TO PROTEST CONTINUED SUPPRESSION OF HUMAN RIGHTS

Mr. ZABLOCKI. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the concurrent resolution (H. Con. Res. 272) expressing the sense of the Congress that Andrei Sakharov should be released from internal exile, urging the President to protest the continued suppression of human rights in the Soviet Union, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

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

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 272

Whereas the Final Act of the Conference on Security and Cooperation in Europe commits the signatory countries to respect human rights and fundamental freedoms;

Whereas the signatory countries have pledged themselves to "fulfill in good faith their obligations under international law";

Whereas the Universal Declaration of Human Rights guarantees to all the rights of freedom of thought, conscience, religion, opinion, and expression;

Whereas the International Covenant on Civil and Political Rights guarantees that everyone shall have the right to freedom of thought, conscience, and religion, the right to hold opinions without interference, and the right to freedom of expression;

Whereas the Soviet Union signed the Final Act of the Conference on Cooperation and Security in Europe, is a party to the Universal Declaration of Human Rights, and has ratified the International Covenant on Civil and Political Rights;

Whereas Principle VII of the Final Act specifically confirms the "right of the individual to know and act upon his rights and duties" in the field of human rights and Principle IX confirms the relevant and positive role individuals play in the implementation of the provisions of the Final Act;

Whereas the invasion and occupation of Afghanistan by armed forces from the Soviet Union is a direct violation of the Declaration of Principles Guiding Relations between States of the Helsinki Final Act, including the commitments to refrain from the threat or use of force, to respect equal rights and self-determination of peoples, to observe the purposes and principles of the Charter of the United Nations, to fulfill in good faith obligations arising from generally recognized principles and rules of international law;

Whereas Nobel Laureate Andrei Sakharov, leader of the human rights movement in the Union of Soviet Socialist Republics, condemned the Soviet intervention in Afghanistan, calling it a "threat to the entire world" and demanded the withdrawal of Soviet troops;

Whereas Dr. Sakharov was subsequently arrested and exiled to the city of Gorky in direct contravention of Principle VII of the Helsinki Final Act, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights;

Whereas all freedom-loving peoples should condemn the recent actions of the Soviet Union in denouncing and internally exiling Dr. Sakharov; and

Whereas the continued repression of religious believers, scientists, writers, intellectuals, human rights activists, and Helsinki Monitors, including Scharansky, Orlov, Rudenko, Tykhy, Petkus, and many others, is an egregious violation of both Principle VII and Basket Three of the Helsinki Final Act: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that, in accordance with the Final Act of the Conference on Security and Cooperation in Europe, the Universal Declaration of Human Rights, and the International Covenant on Civil and Political Rights, the Union of Soviet Socialist Republics should release Andrei Sakharov from internal exile immediately.

SEC. 2. The Congress urges the President—

(1) to protest, in the strongest possible terms and at the highest levels, the exile of Andrei Sakharov and the continued suppression of human rights in the Soviet Union;

(2) to call upon all other signatory nations of the Helsinki Final Act to join in such protests and to take actions against the Soviet Union, including refusal to participate in the 1980 summer Olympics in Moscow, suspension of appropriate trade, economic, and commercial activities with the Soviet Union, and other such sanctions as may be available to them; and

(3) to inform immediately the governments of all other signatory nations of the Helsinki Final Act that the United States delegation to the 1980 Conference on Security and Cooperation in Europe review meeting intends to raise at that meeting these specific violations of the Helsinki Final Act, including the individual cases of Andrei Sakharov and the Soviet Helsinki Monitors.

SEC. 3. The Clerk of the House of Representatives shall transmit copies of this resolution to the Soviet Ambassador to the United States and to the Chairman of the Presidium of the Supreme Soviet of the Union of Soviet Socialist Republics.

The SPEAKER pro tempore. The gentleman from Wisconsin (Mr. ZABLOCKI) is recognized for 1 hour.

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

Mr. Speaker, I rise in support of House Concurrent Resolution 272, expressing the sense of Congress that Andrei Sakharov should be released from exile and urging the President to protest the continued suppression of human rights in the Soviet Union.

I want to take this opportunity to commend the distinguished chairman of the Subcommittee on International Organizations, the Honorable DON BONKER, the distinguished gentlelady from New Jersey (Mrs. FENWICK), and the distinguished chairman of the Helsinki Commission Mr. DANTE FASCELL, for their efforts on this resolution. I also want to commend Congressmen ALBOSTA, WOLFF, MAGUIRE, and the members of the Commission on Security and Cooperation in Europe for their contributions.

The gentleman from Washington (Mr. BONKER) will describe the details of the resolution. However, I do want to take this opportunity to impress on the Members of this Chamber the seriousness of this action by the Soviet Government.

Dr. Sakharov is a brilliant physicist, a Nobel laureate, and a very courageous man. His exile, following upon the Soviet military invasion of Afghanistan, is a grim reminder that the peoples of the Soviet Union do not enjoy internationally recognized human rights proclaimed in the various international conventions and accepted by the civilized international community.

The Soviet Government has ratified the Final Act of the Conference on Security and Cooperation in Europe and the International Covenants, and committed itself to respect human rights and basic freedoms. Dr. Sakharov's exile is a tragic illustration of the Soviet Government's duplicity in human rights. The tragedy extends further, because that government has also imprisoned many other outstanding Soviet citizens.

It is highly appropriate for this Congress to urge the President to protest the Soviet Union's continuing suppression of human rights.

Mr. Speaker, this resolution, which was cosponsored by 80 Members, was unanimously approved and reported yesterday by the Committee on Foreign Affairs. I, therefore, urge its unanimous adoption by this House this afternoon.

Mr. Speaker, I yield briefly for debate purposes only to the ranking Member of the Committee on Foreign Affairs, our distinguished colleague the gentleman from Michigan (Mr. BROOMFIELD).

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

Mr. Speaker, 2 weeks ago, "competent authorities" in the Soviet Union, that is to say, the Soviet secret police, banished Dr. Andrei Sakharov, the Nobel laureate scientist, to the provincial city of Gorky—250 miles from Moscow. According to the press, the Soviet prosecutor let it be known that Sakharov was being sent to this "closed zone" so that he would no longer be in touch with foreigners, especially foreign journalists.

Sakharov became a full member of the prestigious Soviet Academy of Sciences in 1953 at the unprecedented early age of 32. "The father of the Soviet hydrogen bomb," as he is often called, was one of the top scientific figures in the U.S.S.R. He was awarded the Nobel Peace Prize in 1975. His banishment—or internal exile—was actually a violation of Soviet law inasmuch as "such punishment may be imposed by a court after a criminal trial" and there had been no trial. What had this extremely popular and distinguished personage done? What crimes had he committed for the Soviets to risk world condemnation and domestic discontent for his banishment?

In 1968 he had denounced censorship

and intellectual restraints and Soviet pressures against the liberalization of Communist rule in Czechoslovakia. He soon became the voice of moderation and reason and the symbol of dissidence within the U.S.S.R. Therefore, he became a threat to the Soviet system.

In 1973, Sakharov wrote of "the dangers of an illusory détente that is not accompanied by an increase of trust and democratization." He pointed out that Soviet authorities were systematically violating international covenants on human rights by jailing political prisoners. He reported to Westerners on arrests of human rights activists, Russian Orthodox worshippers and others. Several months ago, he appealed to Western nations to boycott the 1980 Olympic games in Moscow. On January 2, finally, he called on the United Nations to pressure the Soviet Union to withdraw from Afghanistan, calling the situation "tragic, dramatic, and dangerous." In turn, he was called a traitor.

Sakharov's apartment had been searched, he had been harassed. His life had been threatened many times and he had been denied permission to travel to Oslo in 1975 to receive his Nobel prize. He has also been deprived of mail from his two grown children in the United States.

"Sakharov," according to Dr. Stephen Cohen, director of Russian studies at Princeton, "symbolized the possibility of dissent for others inside the establishment."

A "fallen angel," as he had been described, his eminence and his past scientific service to the U.S.S.R. nonetheless forced the authorities to extend him immunity from arrest.

Perhaps the Kremlin believed that in the turmoil of its Afghanistan invasion, Sakharov's banishment would not be greatly noticed abroad and would, more importantly, serve as a necessary warning at home.

This crass political repression has caused an international furor and is a violation of the simplest standards of human decency. It also represents a repudiation of the human rights provisions of the Helsinki Final Act which Sakharov was monitoring for Soviet compliance. The Italian Communist newspaper, L'Unita, put it well when it exclaimed editorially that the Soviets were "incapable of resolving tensions tolerantly." We can say no less than a Communist publication.

We have moved to withdraw the Olympic games from Moscow as Sakharov pleaded months ago. We have condemned the Soviet invasion of Afghanistan as we have finally recognized the illusory nature of détente. As we devise concrete and positive actions to respond to growing Soviet imperialism, we must also recognize the importance of symbols. Although our cries of outrage in the Sakharov affair are largely symbolic, Sakharov himself was and is a symbol—a symbol of tolerance, decency, and reason. Yet, as a symbol, he was and is perceived as dangerous to the Soviet totalitarian regime. There is great tragedy and faint hope in this fact.

It is incumbent upon us to pay homage to this man and draw the attention of the world to his example and his plight. And to the squalid nature of the Soviet system.

Mr. ZABLOCKI. Mr. Speaker, I yield the balance of the time to the gentleman from Washington (Mr. BONKER), the chairman of the Subcommittee on International Organizations.

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

Mr. Speaker, we have before us today (H. Con. Res. 272) an excellent resolution passed unanimously by the Committee on Foreign Affairs expressing the outrage of the Congress against the Soviet Union's continuing violation of human rights. Though this resolution singles out Soviet physicist and Nobel Prize winner, Andrei Sakharov who was arrested last January 22, I must remind my distinguished colleagues that his arrest was not an isolated incident. Reports out of Moscow have indicated that for the past 3 months the Soviet Union has been conducting a major crackdown on dissidents. This action is partially a cleansing operation before the Moscow Olympics, but more importantly, it is directed at silencing those who would have been the most outspoken critics of the brutal invasion of Afghanistan. These reports further indicate that more than 40 people have been arrested or tried for the nonviolent exercise of their human rights. These dissidents represent a wide range of groups within the Soviet Union—human rights monitors, religious believers, would be emigrants, campaigners for rights of national groups and members of independent trade unions.

Mr. Speaker, as one can see, Andrei Sakharov, the subject of this resolution, represents the tip of the iceberg. He was charged with subversive activities, stripped of all state honors and asked to return his awards. Contemptuously disregarding world public opinion, the Soviets banished Sakharov from Moscow and have sent him into internal exile in Gorki.

Mr. Speaker, because of his accomplishments, Andrei Sakharov enjoyed a special status, one that allowed him to constantly speak out against the Soviet system, to lead the Soviet human rights movement and to inform Western sources about human rights violations occurring daily in the Soviet Union. Now that voice—the "conscience of Russia"—has been silenced.

House Concurrent Resolution 272 expresses the sense of the Congress that Andrei Sakharov should be released from internal exile and in the whereas clauses the case history of Soviet violations of international agreements are explained.

In the resolved section the Congress urges the President—

First, to protest the continued suppression of human rights in the Soviet Union;

Second, to call upon all other signatory nations of the Helsinki Final Act to take action against the Soviet Union by refusing participation in the 1980 summer Olympics and suspension of appropriate trade, economic, and commercial activities; and

Third, to inform the governments of all signatory nations of the Helsinki Final Act that the U.S. delegation to the 1980 conference intends to raise these violations of the Helsinki Act at that Conference.

By this act today, the word will go forth to all the champions of human rights in the Soviet Union that the Soviet authorities may have temporarily silenced Andrei Sakharov but through us their voices will continue to be heard.

□ 1610

Mr. Speaker, the committee had several resolutions before it on this particular matter, one that was introduced by our distinguished colleague and member of the committee, Mrs. FENWICK, and one by our other colleague, Mr. WOLFF of New York. We also had resolutions by Mr. MAGUIRE and Mr. ALBOSTA. All of these were excellent resolutions, and an attempt was made to accommodate the best features of each of the resolutions. What finally emerged was the resolution submitted by Mrs. FENWICK, with some modifications.

I would like at this time to credit Mrs. FENWICK for her persistence, her commitment, and her enlightened leadership in this entire area. The resolution I think represents the excellent work that she has been doing on the committee.

Mr. Speaker, at this time, before yielding to the distinguished minority leader, I would like to recognize our distinguished colleague on the House Foreign Affairs Committee, the Chairman of the Helsinki Monitoring Commission, the gentleman from Florida (Mr. FASCELL).

Mr. FASCELL. Mr. Speaker, I thank the gentleman from Washington for yielding some time.

As chairman of the Helsinki Commission let me say that the Fenwick resolution was presented to the Helsinki Commission at its last meeting and was adopted by them. We express our appreciation to Mrs. FENWICK for offering that resolution and then submitting it to the Foreign Affairs Committee for action along with the expressions of many other Members of the House, which has culminated in the resolution pending before my colleagues.

Mr. Speaker, I urge the House to adopt the resolution under consideration. I am pleased to join Representatives FENWICK, BONKER, my colleagues on the Helsinki Commission and the Foreign Affairs Committee in sponsoring House Concurrent Resolution 272, legislation which calls upon the Government of the Soviet Union to release Academician Andrei Sakharov from internal exile. The bill also urges the President to protest the exile of Sakharov as well as the continued suppression of human rights in the U.S.S.R., to call upon other Helsinki signatory nations to join in such protests, and to inform all other Helsinki countries that the United States intends to raise these specific violations at the 1980 CSCE review meeting in Madrid.

With the arrest and exile 2 weeks ago of Dr. Andrei Sakharov, the 1975 recipient of the Nobel Peace Prize, a well-orchestrated campaign of repression against Soviet human rights activists reached a crescendo. For over the past

year, Soviet authorities have systematically arrested, imprisoned, or exiled dissidents of nearly every religious or political group and geographic region. A survey prepared by the staff of the Helsinki Commission reveals the shocking statistics: 102 Soviet human rights activists were convicted in 1979 while another 59 were arrested and are currently awaiting trial. Contrary to speculation that Sakharov's exile marks the beginning of a KGB crackdown on the Soviet human rights movement, it is clear that his banishment from Moscow is the culmination of a series of repressive measures.

This ongoing campaign of repression has not been limited to any one group of dissidents nor to any one area. Three Russian Orthodox leaders, a Lithuanian Catholic activist, at least 10 Ukrainian human rights supporters, a spokesman for the Crimean Tatars, an Armenian economist, the editor of a Jewish journal are among the KGB's latest victims. Since the spring of last year, 11 members of the Helsinki Monitoring Groups—in Moscow, Ukraine, and Armenia—have been arrested. Although many of these courageous individuals have never met, they all have at least one thing in common: Andrei Sakharov has been their spokesman, the man who—at great risk to himself—defended their activities and supported their causes.

Now Andrei Sakharov is paying a terrible price for his brave actions. Isolated from his family and friends, subjected to threats against his life, threatened with deportation to an even more remote place as well as with sanctions against his wife, Sakharov nonetheless continues to speak out in defense of human rights.

Mr. Speaker, I urge the House to take swift action and condemn the crude Soviet attempt to silence this courageous champion of freedom by adopting House Concurrent Resolution 272.

□ 1620

Mr. BONKER. Mr. Speaker, I yield 25 minutes to the gentleman from Michigan (Mr. BROOMFIELD), the ranking minority member of the Committee on Foreign Relations.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from Illinois (Mr. DERWINSKI).

Mr. DERWINSKI. Mr. Speaker, I would like to point up to the Members the fact that Dr. Sakharov is a Noble Prize winner, but I would like to remind the Members of the House that at the time he received that award it was greeted with strange silence in the Soviet Union. It was a great achievement, recognized around the world, but the Soviet press muzzled the announcement of this award and later on gave it a sinister implication because they did not want Sakharov to be too respected, too build-up, too recognized as a leader, by the people within the Soviet Union.

As was properly pointed out, Dr. Sakharov has been a spokesman for Soviet dissidents, a spokesman to the free world—to the free world press stationed in Moscow. Now, he has been muzzled. What this really amounts to is taking him out of Moscow, removing him from access to the free world press. So, another voice is silenced. This should come as no surprise. Certain people have expressed surprise that the Soviets would invade Afghanistan, exile a man such as Dr. Sakharov. Anyone who understands the Soviet State understands the hard hand they maintain over their people, and should not be surprised.

In fact, our committee staff has tremendous amounts of material dealing with this kind of conduct of the Soviet Union. All one has to do is to check our staff director, Dr. Jack Brady, and he will demonstrate the hyprocrisy that is rampant in the Soviet Union. As a matter of fact, I wish a certain head of state had consulted with Dr. Brady. Then, he would not have been surprised that Mr. Brezhnev would have lied to him.

I would just like to close by making this point, Mr. Speaker: This act demonstrates the contempt of the Soviet Union for the Helsinki accords. They signed that without any honesty, without any decency, without any respect for the commitment we and others have given to the Helsinki accords. But, again, I emphasize that this should not have surprised anyone. The Sakharov story and the story of other dissidents is typical of the denial of human rights in the Soviet Union.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from Alabama (Mr. BUCHANAN), who is a member of the Helsinki Commission.

Mr. BUCHANAN. Mr. Speaker, someone has said, "He truly loves the law who keeps it when his government breaks it."

I am quite convinced that there are no finer patriots in the Soviet Union than those dissidents who are so prominently represented in the person of Andrei Sakharov, because that citizen who will stand up within his society and say, "You have made promises and you must keep them;" who will seek to right the wrongs in his own society, and who will seek to set crooked things straight—that citizen is invaluable. He or she is the silver and the gold and the precious stone of the society.

Such a man is Andrei Sakharov. When the Soviet Government seeks to silence the voice of courage, the voice of reason, it injures the Soviet Union and the Russian people—not just the individuals who are the targets of that repression.

It was my privilege to serve as a part of the delegation to the Helsinki accords followup conference in Belgrade. I well remember American delegate Joyce Hughes, a distinguished civil rights leader and law professor, as she said in that meeting, "My experiences in the United States have led me to believe that promises on paper can become realities in the world."

We do right today, not only for our country and for the dissidents, but we do right for the people of the Soviet Union and for the cause of world peace, when we in this resolution strongly remind the Soviet Government that its actions are repressicns against its own people, that it made promises on paper in the Helsinki accords. It made promises on paper in its new constitution based on those accords, promises that it does not keep. In taking this action today, we once again say to the world that the human rights policy of the United States stands strong, that we will stand for the rights of people everywhere, and in so doing we are doing something right for our society, something right for the people of the other superpower, and we defend the people who are the best patriots and the finest citizens of that society.

Mr. BROOMFIELD. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. GILMAN).

Mr. GILMAN. Mr. Speaker, as a cosponsor of this resolution, I urge my colleagues to join in seeking the release of Andrei Sakharov from internal exile.

The exile of Nobel Laureate, Dr. Andrei Sakharov, because of his condemnation of the Soviet intervention in Afghanistan, is indicative of the lack of respect for human rights in the Soviet Union—not just for Sakharov, for Shcharansky, Orlov, Rudenko, Tykhy, Petkus—but for thousands of other human rights activists. intellectuals, writers, Helsinki monitors, scientists and all those who have had the courage to speak out in protest against Soviet repression.

Dr. Andrei Sakharov demonstrated why he has become known worldwide as a leader of the human rights movement in the Soviet Union. While others around the globe hesitated to condemn this aggression, this man, who has suffered so much in his fight to be free, boldly stepped forward and risked his remaining liberty by declaring that the Soviet invasion is a "threat to the entire world."

The past efforts of the Soviets to pay lipservice to the issues of human rights and democracy have once again been exposed. In a direct slap in the face of the civilized world, the Soviet Union demonstrated their respect for human rights and international law by their actions to arrest and exile Dr. Sakharov to the city of Gorky. Such action is in direct contravention of principle VII of the Helsinki Final Act, the Universal Declaration of Human Rights and the International Convenant on Civil and Political Rights.

Last August, when our Foreign Affairs Committee met with Soviet officials in Moscow, I was appalled to hear their Chief Justice Smirnov state that human rights is a propaganda vehicle of the West.

If there is such a serious misconception of our Nation's concern for human rights by the Soviet's leading jurist, then it is apparent that we must make our message loud and clear to the Soviet Union that our Nation holds human rights in high regard. Furthermore, the Congress and the American people consider respect for basic human rights and individual liberty to be the birthright of all mankind, transcending internatiinal boundaries.

The majority of the nations of the world have joined the United States in condemning the Soviet aggression in Afghanistan. Our efforts to deny the Soviets the benefits of holding the Olympic summer games is rapidly gaining support as a positive response to that

act. It should be remembered that it was Dr. Sakharov who pleaded this action many months ago. His exile is symbolic of Soviet abuses to the many thousands of lesser known men and women who share with him the fate of standing up to the repressive Soviet Communist regime and now suffer arrest and exile.

It is only fitting that we officially recognize this outrage and direct world attention to Dr. Sakharov and his plight. Dr. Sakharov in the past has been a great symbol of hope to all of those who share his love of freedom. Now he has become another symbol, a symbol of the repressive, totalitarian nature of the Soviet system. I once again urge my colleagues to join with me in support of this resolution, symbolizing our understanding of the true nature of the Soviet system and our unyielding support for the principles of human rights and freedom that we share with Dr. Sakharov.

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

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

Mr. ROUSSELOT. Mr. Speaker, I appreciate my colleague yielding to me. I, too, wish to express my appreciation to the Foreign Affairs Committee for bringing this resolution to the floor so promptly, and to point up again the importance of this particular situation of Dr. Sakharov. The world now knows there are thousands of others like Dr. Sakharov who are imprisoned in the Soviet Union improperly. All the time, the Soviets are trying to convince people around the world that they are for human freedom and civil rights with impressive rhetoric when in actuality the Communists are not doing any such thing; they are in fact imprisoning people who are willing to speak out for people's freedom.

I compliment my colleagues for bringing this resolution to the floor to make it very, very apparent to the world that we do not approve of this very radical behavior on the part of the Soviets. I thank my colleague for yielding to me.

Mr. GILMAN. I thank the gentleman for his supportive remarks.

☐ 1630

Mr. BONKER. Mr. Speaker, I yield 2 minutes to the gentleman from New York (Mr. WOLFF), a distinguished member of the Committee on Foreign Affairs and a sponsor of the resolution.

Mr. WOLFF. First let me say that a special commendation is due to the gentleman from Florida (Mr. FASCELL) for his constant vigilance. He is a member of the Helsinki Commission. Also a special commendation to the chairman of the Committee on Foreign Affairs, the gentleman from Wisconsin (Mr. ZABLOCKI), to the gentleman from Washington (Mr. BONKER) and the gentlewoman from New Jersey (Mrs. FENWICK) for the outstanding work they have done in this particular situation.

Mr. Speaker, I might comment that this one of the fine hours of the Congress and unfortunately the press gallery is virtually empty at this point. If it had been a question of some indications of some indiscretions of the Congress perhaps the galleries would be filled to overflowing.

However, I think it is important to understand that the situation as has been described by others is not just the isolated case of Dr. Sakharov. When we visited the Soviet Union and spoke to Pentecostalists—there are 50,000 Pentecostalists who are trying to immigrate from that country today and it is not just a question of the Jewish people who are being persecuted by the Soviet Union but many others as well.

The gentleman from Florida (Mr. FASCELL) asked why Dr. Sakharov. Well, why Shcharansky, why others who have tried to monitor the accords?

I ask the Congress and the entire membership of the Congress to join me in welcoming two relatives of Andrei Sakharov who will be visiting us at 5:15 on Thursday in room B-369. They are constituents of the gentleman from Massachusetts (Mr. DRINAN). They will be coming here to tell you their story firsthand as to why Andrei Sakharov has been jailed.

I ask my colleagues to not only look at the individual cases that are involved here but at the broad discrimination that is taking place and the broad deprivation of human rights that continues to take place.

Mr. Speaker, as a sponsor of one of the original resolutions condemning the Soviet action against Dr. Sakharov, I bear a special interest in the resolution currently being considered. I am sure that my colleagues in the House are universally incensed by the mistreatment of Dr. Sakharov and his fellow Soviet dissidents. They have exhibited their feelings not only by sponsoring various resolutions expressing outrage at the Soviet action, but also by sending a letter expressing their indignation to Soviet party chief Brezhnev. I have no doubt that my colleagues share my strong feelings of support for House Concurrent Resolution 272.

I wish to reiterate some of the sentiments expressed in this resolution and to elaborate upon them. Dr. Sakharov's mistreatment is not an isolated case; it seems that the Soviets have undertaken a general crackdown on dissident activity, Dr. Sakharov being the most prominent of the latest victims of Soviet institutional terror. A good number of harrassed advocates of human rights have been mentioned in the resolution; it is, of course, impossible to name them all.

Dr. Sakharov has for years devoted tremendous energy and resolve in his advocacy of the cause of human rights throughout the world. His efforts were acknowledged in 1975 with his reciept of the Nobel Peace Prize. But as we know, human rights are not very fashionable in the Soviet Union; Dr. Sakharov was not permitted to accept his prize personally.

Up until now, Dr. Sakharov has been left alone by the Soviet authorities; his status as one of the leading scientists in his country provoked hesitation from those who wish to silence him. But the Soviets decided to change their policy to one of active repression.

WHY SAKHAROV?

A valuable insight into the situation is given to us by Tatyana Yankelevich, Dr. Sakharov's stepdaughter, and her husband, Efrem. They recall the days when Sakharovs' apartment in Moscow was "always exciting—so many people in a small apartment, discussing how to try and help one another." But the Sakharovs are now in exile in the "guilded cage" of Gorky; the Yankelevichs, having been stripped of their Soviet citizenship, reside in Boston. Mrs. Yankelevich is forced to follow the developments across the sea on television, as she and her husband are denied access to the Sakharovs, who are refused telephone and mail services so vital to their crusade for human rights. The Yankelevichs relate that even correspondence within the Soviet Union is forbidden.

The case of another prominent Soviet citizen, Lev Z. Kopelev, is typical of how those who have chosen to protest the mistreatment of Dr. Sakharov from within the Soviet Union have been dealt with by their Government. Mr. Kopelev is a writer whose works have been attacked as being subversive and treasonous by a Soviet newspaper. Mr. Kopelev's meetings with foreigners were venomously ridiculed: "Kopelev's only occupation now is to supply our adversaries with propaganda materials." It went on to describe him as "nothing but a Judas, a traitor to his country and nation." It is perhaps ironic that the religious reference to Judas was chosen; it is absurd that the avowedly atheist Soviets wish to associate their enemies with an antichrist.

"I believe in Russia" were the words of Mr. Kopelev. Indeed, such are the sentiments of the Soviet dissident movement as a whole. Russia is their beloved homeland, a homeland now being ruled by a clique of oppressors who distort party doctrine for use against their own people. Kopelev, like so many others, are being threatened, if not punished, because they wish to convey that feeling to sympathetic foreigners. The cause of human rights cannot be silenced in the Soviet Union, nor will it be forgotten by the American public. Passage of this resolution must not signal the end of our concern; I am sure that my colleagues share with me the readiness to continue this fight for human dignity, as long as there are those who wish to destroy it.

Mr. BONKER. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey (Mr. MAGUIRE).

Mr. MAGUIRE. Mr. Speaker, I thank the gentleman from Washington for yielding and I commend his fine statement, his efforts in the Foreign Affairs Committee and the efforts of the chairman of the full committee, Mr. ZABLOCKI, to report out a comprehensive resolution which reflected the concerns expressed by all of the sponsors.

In the resolution before us today, the House recounts the full extent of Soviet human rights violations which are all the more cynical and outrageous because the Soviet Union has signed so many international covenants guaranteeing its citizens' rights. The resolution identifies

the continued repression of "religious believers, scientists, writers, intellectuals, human rights activists and Helsinki monitors," as a violation of both Principle VII and Basket Three of the Helsinki Final Act. The resolution recognizes that the case of Dr. Sakharov is but another in a series of repudiations of these important accords.

To be sure, when we cite the names of Shcharansky, Ginzburg, Orlov or Sakharov, we cannot forget the hundreds of thousands, if not millions, of less-prominent cases and even more egregious violations. We must never forget the aspiration of those Soviet citizens who wish to worship or emigrate and who are not scientists or intellectuals. But the Sakharov case has foreign policy implications that go beyond our discussion of human rights violations and I would like to dwell on the importance of Dr. Sakharov's arrest and its timing for that reason.

Sakharov had enjoyed relative freedom in the Soviet Union in comparison to his allies in the human rights movement. His contributions in physics won him awards, a place of honor in Soviet society and perhaps some breathing room within which he operated. But Dr. Sakharov attributed his ability to speak out to détente, the platform on which human rights monitoring took place. When the West tied scientific and cultural contacts to certain levels of Soviet compliance with standards of human rights, this enabled Sakharov and others like him to dissent, to organize and to establish monitoring groups which protected rights of all Soviet citizens.

But once the protective umbrella was folded and East-West relations deteriorated, then and only then did the Soviets feel comfortable to move against Sakharov. They moved with a vengeance.

Sakharov was arrested on his way to work and banished from Moscow to the city Gorky. Gorky is a closed zone, off limits to foreigners, and is 2 hours from Moscow. He has been stripped of all of his state titles and awards. To impede the reporting of his arrest, the Soviets disconnected all nearby telephones. To complete the smear, the Soviet press has chipped in, accusing him of heaping indignities upon the title "Soviet Scientist" describing him as a "renegade," who has directly damaged his fellow citizens through his "subversive activities."

Sakharov who served as the lead source of information for the West on Soviet human rights violations was arrested now because the Soviet regime knew that its relations with the United States could not be worse. They moved at this time because any potential uproar by the West would be pale in comparison to our outrage at their invasion of Afghanistan.

Why do the Soviets bother? Why not expell all of those who want to leave? The essential answer is this: The government restricts freedom of expression as it restricts emigration because the Soviet system cannot withstand the political and ideological consequences of giving its citizens a choice. Recognizing this, it is wholly appropriate and consistent with our own politcal ends to continue to use the issue of human rights to present Soviet citizens with a forum from which to speak out against Russian policy.

A human rights policy can and should remain an active tool in our diplomatic arsenal to protest and hopefully arrest further violations. And, we must remember, that if we don't honor the Sakharovs, the Soviets will benefit from our laxness the more easily to perpetuate their outrages against their citizens. They waited until the world was in turmoil and they believed they had the luxury to silence one man—a Nobel laureate and human rights advocate—who dared to speak. And Sakharov's voice was a powerful one indeed. That's the reason why Congress must take special care in honoring his contribution to the cause of human rights.

I again thank the gentleman for his work on behalf of this important expression of congressional conscience.

I would point finally, that the world had to be in a state of turmoil for the Soviets to feel that they could act with impunity in this case. Sakharov's voice was a powerful one indeed and the Congress rightly takes special care in honoring him today, for his contributions to human rights.

I am pleased to have been the sponsor of one of the parent resolutions which was considered by the committee, a resolution which had over 50 cosponsors in the House and I would like to invite my colleagues in the coming days, weeks, and months to participate in a continuing vigil here in the Congress in statements before the Congress and the American people on behalf of the Soviet dissidents and refusniks.

Mr. Speaker, I thank the chairman of the committee, the gentleman from Wisconsin (Mr. ZABLOCKI) and the chairman of the subcommittee, the gentleman from Washington (Mr. BONKER) and other members of the committee on both sides of the aisle including my colleague, the gentlewoman from New Jersey (Mrs. FENWICK), for the excellent work they have done on this matter.

Mr. BROOMFIELD. Mr. Speaker, I yield 2 minutes to the gentlewoman from New Jersey (Mrs. FENWICK), who is a cosponsor and a member of the Helsinki Commission.

Mrs. FENWICK. Mr. Speaker, I thank my colleague.

Yes, Mr. Speaker, we are speaking especially today of Andrei Sakharov who has been rightly described as the conscience of the Soviet Union. However, there are so many others. There is Shcharansky, Orlov, Deke, Rudanko, Petkos. I could recite them one after the other. They are lost in the prisons of Russia or in their psychiatric hospitals, beaten down. I do not know how many Members of this House have ever seen a person come out of a psychiatric hospital. Michael Bianstov, too. For 2½ years he could neither walk nor talk when he came out.

That is what Mr. Sakharov is trying to talk to us about. That is why it is such a sorrowful day to lose a powerful voice like that. He speaks to us still through his brave wife but how long is she going to be allowed to come and communicate with the Western journalists in Moscow?

They slipped off the train, she and another woman the other day. Will they be watched so carefully that they cannot do that again?

I think maybe we ought to remember that tens of thousands are lost and never known. They are unknown and unsung names and they die and suffer.

Perhaps Jacobo Timmerman who has just escaped from another kind of dictatorship said something that we all should remember:

> Whether it is in a minuscule, rightist country or an immense leftist country, the simplest formula for arriving at and staying in power is the unlimited destruction of human rights.

That is what we are talking about: the unlimited destruction of human rights. These people who have suffered in one way or another, in one country or another, all over the world, are telling us what this terrible century is like.

Mr. Speaker, certainly we should have learned one thing from the 1930's, that is we do not speak up, those of us who are safe and comfortable here, when people are being brutalized by their own governments, we are losing our souls.

I thank you, Mr. Speaker.

Mr. BONKER. Mr. Speaker, I yield 2 minutes to the gentleman from Massachusetts (Mr. DRINAN).

Mr. DRINAN. Mr. Speaker, I rise in support of House Concurrent Resolution 272 expressing the sense of this body that the Soviet Union has unfairly and unjustly exiled a great man. Dr. Andrei Sakharov, one of the outspoken critics of repression in the Soviet Union, has been removed to a city 250 miles from Moscow where no foreigners are allowed to enter, and no contact with the West can be maintained.

I remember with tremendous clarity a day in August 1975, when I met this troubled man in his Moscow apartment. Anatoly Shcharansky, the tireless defender of the rights of Jews to emigrate, served as my guide.

Dr. Sakharov expressed with remarkable vigor his conviction that the role of Christians in helping Soviet Jews can be immense. It was extraordinarily moving to hear Sakharov speak with such conviction about religious freedom.

After my return to the United States I remember worrying about the future of this beautiful human being. Would the Kremlin keep his wife outside of Russia and thereby seek to induce her husband to follow? Would Brezhnev hope that the prophetic voice of Sakharov would fade away if he were banished to the West? Or would Sakharov be allowed to remain in Moscow where each day his stature grows as a prophet?

Today, the fate the Soviets have chosen for him and others is clear. By silencing the most articulate critic of Soviet society, the Kremlin hopes to blot out the reality of Soviet transgressions. As the Soviet crackdown becomes more vicious, so too must our protests grow stronger.

Sakharov, Shcharansky, Orlov, Nudel and others must be allowed to regain

their freedom. Our voices must not be silent until this task is complete.

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

Mr. CONTE. Mr. Speaker, I strongly support this resolution.

Mr. Speaker, I rise in support of House Concurrent Resolution 272, a resolution which calls upon the Soviet Government to release Andrei Sakharov from internal exile and further urges the President to protest the violations against the human rights of Dr. Sakharov and other Soviet citizens.

It has been a mere 2 weeks since the first news of the exile of this distinguished Nobel Peace Prize winner was announced to the Western World. And since that time, Sakharov has been threatened with further sanctions for his public comment "that he will refuse to submit to what is characterized as an illegal deprivation of his civil and political rights." Only last Wednesday, he was told that he had violated the terms of his exile by making a public statement blaming the Soviet Union for the deterioration of the international climate and stating that his criticism of the Soviet invasion of Afghanistan was a cause of his banishment. Unfortunately, this travesty portends similar consequences for other dissidents and freedom lovers in the Soviet Union. Only yesterday, an attack on Lev Opelev, a prominent author and friend of Sakharov was published by the Government. The turn of the screw has begun.

How tragic that the Soviets must resort to repression in order to maintain a semblance, false though it may be, of stability. How sad that intelligent criticism of Soviet actions is answered not by reevaluation and reappraisal of policy, but by condemnation. How internally fragile must be any system which represses rather than assimilates creativity and innovation. This is the tragedy which men such as Sakharov represent; brillant, creative, a genius forbidden to flower and bloom, yet like all living creatures, drawn instinctively to the light, to freedom and to the need to fight relentlessly for the truth. We must not forget the struggles of men such as Sakharov, but instead herald them. And we must not cease to protest against that type of system which unjustly confines such men.

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

Mr. MOORHEAD of California. Mr. Speaker, I wish to join with my other colleagues in condemning the exiling of Andrei Sakharov.

Last summer I had an opportunity to be in the Soviet Union with other Members of the Congress. We were over there with members of the Committee on Foreign Affairs. The thing that amazed me was the great desire on the part of so many people in the Soviet Union in spite of the suppression, the persecution that was present, to speak out for freedom. They believed in the rights of individuals. They were not afraid of the Soviet Union. In spite of the fact that they saw their numbers taken one at a time into exile or into prison or to their deaths, they were brave enough to stand for the things that they believed in.

Certainly this gentleman was one of those people who was willing to stand out for freedom in this world. Unless we and others are willing to stand for the freedom of each and every person on the globe, we lose our freedom ourselves in part.

For that reason, I think the act of the Congress in supporting this resolution is a step that we can take and we must take many more in order to insure the rights of people who are being oppressed throughout the world.

● Mr. OTTINGER. Mr. Speaker, I rise in support of House Concurrent Resolution 272, expressing the sense of the Congress that Andrei Sakharov should be released from internal exile, and urging the President to protest the continued suppression of human rights in the Soviet Union. We must take this opportunity to remind the Soviet Union that we will not allow the determination of these valiant dissidents to be ignored or forgotten. Let the Soviets' be assured by this resolution that we will continue to speak out for those whose rights have been violated. For the cost of silence is abandonment of human rights, and that is a cost we will not pay.

In support of this resolution, I would like to bring to the attention of my colleagues an editorial which appeared in the New York Times on January 30.

This editorial pays tribute to Andrei Sakharov. At this time we are all too familiar with the plight of countless dissidents and intellectuals who have been continually persecuted for expressing their views. However, despite the Soviets' arrest and exile of Sakharov his voice will not be silenced nor will ours.

Moreover, we who have the freedom to speak out must not forget the courage of this and all valient dissidents, and we must heighten our insistent voices on behalf of those who do not have the liberty to do so.●

● Mr. HOLLENBECK. Mr. Speaker, I strongly support this resolution condemning the arrest and exile of Andrei Sakharov. Andrei Sakharov is not only a great scientist, he has also spoken out long and hard on the human rights of all men and scientists in particular. He spoke strongly for the tremendous need to pursue every avenue toward more stable and peaceful relationships between the United States and the Soviet Union. His arrest is a direct snub at all attempts to reduce the level of conflict between the East and West.

Mr. Speaker, Andrei Sakharov is not the only dissident who has been arrested and imprisoned in the Soviet Union or elsewhere. There are many others around the world, but in the Soviet Union including Yuri Orlov, Anatoly Shcharansky, and Sergii Kovalev. Together with other colleagues on the Science and Technology Committee, I have persistently written Soviet authorities directing attention to the plight of these men and urging their release. All to no avail, yet. Thus, for this reason I am pleased that this resolution makes clear publically our strong condemnation of Soviet human rights violations for dissidents, not just Dr. Sakharov's arrest. (A copy of a recent letter I wrote to Roman A. Rudenko on this subject is enclosed for the RECORD. Mr. Rudenko is Procurator General of the U.S.S.R.)

Mr. Speaker, last week the gentleman from California (Mr. BROWN) and I introduced House Joint Resolution 487 which would make it U.S. policy to drastically reduce U.S./U.S.S.R. scientific cooperation pending the release of Andrei Sakharov unless otherwise dictated by extraordinary circumstances or the personal conscience of individual scientists. In the near future, we shall no doubt be considering here House Joint Resolution 487, but for today let me say that I strongly support House Concurrent Resolution 272 as a first step in expressing the true measure of my disgust over human rights violations by the Soviet Union.

In ending, I would just like to restate my remarks last year to President Alexandrov of the Soviet Academy of Sciences concerning the future of East-West scientific cooperation. I quote, "Communication while vital to the long run health of science is not beneficial per se, but only if it involves exchange between equals and only if it strengthens research opportunities beyond the immediate exchanges. Acquiescence in the violation of scientists' human rights is unacceptable as a price of scientific exchange."

I would emphasize that we cannot acquiesce in the violations of human rights; for example, when Dr. Sakharov and his wife are exiled or when Yuri Orlov is imprisoned and confined to solitary confinement and hard labor. On the other hand, we must in all instances be open to any genuine signals from the Soviet Union that they do seek to improve the conditions of their outspoken scientists and do genuinely welcome greater freedom of expression within their society and when they will respect national borders. In short, they must show us that they are ready and do seek to abide by the principles of the Helsinki Final Act in Europe and elsewhere.

Thank you, Mr. Speaker.

U.S. HOUSE OF REPRESENTATIVES,
Washington, D.C., January 25, 1980.

Mr. ROMAN A. RODENKO,
Procurator General of the U.S.S.R.,
Pushkinskaya ulitsa 15a,
Moscow K–19, RSFSR, U.S.S.R.

DEAR MR. RODENKO: On May 24, 1979, we wrote Academician Anatoly Alexandrov, President of your National Academy of Sciences, concerning the imprisonment of Yuri Orlov and Sergei Kovalev. A copy of our letter is enclosed.

Since that time we have read Madame Orlov's testimony that her husband's health and physical condition have deteriorated seriously. More recently it has been reported that Yuri Orlov has been placed in a PKT punishment block. His diet has been greatly reduced and he is in solitary confinement when not working at hard labor.

As a result of Madame Orlov's testimony and the more recent reports of his further confinement, many of our nation's most distinguished scientists have written us expressing their great concern for Orlov as well

as for the condition of Anatoly Shcharansky and Sergei Kovalev. Among the signers of these letters, which we enclosed along with a copy of Madame Orlov's testimony, you will no doubt recognize the names of eleven Nobel Laureates and many other world renowned scientists. Some scientific groups such as the Association for Computing Machinery and the 2,400 scientists for Orlov and Shcharansky have gone further. They have chosen, at considerable professional sacrifice, to suspend scientific contact with the Soviet scientists pending the release of their imprisoned colleagues.

We believe that their actions reflect the conclusion which we stated last year to Academician Alexandrov and which we emphasize once again:

"Communication, while vital to the long-run health of science, is not beneficial *per se* but only if it involves exchange between equals and only if it strengthens research opportunities beyond the immediate exchanges. Acquiescence in the violation of scientists' human rights is unacceptable as a price of scientific exchange."

In transmitting these letters we wish to point out that none were in any way solicited by the U.S. government but reflect the conscience of individual scientists and professional groups acting on their own.

As we noted last year and the U.S. Congress increasingly recognizes the need to include human rights as an essential component of national and international science and technology policy. Conversely, as President Carter stated in his March 19, 1979, message to Congress on "Science and Technology," it is our expectation that "these (science exchange) programs (with the Soviet Union) support and remain compatible with our overall political relationship." Specifically, we recall that in the 1975 Helsinki Accords and associated agreements, the United States and other Western nations recognized the legitimacy of the de facto governments and boundaries in Eastern Europe in exchange for recognition by the Soviet Union and its allies of provisions pertaining to the respect for human rights, as well as cooperation in humanitarian and other fields (including science). We assume that the Soviet Union and other signatories will still honor these reciprocal agreements.

As we write we have just received news of the arrest and internal exile of Andrei Sakharov and his wife, Elena Bonner, to the city of Gorky. As members of the Committee on Science and Technology, which oversees our Nation's science policy and which has responsibility for funding the National Science Foundation, we are concerned for the Sakharovs and for the effect of their arrest on East-West scientific cooperation. Our feelings are shared by many American scientists, some of whom have signed the letters enclosed here concerning Orlov, Shcharansky, and Kovalev.

We are also concerned because Andrei Sakharov has been a symbol for those few courageous men and women, in the Soviet Union and in the West, who have spoken out, even at the height of the cold wars, on the need for peace and the elimination of possible nuclear holocaust. Today we join these lonely voices of moderation in searching for a more rational and more humane resolution of the differences now facing our two nations. As a step, which we believe would be of great significance, we appeal to you to do everything in your power to assure the safety and timely release of Yuri Orlov, Anatoly Shcharansky, Sergei Kovalev, as well as the Sakharovs. We look forward to receiving your reassurance concerning their situation as the first of many steps required by leaders in both of our countries to reverse the ominous trends occurring today.

Sincerely,

GEORGE E. BROWN, JR., HAROLD C. HOLLENBECK, JAMES H. SCHEUER, TOM HARKIN, DONALD J. PEASE, KENT HANCE, ALLEN E. ERTEL, DONALD L. RITTER, *Members of Congress.*●

● Mr. BIAGGI. Mr. Speaker, I am proud to rise as a cosponsor and strong supporter of House Concurrent Resolution 272, expressing the sense of Congress that Dr. Andrei Sakharov should be released from internal exile in the Soviet Union.

The banishment of Dr. Sakharov—a 1975 Nobel Peace Prize winner—is another indication of the reversion by the Soviet Union to its policies of aggression and arrogance. Not only do they flaunt their disregard of international law with their actions—they cannot even adhere to basic standards of human morality.

The timing of the Soviet action is at best curious. Just prior to this action, the Soviets had been roundly criticized for their invasion of Afghanistan. This criticism even translated into decisions by this Nation and the Congress to boycott the Olympics. When one would expect some gesture by the Soviets to enhance their faltering stock in the world community they turn around and do something aimed at incurring still further world wrath.

The Sakharov banishment lends credence to the decision to boycott the Olympics. How could the United States or any civilized nation travel to a country which practices the most brazen form of oppression in dealing with their own citizenry?

We are sending still another message to the Soviets today. Tragically, it is not a new one—we have passed resolutions of this sort throughout the past decade. Despite our actions, it appears the Soviet Union is taking giant steps backward. The President is dealing with the Soviets in strict terms, and well he should. I support his policies and hope they do provide some incentive for the Soviets to improve.

Mr. Speaker, we must be consistent and strong in our efforts to promote and protect basic human rights throughout the world. With this in mind, I urge the unanimous passage of House Concurrent Resolution 272.●

● Mrs. HOLT. Mr. Speaker, I commend the Foreign Affairs Committee for its timely action in bringing House Concurrent Resolution 272 to the floor and I join my colleagues in condemning the Soviet Union's suppression of human rights and in expressing moral outrage at the senseless persecution of Dr. Andrei Sakharov. This is another flagrant example of a persistent pattern of Soviet totalitarianism within its borders.

We know only too well that the Soviet Union is seizing the opportunity to expand its influence and control into South Asia and the Persian Gulf. Its blatant invasion of Afghanistan is a case in point.

Mr. Speaker, when a prominent Russian of Sakharov's stature can be arrested, exiled, and stripped of human rights, just think of the millions of others in the Soviet Union who must live in perpetual fear of the Kremlin and its ruthless leaders. I strongly urge the adoption of the resolution.●

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

GENERAL LEAVE

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

The SPEAKER pro tempore (Mr. MITCHELL of Maryland). Is there objection to the request of the gentleman from Washington?

There was no objection.

The SPEAKER pro tempore. Are there additional requests for time?

Mr. BROOMFIELD. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the concurrent resolution.

There was no objection.

The SPEAKER pro tempore. The question is on the concurrent resolution.

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

Mr. BROOMFIELD. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

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

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 402, nays 0, not voting 31, as follows:

[Roll No. 30]

YEAS—402

Abdnor	Bowen	Daniel, R. W.
Addabbo	Brademas	Danielson
Akaka	Breaux	Dannemeyer
Albosta	Brinkley	Daschle
Alexander	Brodhead	Davis, Mich.
Ambro	Brooks	de la Garza
Anderson, Calif.	Broomfield	Deckard
	Brown, Calif.	Dellums
Andrews, N.C.	Brown, Ohio	Derrick
Andrews, N. Dak.	Broyhill	Derwinski
	Buchanan	Devine
Annunzio	Burgener	Dickinson
Anthony	Burlison	Dicks
Applegate	Burton, John	Diggs
Archer	Burton, Phillip	Dingell
Ashbrook	Butler	Dixon
Aspin	Byron	Dodd
Atkinson	Campbell	Donnelly
AuCoin	Carney	Dornan
Badham	Carr	Dougherty
Bafalis	Carter	Downey
Bailey	Cavanaugh	Drinan
Baldus	Chappell	Duncan, Oreg.
Barnard	Cheney	Duncan, Tenn.
Barnes	Chisholm	Early
Bauman	Clausen	Edgar
Beard, R.I.	Clay	Edwards, Ala.
Beard, Tenn.	Cleveland	Edwards, Calif.
Bedell	Clinger	Edwards, Okla.
Bellenson	Coelho	English
Benjamin	Coleman	Erdahl
Bennett	Collins, Ill.	Erlenborn
Bereuter	Collins, Tex.	Ertel
Bethune	Conable	Evans, Del.
Bevill	Conte	Evans, Ga.
Biaggi	Conyers	Evans, Ind
Bingham	Corcoran	Fary
Blanchard	Corman	Fascell
Boggs	Cotter	Fazio
Boland	Coughlin	Fenwick
Bolling	Courter	Ferraro
Boner	Crane, Daniel	Findley
Bonker	D'Amours	Fisher
Bouquard	Daniel, Dan	Fithian

Flippo	Levitas	Rosenthal
Florio	Lewis	Roth
Foley	Livingston	Rousselot
Ford, Mich.	Lloyd	Roybal
Ford, Tenn.	Loeffler	Royer
Forsythe	Long, La.	Rudd
Fountain	Long, Md.	Russo
Frenzel	Lott	Sabo
Frost	Lowry	Satterfield
Fuqua	Lujan	Sawyer
Garcia	Luken	Scheuer
Gaydos	Lundine	Schroeder
Gephardt	Lungren	Schulze
Giaimo	McClory	Sebelius
Gibbons	McCormack	Seiberling
Gilman	McDade	Sensenbrenner
Gingrich	McDonald	Shannon
Ginn	McEwen	Sharp
Glickman	McKay	Shelby
Goldwater	McKinney	Shumway
Gonzalez	Madigan	Shuster
Goodling	Maguire	Simon
Gore	Markey	Skelton
Gradison	Marks	Slack
Gramm	Marlenee	Smith, Iowa
Grassley	Marriott	Smith, Nebr.
Gray	Martin	Snowe
Green	Mathis	Snyder
Grisham	Matsui	Solarz
Guarini	Mattox	Solomon
Gudger	Mavroules	Spellman
Guyer	Mazzoli	Spence
Hagedorn	Mica	St Germain
Hall, Ohio	Michel	Stack
Hall, Tex.	Mikulski	Staggers
Hamilton	Miller, Calif.	Stangeland
Hammer-schmidt	Miller, Ohio	Stanton
	Mineta	Stark
Hance	Minish	Steed
Hanley	Mitchell, Md.	Stenholm
Hansen	Mitchell, N.Y.	Stewart
Harkin	Moakley	Stockman
Harris	Moffett	Stokes
Harsha	Mollohan	Stratton
Hawkins	Montgomery	Studds
Heckler	Moore	Stump
Hefner	Moorhead, Calif.	Swift
Heftel		Symms
Hillis	Moorhead, Pa.	Synar
Hinson	Motti	Tauke
Holland	Murphy, Pa.	Taylor
Hollenbeck	Murtha	Thomas
Holtzman	Myers, Ind	Thompson
Hopkins	Myers, Pa.	Traxler
Horton	Natcher	Trible
Howard	Neal	Udall
Hubbard	Nedzi	Ullman
Huckaby	Nelson	Van Deerlin
Hughes	Nichols	Vander Jagt
Hutto	Nowak	Vanik
Hyde	O'Brien	Vento
Ichord	Oakar	Volkmer
Ireland	Oberstar	Walgren
Jacobs	Ottinger	Walker
Jeffords	Panetta	Wampler
Jeffries	Pashayan	Watkins
Jenkins	Patten	Waxman
Jenrette	Patterson	Weaver
Johnson, Calif.	Paul	Weiss
Jones, N.C.	Pease	White
Jones, Okla.	Pepper	Whitehurst
Jones, Tenn.	Perkins	Whitley
Kastenmeier	Petri	Whittaker
Kazen	Peyser	Williams, Mont.
Kelly	Pickle	Williams, Ohio
Kemp	Porter	Wilson, Bob
Kildee	Preyer	Wilson, Tex.
Kindness	Price	Winn
Kogovsek	Quayle	Wirth
Kostmayer	Quillen	Wolff
Kramer	Rahall	Wolpe
LaFalce	Railsback	Wright
Lagomarsino	Rangel	Wydler
Latta	Ratchford	Wylie
Leach, Iowa	Regula	Yatron
Leach, La.	Reuss	Young, Alaska
Leath, Tex.	Richmond	Young, Fla.
Lederer	Rinaldo	Young, Mo.
Lee	Ritter	Zablocki
Lehman	Robinson	Zeferetti
Leland	Roe	
Lent	Rose	

NOT VOTING—31

Anderson, Ill.	Johnson, Colo.	Rodino
Ashley	McCloskey	Rostenkowski
Bonior	McHugh	Runnels
Crane, Philip	Murphy, Ill.	Santini
Davis, S.C.	Murphy, N.Y	Treen
Eckhardt	Nolan	Whitten
Emery	Obey	Wilson, C. H.
Fish	Pritchard	Wyatt
Fowler	Pursell	Yates
Hightower	Rhodes	
Holt	Roberts	

□ 1700

The Clerk announced the following pairs:

Mr. Rodino with Mr. McCloskey.
Mr. Rostenkowski with Mr. Treen.
Mr. Obey with Mr. Wyatt.
Mr. Roberts with Mr. Pursell.
Mr. Charles H. Wilson of California with Mr. Emery.
Mr. Santini with Mr. Fish.
Mr. Whitten with Mr. Philip M. Crane.
Mr. Murphy of New York with Mr. Anderson of Illinois.
Mr. Murphy of Illinois with Mrs. Holt.
Mr. Fowler with Mr. Pritchard.
Mr. Ashley with Mr. Yates.
Mr. Hightower with Mr. Eckhardt.
Mr. McHugh with Mr. Bonior of Michigan.
Mr. Nolan with Mr. Runnels.
Mr. Davis of South Carolina with Mr. Rhodes.

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3275, AMENDING THE SMALL RECLAMATION PROJECTS ACT OF 1956

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 96–746) on the resolution (H. Res. 559) providing for the consideration of the bill (H.R. 3275) to amend the Small Reclamation Projects Act of 1956, as amended, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4119, FEDERAL CROP INSURANCE ACT OF 1979

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 96–749) on the resolution (H. Res. 562) providing for the consideration of the bill (H.R. 4119) to improve and expand the Federal crop insurance program, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2551, AGRICULTURAL LAND PROTECTION ACT

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 96–748) on the resolution (H. Res. 561) providing for the consideration of the bill (H.R. 2551) to establish internal Federal policy concerning protection of certain agricultural land; to establish a Study Committee on the Protection of Agricultural Land; to establish a demonstration program relating to methods of protecting certain agricultural land from being used for nonagricultural purposes; and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 2609, INCREASING APPROPRIATIONS CEILING FOR THE COLORADO RIVER BASIN SALINITY CONTROL ACT

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 96–745) on the resolution (H. Res. 558) providing for the consideration of the bill (H.R. 2609) to increase the appropriations ceiling for title I of the Colorado River Basin Salinity Control Act (Act of June 24, 1974; 88 Stat. 266), and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 3995, NOISE CONTROL ACT AUTHORIZATION, FISCAL YEARS 1980 AND 1981

Mr. PEPPER, from the Committee on Rules, submitted a privileged report (Rept. No. 96–747) on the resolution (H. Res. 560) providing for the consideration of the bill (H.R. 3995) to authorize appropriations for the Noise Control Act of 1972 for the fiscal years 1980 and 1981, which was referred to the House Calendar and ordered to be printed.

PROVIDING FOR CONSIDERATION OF H.R. 5507, RELATING TO TREATMENT OF RETIREMENT BENEFITS UNDER FEDERAL EMPLOYMENT INSURANCE LAW

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 544 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 544

Resolved, That upon the adoption of this resolution it shall be in order to move, clause 7 of rule XIII to the contrary notwithstanding, that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 5507) to amend the Internal Revenue Code of 1954 to eliminate the requirement that States reduce the amount of unemployment compensation payable for any week by the amount of certain retirement benefits, and for other purposes, and the first reading of the bill shall be dispensed with. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, the bill shall be considered as having been read for amendment under the five-minute rule. No amendments to the bill shall be in order except amendments recommended by the Committee on Ways and Means, which shall not be subject to amendment. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

The SPEAKER pro tempore (Mr. FARY). The gentleman from Florida (Mr. PEPPER) is recognized for 1 hour.

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

Mr. Speaker, this is a modified closed rule providing 1 hour of general debate to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means. The rule allows only amendments recommended by the Committee on Ways and Means which are not amendable and also permits one motion to recommit. Finally, Mr. Speaker, the rule waives clause 7, rule XIII, against consideration of the bill. Clause 7, rule XIII, states that the report accompanying each bill shall contain an estimate of the costs which would be incurred in carrying out the bill in the fiscal year in which it is reported and in each of the succeeding fiscal years. The cost estimate accompanying H.R. 5507 provides estimated outlays for fiscal years 1980 through 1984. However, the bill was reported during fiscal year 1980 and would add outlays from the unemployment insurance trust fund for 6 months in fiscal year 1980. The committee report failed to include an estimate of outlays incurred through fiscal year 1985 and so a waiver of clause 7, rule XIII, is necessary.

Mr. Speaker, pursuant to the unemployment compensation amendments of 1976 all States would be required to reduce an individual's unemployment insurance benefits by the amount of any private or public pension or retirement benefits he or she is receiving. H.R. 5507 would amend and delay the effective date of the Federal requirement from March 31, 1980 to January 1, 1982, and would require States to reduce unemployment insurance benefits to an individual by the amount of pension or other retirement benefits received only from the employer chargeable for the individual's unemployment benefits. Pensions or retirement benefits maintained by other employers would remain a matter of State law.

Mr. Speaker, this bill would also establish a 2-year limit on the payment of extended unemployment benefits as of January 1, 1982. The 2-year period would commence 1 year after the individual initially applied for regular State unemployment benefits. An individual would be allowed up to 3 years to collect any regular and extended benefits under this legislation.

Mr. Speaker, the Unemployment Compensation Amendments of 1976 are viewed to be inconsistent with the goal of the unemployment programs because unemployment benefits are barred from individuals who retire and then return to the work force or who continue to work while receiving pensions. H.R. 5507 is a good bill which takes care of some problems in the Unemployment Amendments of 1976.

Mr. Speaker, I support this rule and urge my colleagues to adopt House Resolution 544 so that the House may proceed to the ocnsideration of this important legislation.

□ 1720

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

ceed to the consideration of this impor-

Mr. Speaker, House Resolution 544 is a closed rule, allowing only amendments recommended by the Committee on Ways and Means which are not amendable. Clause 7 of Rule XIII, the requirement of a committee cost estimate, is waived against consideration of the bill. Finally the resolution provides one motion to recommit.

This is not a difficult rule.

On the other hand, the legislation which we are about to consider, H.R. 5507, is much more complicated and far reaching in its effects than its supporters would have us believe.

To provide some background, current law provides that beginning April 1, 1980, the amount of unemployment insurance compensation received by an individual shall be reduced by the amount of any public or private pension. Treatment of retirement income has varied from State to State, and, anticipating this change, a number of States have already enacted provisions to conform to the new law enacted in 1976.

H.R. 5507 would delay the effective date after which all States would be required to make such a reduction from March 31, 1980, to January 1, 1982. It further provides that such offsets will only be required when the pension is received from the base-period employer or an employer who would be charged for any unemployment compensation benefits received by the person.

The provisions of this legislation are in direct contradiction of the principles on which our programs of unemployment assistance are based. Unemployment insurance programs are designed to provide needed benefits to regularly employed members of the work force who become involuntarily unemployed. This compensation is a means of temporary support to individuals who are ordinarily steadily employed.

This description obviously does not envision a retiree as an ordinarily employed member of the labor force. We must recognize the fact that unemployment compensation and pensions perform two entirely different functions and they must be treated as such.

The language of the 1976 law is an appropriate recognition of the fact that these two kinds of benefits must be given separate treatment. Implementation of this 1976 law will halt an unnecessary drain of unemployment compensation funds reserving them for those in the greatest need and to whom the program was directed.

Enactment of H.R. 5507 is a mockery of the work ethic and would be disastrous move for this House to make. If this bill is approved, we will be asking the taxpayer to pick up the cost of a benefit that is directly contrary to the purpose of unemployment compensation.

I urge defeat of this legislation.

Mr. Speaker, I yield 3 minutes to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. Mr. Speaker, I am not going to weary the House with extensive comment on the bill, because, bad as it is, we will have plenty of time to discuss it in the Committee of the Whole, but I would like a comment on what the House will not be able to do, because we are considering this bill under a closed rule.

As many Members are aware, this bill was scheduled for floor action yesterday, but it was pulled off and a committee amendment adopted, because we had some difficulty with drafting.

When the committee considered the amendment which was agreed to unanimously, I might add, the committee at the same time decided that it would not act on two amendments that were proposed by the gentleman from California (Mr. ROUSSELOT).

Those two amendments would not have made the bill whole, but they would have made it a lot more palatable to the House and would have saved a great deal of money for our unemployment compensation fund.

The first of these was an amendment originally suggested by our good colleague, the gentleman from Tennessee, ROBIN BEARD, and that relates to unemployment compensation being paid to people who go into the Armed Forces and get out after 91 days and then claim unemployment compensation.

I doubt if there is a Member of the House who can justify that sort of thing, but no, the committee did not want to accept that, and, because of the closed rule, there will be no opportunity to present that amendment. The second amendment suggested by the gentleman from California was one that would reduce the 2-year delay in implementing the provisions of the earlier bill which are being voided by the bill before us.

That amendment, I am told, would save some $56 million, which is only money, of course.

The sponsors, I guess, would have us believe that it does not cost anybody anything because we merely levy these unemployment compensation taxes on the employers of the world, and everyone knows the employers can well afford to pay the taxes.

The one fact is, however, that those taxes are paid by the consumer of the goods and services which are produced by those employers; and the employers simply act as the Government's tax collector.

So we are laying back on our consumers in this bill an unnecessary $600 million through fiscal year 1984. We could have saved about $56 million of that, perhaps an inconsequential amount, but better than a poke with a sharp stick, had we been allowed to consider the Rousselot amendment on the floor of the House.

Mr. Speaker, this is a lousy bill. I have not had time to discuss the bill itself, but I assure my colleagues it is costly, unnecessary and contrary to the work ethic.

But one of the worst aspects of the bill is that we are considering it under a

closed rule so that the House has no ability to work its will and to reduce the unnecessary expenditures contained therein.

Mr. LOTT. Mr. Speaker, I yield 5 minutes to the gentleman from California (Mr. ROUSSELOT).

Mr. ROUSSELOT. Mr. Speaker, I rise to inform my colleagues that there was another important aspect of this bill that I think we should have included, but because of the nature of the closed rule we are not able to do so. Those were suggestions by our colleague, the gentleman from Tennessee (Mr. BEARD), and others from the Committee on Armed Forces, which would probably result in legislative savings of $20 million or better for the first year, and that is that there evidently are several people who have found out that you can sign up to be in the military, serve for 91 days or a few more days than 91 days, then find a way to get something a little bit less than an honorable discharge but some kind of a discharge that does not disturb your ability to get veterans' benefits, and then you are eligible for all kinds of veterans' benefits and unemployment compensation.

Many people felt that this should be included as an amendment in this bill.

Now, the other body, we understand in committee has included this language in the bill, and I am sorry that we will be unable when we get to the Committee of the Whole House to add this particular amendment, which I think was very properly discussed in the hearings in the subcommittee, was offered by the gentleman from New York (Mr. CONABLE) in the full committee, and though was slightly defeated by voice vote, in my judgment, should be part of this legislation as long as we are taking time to improve the unemployment compensation law.

□ 1720

So, my feeling is we made an error in not allowing for a rule that would have provided that this amendment, offered by my colleague or suggested by my colleague from Tennessee, offered in committee by the gentleman from New York (Mr. CONABLE) that it was not made in order to be offered on the floor, because I am sure with adequate debate we could have included it in the legislation.

I also would like to say it was my hope, as the gentleman from Minnesota has suggested, that we should have reduced the time extension to 1 year or thereabouts. It could ultimately be a saving from anywhere from $150 to $200 million. That, to me, is a lot of dollars.

The other body actually in their mark-up has stated this should begin on April 1 of this year. So my feeling is that, again, we made a mistake in having such a closed rule that this provision could not be added. Most recognize that the States could comply with this law that was passed 4 years ago within at least a year's time and, as a result, I am sorry that we did not allow these two potential amendments to be offered on the floor. Therefore, I think it is again regretful that we have such a tight and a closed rule that appropriate amendments to save the taxpayers very substantial dollars could not be offered. I regret this was not allowed to occur.

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

Mr. ROUSSELOT. I yield to the gentleman from Minnesota (Mr. FRENZEL).

Mr. FRENZEL. I thank the gentleman for yielding.

I would like to ask the gentleman if the provisions which the gentleman discusses are not in a bill of the other body which we will probably encounter in the committee on conference anyway.

Mr. ROUSSELOT. Yes. That is my understanding. It is my hope that the conferees, if we do pass this legislation, that the conferees do take this into account and that our conferees will accept the other body's version of the same legislation which would make it far less expensive.

The SPEAKER pro tempore. The time of the gentleman from California has expired.

Mr. LOTT. Mr. Speaker, I yield 3 additional minutes to the gentleman from California (Mr. ROUSSELOT).

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

Mr. ROUSSELOT. I will be more than pleased to yield to my colleague from Minnesota, who is a member of the committee.

Mr. FRENZEL. I thank the gentleman.

If we are probably going to encounter this in the committee of conference, the fact that we are being prohibited from this closed rule is likely to lead to some instruction of the conferees, would it not?

Mr. ROUSSELOT. Well, I would hope so, because I believe what has been provided in the legislation by the other body was discussed in our committee. I am sorry we did not include it in the bill and I would hope that our conferees would want to go to the conference and include this in the conference provisions.

Mr. FRENZEL. If the gentleman will yield further, I think it is terribly depressing that the House is not going to have a chance to participate in such decisions as the other body has already made and our conferees are either going to have to act for us or be instructed by us.

Mr. ROUSSELOT. I think, as the gentleman knows, there is some urgency to the legislation because of previous provisions that go into place on April 1 of this year, so there was an attempt to try to accommodate that potential deadline for the few States that may not have had a chance to enact legislation to comply with this provision. My belief is that most of them have been notified, I understand, by the Department of Labor that they should be ready to comply in case some legislation of this type does not pass.

But, in any event, in case those States have not had a chance to act, it is our hope that something will be provided, some provision will be made so that they will have time to act.

I urge my colleagues to consider voting against this closed rule.

Mr. LOTT. Mr. Speaker, I have no further requests for time, and yield back the balance of my time.

Mr. PEPPER. Mr. Speaker, I yield such time as he may consume to the distinguished majority leader, the gentleman from Texas (Mr. WRIGHT).

Mr. WRIGHT. Mr. Speaker, I rise simply to announce to the Members that as soon as we adopt this rule we will not have any further business for today. We hope to pass the bill tomorrow.

Mr. PEPPER. Mr. Speaker, I have just one sentence. This rule is in accordance with the precedents in dealing with this kind of question by the Rules Committee and the House and, therefore, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and on a division (demanded by Mr. ROUSSELOT) there were—yeas 37, nays 46.

Mr. PEPPER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present. The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 244, nays 158, not voting 31, as follows:

[Roll No. 31]

YEAS—244

Addabbo	Derwinski	Johnson, Calif.
Akaka	Dicks	Johnson, Colo.
Albosta	Diggs	Jones, N.C.
Ambro	Dingell	Jones, Okla.
Anderson, Calif.	Dixon	Jones, Tenn.
Annunzio	Dodd	Kastenmeier
Anthony	Donnelly	Kildee
Aspin	Downey	Kogovsek
AuCoin	Drinan	Kostmayer
Bailey	Duncan, Oreg.	LaFalce
Baldus	Early	Leach, La.
Barnard	Edgar	Lederer
Barnes	Edwards, Ala.	Lee
Beard, R.I.	Edwards, Calif.	Lehman
Bedell	English	Leland
Bellenson	Ertel	Lloyd
Benjamin	Fary	Long, La.
Bennett	Fascell	Long, Md.
Bevill	Fazio	Lowry
Biaggi	Ferraro	Luken
Bingham	Fisher	Lundine
Blanchard	Fithian	McCormack
Boggs	Flippo	McKay
Boland	Florio	Maguire
Bolling	Foley	Markey
Boner	Ford, Mich.	Marks
Bonior	Ford, Tenn.	Mathis
Bonker	Frost	Matsui
Bouquard	Fuqua	Mattox
Bowen	Garcia	Mavroules
Brademas	Gaydos	Mazzoli
Breaux	Gephardt	Mica
Brinkley	Giaimo	Mikulski
Brodhead	Gibbons	Miller, Calif.
Brooks	Gilman	Mineta
Brown, Calif.	Ginn	Minish
Buchanan	Glickman	Mitchell, Md.
Burlison	Gore	Moakley
Burton, John	Gray	Moffett
Burton, Phillip	Guarini	Mollohan
Byron	Gudger	Mottl
Carr	Hall, Ohio	Murphy, N.Y.
Cavanaugh	Hall, Tex.	Murphy, Pa.
Chappell	Hamilton	Murtha
Chisholm	Hance	Myers, Pa.
Clay	Hanley	Natcher
Coelho	Harris	Nedzi
Collins, Ill.	Hawkins	Nichols
Conyers	Hefner	Nolan
Corman	Heftel	Nowak
Cotter	Hillis	Oakar
Daniel, Dan	Holland	Oberstar
Danielson	Holtzman	Ottinger
Daschle	Howard	Panetta
Davis, Mich.	Hubbard	Patten
de la Garza	Hutto	Patterson
Dellums	Ireland	Pease
Derrick	Jenkins	Pepper
	Jenrette	Perkins

Peyser	Shannon	Van Deerlin
Pickle	Shelby	Vanik
Preyer	Simon	Vento
Price	Skelton	Volkmer
Pursell	Slack	Walgren
Quillen	Smith, Iowa	Wampler
Rahall	Solarz	Watkins
Rangel	Spellman	Weaver
Ratchford	St Germain	Weiss
Reuss	Stack	Whitley
Richmond	Staggers	Williams, Mont.
Rinaldo	Stark	Wilson, Bob
Roberts	Steed	Wilson, C. H.
Roe	Stewart	Wilson, Tex.
Rose	Stokes	Wirth
Rosenthal	Stratton	Wolff
Roybal	Studds	Wolpe
Russo	Swift	Wright
Sabo	Synar	Yatron
Satterfield	Thompson	Young, Mo.
Scheuer	Traxler	Zablocki
Schroeder	Udall	Zeferetti
Seiberling	Ullman	

NAYS—158

Abdnor	Goodling	Montgomery
Andrews, N.C.	Gradison	Moore
Andrews, N. Dak.	Gramm	Moorhead, Calif.
Archer	Grassley	Myers, Ind.
Ashbrook	Green	Neal
Atkinson	Grisham	Nelson
Badham	Guyer	O'Brien
Bafalis	Hagedorn	Pashayan
Bauman	Hammer-schmidt	Paul
Beard, Tenn.	Hansen	Petri
Bereuter	Harkin	Porter
Bethune	Harsha	Quayle
Broomfield	Heckler	Regula
Brown, Ohio	Hinson	Ritter
Broyhill	Hollenbeck	Robinson
Burgener	Holt	Roth
Butler	Hopkins	Rousselot
Campbell	Horton	Royer
Carney	Huckaby	Rudd
Cheney	Hughes	Sawyer
Clausen	Hyde	Schulze
Cleveland	Ichord	Sebelius
Clinger	Jacobs	Sensenbrenner
Coleman	Jeffords	Sharp
Collins, Tex.	Jeffries	Shumway
Conable	Kazen	Shuster
Conte	Kelly	Smith, Nebr.
Corcoran	Kemp	Snowe
Coughlin	Kramer	Snyder
Courter	Lagomarsino	Solomon
Crane, Daniel	Latta	Spence
D'Amours	Leach, Iowa	Stangeland
Daniel, R. W.	Leath, Tex.	Stanton
Dannemeyer	Lent	Stenholm
Deckard	Levitas	Stockman
Devine	Lewis	Stump
Dickinson	Livingston	Symms
Dornan	Loeffler	Tauke
Dougherty	Lott	Taylor
Duncan, Tenn.	Lujan	Thomas
Edwards, Okla.	Lungren	Trible
Erdahl	McClory	Vander Jagt
Erlenborn	McDade	Walker
Evans, Ga.	McDonald	White
Evans, Ind.	McEwen	Whitehurst
Fenwick	McKinney	Whittaker
Findley	Madigan	Williams, Ohio
Forsythe	Marlenee	Winn
Fountain	Marriott	Wydler
Frenzel	Martin	Wylie
Gingrich	Michel	Young, Alaska
Goldwater	Miller, Ohio	Young, Fla.
Gonzalez	Mitchell, N.Y.	

NOT VOTING—31

Alexander	Fowler	Rodino
Anderson, Ill.	Hightower	Rostenkowski
Applegate	Kindness	Runnels
Ashley	McCloskey	Santini
Carter	McHugh	Treen
Crane, Philip	Moorhead, Pa.	Waxman
Davis, S.C.	Murphy, Ill.	Whitten
Eckhardt	Obey	Wyatt
Emery	Pritchard	Yates
Evans, Del.	Railsback	
Fish	Rhodes	

□ 1740

The Clerk announced the following pairs:

Mr. Rostenkowski with Mr. Treen.
Mr. Rodino with Mr. Wyatt.
Mr. Obey with Mr. McCloskey.
Mr. Santini with Mr. Emery.
Mr. Murphy of Illinois with Mr. Fish.
Mr. Fowler with Mr. Philip M. Crane.
Mr. Hightower with Mr. Pritchard.
Mr. Davis of South Carolina with Mr. Anderson of Illinois.
Mr. Yates with Mr. Railsback.
Mr. Runnels with Mr. Evans of Delaware.
Mr. Ashley with Mr. Carter.
Mr. Whitten with Mr. Kindness.
Mr. Applegate with Mr. Eckhardt.
Mr. Moorhead of Pennsylvania with Mr. Alexander.
Mr. McHugh with Mr. Waxman.

Messrs. DUNCAN of Tennessee, VANDER JAGT, ICHORD, HORTON, HUGHES, STENHOLM, and FOUNTAIN changed their votes from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PERSONAL EXPLANATION

● Mr. DANIELSON. Mr. Speaker, I was unable to be present for two rollcall votes on January 22, 1980, and January 23, 1980, because I was participating in a study mission in the Far East. On rollcall No. 2, in which the House agreed to House Resolution 514, the rule under which it considered H.R. 2471, to authorize appropriations for the U.S. International Trade Commission and the U.S. Customs Service for fiscal year 1980, I would have voted "aye."

On rollcall No. 3, in which the House agreed to House Resolution 513, the rule under which it considered H.R. 4788, authorizing the construction, repair, and preservation of certain public works on rivers and harbors for navigation and flood control, I would have voted "aye."●

WITHDRAWAL AS MEMBER FROM PROCEEDINGS OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER laid before the House the following withdrawal from the Committee on Standards of Official Conduct during proceedings investigating FBI bribery charges:

FEBRUARY 4, 1980.

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

DEAR MR. SPEAKER: For obvious reasons I wish to withdraw from the Ethics Committee proceedings while they are investigating the alleged improprieties of members of Congress in connection with the FBI bribery charges.

Sincerely,

JOHN P. MURTHA,
Member of Congress.

APPOINTMENT OF MEMBER TO ACT IN PROCEEDINGS OF COMMITTEE ON STANDARDS OF OFFICIAL CONDUCT

The SPEAKER. Pursuant to clause 4 (e) (2) (D) of rule X, the Chair appoints the gentleman from Georgia (Mr. FOWLER) to act as a member of the Committee on Standards of Official Conduct in connection with any committee proceeding relating to the conduct of the gentleman from Pennsylvania (Mr. MURTHA).

PRESIDENT PROPOSES DELETION OF REQUIREMENT THAT IRS COMPLY WITH FAIR DEBT COLLECTION PRACTICES ACT

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

Mr. HANSEN. Mr. Speaker, in an age when the great cry is for more responsible and responsive government, it comes as something of a surprise, even a shock, to have the President propose an appropriation for the purpose of harassing, oppressing, and abusing taxpayers. Incredible as it might seem, the budget of the United States for the fiscal year 1981 contains such a proposal. At page 775 of the appendix to the budget, the President proposes that the general provisions governing Treasury Department appropriations be altered to delete the requirement that Internal Revenue Service personnel comply with certain provisions of the Fair Debt Collection Practices Act.

The effect of this proposed deletion would be to license the practices forbidden by that act, which practices include—and here I quote from the act: "The use or threat of use of violence or other criminal means to harm the physical person, reputation, or property of any person" and "the use of obscene or profane language or language the natural consequence of which is to abuse the hearer or reader" and "causing a telephone to ring or engaging any person in telephone conversation repeatedly or continuously with intent to annoy, abuse, or harass any person at the called number."

A few years ago the Internal Revenue Service was engaging in just such practices to collect taxes throughout the country, and in my own district the excesses even extended to plans for armed door-to-door shakedowns of citizens. It was that type of proven experience that moved Congress to restrict the Internal Revenue Service from practices which, if engaged in by private debt collectors, would constitute grounds for damage suits.

It now appears that the Internal Revenue Service is chafing under the requirement that it engage in orderly conduct, and would like a little more room to engage in the rubber hose and shotgun methods more suited to criminal extortionists than to officers and employees of a democratically installed government.

It is my intention to fight this proposed deletion, and require that the Internal Revenue Service refrain from uncivilized, inhumane, and criminal procedures in tax collection.

□ 1750

COMMENDATION OF KAHUKU HIGH SCHOOL BAND

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

Mr. AKAKA. Mr. Speaker, I would like to take this opportunity to commend the students, parents, and Mr. Michael Pey-

ton and Mr. Alan Akaka, band instructors of the Kahuku High School Band which is in my district. The Kahuku Red Raider Marching Band has just been named one of the top-10 marching bands in the Nation by the National Band Association. This is the first time that a school band from Hawaii has received this recognition. With this honor is an invitation to perform at the National Band Association's Marching Exhibition during the first and second weeks of June at Knoxville, Tenn.

The National Band Association is the largest band organization in the world. It was organized for the purpose of promoting the musical and educational significance of bands and is dedicated to the attainment of a high level of excellence for bands and band music in the United States.

STATEMENT OF THE HONORABLE JAMES J. HOWARD, CHAIRMAN, SUBCOMMITTEE ON SURFACE TRANSPORTATION, HOUSE PUBLIC WORKS AND TRANSPORTATION COMMITTEE, ON A BILL TO AMEND CHAPTER 4 OF TITLE 49, UNITED STATES CODE, TO PROVIDE FOR MORE EFFECTIVE REGULATION OF MOTOR CARRIERS OF PROPERTY, AND FOR OTHER PURPOSES

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

Mr. HOWARD. Mr. Speaker, of all the subject matters I have been concerned with as chairman of the Subcommittee on Surface Transportation, none has caused me more anguish in discerning what is best for the public interest than the issues confronting the Congress regarding the regulation of the motor carriers of property. I am torn, on the one hand, by thoughts epitomized in the adage that if something is working well, don't tinker with it. Any objective observer would have to concede that our national system for transportation of property does work well and, in fact, for more than a generation has provided a service unequaled in any other part of the world. On the other hand, I am disturbed by evidence indicative of a need for improving the system. No objective observer in the light of that evidence could seriously dispute that the system needs "tinkering," perhaps substantially.

Last August 20 the Subcommittee on Surface Transportation began, in Denver, Colo., the first of a series of hearings across the Nation. Subsequently hearings were held in Boston, Harrisburg, Savannah, Chicago, San Diego, and San Francisco. The purpose of those hearings was to afford the grassroots of those participating in or affected by the trucking industry to have an opportunity to come to grips with and make their views known on current conditions in the industry and on the possible necessity for change in the matter and scope of the regulations governing the industry.

We heard from consumers, owner-operators, private carriers, contract carriers, large and small, common carriers, large and small, economic experts, truck drivers, and many others.

From each we learned something. From all we learned that there is no unanimity of opinion on what would best serve the public interest. Some indicated continuance of the status quo. Others opted for total deregulation. Others for extensive reregulation and still others for a very limited reregulation.

While there was no unanimity of expression on what should be done, the hearings did make clear that the principal objectives of any legislation should be to remove those conditions contributing to a waste of our Nation's invaluable energy resources; to provide a fair opportunity for any American to get into the business; to provide the wherewithal for a fair interaction among carriers and shippers, large and small; to assure service to small towns and rural areas; to assure that the immunity to antitrust prosecution afforded by law to the industry in the making of rates is merited by a system of ratemaking that is fair not only to the industry but to the public as well; to assure that the cost to the consumer for the transportation of property will be as low as possible and yet consistent with the American concept that a laborer is worthy of his hire; to afford a better economic climate for those rugged individualists engaged as individuals in the business and to protect them from abuses which deny them a fair return on their labor and investment.

Efforts to achieve these objectives have been made by many Members of Congress by the introduction of bills directed toward attaining these concerns.

The chairman of the full committee, our very esteemed colleague, the Honorable HAROLD T. (BIZZ) JOHNSON, has equally shared in the study, analysis, and review of all the bills and of all the input at our hearings thus far. We have concluded that at this point we are in need of additional input, analysis, and recommendations from our colleagues, the administration, the Federal agencies, the Interstate Commerce Commission, and the national organizations representing those who would be affected by any legislation we propose. Beginning February 20 we will hold hearings to obtain those views.

In an effort to acquaint you and the witnesses we will be hearing from with the kind of legislation we think will advance improvement of our current system of truck transportation, we have drafted the bill we now introduce. Its provisions are tentative and exploratory and intended as an invitation for extensive discussion and any changes which would bring us further down the road to enacting legislation for the truck transport system that is fair and equitable to all.

It is with a deep sense of pride and appreciation that I bring to your attention the major contributions to this bill which our highly esteemed colleagues, the Honorable WILLIAM H. HARSHA, ranking minority member of the full committee, and the Honorable BUD SHUSTER, ranking minority member of the Subcommittee on Surface Transportation, have made. Both have been active and informed participants in our hearings and in the drafting of this bill, and both coponsor the bill.

Before closing, I want to advise you that current uncertainty in regard to the direction of our legislation has contributed materially to a disruption in the planning and operations of both the Interstate Commerce Commission and of the industry. On October 22, 1979, Senator CANNON announced that he would do everything in his power to see that an act is on the desk of the President by no later than June 1, 1980. Chairman JOHNSON and I have joined Senator CANNON in his commitment toward that goal.

SECRETARY OF AGRICULTURE SHOULD BE COMPLIMENTED ON REPORT ON DIETARY MODERATION

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

Mr. MARTIN. Mr. Speaker, as one who has criticized the FDA and Department of Agriculture for their unjustified crusade to ban nitrite preservative in meat, like the earlier ban on saccharin, I want to compliment our former colleague, the Secretary of Agriculture, for his recent report on dietary moderation.

By helping to educate Americans that excessive individual consumption of fat, sugar, salt and alcohol can be harmful, he properly emphasizes the healthy virtue of moderation. He properly does not, nor could he propose to ban such products, but seeks to improve public understanding of good dietary habits.

It is high time we get away from obsolete laws that require relatively innocuous food additives to be banned, and instead focus attention on informed choices by consumers themselves.

I include the following:

U.S. URGES PUBLIC TO EAT LESS OF POPULAR FOODS

(By Victor Cohn)

The federal government, in its most serious warning in recent years about the nation's eating habits, urged Americans yesterday to eat less of many of America's most popular foods.

The departments of Agriculture and Health, Education and Welfare said Americans should eat less fat, especially less saturated or solidified fat, and less cholesterol, sugar and salt—as well as less food altogether—if they want to avoid premature death from several diseases.

In effect and sometimes explicitly, the recommendations warn Americans away from too many cholesterol-laden eggs, too much fat-rich whole milk and butter, too many salty prepared meats and snacks and too much sugared food, like sweet breakfast cereals.

The recommendations are only that, "not a prescription," and they are "purely advisory" and will not force anyone to do anything, Agriculture Secretary Bob Bergland emphasized.

But he and other officials also said the recommendations, have already led Agriculture's school lunch and other food programs to buy less fatty hamburger, less sugary

canned fruits and less salty food. Officials said there will be other steps, in time.

And there will be huge educational efforts by Agriculture and HEW directed at hundreds of thousands of doctors, nutritionists and school teachers.

The recommendations dodge many important issues, such as the fact that most beef, even lean beef, tends to be fatty, and the matter of possibly risky food additives, like nitrite and saccharin.

Nonetheless, the recommendations represent a vast turnaround in favor of consumers for the traditionally producer-minded Agriculture Department.

The seven key statements say:

"Eat a variety of foods" daily, from "selections of" fruits; vegetables; whole grain and enriched breads, cereals and grain products; milk, cheese and yogurt; meats, poultry, fish, eggs, and legumes (dry peas and beans).

"Maintain ideal weight," since obesity is linked to high blood pressure, diabetes and increased risk of heart attacks and strokes.

"Avoid too much fat, saturated fat and cholesterol" by eating in moderation foods like eggs, organ meats (liver, sweetbreads and kidneys) and butter, cream and solid margarines. If you want to eat these, reduce intake of other fatty foods.

"Eat foods with adequate starch and fiber"—starch for carbohydrates which provide energy and are low in calories unless flooded by fats, and fiber (in fruits, vegetables, whole grain breads and cereals) for healthy intestines.

"Avoid too much sugar"—in frequent snacks, jams, jellies, candies, cookies, soft drinks, cakes, pies, breakfast cereals, ice cream, flavored milk and even catsup.

"Avoid too much sodium [salt]," which is in processed foods, sauces, pickled foods, snacks and sandwich meats, as well as the salt-shaker.

"If you drink alcohol, do so in moderation," because alcoholic drinks tend to be high in calories and more than one or two a day can be dangerous.

These recommendations represent a major victory for Sen. George McGovern (D-S.D.) His Select Committee on Nutrition issued a similar, though even more drastic, set of "Dietary Goals" in January 1977.

For more than two years, McGovern and some colleagues have been urging federal action. Many farm- and cattle-minded members—and food interests—felt otherwise.

Some scientists, too, felt that one of the hottest issues—whether fats and cholesterol in foods help cause heart and blood vessel disease—remains unresolved. Public recommendations may cause disappointment and anger, they argued, if the recommendations prove ill-advised.

To this, Bergland and HEW Assistant Secretary and Surgeon General Julius Richmond replied that the recommendations are "only" the prudent "consensus" of most scientists today, not immutable or permanent rules.

TRIBUTE TO HON. CHARLES A. VANIK

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

Mr. OBERSTAR. Mr. Speaker, I know all of us in this body were saddened and perhaps disappointed by the announcement of the retirement of one of our most able colleagues, the gentleman from Ohio (Mr. VANIK). In the months ahead, I am sure there will be ample opportunity for all of us to express our tribute to his extraordinary achievements, but at this time I would like briefly to express my appreciation for his 26 years of service in the House, a record of intelligent and fearlessly outspoken independence and crusading concern for the consumer.

But more importantly, I would like to share with my colleagues the gentleman's statement announcing his decision not to seek reelection. That statement is an eloquent expression of the gentleman's commitment to the highest level of integrity and decency in public service. It is a perceptive comment on the need for major reform of the conduct of political campaign and an argument for public financing and the best that I have seen on that subject.

The statement follows:

STATEMENT OF CONGRESSMAN CHARLES A. VANIK, JANUARY 30, 1980, AT A PRESS CONFERENCE IN CLEVELAND, OHIO

Congressman Charles A. Vanik of the 22nd District of Ohio today announced that he will not seek election to the 97th Congress. Representative Vanik was first elected to the Congress from the 21st District of Ohio in 1954. In 1968, he gave up his 21st Congressional seat to run for Congress from the 22nd District of Ohio. Currently, Mr. Vanik serves on the Ways and Means Committee and is Chairman of the Trade Subcommittee:

Congressman Vanik stated:

"My decision is not based on any concern about reelection. In 1978 I was elected by a margin of 66 percent. In the past three elections, I was reelected without raising any campaign funds or making campaign expenditures. My voting record and my walking shoes were my entire campaign.

"Today my supporters advise that it will be necessary for me to return to campaign financing. My determination not to use campaign funds overwhelms my desire to remain in office. Seldom are contributions made without a political debt or mortgage. I have become accustomed to a high degree of political freedom, which should be made available to every member of Congress through public financing. This is particularly important since public financing of presidential elections has increased the pressures on Congress and diverted the flow of special interest campaign resources to the Congress. Objective judgment on public issues are hard to come by under such tremendous pressure.

"Instead of campaigning for reelection, I would like to spend my total time solving problems through the legislative process. I believe that I can do more in eleven months of hard work than I can in two years of the next term.

"It distresses me that the campaign of 1980 began Labor Day 1979. The political demands on time have put needed legislation and important decisions on the back burner. For the good of the nation, the campaign period should be shortened, limited to the period between May and November.

"For twenty-five years, I have fought an uphill battle for tax justice. Until the Congress is released from its contribution commitments, there is little hope that the heavy burden of taxation will be lifted from the individual in a more equitable manner. The oil windfall tax is a case in point. The President and the Congress have accepted a revenue level $100 billion less than it ought to be. The result is a victory for everyone but the people.

"There is often talk about limiting the terms of Congressmen. From my vantage point, Congress needs experience and memory as much as it needs new blood. Under the present system, we are creating a revolving door Congress which has little stability or courage.

"Twenty-six years is substantial commitment to any endeavor—it is time for me to meet new challenges."

RECORD NAVY DIVE

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

Mr. HUTTO. Mr. Speaker, I want to call your attention, and that of my colleagues, to a recent record dive performed by the U.S. Navy at the Naval Experimental Diving Unit (NEDU) located in my district.

The dedicated naval personnel located at the Navy Coastal Systems Center in Panama City, Fla., established their place in the record books with Deep Dive 79, a deep saturation dive mission in which six U.S. Navy saturation divers reached the equivalent depth of 1,800 feet of seawater (FSW). The NEDU was the first to successfully put divers in the water at 1,800 FSW to perform meaningful work for 5 days. This unprecedented action is a major breakthrough in understanding the effects of deep dives and man's ability to cope with them. The previous deep dive was accomplished by our allies, the French, in 1977 to a depth of 1,644 FSW for a period of 10 minutes. At that time, the purpose was to demonstrate practical underwater oilfield work at great depths. The implications for future "harvesting" of the sea are obvious.

The dive took place in the NEDU's ocean simulating facility, the world's largest and most sophisticated manrated hyperbaric chamber complex. The dive commenced on November 6, 1979, and was completed on December 13, 1979. The extra 32 days of dive time were necessary, Mr. Speaker, to allow for 12 days of compression to 1,800 FSW and 20 days of decompression back to the surface. During this period the divers resided in the NEDU complex, which consists of a 55,000-gallon wet chamber interconnected with six dry living/working chambers totaling 3,076 cubic feet of space. This complex allowed the divers some freedom of movement during their 37 days of isolation from the outside world.

The dive team consisted of the following personnel:

HMCS (DV) Thomas "Boxy" Holmes Dive team leader);

Lt. Claude Piantadosi, MC;

HMCM (DV) Lowell "Bo" Burwell;

BM1 (DV) John Paul Johnston;

EM1 (DV) Thomas "Tuck" Ostertag, and

BT1 (DV) Larry Siemiet.

Mr. Speaker, I want to especially note that Senior Chief Holmes holds the unprecedented distinction of having reenlisted—for 4 years—at 1,800 FSW. The reenlistment ceremony was held on November 21, 1979, with the oath being administered by Lieutenant Piantadosi.

My sincere congratulations and thanks go to these brave and dedicated individuals.

Thank you, Mr. Speaker.

THE 32D ANNIVERSARY OF SRI LANKA

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

Mr. SCHEUER. Mr. Speaker, yesterday (February 4) was the 32d anniversary of the formation of the nation of Sri Lanka—a remarkable country in Asia, one of Asia's three working democracies—and I would like to submit a statement outlining some of the considerable progress this wonderful country has made in achieving almost universal literacy and achieving impressive systems of health service distribution.

Last August I had the privilege of participating in the first International Conference of Parliamentarians on Population and Development which the Government of Sri Lanka hosted in Colombo. So, for a week or more I had the pleasure of observing this tiny, little democracy in some detail.

It is an unusual country which enjoys an enormous richness of one natural resource—its people. Sri Lanka boasts an education system that produces well over 80 percent literacy rates; indeed, over 80 percent of its young women are in school. Women and men have equal access, not only to education, but also to jobs. Although its GNP is modest, especially by the standards of the oil rich developing countries—measured by the Perceived Quality of Life Index (PQLI)—Sri Lanka is rich indeed. Through their parliamentary government the people have provided themselves with an excellent array of education, health, welfare and other services. They have a right to be proud of this little jewel of a democracy—at a time when, of the 150-odd nations of the world, perhaps only 25 or so can be counted as working democracies. In Asia, which encompasses over one-half the world's population, there are only three working democracies—India, Japan, and Sri Lanka.

Mr. Speaker, there follows for the interest of my colleogues extracts from an Aide Memoire given to me by Ernest Corea, High Commissioner for Sri Lanka, which describes in detail the progress made in Sri Lanka over the last year.

AIDE MEMOIRE

February 4, 1980 marks the 32nd anniversary of Sri Lanka's achievement of independence. The transformation from British colonial rule to independent nationhood was brought about by persuasion and negotiation. In the same spirit, the country's people and leaders have worked together to establish and nurture a politically stable society, in which the forms and values of democracy are firmly entrenched. Universal adult franchise introduced to the country in 1931, is a cherished and freely exercised right. Seven general elections have been held in Sri Lanka since independence was achieved in 1948. The reins of Government changed hands at six of them, thus establishing for Sri Lanka a record of democracy-in-action, which is unmatched in post-colonial Asia. For the past 15 years, voter turnout at general elections has averaged over 80 percent, testifying to the political maturity of Sri Lanka's people.

Until 1972 Sri Lanka retained the British monarchy as the constitutional head of state. In 1972, a Republican constitution was adopted, and with its inauguration in May 1972, the traditional name of Sri Lanka (meaning "Resplendant Land") was restored. The Governor General who had represented the British Monarchy was replaced by a titular President, nominated by the Head of Government (Prime Minister) elected by the people of Sri Lanka. This essentially British type of Parliamentary Government continued until 1978, when a further constitutional change was made.

Mr. J.R. Jayewardene, under whose leadership the United National Party was returned to office with an overwhelming majority in Parliament, in July 1977, had consistently campaigned for the establishment of a Presidential form of Government capable of increasing the level and pace of national development without in any way eroding the country's democratic freedoms. Such a constitution was endorsed by Parliament, and became effective on September 7, 1978. It reflects the best in the constitutional practices of the U.S.A., France and British, adapted to the specific conditions and desires of the country and people of Sri Lanka.

Sovereignty of the people is exercised through Parliament, which has been declared supreme. Legislative power is vested in Parliament and, unlike the American system, the President has no right of veto over legislation passed in Parliament. The executive power of the people is vested in the Presidency. The President is elected directly by the people for a fixed term of six years, and he is not dependent on a majority in Parliament. This arrangement, which provides for executive stability, is considered indispensable for a developing country like Sri Lanka. Parliament initiates legislation and voices the aspirations of the people. The President, on the other hand, ensures that the vital connecting links in the execution of such legislation are maintained.

The rule of law is ensured in the constitution by a strict separation of powers between the executive, the legislature and the judiciary. An independent judicial system ensures the right of every citizen to equality before the law.

The constitution also ensures a fair and just solution to the historic grievances of the Tamil-speaking minority in Sri Lanka, particularly in the area of language rights. While Sinhala, the language of the majority remains the official language, both Sinhala and Tamil were made national languages under the 1978 constitution, and the use of Tamil in Government offices and in the Law Courts has been constitutionally guaranteed.

Equal opportunities for every Sri Lankan citizen, irrespective of ethnic origin or religion, are guaranteed under the constitution. Past experience had shown a certain looseness in the provision of the constitution as regards the fundamental rights to be enjoyed by the people. In the new constitution there is a specific chapter dealing with fundamental rights. This chapter embodies all 30 clauses contained in the U.N. Universal Declaration of Human Rights.

Sri Lanka's foreign policy has been one of non-alignment, in its purest form. Sri Lanka's perception of non-alignment, and its overall approach to world affairs, were articulated in the following terms, by President J. R. Jayewardene, speaking at Havana last year:

"Let not man raise his hand against man. Let him speak the language of peace and friendship. Let the love that passeth human understanding prevail. May they seek to solve their problems by discussion and not by war."

From August 1976 when the Conference of the Heads of State and Government of Non-Aligned countries was held in Sri Lanka until September 1979, Sri Lanka served as the Chairman and the Co-ordinator of the Non-Aligned Movement. This Movement, which now consists of over 90 members, has been a vital force in the deliberations of the United Nations, and has played an increasingly significant role in international affairs. As Chairman, Sri Lanka sought to maintain the founding principles of non-alignment, and when it gave up the gavel of office, President Jayewardene said that he was "glad and proud" to hand it down with the movement "untarnished and unaltered". Sri Lanka's consistent aim within the Non-Alignment Movement has been to introduce a sense of moderation, in discussion, and to protect internationally accepted principles as basic as non-interference and sovereign integrity.

Sri Lanka's truly non-aligned position was demonstrated during the Non-Aligned Heads of State and Government conference held in Havana (September 1979) where the Sri Lanka delegation consistently pursued the objective of moderation and restraint.

A point of particular interest to the American public would be that Sri Lanka entered a reservation on the section in the Havana Declaration dealing with Puerto Rico. While Sri Lanka supports the principle of self-determination for the people of Puerto Rico, its expression of a reservation implies that the formulation in the Havana Declaration does not accord with Sri Lanka's position on this issue.

BASIC HUMAN NEEDS

Successive governments in Sri Lanka have shown their commitments to meeting the basic human needs of the people. Sri Lanka's achievements in the realm of food, education and health are particularly impressive. In the last 25 years, Sri Lankans have:

Increased their food consumption by about 15 percent to 2,200 calories per capita;

Increased their life expectancy to 68 years;

Decreased their infant mortality to 45 per 1,000;

Decreased their population growth rate to 1.5 per cent;

Achieved an adult literacy rate of 78 percent.

In recent decades income distribution has also become more equitable to benefit the lower 40 percent of the population.

ECONOMY

When the present Government assumed power in 1977, it was clear that the previous governments commitment to social and economic welfare had not been without its costs: notably a stagnating economy which had been particularly hard hit by the energy crisis and an unacceptable rate of unemployment.

The Government of President Jayewardene has taken a number of important steps to reverse this trend and generate and redirect resources from consumption to investment: from welfare programs and subsidies to efforts to stimulate economic growth and investment in production. At the outset, in 1977, the government initiated a series of far-reaching financial and economic reforms to bring about a free market economy through such moves as the unification of the exchange rate, the liberalisation of foreign exchange restrictions and the dismantling of import and export controls. As a result, Sri Lanka has achieved an impressive growth rate of 8.2 percent in 1978, nearly twice the growth rate of 4.4 percent recorded in 1977. After the initial spurt in 1978 following the liberalisation, the economy is expected to settle down to an appreciable growth rate of about 6 percent in the next few years, a satisfactory growth rate given the present gloomy world economic situation.

AMEND THE GUN CONTROL ACT

(Mr. HARSHA asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. HARSHA. Mr. Speaker, serious problems have arisen as a result of abusive enforcement of the Gun Control Act of 1968. Although the Bureau of Alcohol, Tobacco and Firearms has promised to reform its practices, many of the problems are inherent in the law; any reforms made now could easily be undone by a future Director interested in generating easy arrests to justify the Bureau's existence.

Accordingly, I have joined in cosponsoring H.R. 5225, which amends the Gun Control Act to restrict BATF enforcement powers and clarify many of the areas in which law-abiding citizens are inadvertently violating obscure provisions of the law.

Jerry Cassill of Stoutsville, Ohio, is one of the victims of the 1968 Gun Control Act's vague definition of "engaged in the business of dealing" in firearms. Mr. Cassill is a long-time hunter, shooter, and gun collector. Prior to his entrapment on charges of dealing in firearms without a Federal license, he had a perfectly clean record. In September of 1975, he and his son began attending gun shows in his State to further their hobby of collecting. They studied the gun laws to make sure any purchases or sales by them were made in accord with the law. In January 1976, he was displaying in a booth adjacent to that of the Bureau of Alcohol, Tobacco and Firearms. In order to make sure that he was in full compliance with the law he discussed how he purchased, sold, and traded from his collection at the gun show with one of the agents at the booth. The agent assured him that he could engage in these activities; as long as he did not publicly advertise his firearms, set up "store front" business premises or establish regular business hours, he did not qualify as a "dealer" and did not need a Federal license.

In late 1978 Mr. Cassill was raided by BATF agents who executed a search warrant and confiscated his collection, valued at about $4,000. Thanks to BATF press releases, television stations in his community named his residence as the location where "illegal guns" had been seized. Many months later, he received a summons to appear on charges of dealing without a license and sale to nonresidents. He was formally charged, fingerprinted, and informed of his indictment. Mr. Cassill was emotionally unable to stand up to a felony trial. He entered a plea of guilty to one of the charges.

The day after he entered the plea a probation officer impressed upon him that the charges carried a possible punishment of 5 years in a Federal penitentiary and a $10,000 fine. The shock of this, coming on top of the effect of his being charged, drove him to a nervous breakdown. He was hospitalized the next day. After his release, the judge sentenced him to a modest fine but no jail time in light of his clean record.

After the sentencing Mr. Cassill returned to his work with the Post Office, a job which he had held for 21 years. He was met by a postal inspector who informed him that since a felony was involved, he would have to review the case to see if he would be permitted to keep his employment. He was suspended for 1 week without pay, but at end of the week he was informed that he would not be discharged.

The cumulative effect on a law-abiding citizen, without previous contact with the justice system, of being raided by Federal officers, listed in the media as having been indicted for a Federal offense, pleading guilty with consequent loss of civil rights and then worrying whether he would be sentenced to 5 years in a penitentiary, proved too much for him. He was hospitalized under psychiatric care. His family went without income for several weeks awaiting settlement of a claim for disability. Even today, he is able to work only part time, and his family is near destitute. As Mrs. Cassill summarized her description of the case: "This is brief and inadequate, but how do you put human suffering into words?"

The Federal Firearms Law Reform Act would have prevented Mr. Cassill's persecution. Section 101 of that act redefines the class of persons who must obtain a Federal dealers' license, limiting it to those "whose time, attention and labor is occupied in dealing in firearms as a regular course of trade or business with the principal objective of livelihood and profit through the repetitive purchase and resale of an inventory of firearms." The requirement of licensing is specifically limited so that it "shall not include a person who makes occasional sales, exchanges, or purchases of firearms or who sells all or part of his personal firearms." A collector such as Mr. Cassill who engages in occasional sales of his personal collection would thus not be subject to the licensing requirement nor to harassment based upon such.

Delay in enacting H.R. 5225 can only result in more honest citizens such as Mr. Cassill being harassed by Federal officials.

KING CRIME

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 15 minutes.

Mr. GONZALEZ. Mr. Speaker, this is a followup on King Crime and the fact that the murder of Federal Judge John Wood and the prior attempt to murder the Assistant Federal District Attorney, James Kerr, still remains very much unsolved. I cannot help, in light of the headlines that are so obsessing the country, the Congress and everybody, concerning the sad, very tragic, very unfortunate developments, deporable, of the involvement of some Members of the Congress and other public officials in the apparent bribery undertaking known as a sting operation conducted by the Justice Department or the FBI.

In view of the tremendous obstacles and difficulties in trying to convey a sense of urgency to the Justice Department, beginning with the highest rungs of the executive branch, the Presidency, a year ago last year, and the resistance on the part of Justice Department particularly to really give urgent priority attention and sustain that attention until what I call the most stupendous and deplorable crime of the century has been resolved.

I was surprised to see by the newspaper accounts the tremendous amount of money that was diverted by the Department of Justice and labor involving several hundred FBI employees was involved in this so-called sting transaction.

I could not help but recall in 1964 the appearance before this body by the then majority whip, Hale Boggs of Louisiana, who stood on this floor and told us that the FBI specifically had electronic surveillance of every single Member's telephone on the Hill. Nothing ever came of that. Of course in that halcyon time, in those innocent days, Mr. Boggs' statements were accepted with some disbelief, trepidation and cynicism but I felt the House had a duty at that time that it never discharged.

Soon we are going to get the so-called intelligence bill effecting and setting forth a charter, they claim, a bill of rights so to speak, for not only the FBI but as I understand it the CIA. Also, in the interim since that fateful day when Hale Boggs addressed us, I have had a personal experience that leads me to conclude that the FBI and the CIA have really been out of control and have been used and manipulated wrongly and illegally by Presidents—not one but several—and there is no assurance that that practice does not continue until this day, with great jeopardy to the other two branches of the Government.

The murder of John Wood and the attempted murder of James Kerr to me represents the gravest acts or commissions of crime because they are a direct threat to the third branch of our Government which is coequal, coordinant; the judiciary. If the Justice Department could give this much concentrated effort, time, money and personnel, it underlines the futility of the efforts I have taken to concentrate even a fragmentary amount of that effort on the resolution of this great crime, the murder of Judge Wood and the attempted murder of James Kerr.

☐ 1800

It goes to the heart of our government and our democracy, because there is no question that it is a direct challenge to the judiciary and it has resulted in the intimidation of the judiciary. Judges who have been prone to be stern, of course, all within the limits of the law, as was Judge Wood, are now intimidated. Every one of them in the western district is under U.S. marshal custodial surveillance, including the district attorneys, while the criminal is loose in the land, highly organized, openly defiant of our constituted authorities, directly challenging and intimidating the third branch with the potential to do the same to our branch and to anybody else who interferes or dares.

Judge Wood unfortunately has been described even by some editorial writers

and newspapermen as a very severe judge. In fact, they nicknamed him Maximum John, as if this was a reason for his murder. This is absolutely abominable, in my opinion.

Why can there not even be a lead?

Now, the Director of the FBI tells me, he says, "Oh, it is a very difficult case. There were no witnesses."

Well, that begs the question, as I said before. If you have witnesses, it should not be a difficult case; but the fact that this is a direct challenge to the Federal judiciary, which it obviously is because of the prior attempt which I look upon as an act of intimidation on James Kerr, the assistant district attorney, and because of the pattern of behavior of the headquartered organized criminal syndicate where its focus of activity was not really San Antonio where the crimes took place, but 600 miles over in the outer reaches of the western judicial district in El Paso, part of what I have described in prior speeches as the Las Vegas-El Paso-Juarez, Mexico, connection, as one of the four conduits of this vast enterprise which is now a $2 billion business in the illicit traffic of stolen automobiles and stolen automobile parts into Mexico in exchange for drugs.

It is now the most lucrative criminal activity in the country and it is completely undiminished. It is undeterred. We cannot get that concentrated coordinated sense of urgency and priority in breaking this.

It is directly responsible, unquestionably, for the murder of Judge Wood.

It is with a great deal of dismay that then I see this other under very questionable circumstances which the Washington Post, to its credit in the editorial today, very, very prudently and responsibly addresses itself to.

Mr. Speaker, I ask unanimous consent that I may be permitted to include in the RECORD at this point this editorial on page A-16 in today's, Tuesday's, Washington Post, entitled "ABSCAM."

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

There was no objection.

The editorial is as follows:

ABSCAM

The late Sam Rayburn used to say that the three most important words in the English language were "just a minute." We wouldn't agree more: *Just a minute*—everyone in America within shouting range of a TV or newspaper may now "know" that a bunch of legislators were caught in corrupt acts by the FBI "sting" investigation. But in fact, we "know" nothing. Crimes may have been committed, as the stories assert they were, but there have not yet even been any charges, let alone any indictments, let alone any convictions. Even members of Congress, if we may say so, deserve to be presumed innocent until proven guilty. And although the tale, as it has unfolded so far, has some pretty unsavery aspects to it, not all of those concern the activities in which the legislators are said to have engaged.

Take the story of Senator Larry Pressler, described by one of those anonymous law-enforcement "sources" as "an honorable man." Pressler said he got a message about a possible campaign contribution, was taken to a house on W Street, and talked to about introducing private immigration bills. When he failed to bite, even though the magic number of $50,000 was mentioned, and went away empty-handed, one of those who took him there said he had blown it.

If that is the whole story—and the "if" is an important one—something is plenty wrong. It sounds as if the FBI had not only been creating the atmosphere in which a crime could be committed, but had also fabricated the crime itself down to the last detail—and then tempted a member of Congress to commit it. Leaving aside the legal technicalities of defining "entrapment," no citizen—member of Congress or not—should be required to prove his integrity by resisting temptation.

There is a substantial difference between the first "sting" operation and this one. In the original, the police set themselves up as buyers of stolen goods and waited for the thieves to bring in the loot. In this one, as best we can make out from the torrential "leaks" that have occurred, the FBI created its trap without having received evidence that some prior crime had been committed.

Assurances, of course, are now being offered by the Department of Justice and the FBI that this investigation was carefully monitored and that nothing was done that violates judicially approved law-enforcement techniques and so forth. That may well be so, given the broad sweep of deceptive activities by law-enforcement personnel that the courts have approved. But not everything that is legal is right.

It cannot be right to set people up in this way and then let it be known that you have film of them committing criminal acts—before you have so much as warned them or brought criminal charges. That's why it is essential to step back from the current news stories before passing judgment on what is being reported. We, at least, are going to wait until we know a good deal more than we now do about the facts and the investigative devices used, not to mention the remarkable appearance of network television cameras in front of one legislator's house hours before he was told he was under investigation.

Mr. GONZALEZ. Mr. Speaker, I cannot summon forth powers of eloquence, political influence, any kind of action on my individual part as a single Member of the House. All I must confess to is a failure to bring about the priority-urgent concentration of effort in the resolution of these two dastardly crimes.

Now, I have introduced a simple House Resolution. I have not had the time, nor do I have the staff to go around and seek cosponsors, in which I asked that the House instruct the President and advise him that it is our sense of urgency that he allow up to $3 million reward money for the successful prosecution of the cases involving the murder of Judge Wood and the attempted murder of James Kerr.

Now, I hope I can get approval of that, because I believe that in the absence of that range of congressional input showing that we do consider this a matter of urgency, that it will not happen.

Recently the local newspapers in San Antonio had a big story about how a supposed informer with respect to the Judge Wood case had refused on the basis that the reward amount available to him was not over $125,000; so that many people get distraught with this; but the fact is that one of the prime movers that we suspect is a fugitive at this point. He jumped a $400,000 bond which he paid for in cash. Even though the district attorney had asked the judge to set a million dollar bond, the Judge said no, all he could go was $400,000. The man came in with $400,000 cash; so that in light of this when I am asking for sanction for the Justice Department to have available to it up to $3 million, it is indeed a modest amount; but in view of the importance of the need for the resolution of these cases, it certainly is a very small price.

TRIBUTE TO JOHN HOLDEN

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. HAMMERSCHMIDT) is recognized for 5 minutes.

● Mr. HAMMERSCHMIDT. Mr. Speaker, as we begin the second session of the 96th Congress, and as we enter the 1980's as a legislative body, I would like to pause for one moment to honor a man who served us faithfully and well during the last two decades. John Holden, who retired December 31 from his post as staff director and minority counsel to the Veterans' Affairs Committee, has been an essential and inspirational adviser to four different ranking minority members on that committee, and will be sorely missed by all who work in the area of veterans law.

John Holden is a native of Washington, D.C. He enlisted in the Army in 1941, and served 3½ years as an artilleryman in the Southwest Pacific during World War II, finally leaving the service as a first lieutenant in December 1945. Following the war, he became a national service officer with the Disabled American Veterans, and held several other responsible positions in that organization before becoming the national legislative and service director of the AMVETS organization. John then served with the Veterans' Administration as a special assistant to the Chief Benefits Director, and then as the assistant director of a VA regional office, before accepting his position on the Veterans' Affairs Committee in 1962.

Our society and our Government and consequently just about every office on Capitol Hill shook with change and anguish during a good many of the years John Holden provided Members of Congress with advice and counsel. In those difficult times of conflict in Vietnam, John experienced directly the torment of an unpopular war, as his eldest son Jack served with the Marine infantry and was wounded. He has long been known as a man whose door was open to those of all political persuasions to discuss current policies and debates.

John Holden is a man who has given his country and this Congress immeasurable good, Mr. Speaker, and on behalf of all of us, I wish him the very best in all his future years.●

SMALL BUSINESS EQUAL ACCESS TO JUSTICE ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Pennsylvania (Mr. MCDADE) is recognized for 5 minutes.

● Mr. McDADE. Mr. Speaker, I am in-

troducing today, the Small Business Equal Access to Justice Act. This bill provides that individuals and small businesses which prevail in agency adjudications or in civil actions brought by or against the United States will be able to recover attorney fees and all reasonable costs, including the businessmen's time, unless the Government can show that its action was substantially justified.

This legislation is needed because at the present time far too many small business owners simply cannot afford the cost of fighting unjustified Government action. Present law requires a private party to bear all costs of litigation involving the Government, even if the Government's position is arbitrary or groundless.

The approach taken in this bill is a responsible one. It places the expenses of unwarranted litigation where it belongs—on the offending Government agency. When Government action is sound and appropriate the small business owner or individual will have to continue to pay the courts costs, as well as the fine that may have been levied against him. But, if the agency is unable to prove that its position is reasonable, then the small businessman will be able to recover the costs expended through his court efforts.

Let me give you a specific example of why this bill is needed. One of the businessmen in my district, had a large fine imposed on him by the Department of Labor. He felt this fine was unjustified. Since he felt so strongly about the Government action, he decided to appeal this fine by administrative action. After many delays and a tremendous personal sacrifice on his part the agency decided in his favor. Yet to prove he was right, it cost him approximately $15,000. Small businessmen cannot afford to spend their limited funds in this way. Many small businessmen presently pay civil penalties or sign consent decrees because the costs of fighting such actions are too high.

My bill is intended to remedy this type of situation. It preserves the right of the Government to take action to correct illegal and harmful practices—but it also adds a greater degree of balance to the scales of justice. Agencies must justify their actions and when they are proven wrong, the small business owner or individual is to be fairly compensated for the time and money he has spent to refute the Government's charges.

The enactment of this legislation should also help to improve citizen's perception of their relationship with the Government and will help to insure that administrative decisions reflect informed deliberations. It will make agencies take a closer look at their rules and their procedures.

Moreover, the Office of Advocacy within SBA is directed to evaluate the effect of this act, report back to the Congress so that we may carefully evaluate it before the sunset date is reached. I am hopeful that the Small Business Committee will work to quickly hold hearings on this bill and that the House will have an opportunity to consider it during this Congress.●

STATEMENT ON 1981 BUDGET—ECONOMIC POLICY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. LATTA) is recognized for 30 minutes.

Mr. LATTA. Mr. Speaker, last week the President sent us his proposed Federal budget for the fiscal year 1981. All of you should now have the budget documents in hand, but unless you have had the time to carefully study all 2,300 pages, you may be assuming that this 1981 budget is all the good things President Carter says it is.

Unfortunately, this is not a budget which will set things right in America from an economic or defense standpoint.

From the cover of the 1981 budget alone, you can get a very good idea of where Jimmy Carter's priorities are. Note the colors—green and white—the official colors of the Carter-Mondale election campaign in 1976, and again in 1980. This color coordination is no coincidence. Mr. Carter has just sent us the most partisan political budget I have ever seen during my 21 years in Congress. It is a document, prepared and printed at the taxpayer's expense, and directed at the Presidential primary elections, and not at what is best for all the people of this country, and doing that which is necessary to preserve the little freedom which remains in the world.

Let me explain:

Jimmy Carter's 1981 budget caters to every special-interest group except the taxpayers. In other words, it gives out with a lot more butter, but dangerously little additional guns. His defense budget will barely begin to undo the damage he has inflicted on our national security posture during his first 2 years in office. I plan to give an analysis of the defense portion of this budget in a few days.

While talking about the need to restrain spending, he lists, in table 14 on page 590 of the budget, all the new, non-defense-spending programs he wants passed. While OMB did not add up the total cost of all these new programs, we did. In 1981, these new, non-defense-spending programs would cost $19.8 billion: by 1985, their costs will have grown to over $75 billion. This is not restraint, it is reckless, deficit spending running wild.

Mr. Carter boasts that the annual budget deficit is much lower than when he took office, but neglects to mention that fully 90 percent of that reduction was achieved by raising taxes, not cutting spending. He forgets to mention that he, Mr. Carter, promised us a balanced budget by 1981.

He tells us that spending in this budget will grow by "only" 9.2 percent in 1981, but forgets to say that over the 2-year period (1979–81), spending will have grown by at least 24.7 percent. He does not talk about how spending for the current calendar year—1980—continues to grow, and is now estimated to top $564 billion—up $32 billion from his original request for 1980, and $16 billion above the level set in the second budget resolution passed only 2 months ago.

The 1980 deficit was supposed to be under $30 billion, but now Mr. Carter tells us it will be at least $40 billion. The chairman of the Budget Committee in the other body stated on nationwide television last week that by the time the 1980 fiscal year comes to an end on September 30, we will be lucky if we have kept the 1980 deficit below $50 billion.

Finally, and most important, the budget does not mention, unless you look at the fine print on table 21 on the 621st page of the budget, that in 1981, the tax burden on the American people will set a peacetime record, and that by 1982, the tax burden will have surpassed the all-time record reached in 1944 during the height of World War II.

In fiscal year 1981, Mr. Carter's budget will have the Federal Government consuming in taxes, 21.7 percent of our gross national product. While the Federal Government has never, in peacetime, taken that big a slice out of our national income, the budget will still run a large deficit. If you look at table 21, you will find some other very interesting information.

For example, you will see that in President Ford's last year in office, the Federal Government took 18.5 percent of the GNP in taxes. If President Carter had maintained the tax burden at 18.5 percent of the GNP, as it existed under Mr. Ford, the American people would be paying $89 billion less in taxes in 1981 than they will have to pay under Carter's tax policy. In other words, if this $89 billion were divided evenly, every taxpaying family in America would be paying $1,200 less in taxes in 1981, had President Ford's tax policies been continued.

In trying to defend its budget, the administration wrings its hands and says that if only inflation and unemployment were not so high, then the budget could be balanced. I expect we will hear the same song by the President's apologists in Congress over the next year as well. But let me tell you, the American people will not be fooled by that sort of rhetoric. It is too much like a dog chasing its tail. We run budget deficits, so we have inflation. Inflation results in increased spending and more budget deficits which, in turn, contribute to even more inflation and an excuse for even more spending and more deficits, and so forth. We must stop this merry-go-round and get off.

Instead of bemoaning how the economy affects the budget, we have got to spend more time talking about how the budget impacts on the economy. That is what we mean when we talk about fiscal policy, and setting fiscal policy is supposed to be the principal purpose of the President's budget and the congressional budget process. It is supposed to be, but it is not. The budget has become a captive of the economy, and fiscal policy has become a concept honored only in the breech.

Moreover, just because the administration no longer seems to fix a positive and deliberate fiscal course does not mean that the budget does not impact on the economy. The problem is it does impact, and it is nearly always negative. Our 13.3 percent inflation rate for last year is solid evidence of this fact. I know there are those who will try to point to

increased energy costs for this ridiculously high rate, but the Bureau of Labor statistics reveals that, without the energy related items, we would still have had an inflation rate of 11.1 percent last year.

President Carter and the big spenders keep talking about how more and more of the budget is becoming uncontrollable while, at the same time, urging more spending in the uncontrollable areas. Look what he wants done in his budget message: He wants Congress to enact his national health insurance program to begin in 1983 at a first-year cost of $24.1 billion. Not only would this be the largest spending total for the first year of a single new program, every penny of that $24.1 billion would be uncontrollable.

He wants to eliminate the cap on food stamp expenditures, not just raise the cap, eliminate it altogether, therefore, enlarging an existing entitlement program and making it completely uncontrollable. He wants to further expand the coverage of medicaid, already one of our largest uncontrollable programs, and asks for a 20 percent increase in budget authority for subsidized housing—a program which in the not too distant future will be our most expensive, uncontrollable spending program, apart from social security.

So, on the one hand, we have the President admitting that the growth of uncontrollable Federal spending is the principal reason we cannot balance the budget and reduce inflation, yet in the next breath he proposes the creation of even more new entitlement programs, and the expansion of existing ones.

If we continue to follow the course Mr. Carter has outlined, in a few years we will be in a position where so much of the budget has become uncontrollable that we can leave budget-making to a computer, and do away with OMB, CBO, the Congressional Budget Committees and the Appropriations Committees, and probably a good number of other committees as well. Since most of the budget will be committed well before the fiscal year starts, the only reason for the Congress to meet will be to vote for more new entitlement programs, and the increases in the national debt, and more taxes required to finance them.

The root of the problem is spelled out clearly in Mr. Carter's budget, but he refuses to do anything about it other than the wrong things. What Jimmy Carter still has not realized after 3 long years in office, is that it is the private sector, not the Government, which creates wealth, and allows our citizens to improve their standard of living. It is not the Government that creates jobs, it is the private sector. Let me cite an example, out of his own 1981 budget, to prove that Jimmy Carter has not become aware of this fact.

In his budget message, the President states that "we must enhance our economy's productivity." I could not agree more. But he then rules out any tax relief for American business, for American savers and investors necessary to increase that productivity and, instead, announces he wants a new $2 billion Government-spending program for unemployed youth.

Now I, too, would like to help unemployed youngsters get jobs, but the way to do it is to increase investment in new plants which will use up-to-date technology and equipment, thereby increasing productivity, and making us more competitive in today's world. Let me repeat, I, too, favor helping young people find jobs. But until, and unless, we get new investment into American industry, permanent jobs are not going to be there to find.

Instead of reducing the tax burden to free up funds for such capital investment, Mr. Carter has chosen to raise taxes and spend $2 billion—all of which will have to be borrowed from investors who might otherwise have invested in the private sector. This is what I mean when I say that this administration does not understand basic economics, and by its actions only compound our problem.

When campaigning for office Jimmy Carter criticized President Ford and his advisers for pursuing an economic policy which could lead to high inflation and higher unemployment: In fact. Mr. Carter used to add the inflation and unemployment rates, and called the results the "misery index." When Mr. Ford left office, inflation was at 4.8 percent and dropping, unemployment at 7.8 percent and dropping. Ford's so-called misery index was 12.2 percent and declining.

But look at where Mr. Carter projects his economic policies will bring us by the end of his 4 years in office: Unemployment of 7.5 percent—barely below the figure at the end of Mr. Ford's administration, and inflation at 9.5 percent, or more than twice as high at it was when Ford left office. That gives the Carter administration a misery index of 17 percent—more than one-third higher than Mr. Ford's.

President Carter's economic policies have been a disaster—they have inflation running over 13 percent, productivity declining by nearly 2 percent a year, mortgage interest rates at all time highs, personal savings declining to below 3½ percent, enormous trade deficits along with endless budget deficits, the tax burden up by 17 percent and going higher. His new budget confirms the failure of his administration, yet all it gives us is more of the same. Let us cast aside such economic policies, and do something to restore economic growth, bring down prices, and reduce unemployment. Let us fashion a budget which keeps more money in the hands of those who earn it, encourages greater savings and investment, and one which drastically slows the rate of nondefense Government spending. Then, and only then, will the budget be the master of inflation, not its slave.

□ 1820

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

Mr. LATTA. I yield to the gentleman from Arizona.

Mr. RUDD. I thank the distinguished gentleman from Ohio for yielding.

Mr. Speaker, I would like to commend the gentleman for taking this special order and carrying out his responsibility as the ranking minority member on the Budget Committee to the people of the United States to give the true picture of just what this budget does not do.

The story is the same year after year, as the gentleman has pointed out. But it goes much further than this, for this year there is an attempt to satisfy all segments of the people of the country by projecting a budget which provides something for everyone, including those of us who have been crying for an increased budget for the Defense Department.

Mr. LATTA. Mr. Speaker, let me at that point commend the gentleman for his foresight. Last year before the Budget Committee the gentleman proposed an amendment to do exactly what he just said, to increase that defense budget, and had they done that, we probably would not be in the fix we are today defensewise.

Mr. RUDD. I certainly agree with the gentleman. As a matter of fact, the 5-percent real growth in defense spending, which I proposed last year, was finally adopted, at least verbally, by the President in his State of the Union message, although he indicated he was requesting a 5 percent real growth, which amounted to a little more than 3 percent real growth in defense spending. But aside from that, the rapid and giant increases that take place in the welfare areas that the gentleman enumerated previously are catastrophic in its effect on the economy of the United States. I think we can increase defense spending but not by that 5 percent real growth that we are talking about now, which would barely keep our heads above water. What we really need is a defense increase in spending of maybe 10 percent or 12 percent, or even more, in order to do the things we have not been doing for the past few years. At the same time, we can pay for this by reducing the welfare program substantially but still allowing for growth in all of these areas in the entitlement programs which we quarrel with from time to time as being something that is going on from year to year and which can be stopped by legislation. The Congress of this country is the government of the country. The debt increase will permit these spending areas, and only the Congress can reduce it.

Mr. Speaker, Director Alice Rivlin of the Congressional Budget Office acknowledged before the House Budget Committee that the increasing tax burden projected over the next 4 years by President Carter's fiscal year 1981 budget will have a major adverse impact on economic productivity and growth unless Congress acts to stem the tide of increasing taxation.

Of course, this also means that Congress must act to reduce Federal spending for nondefense programs, where sharp increases have occurred over the past several years.

The burden of Federal taxation under the President's fiscal year 1981 budget will be 22 percent of the gross national product. This high Federal tax burden

is unprecedented in our Nation's history, either in peacetime or war.

Furthermore, the President's 5-year budget projection through 1985 calls for increasing spending every year, reaching a level of more than $902 billion. In order to support this increased Federal spending under current spending policies, the President's budget documents show that the burden of Federal taxation would be increased 15 to 20 percent each and every year through 1985. This will add $1,200 to the average family's tax bill in 1981, and more than that each year for the next 4 years, which is an outrageous prospect.

Congress must act decisively to reverse these spiraling Federal spending and tax policies, so that such an unacceptable additional tax burden will not be imposed upon the American people.

We should be cutting taxes to help bolster our national economy, instead of increasing them to support an unwarranted expansion or start of new Federal spending programs. Spending can be cut in the nondefense area of the budget in order to eliminate the budget deficit and lower taxes. This should be the immediate goal of Congress this year.

The President's proposed spending increases in 1981 are heaviest in the public assistance area of the budget, despite the deliberate attempt to focus attention on a proposed defense increase, which is restrained by comparison.

Welfare spending will increase $29 billion in the President's budget, on top of the $31 billion welfare increase over the 1979 level under the current fiscal year 1980 budget.

Under the President's new budget, food stamps alone are heading for the $10 billion mark by next year, unless some action is taken to restrain that growth. The President has also requested a 24-percent increase in the current $5.3 billion housing assistance program, and a 24-percent increase in elementary and secondary education programs.

In defense of the spending policies continued under this third Carter administration budget, some Members of Congress point to the so-called mandatory nature of about three-fourths of the budget outlays under existing law. In addition, these same supporters of the current big spending policies note that about 58 percent of the mandatory entitlement programs are "indexed" by law to increase with the cost of living, so that Congress has no choice but to vote for the additional spending as inflation pushes up the Consumer Price Index.

This is all a convenient way to avoid making hard decisions on needed spending reductions in the Federal budget. The point is that so-called uncontrollable spending programs can be brought under control and reduced if Congress is willing to change the existing law. Congress is ultimately responsible for approving all spending by the Federal Government, and so the buck stops with Congress, not with the President.

Since the largest area of Government spending, and the largest single area of spending growth, is in the social welfare portion of the Federal budget, I believe that this is the area of greatest need for reform and spending reduction.

At the appropriate time in the budget process in Congress this year, I will be offering reasonable proposals to stem the tide of spiraling Federal handout programs.

Director Rivlin stated that the 1981 Federal deficit under current law, despite the unprecedented heavy tax burden providing revenues for spending programs, will be about $27 billion without enacting any of the President's proposed new programs or expansion of existing programs. Add to that an additional approximately $13 billion for off-budget Federal activities, and the real 1981 Federal deficit is already in the neighborhood of $40 billion, just under current law.

Both this deficit situation and the unconscionable current burden of Federal taxation demand that we take action to cut Federal spending, particularly in the overbloated public assistance area.

Probably the greatest obstacle to reducing the mammoth welfare rolls is the fact that escalating benefit levels have become competitive with wages paid by private industry.

This is especially true since welfare benefits are tax-free income while income from employment is subject to State and Federal income taxes, as well as social security.

This combination of factors in our present system has created the very real possibility of causing a permanent recipient class of Americans, ever dependent on the Federal Government to care for them from the cradle to the grave.

While some within the welfare industry—those professional social workers who administer welfare—scoff at this notion, observable evidence lends credibility to the theory.

Welfare benefits are tax free, and a recipient who begins work is faced with the reality of paying taxes, conceivably leaving him with a net income less, or only marginally more, than his tax-free welfare benefits. It is apparent that such recipient believes it is to their advantage not to be gainfully employed, as they understand the importance of taxes—a factor often overlooked by welfare administrators.

Recent welfare "reform" regulations designed to accommodate this phenomenon by providing incremental benefits have resulted in yet more abuses—such as workers making $20,000 per year and more, and still receiving welfare benefits.

A federally funded study completed in 1979 also demonstrated the negative effects of welfare on family stability among recipients. While the Government's social planners apparently anticipated that poverty broke up Americans homes, the conclusions from the study indicated that welfare was more of a detriment to family stability. Welfare tends to break up families more as husbands do not feel needed by or responsible for their Government-supported families.

Another disturbing aspect of generous welfare benefits is the increasing time period during which people stay on the rolls. One report indicated, for instance, that between 1971 and 1975 the caseload of recipients who had been on welfare for more than 3 straight years increased from 31 to 45 percent—another indicator that the present system is fostering an increasingly permanent welfare class.

Henry David Thoreau once observed:

> There are a thousand hacking at the branches of evil to one who is striking at the root.

We need not continue to adopt bandaid "reforms" for the existing welfare monstrosity.

Rather, the current system should be abolished altogether for those able to work. Only the truly needy of our society—the aged, the blind, the disabled—should be eligible for support at taxpayer expense.

Fundamental reform is needed, and I will be working closely with my colleagues again in this session to develop responsible approaches to saving the tax dollars of our citizens and restoring the incentives for work.

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

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

Mr. DANNEMEYER. I thank the gentleman for yielding.

Mr. Speaker, I have noted with interest the recitation of the failure of the Carter administration to deal with the problem of inflation in this country.

But is it not a correct statement to say that a President can only spend what a Congress appropriates? Is that not true?

Mr. LATTA. That is absolutely true.

Mr. DANNEMEYER. And is it not also true that there is not a bureaucrat working in the Federal Government anywhere whose job was not at one time created by an act of Congress?

Mr. LATTA. I would say that that is a fair statement.

Mr. DANNEMEYER. And is it not also true that over the course of the past 5 years, the past 5 fiscal years, the Congress of the United States has appropriated money that is in excess of a quarter of a trillion dollars in deficits that are cumulative?

Mr. LATTA. They are all cumulative. They are not paying off a dime on that national debt. They are having a hard time keeping up with the interest.

Mr. DANNEMEYER. And is it not true that all during the time those deficits, those cumulative deficits, of over a quarter of a trillion dollars in the last 5 years have been voted, that one political party, the Democratic Party, has controlled this institution, the House of Representatives and the Senate of the United States? Is that not correct?

Mr. LATTA. That is right.

Mr. DANNEMEYER. There is a myth going around that says that somehow if we change Presidents we can somehow change this madness in fiscal policy, and I hope that the gentleman will join me in condemning that myth because we are not going to change anything in terms of fiscal policy of this country unless we change the people who occupy the seats

in this House and in the Senate, because they are the people who have been voting these deficits year after year and causing the inflation that is slowly but surely destroying the middle class of America. If we want to change that course, we must change the people who are privileged to vote in this House.

Mr. Speaker, I commend the gentleman for bringing the subject to our attention.

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

Mr. LATTA. I yield to the gentleman from Arizona.

Mr. RUDD. Mr. Speaker, I would like to join the gentleman from California (Mr. DANNEMEYER) in his statement. He is absolutely right. The Congress has been responsible for the increase in spending, the increase in bureaucracy, and all of the wild programs which have taken our economy to the state today, and the only way it can be remedied is in Congress alone, and that means changing the complexion of the Congress, changing the philosophy, in order to turn that tide around.

Mr. Speaker, I just want to add one thing, if I may, and I thank the gentleman for yielding me the additional time. I just want to point out regarding the welfare spending that it will increase $29 billion in the President's budget, in this year's budget, fiscal year 1981, on top of the $31 billion welfare increase over the 1979 level. This should be a clear indication as to where we can cut some of that spending out.

Once again, I thank the gentleman for taking this special order and for yielding the time to permit me to participate with him as a fellow member of the Budget Committee.

Mr. LATTA. Mr. Speaker, I wish to thank the gentleman for his comments and for his participation not only on the floor but in committee, because he is a very highly regarded member of the Budget Committee and we are glad to have him as a member of that committee.

□ 1830

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

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

Mr. ROUSSELOT. I thank the gentleman for yielding.

Again I wish to compliment the gentleman for bringing this message to the House this evening. I do hope that our colleagues will pay close attention to this entire budget which, as the gentleman has pointed out, has an awful lot of inconsistencies and does not match up to the rhetoric we were given when it was presented.

Can the gentleman tell us again—I know he referred to it in his remarks—what the cost of the interest will be for the proposed fiscal year 1981? I know it keeps going up because we keep driving the deficits up. What will the total amount be for interest in the 1981 budget?

Mr. LATTA. Talking about something in the neighborhood of $64 billion, which I think is quite low.

Mr. ROUSSELOT. It is really not realistic, is what the gentleman is saying?

Mr. LATTA. Not realistic, because we passed the second budget resolution in November, and they had an interest figure there of $57 billion. Now they are going to come back and ask for $5 billion more just for the interest.

Mr. ROUSSELOT. On the 1980 budget?

Mr. LATTA. Yes.

Mr. ROUSSELOT. That they have had to add on because they estimated too low.

Mr. LATTA. Five billion dollars too low.

Mr. ROUSSELOT. What is the gentleman's guess might be added on for the interest charge in 1981 if things go as they have in the past?

Mr. LATTA. I can easily foresee an interest charge of $70 billion.

Mr. ROUSSELOT. That is $70 billion?

Mr. LATTA. That is correct.

Mr. ROUSSELOT. That is an incredible amount of money, and of course as the gentleman well knows, having served on this Committee on the Budget for so long, that does not just come from anywhere, all that debt they pay that interest on. Those debt securities have to be sold out in the marketplace, put out there by the Treasury, every month. So it sucks up the money from the marketplace that might go to other things. The Government is competing in the marketplace to borrow all that money not only for the new debt, but for the rollover of the old debt.

I know the gentleman knows full well, and he has been here long enough, it was not that far back in the past that $70 billion was all we paid for defense in one given year, and yet now the interest charge for that borrowing has risen almost—as he says it could well go in 1981—to $70 billion.

Mr. LATTA. Let me just interject at this point, another statistic that boggles the mind, that just during the 1970's, the national debt of this country increased over $500 billion.

Mr. ROUSSELOT. A $500 billion increase in the debt?

Mr. LATTA. Just during 1970.

Mr. ROUSSELOT. That is more than we spent, as the gentleman pointed out a few minutes ago, far more than we spent in the whole year of 1972.

Mr. LATTA. Yes.

Mr. ROUSSELOT. I compliment the gentleman for again pinpointing some of these areas. I hope our colleagues will pay attention to it. I know our constituents back home are, because their taxes keep going up, and they keep saying, "Why can't you Congressmen control this horrendous deficit that we have in this country," this horrendous spending that we clearly cannot justify much of this wild spending, and then in turn causes this tremendous debt increase.

I compliment my colleague again for giving a scholarly, detailed analysis of what it means to this country if we put in place this tremendous budget that he has just analyzed.

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

Mr. LATTA. I yield to the gentleman from Arizona.

Mr. RUDD. I thank the gentleman for yielding.

I would just like to comment on the statement made by my good friend, the gentleman from California. The solution, of course, is the solution proposed by our other colleague from California (Mr. DANNEMEYER).

Let me just point out one other item in this present budget that we are talking about. There has been a great deal of pride exuded about the reduction of the deficit to about $16 billion. That, of course, does not take into consideration, does it—and I pose this question to the gentleman—the off-budget items which may run as high as another $15 or $16 billion, but certainly as high as $13 billion?

Mr. LATTA. It certainly does not take care of the off-budget items.

Let me say that they are already revising that $16 billion talked-about deficit up to $20 billion, and as the gentleman knows, I pointed out several times in the Committee on the Budget hearings already, about $4½ billion that they are going to have to be paid out for increased energy cost in the Defense Department. That figure was given out a week ago Friday by the Comptroller of the Defense Department.

I might say as far as fiscal 1980 is concerned, they are going to have to ask for about $3½ billion for increased energy cost there. So that totals about $8 billion that is needed in the 1980 fiscal year budget or in the 1981 that is going to have to be reckoned with.

Mr. RUDD. I thank the gentleman.

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

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

Mr. DANNEMEYER. I thank the gentleman for yielding.

The gentleman mentioned a few minutes ago during the 1970's the total budget debt increased by over $500 billion.

Mr. LATTA. That is the national debt.

Mr. DANNEMEYER. What political party controlled the Congress of the United States all during the 1970's and created, by their votes, this debt of which the gentleman speaks?

Mr. LATTA. Not only during the 1970's, but for the last 25 years. It was controlled by the Democrats.

Mr. DANNEMEYER. Is it not true that, for instance, in the last 5 years, these five deficits accumulative, a debt of a quarter of a trillion dollars, that when we analyze the votes of the Members of the House who created or who voted for those deficits, 83 percent of the time the Democrats were voting for those budgets, those deficit budgets, and the Republican Members of the House were voting against them 95 percent of the time; is that not true?

Mr. LATTA. Yes. I have seen those figures.

Let me say this, strange as it may seem. They go home at campaign time and talk about how conservative they

have been. I do not know why their voting records here never caught up with them at campaign time, but one of these times it is going to catch up with them, and the American people are going to make some drastic changes in this place, because I agree with what has been said here on the floor this afternoon, that they are demanding and they are going to get a balanced budget sooner or later.

WOMEN SHOULD NOT BE DRAFTED

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. ADDABBO) is recognized for 15 minutes.

● Mr. ADDABBO. Mr. Speaker, it is said to be the intention of the President to seek registration of men and women between the ages of 18 to 26 for the draft, should the draft be reinstituted. After undergoing briefings by the appropriate agencies, I concur that registration is a step that must be undertaken, though I emphasize that this is simply a registration program at this point, not resumption of the draft. The need for resumption of the draft must await developments which I pray never come to be.

But it is the proposed registration for women that bothers me. I am opposed to this and will fight implementation of it.

I happen to support the principle of equal rights. I think it is the right of every citizen, male or female, to receive equal pay for equal work. I think that in career choices, education, and in all business and social transactions and activities, it is wrong to permit sexual discrimination. I believe in backing up that concept with strict laws that prohibit discrimination.

But to equate equal rights with the demand that we do not recognize the physical differences between men and women is not only silly but it could impair our national security. Let me explain.

There are a great many jobs within the military that women can fulfill adequately. They are now doing so. If need be, I am sure that women would conduct themselves with distinction on the battlefield, for training exercises have indicated that female soldiers are capable in most instances in keeping up with their male counterparts.

But, unless this Nation is ready to adopt a completely unisex military system, then any Army containing combat units must of necessity provide segregated facilities for its men and women troops. In garrison duty, that is expensive but workable. In combat conditions, it is folly and almost impossible. Combat commanders have enough to worry about without adding to their burdens.

Women have served with heroism in every war this Nation has fought within my lifetime and if another war breaks out, they will serve again. But it seems sensible to me to utilize them for essential, behind-the-lines jobs, where at least minimum standards of privacy can be maintained, without interference in the priority of battle.

If that rationale is sound, and I believe it is, then our Nation requires fewer women soldiers than it requires male soldiers, since in wartime, most troops are readied for combat, whether they are utilized or not. In that case, I believe that female volunteers would suffice in number.

I would hope, therefore, that if registration is implemented, women be registered only on a voluntary basis. Those wishing to serve should not be denied, for they can play an important role. But women should not be impelled to register for the draft simply because it is correct that as women they should receive equality in all other aspects of their citizenship.

There are those with the best of intentions who will brand this as a sexist position. Perhaps it is, but I prefer to believe it is a pragmatic approach to a fundamental problem that we would face in wartime.

Wars are not academic exercises. They are the result of the failures of intellectual reasoning. Wars are brute force against brute force, and as such are not the place to exercise fairness, equality, or any other virtue of civilized society.

The battleground suspends all human rights, and the only goal that matters is survival. If our national security is so imperiled that we can only survive by sending the youth of this Nation into this horrible maelstrom, then it must be done. But if we must do so, then let there be no distraction from resolving the conflict as quickly as possible.

There is no question of bravery or willingness to serve the Nation, only a question of making our military machine the most effective and potent force possible, should it come to that. There are many ways to serve a nation, and women have compiled an enviable record. We need not conscript them into uniform as a penalty of equality to achieve their service, should it be required once again.●

ESTABLISH WOMEN'S RIGHTS NATIONAL HISTORICAL PARK

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. BINGHAM) is recognized for 5 minutes.

● Mr. BINGHAM. Mr. Speaker, today Representatives GARY LEE, PHILLIP BURTON, chairman of the House Interior Subcommittee on National Parks, and I, are introducing legislation to establish a Women's Rights National Historical Park in Seneca Falls, N.Y. Senators MOYNIHAN and JAVITS are sponsoring identical legislation in the Senate.

This legislation would "preserve and interpret for the education, inspiration, and benefit of present and future generations the nationally significant historical and cultural sites and structures associated with the formal beginning of the struggle for equal rights for women. * * *" It is fitting that we do this.

In 1977 I worked with PHIL BURTON to establish the Eleanor Roosevelt National Historic Site in Hyde Park, N.Y. At that time I was surprised to learn that, with the exception of Clara Barton's home outside of Washington, D.C., and the Maggie Walker site in Richmond, Va., there was not a single national park or historic site commemorating the life of an American woman. Certainly no park or monument site dealt with the special problems and achievements of American women—or with the struggle of women to achieve full equality with men.

Establishment of the Women's Rights National Historical Park will begin to remedy this omission. Seneca Falls, N.Y., was the site of the 1848 Women's Rights Convention which began the organized struggle for women's rights in this country. It was at that convention that feminists, under the leadership of Elizabeth Cady Stanton, adopted the declaration of sentiments, based on the Declaration of Independence, which declared that "all men and women are created equal." It called for the right of women to control property she earned or inherited; equal access to education; and equal access to the professions. The declaration also called for the reform of divorce laws, the right of women to child custody, and the end of the double standard of morality. Most controversial was the convention's call for women's suffrage. Even some of the activists thought that pushing for the vote was a bit extreme, and one of the leading feminists, Lucretia Mott, a Quaker, warned Stanton to drop that plank. "Why, Lizzie," she said, "thee will make us look ridiculous."

Mott was not far off. The press had a field day with the Seneca Falls convention. It was ridiculed and lampooned throughout the country. But the women's movement, under the leadership of Stanton and Susan B. Anthony, was undaunted. Stanton responded to the ridicule and derision with the statement that—

It is a settled maxim with me that the existing public sentiment on any subject is wrong.

She persevered, and by the late 20th century much—but not all—of the 1848 agenda was either law or custom. Women today, in the newly energized movement, are still fighting for the rest of the program.

Establishment of the Women's Rights Historical Park in Seneca Falls will commemorate the great events which took place in 1848 in Seneca Falls and will also remind women and men that the struggle for equality is far from over. I look forward to speedy passage of this bill. The text of the bill follows:

H.R. 6407

A bill to provide for the establishment of the Women's Rights Historical Park in the State of New York and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

FINDINGS AND PURPOSE

SECTION 1. (a) The Congress finds that—

(1) The Women's Rights Convention held at the Wesleyan Methodist Chapel in Seneca Falls, New York, in 1848 is an event of major importance in the history of the United States because it marks the formal beginning of the struggle of women for their equal rights.

(2) The Declaration of Sentiments approved by the 1848 Women's Rights Conven-

tion is a document of enduring relevance, which expresses the goal that equality and justice should be extended to all people without regard to sex.

(3) There are nine Women's Rights Historic Sites located in Seneca Falls and Waterloo, New York, associated with the 19th century women's rights movement.

(b) It is the purpose of this Act to preserve and interpret for the education, inspiration and benefit of present and future generations the nationally significant historical and cultural sites and structures associated with the formal beginning of the struggle for equal rights for women and to cooperate with State and local entities to preserve the character and historic setting of Seneca Falls.

ESTABLISHMENT

SEC. 2. (a) To carry out the purpose of this Act, the Secretary of the Interior (hereinafter referred to as the "Secretary") is hereby authorized to establish the Women's Rights National Historical Park, as depicted on the map entitled "Boundary Map, Women's Rights National Historical Park," numbered WORI 80,002 and dated January 1980. Said may shall be on file and available for public inspection in the offices of the Secretary of the Interior, Washington, D.C. The Secretary is authorized to acquire such land, or interest therein he deems necessary, by donation, purchase or appropriated funds, or exchange; fee acquisition shall be limited to the following Women's Rights Historic Sites in Seneca Falls:

1. Stanton House, 32 Washington Street.
2. Dwelling, 30 Washington Street.
3. Dwelling, 34 Washington Street.
4. Lot, 26–28 Washington Street.
5. Former Wesleyan Chapel, 126 Fall Street.
6. Theater, 128 Fall Street.

Less-than-fee acquisition may be explored for preserving the following Women's Rights Historic Sites:

1. Bloomer House, 53 E. Bayard Street, Seneca Falls.
2. McClintock House, 16 E. Williams Street, Waterloo.
3. Hunt House, 401 E. Main Street, Waterloo.

(b) The Secretary shall administer the park in accordance with this Act and the provisions of law generally applicable to units of the National Park System, including the Act of August 25, 1916 (39 Stat. 535) as amended and supplemented, and the Act of August 21, 1935 (39 Stat. 535) as amended.

SEC. 3. (a) The Secretary will encourage local and State agencies to establish a preservation commission, with responsibility to develop and implement a plan for the preservation and rehabilitation of the area within the park boundary in order to preserve the 19th century character so that the setting as well as the key structures remain intact.

(b) The Secretary is authorized to provide technical assistance and funding for the preservation plan, up to a limit of 50 percent of the total cost of the preservation plan.

ADVISORY COMMISSION

SEC. 4. (a) There is hereby established the Women's Rights National Historical Park Advisory Commission (hereinafter referred to as the "Advisory Commission"). The Advisory Commission shall terminate ten years after the date of establishment of the park.

(b) Appointments to the Advisory Commission shall be made by the Secretary as follows:

(1) A representative of the Elizabeth Cady Stanton Foundation;

(2) A representative of the Women's Hall of Fame;

(3) A representative of the Seneca Falls Historical Society;

(4) Two members appointed by the Governor of New York;

(5) A representative of the U.S. Department of Transportation;

(6) A representative of the U.S. Army Corps of Engineers;

(7) A representative of the Village of Seneca Falls;

(8) A representative of the Town of Seneca Falls;

(9) A representative of Eisenhower College;

(10) A representative of Wells College;

(11) A representative of Cornell University;

(12) A representative of a local agency or group dedicated to downtown commercial revitalization;

(13) Two women in non-traditional occupations or professions nominated by the Elizabeth Cady Stanton Foundation, and;

(14) Three women from national women's groups or authors or lecturers on women's rights nominated by the Elizabeth Cady Stanton Foundation.

The Secretary shall designate one member of the Advisory Commission to serve as chairperson and any vacancy shall be filled in the same manner in which the original appointment was made.

(c) Members of the Commission shall serve without compensation, but the Secretary may pay expenses reasonably incurred by the Advisory Commission and reimburse members for reasonable expenses incurred in carrying out their responsibilities under this Act.

(d) The Secretary, or his designee, shall from time to time, but at least four times a year, meet and consult with the Advisory Commission on matters relating to the development of the park and with respect to carrying out the provisions of this Act. The Advisory Commission may determine when meetings will be held less frequently.

COOPERATIVE AGREEMENTS

SEC. 5. The Secretary is authorized to enter into cooperative agreements with appropriate non-profit entities for developing and implementing programs related to the women's rights movement, which could include research, lectures, seminars, studies, publications and conferences.

GENERAL MANAGEMENT PLAN

SEC. 6. Within three years the Secretary shall submit to the Committee on Interior and Insular Affairs of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate, a general management plan for the Women's Rights Historic Sites.

FEDERAL CONSISTENCY

SEC. 7. Any federal entity conducting or supporting activities directly affecting the park shall consult with the Secretary prior to the issuance of final approval for said activity, license or permit.

FUNDING

SEC. 8. There are hereby authorized such sums as may be necessary to carry out the provisions of this Act.●

EMPLOYMENT IMPACT ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. STEWART) is recognized for 30 minutes.

Mr. STEWART. Mr. Speaker, today, I am introducing legislation which will require each Federal agency to prepare an employment impact statement. Federal agencies will be required under my legislation to prepare a concise statement of the employment impact of its procurement plan for each fiscal year. This act, the Federal Contract and Employment Impact Act of 1980, requires each Federal agency to prepare its employment impact statement at least 3 months before the beginning of each fiscal year.

Such statements shall contain a concise statement of the volume and nature of the procurement proposed to be undertaken by the agency for the ensuing fiscal year. The statement shall classify the expected procurement into contracts for construction, services, and real and personal property. Further, the statement shall identify the volume of each type of procurement by geographic area; the rates of unemployment in the areas wherein the preponderance of work to implement the contracts is to be performed; and the actions which will be required of the contractors to employ individuals who are the most severely disadvantaged in terms of the length of their unemployment and their prospects for finding employment.

If any agency undertakes an action to procure goods and services in a manner which departs significantly from its prepared plan, that agency shall publish a supplemental statement providing the necessary revisions to the plan.

The Secretary of Labor is to provide Federal agencies with current information concerning unemployment rates and shall advise and assist contractors in developing and implementing training programs to achieve the purposes of this act.

I am of the opinion, Mr. Speaker, that the purchasing power of the Federal Government can be used so as to have an effect on the unemployment rate in this country. The purchasing power of the Federal Government, according to the figures listed below, is enormous. The total procurement by civilian executive agencies in 1978 was over $28 billion. Construction expenditures by these same agencies during this same period was close to $2 billion.

Military agencies spent over $65 billion for total procurement during 1978. Procurement for services by the military amounted to over $4.5 billion. Expenditures for military construction during 1978 amounted to close to $2.5 billion.

I would like to include at this point a summary of the total procurement by military and civilian executive agencies for the period from 1974 to 1978 prepared by the Congressional Research Service. These tables indicate how large this purchasing power is:

PROCUREMENT BY CIVILIAN EXECUTIVE AGENCIES,[1] FISCAL YEARS 1974–78

[In billions of dollars]

Fiscal year	Total procurement	Procurement of construction
1974	14.157	1.141
1975	19.126	1.320
1976	17.979	1.744
Transition quarter	5.159	.374
1977	24.292	1.733
1978	28.566	1.905

[1] Excludes CIA, NSA, and Federal grant expenditures.

Source: General Services Administration, Office of Finance, annual statistical report, "Procurement by Civilian Executive Agencies," for fiscal years 1974–78.

PROCUREMENT BY MILITARY AGENCIES,[1] FISCAL YEARS 1974–79

[In billions of dollars]

Fiscal year	Total military procurement	Major hard goods	Services	Construction	Other
1974	40.131	20.760	2.668	1.676	15.027
1975	45.758	22.184	3.064	2.707	17.803
1976	46.934	22.795	3.194	2.247	18.698
Transition quarter	12.182	5.685	1.051	678	4.768
1977	55.572	29.318	3.383	2.564	20.307
1978	65.185	34.120	4.554	2.483	24.028

[1] Includes Army, Navy, Air Force, and Defense Logistics Agency. Excludes civil functions.

Sources: Department of Defense, Washington Headquarters Services, "Military and Civil Functions Procurement by Claimant Program," fiscal year 1978, p. 1. Department of Defense, Office of the Secretary of Defense, "Military Prime Contract Awards," fiscal year 1977, pp. 26, 27.

In 1952, the Office of Defense Mobilization issued Defense Manpower Policy No. 4 (DMP–4) which made it the policy of the Federal Government "to direct Federal procurement, nonformula grants, and executive agreements to businesses in areas of excessive unemployment."

In a report to the Congress in 1977, the General Accounting Office recommended that "the Congress either strengthen the policy by giving it a statutory base * * * or rescind it."

I think the Congress should give some direction to the program.

It would seem that if the Government were to add another dimension to its procurement policy, namely, that of targeting Federal contracts "for services, for real or personal property, or for the construction of structures or facilities," as the bill does, to the areas of high unemployment, then the Government would be achieving a twofold objective in the expenditure of Federal funds. The Government would be, in addition to securing necessary services or building essential facilities, training individuals and reducing the unemployment rate.

Each employment impact statement as described above shall contain a statement which shall include the rate of unemployment in the area wherein most of the work to implement the contract is to be performed and the actions which will be required of the contractor to employ individuals who have been unemployed for an extensive period of time.

Further, the Secretary of Labor shall assist such agencies in developing training programs to enable individuals to acquire the necessary skills to permit individual contractors to carry out the provisions of the contract with the Government.

The General Accounting Office is to review the compliance by Federal agencies with the requirements of this legislation to determine the impact of the requirements of the act on national, State, and local unemployment. After such a review, the General Accounting Office shall make such recommendations in its report to the Congress as it considers necessary, to reduce further the unemployment rate through the use of Federal contracts.

In the debate on the House floor during the consideration of the Department of Defense appropriations for fiscal year 1980 bill, several Members stressed the fact that the Federal Government has never adequately used the Federal procurement program to alleviate the high unemployment we are experiencing in certain sections of our country. The General Accounting Office stated in its 1977 report that—

The procurement dollars spent and the numbers of people hired that are attributable to the Labor Surplus Policy have declined, and at the same time the Government procurement budget has increased significantly.

Mr. Speaker, the figures I have cited above indicate the dimension of the procurement practices of the Federal Government. It seems logical to wed the procurement practices with our economic policies in a manner so as to make an impact on the high unemployment rate. Federal agencies must be encouraged to target their procurement policies to areas which are experiencing chronic unemployment.

This bill provides such encouragement. I strongly urge its passage.

□ 1840

SHIFTING TAX BURDENS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio (Mr. VANIK) is recognized for 5 minutes.

● Mr. VANIK. Mr. Speaker, one of the most disturbing elements contained in the President's budget are projections through 1983 showing a proportional decrease in the share of the Federal tax burden which corporate income taxes will provide, and the accompanying increase in the burden on individual income taxes.

Corporate income taxes, which now provide 14 percent of Federal receipts, will fall by 1983 to only 11 percent. In 1970 the corporate income tax share of financing the Federal budget was 17 percent. The trend is clearly downhill—and accelerating. At the same time, the citizens of this Nation, who already pay 46 percent of all receipts through individual income taxes, will be asked to shoulder 50.7 percent of the tax burden by 1983. While the net benefit to the economy of this shift is unknown, there is no doubt but that this will result in a negative impact on the individual.

This shift is occurring with little or no public awareness—and major lobbying efforts are underway to provide enormous new reductions in corporate tax payments. It should be the subject of a national debate, and I hope the Ways and Means Committee will examine the implications of this trend in 1980.

The corporate sector is clamoring for capital formation through lower taxes. The individual American has an even greater need for capital formation—to buy a house, to invest in family education, and for better health and security. The shrinking savings rate of our people is an ominous omen—unfortunately more threatening than capital shortages for industry.●

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas (Mr. ALEXANDER) is recognized for 5 minutes.

● Mr. ALEXANDER. Mr. Speaker, I wish the RECORD to indicate following the vote to resolve into the Committee of the Whole for further consideration of H.R. 4788, Water Resources Development Act of 1979, that I was unavoidably detained at a meeting with a delegation from the Arkansas Hospital Association and was therefore not recorded on that vote. Had I been present, I would have voted "yea."●

LEGISLATION TO PROHIBIT EXPORT OF PHOSPHATE FERTILIZER TO SOVIET UNION

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, today I am introducing legislation urging the President to exercise the authorities he has to prohibit the export of superphosphoric acid (phosphate fertilizer) to the Soviet Union until the Soviet Union withdraws its troops from Afghanistan and until the President removes the ban imposed on agricultural commodities to the Soviet Union.

As I indicated in an earlier letter to the President, the suspension of phosphate sales to the Soviet Union would demonstrate that the administration is indeed committed to efforts beyond the limited actions of embargoing the sale of grain and computer hardware in serving notice to the Soviet Union that its invasion of Afghanistan will not be ignored. In addition, an embargo of phosphate would be an important step for the President to take in making good his pledge that no one segment of the American economy will be made to bear the full cost of the announced embargo.

Moreover, Mr. Speaker, as superphosphate is recognized as an essential agricultural fertilizer, there seems to be no justification for providing this chemical to the Soviets so that they can minimize the impact of their loss of U.S. grain shipments. In fact, a decision to continue to allow the export of superphosphate to the Soviet Union would be viewed with understandable outrage by my rural constituents who feel that it makes no sense to embargo shipments of grain to the Soviets while at the same time allowing the Soviets to obtain fertilizer that they may use to increase their crop yields.

Mr. Speaker, I urge my colleagues to give this resolution their full support, and I am hopeful that the President will see the wisdom in curtailing superphosphoric acid exports.

The text of the resolution follows:

H. RES. 563

Resolved, That the House of Representatives urges the President to exercise the authorities he has to prohibit the export of superphosphoric acid (phosphate fertilizer) to the Soviet Union until the Soviet Union withdraws its troops from Afghanistan and until the President removes the ban imposed

on agricultural commodities to the Soviet Union.●

H.R. 2609, A BILL TO INCREASE AUTHORIZATIONS FOR THE YUMA DESALTING PLANT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. BROWN) is recognized for 5 minutes.

● Mr. BROWN of California. Mr. Speaker, on Thursday the full House is scheduled to take up H.R. 2609, a bill to increase authorizations for the Colorado River Salinity Control Act of 1974, primarily to allow the construction of the largest desalting plant in the world at Yuma, Ariz. At this time I do not intend to make all the arguments against this legislation, which are indeed many, but rather provide one piece of background information that most Members of this body would consider as fair and reliable. I refer to the May 4, 1979, General Accounting Office report entitled "Colorado River Basin Problems: How to Reduce Their Impact," which recommended against going ahead with the proposed billion dollar Yuma Desalting Plant.

Excerpts from the GAO report follow:

[Excerpts from report to the Congress of the United States by the Comptroller General, May 4, 1979]

COLORADO RIVER BASIN WATER PROBLEMS: HOW TO REDUCE THEIR IMPACT

Unless Federal, State, and local governments begin to work together, the Colorado River Basin—an area embracing parts of seven Southwestern States—will not be able to cope with a probable water shortage soon after the year 2000.

GAO recommends that the Congress establish a task force to determine how the parties involved should cooperate to improve the supply and quality of water in the Colorado River Basin.

CHAPTER 3. CURRENT SALINITY CONTROL PROGRAM MAY NOT BE COST EFFECTIVE IN ACHIEVING DESIRED RESULT

As Colorado River Basin waters are increasingly put to use and consumed, the salinity [1] of the remaining river water is expected to increase. Although estimates of the extent of damage vary widely, the Bureau of Reclamation foresees economic losses to agriculture and municipal and industrial users of the water due to increased salinity.

The current program for controlling salinity in the basin principally includes setting salinity standards for the basin and possibly constructing 17 salinity control projects. However, it appears this program will not achieve its desired objectives because:

The 4 projects which have been authorized for construction may not be economically or technically feasible;

Some of the 13 projects, which have not yet been authorized for construction, appear to have limited potential and are not being seriously considered; and

The salinity standards that have been set may not be met when the river's water supply is fully developed.

In spite of this knowledge, no specific long-range plans are being considered to control salinity in the basin after 1990. Although some additional measures are being studied, their impacts on salinity reduction are not known.

In addition to the program to control salinity in the basin, measures are underway that are intended to decrease the salinity of the water going to Mexico. In 1974, several measures to control the salinity of water going to Mexico were authorized by the Congress. Their cost has risen sharply, and more economical alternative solutions should be considered.

Alternatives to large desalting plant should be considered

The estimated cost of the desalting complex has escalated from $62 million to about $178 million, an increase of $116 million, or 187 percent. Annual operating costs for the complex are estimated to be $14 million. At the same time, the size of the plant has been revised downward from a capacity in excess of 100 to 96 million gallons a day.

The drainage return flow of the Wellton-Mohawk Irrigation and Drainage District has been approximately 200,000 acre-feet a year. The Bureau hopes to reduce significantly the return flow from the district by implementing an irrigation improvement program. Based on an operational study, of a 20-year period ending in 1996, the Bureau projected that over a 50-year period the return flow would average 155,000 acre-feet. This analysis showed that the desalting complex would salvage 88,000 of the 155,000 acre-feet with the remaining 67,000 acre-feet being diverted down the bypass drain to the Santa Clara Slough.

The 67,000 acre-feet consists of 35,000 acre-feet of brine and wastewater from the desalting plant and 32,000 acre-feet which will be bypassed when the plant is not required to operate because of surplus water in the river. Bureau officials point out, however, that if the water surplus does not occur as projected, then the plant would be required to desalt a portion or all of the 32,000 acre-feet. In other terms, the desalting plant is costing at least $178 million in construction costs plus $14 million in operation and maintenance costs to save 88,000 acre-feet each year. Based on the Bureau's July 1977 estimate of annual equivalent costs to operate the desalting plant, we estimate that it would cost $338 an acre-foot to deliver 88,000 acre-feet of water to Mexico. In contrast, the costs of augmenting streamflows have been estimated to be as low as $3 an acre-foot, although the process has not been fully proven. In any event, the costs to desalinate water have risen to the point where alternatives should be considered.

Prior to the approval of minute 242, a Presidential interagency task force, chaired by Ambassador Herbert Brownell, Jr., as Special Representative of President Richard M. Nixon, considered several alternative measures and different desalting projects before deciding on the authorized project. During these considerations, Ambassador Brownell made a commitment to the basin States to the effect that the solution of the salinity problems with Mexico should not reduce their water supply. Among the alternatives considered were nine different desalting plants, bypassing Wellton-Mohawk drainage water and substituting it with water allocated to other States, and total or partial shutdown of the Wellton-Mohawk Irrigation and Drainage District. Ultimately, the alternative measures to the desalting plant were discarded as infeasible for economic and/or political reasons.

In commenting on our draft report, Bureau officials stated the Bureau was not requested or authorized to investigate the feasibility of the desalting complex. They said the Bureau had no plans to evaluate the economic feasibility of the desalting complex or any other alternative. However, Department of the Interior officials recently decided that alternatives to the desalting complex should be considered. During hearings on March 20, 1979, before the Subcommittee on Water and Power Resources, House Committee on Interior and Insular Affairs, Interior officials said two alternatives to the desalting complex have been proposed which could potentially reduce the size of the desalting plant.

Expand the Wellton-Mohawk irrigation improvement program to reduce return flow to 80,000 acre-feet per year, which could potentially reduce the size of the desalting plant up to 40 percent.

Reuse return flow water on existing Wellton-Mohawk irrigated lands by (1) designating a specific area for use of drainage water only and restricting the choice of crops, (2) returning drainage water to the Wellton Canal and mixing it with incoming Colorado River water, and (3) restricting diversions to Wellton-Mohawk with some form of compensation to the landowners.

Interior officials pointed out that these alternatives were proposed only recently and have not been studied fully to determine their potential. Furthermore, they pointed out that similar proposals were rejected by the Brownell task force.

Interior agreed to consider two additional alternatives suggested by the subcommittee.

Buying out Wellton-Mohawk totally with the land leased back to the farmers (thereby decreasing water use by telling the farmers what crops they can grow).

Buying the water development rights to Wellton-Mohawk and then telling the farmers how they can use the water.

Interior officials told us they plan to complete their evaluation of the four alternatives about mid-May 1979. They plan to use data already available, as time does not permit them to perform additional field studies.

In addition, we believe there is another alternative worthy of consideration. In our draft report, we had suggested that funding for construction of the Yuma complex be deferred until the Bureau evaluated other less costly alternatives, such as bypassing Wellton-Mohawk return flows and substituting them with water from the basin States' allocations. This alternative appears to be feasible but probably would not be acceptable to the States. Even though Ambassador Brownell dismissed this alternative earlier because of the loss to U.S. users of the substituted water, estimated at that time to be 220,000 acre-feet, the Bureau is now using it as a temporary measure.

Ambassador Brownell's reason for rejecting the bypass alternative need to be reconsidered because the Bureau estimates only 123,000 acre-feet rather than 220,000 acre-feet would have to be replaced annually by the Federal Government if the Yuma plant was not built. In any event, even if the plant is built, the Government will have to replace 35,000 acre-feet of water. Another reason for reconsidering this alternative is the significant cost increase of the Yuma complex.

In commenting on our draft report, Bureau and State officials objected to this suggested bypass alternative. They pointed out that the negative impact of the bypass alternative is the loss of water to the U.S. users—the States. They contend that because the Federal Government does not own or have rights to any water stored in the reservoirs and all the Colorado River water belongs to the States, any water loss would have to come from the States' allocations.

In addition, Bureau officials also said it should be kept in mind that water lost to the States while implementing any alternative must be replaced, as provided by the 1974 Salinity Control Act. During the recent hearings to increase the authorized cost ceiling for the Yuma complex, Interior cited this Federal obligation as one reason for

[1] Salinity, in freshwater, is the total of all dissolved solids or salts present and is measured in terms of parts per million or milligrams per liter. These measurements are essentially the same.

acting quickly to approve the Yuma proposal. Interior officials reported the United States is already obligated to replace about 1 million acre-feet of drainage water which has been bypassed since passage of the 1974 act.

Except for decreed Indian and Federal reserved water rights, all the Colorado River water belongs to the States. Therefore, a question must be resolved: How will the Federal Government meet its obligation to replace water lost as a result of bypassing water from the Wellton-Mohawk project to the Santa Clara Slough?

Another factor which needs to be considered in any evaluation of the bypass alternative is to what extent the Government has an obligation to replace bypassed water. We agree that an obligation does exist under the 1974 act, but the point in time when that obligation begins to accrue is subject to more than one interpretation.

The act states that except in times of surplus water in the Colorado River, replacement of the reject stream from the desalting plant and drainage water bypassed to the Santa Clara Slough is recognized as a national obligation, as provided for in section 202 of the 1968 Colorado Basin Project Storage Act (Public Law 90–537). Section 202 provides that satisfaction of the requirements of the Mexican Water Treaty from the Colorado River constitutes a national obligation and that this obligation will be met by augmenting the basin water supply. According to the 1968 act, the basin States are to provide water to meet the Mexican commitment until the Congress has authorized the water augmentation plan and it is in operation.

The Bureau believes that the Federal obligation to replace lost water began with enactment of the 1974 act and now totals about 1 million acre-feet. Although we agree that this may be a reasonable interpretation, we believe there are two other equally reasonable interpretations. These are that the national obligation did not begin to accrue until—

The extension of the bypass drain to the Santa Clara Slough was completed in 1977 and

The augmentation plan for increasing water supply has been approved by the Congress and is in operation, as cited in section 202 of the 1968 act.

The Bureau has initiated studies of various methods of augmenting the river's water supply. Some of the methods examined appear promising, but so far none have been proven in one way or another. The Bureau has been unable to quantify, with certainly, the amount of water resulting from this program.

CONCLUSIONS

Much uncertainty exists about the effectiveness and efficiency of the salinity control program for the basin and whether it can achieve the intended results. Also, assuming an annual virgin flow of less than 14 maf and using the Bureau's assumptions of future rate of water resource development, the salinity control plan, even if implemented successfully, will not by itself achieve the water quality standards established for the basin. The effectiveness of the 1974 Salinity Control Act in controlling salinity in the basin, is questionable at best. The program got off to a bad start because the projects included in the act were based on hastily prepared, inadequate studies which resulted in numerous program changes and correspondingly significant cost increases.

It is doubtful now that the current salinity control program will reduce salt in the river as much as predicted because at least 6 of the 17 projects in the program may be in trouble. Construction has been deferred on two projects and preliminary studies on four other projects indicate they may be questionable. Interior, EPA, and State officials told us that additional measures are being studied to control salinity in the basin. However, a plan integrating these additional measures with the existing program has not been developed nor have their impacts been quantified. We believe that the uncertainties involved with all these factors point out the need for a new assessment of the overall salinity control problem as well as alternative solutions.

Under the normal water project approval process, the technical and economic feasibility of the salinity control projects would have been evaluated before authorization to insure a workable and cost-effective program. This was not done with the currently authorized projects. Such a study should have disclosed that the projects have high costs compared to benefits, and their effectiveness in reducing salinity is questionable. If the basin's salinity is to be controlled or reduced while the water resources are developed, the limited money available for salinity control must be applied to the most cost-effective projects. We believe, therefore, that the costs of salinity control projects should be compared to the benefits derived so that the most cost-effective projects are chosen.

Specifically, we believe that the Crystal Geyser and Las Vegas Wash projects, as presently formulated, will have minor impact in reducing the river's salinity and will cost more than benefits received.

The relationships and problems of water availability, development, and quality will have to be addressed as interrelated issues in order to achieve and maintain the water quality standards. The current project-by-project approach has led to water development that greatly increases salinity. Salinity control can best be accomplished through better basinwide management of total water resources which consider trade-offs between projects for water resource development and salinity control.

The significant cost growth and lengthy schedule delays for the desalting complex and other related projects authorized by title I of the 1974 act appear to have made other alternatives more attractive, although the problem of replacing the water lost or diverted or compensating the States for its loss will have to be resolved. We believe that less costly alternatives to satisfy our Mexican water commitment should be reconsidered.

We believe there are some serious questions that need to be resolved in considering the alternatives. Because of the widely varying impacts for the various alternatives, we believe it is vitally important for the Bureau to have a clear understanding of all the relevant information. Only then can the Bureau fully evaluate each alternative and determine the most cost-effective and beneficial solution. The U.S. obligation to replace the Wellton-Mohawk drainage water is one factor that needs clarification.

As part of considering the bypass alternative, we believe the Bureau should ask the Congress to clarify the intent of the 1974 Salinity Control Act concerning when the national obligation begins accruing for replacing the Wellton-Mohawk drainage water. The timing of when the U.S. obligation begins accruing can have an important impact on the bypass alternative consideration. For example, if the full provisions of section 202 of the 1968 Colorado River Storage Act apply, there would be no Federal obligation until the Congress approved the augmentation plan and it was in operation. If this interpretation is the one intended by the Congress, there would be no Federal obligation accruing now and there would be less urgency to construct the Yuma desalting complex. During the recent hearings, Interior officials cited the current Federal obligation as one of the primary reasons for prompt adoption of the administration's proposal to increase the authorized cost ceiling for the Yuma complex. The significant cost increase of the Yuma complex, and the fact that much less Wellton-Mohawk drainage water than initially estimated would be lost to U.S. users, are additional factors which indicate the bypass alternative should be reevaluated.

In any event, even if the Federal obligation is now accruing, it could be erased by 1985 if the basin reservoirs reach storage capacity and water releases are required. According to a Bureau official, this creates a surplus condition and any Federal debt accrued to that point would be wiped out. As mentioned on p. 12, the Bureau anticipates there will be a surplus condition prior to 1985 when initial water deliveries are scheduled to begin for the Central Arizona Project.

RECOMMENDATIONS

We recommend that the Congress temporarily defer Federal funding for construction of the

Upstream salinity control projects (title II of the 1974 act) until the Bureau develops an alternative plan, in cooperation with the basin States, which compares the costs and benefits of the many alternatives; addresses the salinity problems in a comprehensive manner; and results in an effective and efficient basinwide program and the

Yuma Desalting Complex until the Bureau has reevaluated its feasibility and considered other viable and/or less costly alternatives.

Also, we recommend that the Secretary of the Interior ask the Congress to clarify the intent of the 1974 Salinity Control Act concerning when the national obligation for replacing the Wellton-Mohawk drainage water begins to accrue.

REGISTRATION AND DRAFT LEGISLATION

(Mr. DEVINE asked and was given permission to extend his remaks at this point in the RECORD and to include extraneous matter.)

Mr. DEVINE. Mr. Speaker, Brig. Gen. Carlton S. Dargusch, Deputy Director of Selective Service under Gen. Lewis B. Hershey submitted a most meaningful memorandum addressing the problems of registration and draft. All Members would do well to study and digest General Dargusch's material:

MEMORANDUM

On 23 January 1980 the President of the United States announced that he would ask Congress in February, 1980 for legislation and funds in connection with the Selective Service registration of an age group yet to be designated with the possible inclusion of women. Registration to be accomplished through the United States Post Office.

The Selective Training and Service Act of 1940, Public Law 783–76th Congress, was effective 16 September 1940. The details for the registration of men were set forth in the Selective Service Regulations and covered the age group 21 through 35. They included registration proclamations by the President and the Governor of each state and placed the Governor in charge of the activity in his state. The registration was handled on a voluntary and uncompensated basis by regular election officials supplemented where necessary by other qualified citizens. Registration facilities were provided in each voting precinct through a registration board for that area, consisting of a chief registrar and registrars. The registrar actually performed the function of registration and this was done under oath. Registration day for the Continental United States was 16 October 1940 and on that day some 16,316,908 men were registered for Selective Service. This is the

way to do it. The psychological effect was best described in a cartoon which was set forth at page 86 in the Report of Director of Selective Service entitled "Selective Service in Peacetime."

It is quite obvious that the Post Office has neither the locations nor the personnel to accomplish a nationwide registration on a single day such as was done so successfully on 16 October 1940.

The proposed registration, however, is just the first step in the reconstituting of the Selective Service System on an effective standby basis. If the Selective Service System is to be reconstituted on an effective standby basis, it should be in the form of the state/federal Selective Service System which functioned so successfully from 1940 to 1973 and which consisted of state headquarters, local boards, appeal boards and other Selective Service agencies in which most of the personnel served without compensation.

Any attempts by the Executive Branch to completely federalize the Selective Service System should be resisted by the Congress and any proposed amendments of the Military Selective Service Act to that end should be rejected by the Congress for the strength of Selective Service in both World Wars I and II and thereafter resulted largely, if not entirely, from the state and local operation of the System which was headed by the President of the United States and Director of Selective Service. A computerized, federalized, bureaucratic Selective Service System operated out of Washington would not long survive and when that computerized, federalized, bureaucratic System foundered, it would be too late to rectify the mistakes which should never have been made in the first instance by the Executive Branch in the light of the proven success of the state/federal Selective Service System of World Wars I and II and thereafter. Surely, the sad lessons of the Civil War in both the North and South and the sage observations of General James Oakes concerning the bungled federal draft of the Civil War and the experiences of General Lewis B. Hershey should not be ignored when the nation faces even more serious problems of national survival in 1980 than those which this nation faced in 1940. The United States is the only nation that stands between the Soviet Union, its surrogates and the free world and the mere restoration of registration for Selective Service will not alter the balance of power. The bitter choice is guns or butter and rearmament must be the first order of business for the United States, for everything else is secondary to that in the contest for national survival. Wonder about official Washington—See the Wall Street Journal, 1 February 1980.

"The Pentagon tried to dispel doubts over U.S. ability to defend the Persian Gulf.

"In an unusually detailed briefing, an official described how a lightly armed force of 1,000 U.S. troops could reach the oil-rich region in about 24 hours from Italy. Within two weeks, the U.S. could have some 24,000 soldiers in the area, he said.

"Earlier, Gen. David Jones, chairman of the Joint Chiefs, underwent tough questioning by Senators on whether the U.S. could meet President Carter's pledge to defend the area. The U.S. can respond to a Soviet attack, he said, though 'neither side can be confident of the outcome.'

" 'We can't assure you that we can win a war there,' Defense Secretary Brown told the Senate armed services panel. 'But to cast doubt on our ability is damaging to U.S. security.' "

One may well ask what the Soviets and the Iranians are going to be doing while that beachhead is being established. One Bay of Pigs should be enough for the United States and if the United States is required to take military action in the Persian Gulf, it must find more workable solutions than that suggested in the Wall Street Journal.

IN MEMORY OF RAY GARRETT, JR.

(Mr. BROYHILL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. BROYHILL. Mr. Speaker, it is with a note of melancholy and sadness that I mark the passing of Ray Garrett, former Chairman of the Securities and Exchange Commission. He was a treasured friend and a dedicated public servant. Ray was a brilliant attorney, a true gentleman, and a man of great accomplishment. At the age of 59, he leaves us before his time. He made things happen; everyone loved him.

As Chairman of the SEC, he was a tower of strength, yet still knew the meaning of restraint. His whole life was an inspiration. Briefly, I would like to acquaint my colleagues with the career of Ray Garrett.

He was born on August 11, 1920, in Chicago, Ill. In 1941, he was graduated from Yale University and he received his LL.B. from Harvard Law School in 1949. Immediately prior to joining the Commission as Chairman, Mr. Garrett was a partner in the Chicago law firm of Gardner, Carton, Douglas, Children, and Waud where he had been since 1958. From 1954 to 1958, he was on the staff of the Securities and Exchange Commission, serving for most of that period as Director of the Division of Corporate Regulation.

In 1965, Mr. Garrett was chairman of the section of corporation banking and business law of the American Bar Association and has also served as chairman of the ABA Committee on Developments in Corporate Financing. He was chairman of the advisory committee for the corporate department financing project of the American Bar Foundation, a member of the board of editors of the American Bar Association Journal, and consultant to the "Reporter" for codification of Federal securities laws project of the American Law Institute.

Prior to joining the SEC staff, he was a teaching fellow at Harvard Law School and assistant professor of law at New York University. For several years he was a visiting lecturer at the Northwestern University School of Law. Mr. Garrett was sworn in as Chairman of the Securities and Exchange Commission on August 6, 1973. In 1975 he returned to the private practice of law. Even in the private sector, he continued his public service by giving unselfishly of his time to serve on advisory committees, educational seminars and wrote authoritative articles in his field.

Ray is survived by his wife Virginia, three daughters, one son, and six grandchildren.

I wish to express my condolences to Ray Garrett's family. Their loss is our loss. Ray will always be remembered and always loved by those who knew and worked with him.●

TESTIMONY OF HON. JAMES T. BROYHILL BEFORE INTERNATIONAL TRADE COMMISSION

(Mr. BROYHILL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. BROYHILL. Mr. Speaker, on January 22 of this year, the International Trade Commission held public hearings in order to determine injury to domestic yarn spinners as a result of imports of plied acrylic yarn from Italy and Japan. Two plants have closed in my own district because of less-than-fair-value imports of acrylic yarn from Japan and Italy, and I know that my district is not alone in this respect. Indeed, a number of my colleagues in the House of Representatives have indicated to me that they, too, have had plants close in their districts, due to the importation of plied acrylic yarn priced below its production costs.

I had the opportunity to testify before the Commission during its hearings on the impact of dumped spun acrylic plied yarn on the domestic industry. In my testimony, I emphasized the severity of the injury to the domestic plied acrylic yarn industry and the urgent need for the Commission to grant relief to the domestic yarn spinners, as mandated by the Trade Agreements Act of 1979.

Mr. Speaker, I would like to take this opportunity to share with my colleagues my testimony as presented before the International Trade Commission:

REPRESENTATIVE BROYHILL TESTIFIES BEFORE THE INTERNATIONAL TRADE COMMISSION

Mr. Chairman and members of the Commission: I am pleased to have the opportunity to appear before the Commission this morning in its hearing on the effect of less than fair value sales of spun acrylic yarn from Italy and Japan. I want to express my wholehearted support of the petitions filed by the American Yarn Spinners Association against injurious, unfairly-priced imports of the yarn.

I represent the tenth congressional district of North Carolina, where several of the domestic manufacturers of the yarn have their production facilities. Two companies, LaFar Industries and American & Efird, recently were forced to close plants employing many of my constituents because they could not compete with imports priced below their costs of production. My district has been hit hard by these imports. I know from my colleagues in the House of Representatives who are members of the Congressional Textile Caucus that other areas of the country where the yarn is or has been produced have also been adversely affected. Plants have been closed in a number of communities; many have been operating well below capacity and have been forced to lay off workers. The number of people employed in the production of spun acrylic yarn has dropped significantly from what it was three years ago—before the large increase in unfairly-priced imports began. From conversations with businessmen and workers in my own district and elsewhere, I know well the heavy economic and human toll inflicted by the dumping of Japanese and Italian yarn in this country.

As I am sure the Commission is aware, the Trade Adjustment Assistance Act has provided some benefits to workers who have lost their jobs in the spun acrylic yarn industry over the past year, because the Labor Department found that increased imports were responsible for reduced domestic sales. Adjust-

ment assistance, however, treats only the symptoms of unfair competition. To root out the unfair competition itself, a domestic industry must turn to our antidumping laws. This is what the American Yarn Spinners Association has done.

I am very concerned about the outcome of this case and your determination for two reasons. The first is, of course, that the companies still producing the yarn in my district and elsewhere, and the workers who are employed by them, desperately need the relief from unfair competition that an affirmative determination will provide. My second reason is more general. As a member of Congress, I want to assure myself that the antidumping laws are being interpreted and applied as intended by Congress to safeguard our domestic industries from injury caused by unfair competition from abroad. To my mind, this case provides a classic demonstration of the need for effective enforcement of the antidumping laws.

There are others here today who can speak more directly than I about the impact of dumped imports on the spun acrylic yarn business. Rather than duplicating their testimony, I would like to focus my brief remarks on the law under which this case will be decided—the Trade Agreements Act of 1979. As vice-chairman of the Congressional Textile Caucus, I was deeply involved in the deliberations over this important piece of legislation in which both labor management representatives of the textile and related industries were highly interested. Let me share with you my perspective on what Congress intended to achieve by enacting the new antidumping provisions.

In general, it should be made clear at the outset that the thrust of the new law is identical to that of the old one: where a domestic industry is suffering injury because of unfairly-priced imports, it is entitled to prompt relief. It is not Congress's intention to protect our domestic industries from every threat of foreign competition—far from it; we welcome competition for the benefits it provides to our free enterprise system. But competition, foreign or domestic, should be on a fair basis.

Let me now turn to address in particular the key concepts of injury, causation, and industry. First, how much injury must an industry suffer before it is entitled to relief? As the Commission is well aware, the term "material" modifies the term "injury" under the new Act. Congress introduced this modifying term in order to bring the U.S. antidumping provisions into compliance with the international antidumping code. In so doing, however, we did not intend to make the injury standard more stringent than it has been. In our view, the general approach to injury that the Commission has pursued under the Trade Act of 1974 and previously is correct. The 1979 Act simply makes explicit that which has been implicit in Commission decisions for the past several years: the injury cognizable under the antidumping law is, in the words of the statute, any "harm which is not inconsequential, immaterial, or unimportant." If the Commission finds that unfairly-priced imports have caused an injury that is not inconsequential or immaterial, the Commission should render an affirmative determination.

This brings me to the second important antidumping concept: causation. What must be the relationship between the injury suffered and the unfairly-priced imports? Congress retained the "by reason of" language of earlier statutes in the 1979 Act. Our expectation was that the Commission would reach an affirmative determination whenever unfairly-priced imports are among the identifiable causes of injury. I believe that this expectation is consistent with recent Commission practice, including the practice of considering the cumulative impact of unfairly-priced imports from several sources where these imports are contemporaneous and are of like merchandise.

I must say in candor, however, that members of Congress were concerned by certain opinions of individual Commissioners which appeared to take the position that if any other cause of injury could be identified—recession, product competition, or whatever—then imports could not meet the "by reason of" standard. The House Report on the 1979 Act makes clear that this position does not reflect the legislative intent. The Report states:

"In determining whether [the] injury is "by reason of" such imports, the ITC looks at the effects of such imports on the domestic industry. The law does not, however, contemplate that injury from such imports be weighted against other factors (e.g., the volume and prices of . . . imports sold at fair value, contraction in demand or changes in patterns of consumption, trade restrictive practices of and competition between the foreign and domestic producers, developments in technology and the export performance and productivity of the domestic industry) which may be contributing to overall injury to an industry. Any such requirement has the undesirable result of making relief more difficult to obtain for those industries facing difficulties from a variety of sources, precisely those industries that are most vulnerable to . . . dumped imports."

So long as imports are a contributing factor in the injury suffered by the domestic industry, there is sufficient causal linkage to support an affirmative determination.

The third and final concept I wish to comment upon in considering the 1979 Act is that of "industry." How should the Commission determine the nature and extent of the "industry" it should examine in considering the impact of unfairly-priced imports of a given product? For the first time, the statute expressly defines the term "industry"; it means "the domestic producers as a whole of a like product, or those producers whose collective output of the like product constitutes a major proportion of the total domestic production of that product." This definition represents a shift in emphasis from what I believe has been the Commission approach under the 1974 Act. In recent years the Commission has determined the scope of the domestic industry by focusing on the facilities used to produce the merchandise in question; if the same facilities were used to manufacture other products, then the industry was deemed to include production of the latter as well.

The new Act calls for an industry definition based not on facilities but on product characteristics and uses. The key term "like product" is defined as a product "most similar in characteristics and uses" to the imported product, rather than as any product manufactured in the same facilities. The Commission is expressly directed by the statute to assess the effect of dumped imports—

". . . in relation to the United States production of a like product if available data permit the separate identification of production in terms of such criteria as the production process or the producer's profits. If the domestic production of the like product has no separate identity in terms of such criteria, then the effect of the . . . dumped imports shall be assessed by the examination of the production of the narrowest group or range of products, which includes a like product, for which the necessary information can be provided."

Congress intended the Commission to focus on as narrow an industry as available data make possible.

The significance of this change should be evident to the Commission in its consideration of this case. Congress was concerned about instances like this one, where foreign producers seek entry into the U.S. market by focusing on one or two specific product lines, typically the most common ones. Once they have established a dominant position in those lines, the foreign producers can readily expand their presence in the U.S. market, because the domestic industry has already been weakened by sales losses in its large volume, standard lines. Congress recognized that the pattern of the importers' sales—the particular products they select to place in the U.S. market—is a better guide to determining the scope of an industry than the widely varying practices of U.S. manufacturers in arranging their manufacturing facilities. By focusing on "like products" the Commission will be better able to measure market penetration and the other effects of the unfair competitive practice in terms of the segment of the market in which the importer itself has chosen to compete.

In the present investigation, I believe that the Commission will find that the appropriate industry is the producers of plied, worsted-spun, acrylic, machine-knitting yarn. This is the product that the Japanese and Italians have sold in this country at unfair prices; it is a product with distinctive characteristics and uses; it is one for which the producers maintain separate financial data. There is no evidence that any other type of yarn was imported at less than fair value from Italy or Japan. The producers of plied, worsted-spun, acrylic, machine-knitting yarn represent an industry within the meaning of the 1979 Act.

I hope that these comments on the legal principles applicable to antidumping investigations are helpful to the Commission as it undertakes its expanded responsibilities to enforce this country's trade laws. I am confident that if the Commission applies these principles properly in the present case, in light of both the congressional intent and the facts as presented by other witnesses today, it will find that imports from Japan and Italy have caused injury to an industry in the United States.

There is one final point I wish to make, and then I will close. The textile industries in this country have had a difficult time with imports for several years. The yarn industry is no exception to this pattern. In order to assist the industry, the U.S. Government has entered into a number of agreements with foreign countries establishing import quotas for the yarn. In the past, Japan has been one of the countries whose exports of yarn have been subject to a quota; Italy has not. There is no quota for Japan in 1980.

Even if both Japanese and Italian imports were permanently subject to quotas, the Commission's determination in this case should be unaffected. Quotas are not intended to be—and must not be permitted to become—a license to sell in this country at less than fair value. A quota provides no more protection against unfair competition than the Trade Adjustment Assistance Act I have already referred to. Quotas are established on the assumption that the imported merchandise permitted to enter this country will do so on a fair basis. It is the Commission's responsibility to ensure through the enforcement of our antidumping laws that fair competition is maintained. Only by an affirmative determination in this case can the Commission fulfill that responsibility.

Thank you for the opportunity to testify in this important proceeding.●

H.R. 6405—MEDICAL EXPENSE PROTECTION ACT OF 1980 (MEPA)

(Mr. MARTIN asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

● Mr. MARTIN. Mr. Speaker, I am pleased to share with our colleagues a detailed summary of a new catastrophic medical expense protection bill, H.R. 6405, introduced by Mr. RHODES and myself and 19 cosponsors.

SECTION-BY-SECTION ANALYSIS

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TITLE I—CATASTROPHIC AUTOMATIC PROTECTION PLAN (CAPP)

SEC. 101. Amendment to Social Security Act. Establishes the existence of the Catastrophic Automatic Protection Plan (CAPP) under a new Title XXI of the Social Security Act, consisting of three parts, divided into sixteen sections, which are further described as follows:

Part A—Establishment of catastrophic automatic protection plan (CAPP)

SEC. 2101. Establishment of Plan. Establishes a voluntary insurance plan which would provide automatic protection to families against catastrophic medical expenses in accordance with further provisions of Title XXI. The Plan is to be funded by general revenues and co-insurance payments paid by beneficiaries under the Plan.

SEC. 2102. Eligibility:

Initial Eligibility: Provides that a family will become eligible for assistance in any year for CAPP-covered services after they have incurred, out-of-pocket, covered medical expenses (called "covered deductible medical expenses") equal to a "deductible" amount. Expenses which would count toward meeting the deductible amount (which amount would be known by reference to a table, determined in accordance with Section 2103) would have to be incurred during the 14-month period ending with December of the year. Therefore, covered deductible medical expenses would include such expenses incurred during the calendar year and those incurred in the 3 months prior to the beginning of the calendar year.

Continued Eligibility: This Section further provides that once a family becomes eligible for assistance, and is still eligible on December 31 of a calendar year, the family will remain eligible for assistance as long as it continues to incur covered deductible medical expenses. In the subsequent year (or years) such a family would not have to incur expenses equal to a full new deductible, but instead would have the deductible for the second or subsequent calendar year prorated.

In particular, a family could continue to be eligible for assistance in the first calendar quarter of the subsequent calendar year after its covered deductible medical expenses paid out-of-pocket equal, in the aggregate, one-quarter of the deductible amount if those covered deductible medical expenses are incurred during such first calendar quarter or during the last three months of the prior calendar year.

Similarly, during the second calendar quarter of the subsequent calendar year the family could continue to receive benefits if their covered deductible medical expenses incurred during the first two quarters of that subsequent year or the last three months of the prior calendar year equal, in the aggregate, one-half of the deductible amount.

Again, the family's eligibility would continue for the third calendar quarter of a subsequent calendar year after the family has incurred covered deductible medical expenses during such subsequent year or the last three months of the prior calendar year equal, in the aggregate, to three-quarters of the deductible amount.

In all instances, a family's continued eligibility for assistance is contingent upon its payment of required coinsurance amounts in a timely manner.

Sec. 2103. Determination of Deductible Amount:

In General: This Section provides for determining the deductible amount for a family. In essence, a family's deductible will be $300, plus 20% of the amount by which the family's verified income exceeds $4,000. However, the Section further provides that if all members of a family are not covered by a qualified health plan and a member of the family who is a full-time employee (under 65 years of age) earns at least the minimum wage, and refuses to participate in a qualified health plan which is offered by the person's employer, then the deductible amount for the family will be increased by $1,000 or 50% of the deductible amount that otherwise would apply, whichever is greater. Alternatively, such a family may elect to have the deductible amount remain unchanged, but to not have counted, toward meeting the deductible amount, covered expenses or services to the extent those expenses or services could have been covered under the qualified health plan, had the family member elected to participate, during the period beginning with the first date the plan could have applied to the family and ending 120 days after the last date (if any) the plan could have applied.

Families with Medicare-Eligible Members: The Section further provides that in the case of a family in which a member is eligible to enroll in Part B of Medicare, but is not enrolled therein or covered by a qualified health plan, the deductible amount for that family will be increased by twice the amount of the premiums which would be payable with respect to the member's enrollment under Part B of Medicare.

Families with Full-Time Students: In addition, this Section provides that in the case of a family in which a member who is not a dependent of another person, is over 21 years of age, is a full-time student at an institution of higher education, and is not covered by a qualified health plan, the deductible amount for the family will be equal to the greater of $1,500 or 20 percent of the family's verified income for the year.

Adjustment for Inflation: This Section also provides for necessary adjustments to specific dollar amounts set forth in this Section and in Section 2106 which are necessary in years after 1980 due to inflation. Some amounts will be adjusted to reflect changes in the per capita annual health care expenditures in the United States (as determined or estimated by the Secretary) from 1978 until two years before the year in question. Other amounts will be adjusted in accordance with the percentage change in the average income per family in the United States during such period of time.

Sec. 2104. Computation of Covered Deductible Medical Expenses. This Section provides for determining the amounts of covered deductible medical expenses, and the types of services for which such expenses are incurred, which will be allowed to count toward meeting the deductible amount under CAPP.

Meaning of "Reasonable" Expenses: Only "reasonable" expenses incurred for covered medical services furnished to members of the family will be counted. The term "reasonable expenses" will have essentially the same meaning as under Title XVIII (Medicare), except that there will be a special meaning for that term with respect to services provided by prepaid health plans or in case of prescription drugs for the treatment of chronic illness. Reasonable expenses specifically do not include any amounts with respect to expenses to the extent that any insurer or other entity is obligated to pay for or does make payment for them (other than pursuant to this Title XXI). Nor does the term include any amounts with respect to expenses to the extent that an itemized bill or receipt for the provision of covered services, which certifies that the services were actually rendered, has not been presented in such form and manner as the Secretary may prescribe.

Also, the term does not include expenses which are for inpatient services (or physicians' or other services furnished in conjunction with inpatient services) in situations where an insurance or similar policy or plan provides payments relating to the provision of such inpatient services or to the individual's confinement in a medical institution, unless the individual receiving such payments has a health plan or health insurance coverage for at least 75 percent of the reasonable costs or charges or actuarial value of such services.

Meaning of "Covered Medical Service": For purposes of this Section, the term "covered medical service" is defined to mean a CAPP covered service (as defined subsequently in Section 2121(5)) which has been provided in a state by a provider which, in general, is qualified to provide the service under Medicare or Medicaid and which service has not been determined unnecessary or inappropriate by a Professional Standards Review

Organization or pursuant to such other standards as the Secretary may recognize by regulation. The Section also provides that covered deductible medical expenses will be considered to be incurred on the date on which the services, with respect to which the expenses are incurred, have been furnished.

Sec. 2105. Application for Assistance; Income Certification. This Section sets forth the manner in which families may apply for assistance under CAPP. It also sets forth rules and procedures with respect to the verification of family income.

Application Procedures: The Section provides for coordination with Medicare Part B application procedures with respect to families with a member who is eligible for Medicare. Coordination also is provided with entities which administer qualified health plans offered by employers for employees enrolled in such plans; and with other CAPP intermediaries in connection with an application for assistance by other families. CAPP is given certain rights with respect to obtaining payments from third parties which might be due and owing to families who apply for assistance.

Under emergency circumstances, and under other circumstances as the Secretary may prescribe, a CAPP participating provider or health agency or a state (or political subdivision therein) may apply for assistance from CAPP on behalf of a family to which it has furnished services or which resides in the area served by the agency or in the state or political subdivision. The Secretary will permit such assistance to be provided, with respect to CAPP services furnished by the provider and other CAPP participating providers, where sufficient deductible medical expenses have been incurred to create a reasonable presumption of eligibility of the family for such assistance. The Secretary will provide for the issuance of a card which may be used to indicate the entitlement of members of a family to assistance.

Verification of Income: The Secretary, in cooperation with other federal and state agencies, is to provide for the timely verification of the income of families for which applications for assistance have been submitted. The confidentiality of such income-related information will be protected. The Secretary of the Treasury is directed to cooperate with the Secretary with respect to verification of income statements. Financial assistance to states under the Public Health Service Act is made conditional upon cooperation by the state with the Secretary for such purposes.

Use of More Current Calendar Year for Determination of Income: It is provided that the income of the members of the family for the previous calendar year will be considered the verified income of the family for the year in which assistance is sought, except that the Secretary will allow the verified income of the more current year to be used for purposes of determining eligibility in cases where the Secretary determines that the family income in the current year is expected to be less than 80%, or more than 130%, of its income in the previous year.

Filing of Statements of Actual Income by Families Receiving Assistance: Families who receive assistance must file a statement of their actual income for a year not later than April 15 of the following year or else be subject to a civil penalty and being declared ineligible for further assistance from CAPP. Families who submit false income statements are subject to similar types of penalties. If, after assistance is provided to a family, in any year, it is determined that the family's actual income for the year in which assistance was provided is less than 80%, or more than 130%, of the verified income applicable to that year, the Secretary will recompute the amount of the family's deductible as well as its co-insurance rate and stop-loss limit* for that year so that such figures will be based upon the actual income of the family. Any overpayments to the family would have to be repaid to the Trust Fund or the family would face civil penalties and disqualification from further assistance under CAPP. (Section 2116 provides for rights to a hearing and judicial review in certain circumstances in connection with the imposition and collection of civil penalties.)

Sec. 2106. Benefits; Coinsurance:

Payments to Providers and Individuals: This Section provides that families who are entitled to assistance shall receive full payment for CAPP medical expenses incurred for CAPP covered services, except that only 75% of the expenses will be paid for prescription drugs for the treatment of chronic illness, provided in each case that the services were furnished to members of the family by CAPP participating providers (except under certain emergency medical circumstances).

Payments will be made by the CAPP intermediary directly to the CAPP participating provider upon the presentation of an itemized bill, upon which the provider has certified that the service was, in fact, furnished to a member of a family who is entitled to assistance. Under certain circumstances, payments may be made directly by the intermediary to the individual upon presentation of an itemized and receipted bill.

Coinsurance: After incurring the deductible and becoming eligible for assistance, the family generally will be required to pay to CAPP a certain percentage of any additional covered medical expenses as coinsurance until the family has incurred in the aggregate) deductible covered medical expenses equal to the amount of the CAPP "stop-loss".

CAPP "Stop-Loss" Amount: The CAPP stop-loss amount for a family whose verified income is under $4,000 is equal to $500. If the family's verified income is over $4,000, the CAPP stop-loss amount is equal to $500 plus 25% of the verified income in excess of $4,000. In the case of a family where the deductible has been increased pursuant to Sec. 2103, because the family member elected not to participate in a qualified health plan offered by the family member's employer, the CAPP stop-loss amount will be increased by $1,250 (as adjusted pursuant to Sec. 2103) or 50% of the CAP stop-loss which would otherwise be applicable, whichever is greater.

Where the family member refuses to enroll in Part B of Medicare, although eligible to do so (and is not covered under a qualified health plan), the CAPP stop-loss amount will be increased by twice the amount of the premiums which would be payable with respect to the member's enrollment under Part B. And, in the case of a family where a member who was not a dependent of another person, is over 21 years of age, is a fulltime student at an institution of higher education, and is not covered by a qualified plan, the CAPP stop-loss amount is equal to $2,000 (as adjusted) or 25% of the family's verified income, whichever is greater.

Coinsurance Rate and Amount: The amount which the family must pay the Trust Fund as coinsurance is equal to a percentage (known as the coinsurance rate) of the expenses incurred for CAPP covered services. If the family's verified income is less than $4,000 for a year, the coinsurance rate is 10%; if the family's verified income is over $4,000 but not over $10,000, the coinsurance rate is equal to 15%; and if the verified income is over $10,000 for a year, the coinsurance rate is equal to 20%. The coinsurance rate is 20% for families where a full-time employee does not elect to participate in a qualified health plan which is offered, or where the family has a member who is a full-time student that meets the conditions set forth above with respect to an increased deductible or stop-loss limit.

Billing and Payment of Coinsurance; Sanctions for Failure to Pay Coinsurance: This Section specifies that the Secretary will provide for billing of families for coinsurance due under this Section. If payment is not made within a specified period of time, the family will be in default. A family will be entitled to a hearing before any assistance under CAPP is denied because of its failure to make the required coinsurance payments. An opportunity for a hearing and judicial review of the determination made at the hearing will be provided in accordance with the provisions of Section 2116. If a family willfully fails to make the required coinsurance payments, the family will be subject (in addition to the amount of the payments owed and in accordance with the provisions of Section 2116) to a civil penalty, in an amount not to exceed 50 percent of the amount of the coinsurance plus accrued interest at the prevailing rate. Any civil penalties collected pursuant to this section or Section 2105 will be deposited into the CAPP Trust Fund.

Sec. 2107. Application to Medicare-eligible Individuals. This section pertains to individuals who are eligible for Medicare. It provides that if an individual is entitled to have payment made under Title XVIII (Medicare) with respect to a part of a CAPP covered expense incurred with respect to a CAPP covered service, and is also entitled to have CAPP pay for the remainder of such expense, then payment for the entire amount of the expense will be paid under Title XVIII to the person or entity furnishing the service. The Secretary will provide for appropriate reimbursement of the Part A or Part B Trust Fund, as the case may be, from the CAPP Trust Fund for the amount of such payment attributable to the individual's entitlement under CAPP. Any coinsurance amounts which may be required to be paid to CAPP will be computed on the basis of the total expense which is paid for by CAPP (that is, the coinsurance rates will be applied to the dollar amount paid by CAPP, and not the amount paid by the Medicare Trust Fund).

Part B—Payment of providers and administration

Sec. 2111. Payment of Providers:

In General: This section specifies how payment will be made to providers of services under CAPP, and how such payments will be administered. Providers will be paid essentially as they are under Part A or Part B of Medicare, depending on whether the service paid for by CAPP is described under Part A or Part B of Medicare. Appropriate changes from the reimbursement amounts payable under Title XVIII are set forth, such as to provide for 100 percent of payment for services described under Part B of Medicare instead of 80 percent, and the elimination of the Part B deductible with respect to expenses incurred for CAPP covered services.

Other Changes Regarding Payments to Physicians: This section further provides, regarding payments made with respect to CAPP covered services provided by physicians who participate in CAPP, that the provisions in the Medicare law that apply what is known and referred to as the "economic fee index" will not be applicable.

Also, the section provides that determinations of such physicians' customary charges (in determining the prevailing charges under Medicare reimbursement principles) will be made on the basis of more recent data than under present law. Specifically, the period for the determination of the prevailing charge level will be the last preceding six-month period (ending June 30 or Decem-

*This term refers to the amount beyond which families will not be required to pay coinsurance, and is defined in Section 2106.

ber 31) which ended more than three months before the date the request for payment is made.

Payments for Prescription Drugs: Payments with respect to CAPP covered services for prescription drugs that are furnished in connection with treatment of chronic illness will be made in a amount equal to the lesser of (1) the amount charged or (2) the amount that would be recognized as the reasonable charge under Medicare for such drug.

Sec. 2112. Use of Entities for Administration of Benefits. The Secretary is authorized to use carriers and intermediaries, as under Medicare, for purposes of administering the benefits under CAPP. Conformity to the principles of Medicare with respect to such agreements, and in selection of the entities to be used, will be maximized.

Sec. 2113. Catastrophic Automatic Protection Plan Trust Fund. This section creates the Catastrophic Automatic Protection Plan Trust Fund. The composition of the Board of Trustees is specified, and their duties and powers are described. The CAPP Trust Fund is similar in structure and in other ways to the trust fund established under Part A and Part B of Medicare.

Sec. 2114. Prescription Drug List. This section provides for the establishment by the Secretary of an alphabetical list of certain drug entities within therapeutic categories which are enumerated in the Section. Supplemental lists (arranged by diagnostic, prophylactic, therapeutic, or other classifications) of the drug entities could be included by the Secretary in the list, as could the proprietary names under which products of a drug entity on the list are sold and the names of each supplier of such drug entities.

Sec. 2115. Application of Miscellaneous Medicare and Related Provisions. Section 2115 incorporates several provisions of the Medicare law by reference. Among the provisions of Medicare which are incorporated are those relating to regulation, penalties, administration, the Provider Reimbursement Review Board, waiver of liability of the beneficiary where Medicare claims are disallowed, the limitation on federal participation for capital expenditures contained in Section 1122 of the Social Security Act, the provisions relating to disclosure of ownership and related information contained in Section 1124 of the Social Security Act, the provisions relating to disclosure of certain convictions contained in Section 1126 of the Social Security Act, and the provisions of Part B of Title XI of the Social Security Act relating to professional standards review.

SEC. 2116. Determinations and Appeals; Imposition and Collection of Civil Penalties:

Determinations and Appeals: Subsection (a) of Section 2116 provides that any individual who is dissatisfied with any determination as to the individual's eligibility or ineligibility for benefits under CAPP, or a denial as assistance for failure to pay coinsurance amounts to CAPP, or a determination of the amount of benefits with respect to CAPP covered services which are described in Part A of Medicare, shall be entitled to a hearing by the Secretary and to judicial review of the Secretary's final decision in accordance with certain provisions of Title II of the Social Security Act. It is further specified that such a hearing will not be available unless the amount of controversy is at least $100, and judicial review will not be available unless the amount in controversy is at least $1,000. In addition, providers of services are afforded protections with respect to a hearing and judicial review in accordance with the provisions of Section 1869(c) of Title XVIII (Medicare).

Civil Penalties: Subsection (b) of this Section provides that any civil penalty assessed by the Secretary under CAPP shall be assessed pursuant to an order. Prior to issuing the order, the Secretary would have to give written notice to the individual of the proposal to issue such an order and provide the individual an opportunity to request, within fifteen days after receiving notice from the Secretary, a hearing on the order. At the option of the individual, such a hearing would be on the record in accordance with provisions of the Administrative Procedure Act (5 U.S.C. Sec. 554).

The Secretary is given the right to compromise, modify, or remit, with or without conditions, any civil penalty which may be imposed under CAPP. The amount of such a penalty, when finally determined, or the amount which is agreed upon in a compromise, may be deducted from any sums which are owed to the individual by the United States.

Subsection (b) of this Section further provides that an individual who is aggrieved by an order assessing a civil penalty, and who has requested a hearing as described above, may file a petition for judicial review of the order within 60 days after the order was issued. If no such petition for judicial review is filed (or a final judgment in favor of the Secretary is rendered by the Board pursuant to a petition for judiical review), and an individual fails to pay an assessment of a civil penalty, the Attorney General is instructed to recover the amount assessed (plus interest) in federal court. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review. Any civil penalty collected under CAPP will be deposited into the CAPP trust fund.

Sec. 2121. Definitions. This section provides definitions for purposes of establishment of CAPP. Among the terms defined are the following: family, member of a family, income, qualified health plan, CAPP covered service, prescription drugs for treatment of chronic illness, participating pharmacy, CAPP participating provider, and CAPP intermediary. CAPP covered services, generally, are those provided under Medicare, without regard to premiums, coinsurance amounts copayments, and deductibles (but taking into account any dollar visit or day limitations). However, it is provided that in lieu of the 190-day lifetime limitation provided under Section 1812(b)(3) on the furnishing of inpatient psychiatric hospital services, there is a limitation of 45 days for such services in any calendar year for each individual. Also, the term CAPP covered services is defined to include pre-natal, delivery, and well-baby care for children under the age of one year, immunizations, and the furnishing of prescription drugs for the treatment of chronic illnesses as defined in this bill for individuals who are entitled to hospital insurance benefits under Part A of Medicare.

Sec. 102. Study of Catastrophic Automatic Protection Plan. This Section provides that the Secretary of Health and Human Services will conduct an evaluation of the implementation of CAPP during its first five years. The evaluation shall include an examination of the advantages, disadvantages, costs, and savings effected by enactment of CAPP and such legislative recommendations as may be appropriate. An annual interim report (beginning in 1981) is provided for, with the final report due on March 1, 1986.

Sec. 103. Effective Date. This Section establishes the effective date for CAPP. It provides that CAPP shall take effect in and after the first calendar year which begins more than six months after the date of the enactment of this Act.

TITLE II—EMPLOYER HEALTH PLANS

Sec. 201. Amendments to Internal Revenue Code of 1954. This Section provides tax and other financial incentives for employers and employees to purchase health plans that are "qualified"—that is, those plans that meet certain minimum criteria designed to provide catastrophic protection to beneficiaries, continuity of coverage for beneficiaries, and competition among alternatives qualified health plans.

Conditions for Excludability of Contributions by Employers from Income of Employees (I.R.C. Sec. 106): Section 106 of the Internal Revenue Code is amended in a number of ways by Subsection (b) of this Section. In general, contributions by employers will not be excludable from the gross income of employees unless a contribution is to a qualified health plan, and certain conditions are met.

Certain Conditions For Being a Qualified Health Plan: To be a qualified health plan, the employer would have to offer to make available at least one qualified health plan to each full-time employee. The employer would have to contribute an amount equal to at least 50% of the premium for the least expensive qualified health plan for each employee who elects to participate in such a plan, and to provide for employee contributions to a qualified health plan through a payroll withholding system. The amount of the employer's contribution would have to be fixed with respect to any particular employee, but could vary among employees to reflect collective bargaining agreements and other reasonable business considerations which would include geographical considerations, age, coverage of the employee by another qualified health plan, and categories of coverage such as self-only or family coverage (but that would not include variations among employees primarily on a basis related to the employee's income).

Rebates: If an employer offers more than one qualified health plan to an employee, and the employer contribution for a category of one such plan is greater than the total premium for the same category of another such plan with respect to an employee, and the employee selects the less expensive (or "low option") plan, then the employer must pay the employee, on a monthly basis, a rebate. The rebate also would have to be paid to the employee who elects not to participate in any of the plans offered by the employer, provided that the employee and his family are covered by a qualified health plan.

The rebate would have to be equal to at least 75% of the amount by which the largest employer contribution that the employer would make for a plan exceeds the premium for the plan of the same category that actually is selected by the employee (or, in the case where no plan is selected, the premium of the least expensive category of such plan offered to the employee). Any such rebate will be deductible by the employer and will not be treated as wages for purposes of FICA and FUTA. The rebate will be treated as wages (and therefore taxable) to the employee for purposes of income and withholding taxes (except for up to $8.33 per month if the employer's contribution does not exceed the limitation on the amount of excludable employer contributions as determined in this Section).

Limitation on Amount of Excludable Employer Contribution: The amount of an employer contribution which is excludable will be limited initially to $120 per month in the case of a family category of qualified health plan, and a reduced amount for other categories as shall be determined by the Secretary of Health and Human Services based upon actuarial considerations of the relative costs of providing medical care under the different categories of qualified health plans. (Note: Subsection (d) of this Section provides that the limit would not apply to contributions made pursuant to collective bargaining agreements entered into prior to January 1, 1980 until the expiration of such agreement or January 1, 1983, whichever is earlier.) For years after 1980, the dollar amounts will be increased by the increase in the medical component of the Consumer

Price Index between July 1979 and July of the previous year.

Annual Open Enrollment: In order to be a qualified health plan, the plan would have to be offered at the time of initial employment, and at least annually while employment continues during an open enrollment period of not less than 15 days (during which period of time an employee could enroll or terminate enrollment in a qualified plan, and to change participation in a qualified health plan or among such plans).

Definition of Qualified Health Plan:

Provision of Catastrophic Benefits: A qualified health plan would have to provide for the provision of, or reimbursement or payment for, CAPP-covered services, without the imposition of any coinsurance after the covered individual or family has incurred out-of-pocket expenses (including expenses for which assistance is provided to the employee by CAPP in a calendar year) in an amount equal to $2,500. That dollar amount will be increased in a calendar year after 1980 by the same percentage as the percentage increase in the per capita expenses for medical care between 1978 and the second previous year.

Administration of CAPP Benefits for Covered Individuals; Disclosure of Benefits: The plan would have to be offered or administered by an entity that has entered into a CAPP coordination agreement with the Secretary of Health and Human Services, whereby the entity agrees to act as an agent for CAPP in providing assistance to employees who have enrolled in qualified health plans and have incurred expenses for CAPP-covered services in an amount which would entitle them to payment from CAPP. The plan also would have to provide conspicuous notice to all potential enrollees that any amounts paid as benefits under the plan will not count as out-of-pocket expenses toward meeting the CAPP deductible.

Extended Coverage and Right of Conversion: The plan would have to provide that, subject to certain conditions, the plan will not terminate with respect to a covered individual because of the death, retirement, or termination (other than for good cause) of the employment of the employee for at least 60 days after the date of such death, retirement, or termination unless such individuals are covered by another qualified health plan. Also, the plan cannot terminate because of divorce or separation of the individual from the employee for at least 30 days after the date of the divorce or separation. Furthermore, the plan would have to offer covered individuals whose coverage would otherwise terminate (because of the termination of employment or of the group plan) the option to purchase a qualified health plan within 60 days after the employment or plan terminates. The plan would have to provide for no waiting period before services are covered and no exclusions of covered services to reflect pre-existing conditions. A family category plan would also have to provide for the automatic enrollment of newly born or adopted children and dependent children under the age of 22.

Agreements with States for Certifying Qualified Health Plans: The Secretary may enter into an agreement with the state under which the state department that approves health insurance policies would certify whether or not a health plan is a qualified health plan, if such certification process meets standards established by Secretary and if such process provides for review by the Secretary of any determination by the state department.

CAPP Coordination Agreements: This Section also spells out details concerning the CAPP coordination agreement. It provides that the Secretary will certify, to the entity that offers or administers the plan, the individual's entitlement to assistance from CAPP and the family's applicable CAPP deductible amount, coinsurance rate, and stoploss limit. The entity would have to agree not to disclose such information without the consent of the individual or his legal representative.

The Secretary will reimburse the entity, unless the entity makes payments improperly, for the reasonable expenses associated with the provision of CAPP assistance to individuals enrolled in the plan pursuant to the CAPP coordination agreement. The entity will make payment to the individual whose family is certified as eligible for CAPP deductible amount and not otherwise reimbursable under the plan, upon the presentation of itemized bills from CAPP participating providers.

Payments will be made by the entity in the same manner as the entity otherwise would indemnify or pay for covered services under the plan, for 100% of the lesser of the bill or whatever amount the plan has negotiated for payment of the provider. The entity will subrogate to the Secretary any claims for payments, for assistance provided under the agreement, for which other plans or insurers may be liable.

The Secretary is responsible for providing for the billing and collection of any co-insurance required to be paid to CAPP. If the Secretary notifies the entity that a covered individual or family, with respect to which the entity is providing CAPP assistance under the agreement, has defaulted or otherwise is ineligible for assistance, the Secretary may terminate any reimbursement of the plan for its provisions of assistance under the agreement to the individual or family until such time as the Secretary may notify the entity of the individual's or family's re-eligibility.

The entity will notify the individuals of the coverage which is available pursuant to the coordination agreement and of the names and addresses of providers from whom services covered under the agreement can be obtained.

Definitions: The Section defines several important terms which are used therein. These terms include: full-time employee; premium; employer contribution; employee contribution; child; family; employer; and category of qualified health plan.

Deductibility of Contributions by Employers to Health Plans (I.R.C. Sec. 280(D): Subsection (c) of this Section amends the Internal Revenue Code by adding a new Section 280(D), to provide that no deduction shall be allowed to an employer for contributions to a health plan for compensation (through insurance or otherwise) to his employees for personal sickness, unless the employer offers his employees a qualified health plan and such plan is offered in accordance with the conditions specified in Section 106 of the Code.

Itemized Deductions for Certain Medical Expenses (I.R.C. Sec. 213): Subsection (d) of this Section changes Section 213 of the Internal Revenue Code relating to an itemized deduction presently allowed for medical, dental and other expenses. Such an itemized deduction will be allowed only for medical care provided to the taxpayer, his spouse, and dependents who are blind or disabled or have End Stage Renal Disease; or medical care provided to the taxpayer, his spouse, and dependents while a resident of a long-term care facility or of an institution for the care, rehabilitation, or training of the physically or mentally handicapped. The deduction will only be allowed to the extent that such expenses exceed 3 percent of adjusted gross income. In addition, the itemized deduction will be allowed for an amount equal to ½ of the expenses paid during the taxable year for a premium for a qualified health plan or a qualified individual health plan (but not an amount in excess of $250).

Qualified Individual Health Plans: Subsection (d) of this Section also defines the term "qualified individual health plan." Such a plan is one which will provide (directly or through insurance, reimbursement, or otherwise) medical care for individuals and families that the Secretary certifies meet certain requirements which are also set forth with respect to employer health plans.

In particular, the qualified individual health plan would have to provide catastrophic benefits, be offered by an entity which has entered into a CAPP coordination agreement with the Secretary, and provide conspicuous notice to individuals that amounts paid as benefits under the plan will not count as out-of-pocket expenses toward meeting the CAPP deductible amount. Also, the plan could not provide for waiting periods before services are covered or exclude pre-existing conditions. The plan, if a family plan, would have to provide for automatic enrollment of newly born or adopted children and dependent children under the age of 22.

In addition, a qualified individual health plan would not be allowed to terminate with respect to a covered individual because of the death of another individual covered by the plan for at least 60 days after the date of such death, at least to the extent that another qualified health plan does not provide protection to the covered individual. Also, the plan would not be allowed to terminate with respect to any covered individual because of a divorce or separation of the individual from another person for at least 30 days after the date of the divorce or separation.

Finally, it is provided that the Secretary of Health and Human Services may enter into an agreement with a state under which the state department which approves health insurance policies would certify whether or not the health plan is a qualified individual health plan. The certification process of the state would have to meet such standards as the Secretary may establish and would have to provide for review by the Secretary of any determination by the state department.

Sec. 202. Effective Date:

In General: Subsection (a) of this Section provides that the amendments made by the relevant provisions of Section 201 shall apply to taxable years which begin more than six months after the date of enactment of this Act. However, as noted above, in the case of a collective bargaining agreement entered into before January 1, 1980, the provisions which limit the amount of contributions by an employer that may be excluded from income will not apply until the earlier of the expiration of such agreements or January 1, 1983.

TITLE III—AMENDMENTS TO MEDICARE PROGRAM

Sec. 301. Expansion of Benefits. Section 301 makes certain changes to Title XVIII of the Social Security Act (Medicare). It provides for the elimination of limitations of allowable days that presently exist with respect to hospital care. The present coinsurance amounts for the 61st and succeeding days of an inpatient hospital stay will be eliminated.

Individuals entitled to benefits under Part A of Medicare are made eligible with respect to CAPP covered services. The Section further provides for Medicare beneficiaries to receive immunizations under Part B which are reasonable and necessary for the maintenance of health without regard to the Part B deductible.

Sec. 302. Changes in Reimbursement:

Election of CAPP Participating Physicians to Take Assignments: This Section provides that physicians who have agreed to be CAPP participating providers may elect also to take assignment of all of their Medicare patients' claims and then be reimbursed as they would be reimbursed under CAPP. In particular, such physicians would agree to accept the charge allowed by CAPP as their full charge

for the service they provide. In return, for those physicians, the schedules used for determining the prevailing charges in computing the allowable charges for CAPP (and Medicare) payments would be updated more frequently and be based on more recent data than under present law; and, the "economic fee index" (that under present law restrains the rate of increase of payments that otherwise would be made) would be removed with respect to those services. The reimbursement mechanism is described in greater detail in the description of Section 2111 above.

Physicians In Shortage Areas: The Medicare law (Section 1842) also is changed to provide that physicians in localities designated by the Secretary as physician shortage areas may, under certain specified conditions, establish their customary charges under Medicare (and thus under CAPP) at the 75th percentile of prevailing charges, rather than the 50th percentile, as under current law. In addition, physicians presently practicing in such shortage areas would be allowed to move up to the 75th percentile on the basis of their actual fee levels.

Sec. 303. Coordination of Medicare and CAPP. This Section provides, in essence, that intermediaries and carriers under Medicare will act as such for CAPP with respect to Medicare beneficiaries who may also be eligible for assistance under CAPP.

Sec. 304. Effective Date of CAPP Option. This Section provides that amendments relating to changes in Medicare shall apply to items and services furnished in or after the first calendar year which begins more than six months after the date of enactment of this Act. However, the provisions which relate to reimbursing CAPP participating physicians, who elect to be reimbursed under Medicare in the same manner that they are reimbursed under CAPP, shall apply to services furnished in or after the sixth month after benefits first become available under CAPP, (thereby providing some "lead time" in which experience may be obtained under CAPP prior to expanding the new reimbursement methods to services provided to Medicare beneficaries).

TITLE IV—STUDIES AND MISCELLANEOUS PROVISIONS

Sec. 401. Long-Term Care Study and Other Studies:

Long-Term Care: This Section directs the Secretary of Health and Human Services, through the Office of the Secretary, to provide for studies of, and demonstration projects with respect to, the desirability and feasibility of adding a long-term care program into Title XVIII or XXI of the Social Security Act over time. The provision further describes what these studies and projects shall do, and directs the Secretary to report to the Congress periodically on the results of the studies and projects, with a final report to be made not later than January 1, 1988. $15 million per fiscal year, for five successive fiscal years, are authorized to be appropriated for carrying out such studies and projects.

Consolidation with Medicaid: The Section also provides for the Secretary to conduct a study of the feasibility of, and options with respect to, consolidating the Medicaid program into the new CAPP program. The study is to focus on the role of states in the resulting consolidated program. The Secretary is to report to the Congress, not later than two years after the date of enactment of this Act, on such study and include in the report such recommendations for changes in legislation as may be appropriate.

Increased Competition: The Secretary is also directed to study and explore new methods for increasing competition in health care delivery through providing Medicaid recipients and Medicare beneficiaries with greater "consumer choice" in obtaining health care services which they are entitled to. In particular, it is anticipated that the Secretary will explore various options for enabling such recipients and beneficiaries to receive the actuarial value of benefits to which they are entitled, through enrollment in qualified health plans including new types of alternative delivery systems such as Health Maintenance Organizations.

Sec. 402. Maintenance of Effort. This section provides that a state may not change its laws or regulations after November 1, 1979, in a manner which reduces the amount or extent of eligibility categories or benefits provided by the state either (a) under Title V, XIX, or XX of the Social Security Act, or (b) under any program providing benefits that are substantially similar to those covered under CAPP, if such a change would result in an increase in the amount of payments that the federal government would have to make under CAPP. If a state makes such a change in its laws or regulations in violation of this Section, the Secretary will reduce the amount of payments under Title XIX (Medicaid) to the state; or, in the case of a state which does not participate in Medicaid, the Secretary will reduce any grants under the Public Health Service Act to the same extent that the change made by the state reduces the amount or extent of such benefits. However, the Secretary is authorized to waive such reduction pursuant to regulations, under circumstances and conditions the Secretary may deem appropriate.

Sec. 403. Unfair Trade Practice. This Section provides that it will be considered an unfair trade practice under Section V of the Federal Trade Commission Act (15 U.S.C. 45) for any entity to advertise that any amounts paid to individuals may nevertheless be counted by such individual or family toward meeting the CAPP deductible.●

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. RODINO (at the request of Mr. WRIGHT), for today, on account of illness in the family.

Mr. YATES (at the request of Mr. STEWART), for yesterday and today, on account of illness.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

Mr. GONZALEZ, for 15 minutes, today.

Mr. GONZALEZ, for 15 minutes, Thursday, February 7, 1980.

(The following Members (at the request of Mr. PORTER) to revise and extend their remarks and include extraneous material:)

Mr. VANDER JAGT, for 1 hour, on February 11.

Mr. GINGRICH, for 1 hour, on February 11.

Mr. TAUKE, for 5 minutes, today.

Mr. HAMMERSCHMIDT, for 5 minutes, today.

Mr. MARTIN, for 10 minutes, today.

Mr. MCDADE, for 5 minutes, today.

Mr. LATTA, for 30 minutes, today.

(The following Members (at the request of Mr. GONZALEZ) to revise and extend their remarks and include extraneous material:)

Mr. ADDABBO, for 15 minutes, today

Mr. BINGHAM, for 5 minutes, today.

Mr. STEWART, for 30 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. VANIK, for 5 minutes, today.

Mr. ALEXANDER, for 5 minutes, today.

Mr. BEDELL, for 5 minutes, today.

Mr. BROWN of California, for 5 minutes, today.

Mr. LUNDINE, for 60 minutes, on February 7.

EXTENSION OF REMARKS

By unanimous consent, permisson to revise and extend remarks was granted to:

Mr. MARTIN, to extend his remarks in the body of the RECORD, notwithstanding the fact that it exceeds two pages of the CONGRESSIONAL RECORD and is estimated by the Public Printer to cost $2,366.

Mr. EDGAR, and to include extraneous material, following his remarks on the Ertel amendment to H.R. 4788 in the Committee of the Whole today.

Mr. FITHIAN, and to include extraneous material, immediately following his remarks on the Ertel amendment to H.R. 4788 in the Committee of the Whole today.

Mr. BOLAND, during consideration of title IV, section 421, of H.R. 4788, in the Committee of the Whole today.

(The following Members (at the request of Mr. PORTER) and to include extraneous matter:)

Mr. GREEN.

Mr. MCCLOSKEY.

Mr. SCHULZE.

Mr. TAUKE in four instances.

Mr. EVANS of Delaware in two instances.

Mr. JOHNSON of Colorado.

Mr. ROUSSELOT in two instances.

Mr. MCCLORY.

Mr. WALKER.

Mr. PORTER.

Mr. HILLIS in three instances.

Mr. DANNEMEYER.

Mr. RUDD.

Mr. MICHEL in three instances.

Mr. MARTIN.

Mr. DERWINSKI in two instances.

Mr. CORCORAN.

Mr. REGULA.

Mr. CAMPBELL in two instances.

Mr. LAGOMARSINO in two instances.

Mr. FINDLEY.

Mr. GILMAN.

Mr. KELLY.

Mr. HOLLENBECK.

Mr. ASHBROOK in two instances.

Mr. MITCHELL of New York.

(The following Members (at the request of Mr. GONZALEZ) and to include extraneous matter:)

Mr. JENRETTE.

Mr. MURTHA.

Mr. FORD of Michigan.

Mr. FOLEY.

Mr. STARK in three instances.

Mr. WOLFF in two instances.

Mr. LONG of Maryland.

Mr. BOWEN.

Mr. MURPHY of New York.

Mr. HARRIS.

Mr. ZABLOCKI.

Mr. UDALL in two instances.

Mr. CARR.

Mr. EDGAR in four instances.

Mr. HUBBARD.

Mr. ALEXANDER.
Mr. JOHNSON of California.
Mr. HOWARD.
Mr. YATRON.
Mr. DRINAN.
Mr. BINGHAM.
Mr. CONYERS.
Mr. MCDONALD in three instances.
Mr. BEDELL.
Mrs. SCHROEDER in two instances.
Mr. ATKINSON.
Mr. FAUNTROY.
Mr. PEYSER.
Mr. BRODHEAD.
Mr. HALL of Ohio.
Mrs. COLLINS of Illinois.

SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 1300. An act to amend the Federal Aviation of 1958 in order to promote competition in international air transportation, provide greater opportunities for U.S. air carriers, establish goals for developing U.S. international aviation negotiating policy, and for other purposes.

BILL PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported that that committee did on February 1, 1980, present to the President, for his approval, a bill of the House of the following title:

H.R. 4320. To consent to the amended Bear River Compact between the States of Utah, Idaho, and Wyoming.

ADJOURNMENT

Mr. STEWART. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 42 minutes p.m.), under its previous order, the House adjourned until Wednesday, February 6, at 3 o'clock p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3396. A letter from the Assistant Secretary of Defense (Manpower, Reserve Affairs and Logistics), transmitting a report on the performance of Defense Department commercial and industrial-type functions, pursuant to sections 806(b) of Public Law 96–107; to the Committee on Armed Services.

3397. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the Air Force's proposed sale of certain military equipment to Saudi Arabia (Transmittal No. 80–32), pursuant to section 813 of Public Law 94–106, as amended; to the Committee on Armed Services.

3398. A letter from the Acting Director, Defense Security Assistance Agency, transmitting a report on the impact of U.S. readiness of the American Institute in Taiwans' proposed sale of certain military equipment on behalf of the Army to the Coordination Council for North American Affairs (Transmittal No. 80–38), pursuant to section 813 of Public Law 94–106, as amended; to the Committee on Armed Services.

3339. A letter from the Director, Defense Security Assistance Agency, transmitting a report on the impact on U.S. readiness of the American Institute in Taiwan's proposed sale of certain military equipment on behalf of the Army to the Coordination Council for North American Affairs (Transmittal No. 80–39), pursuant to section 813 of Public Law 94–106, as amended; to the Committee on Armed Services.

3400. A letter from the Attorney General, transmitting the annual report for calendar year 1979 on the administration of the Equal Credit Opportunity Act, pursuant to section 707 of Public Law 90–321, as amended (90 Stat. 255); to the Committee on Banking, Finance and Urban Affairs.

3401. A letter from the Secretary of Agriculture, transmitting a preliminary report on the study of the school nutrition programs administered under the National School Lunch Act and the Child Nutrition Act of 1966, requested by Senate Resolution 90, 96th Congress; to the Committee on Education and Labor.

3402. A letter from the Acting Administrator, Agency for International Development, Department of State, transmitting the annual report of the Agency's Auditor General for fiscal year 1979, pursuant to section 624 of the Foreign Assistance Act of 1961, as amended; to the Committee on Foreign Affairs.

3403. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the Air Force's intention to offer to sell certain defense equipment to Saudi Arabia (Transmittal No. 80–32), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3404. A letter from the Acting Director, Defense Security Assistance Agency, transmitting notice of the American Institute in Taiwan's intention to offer to sell certain defense equipment on behalf of the Army to the Coordination Council for North American Affairs (Transmittal No. 80–38), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3405. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the American Institute in Taiwan's intention to offer to sell certain defense equipment on behalf of the Army to the Coordination Council for North American Affairs (Transmittal No. 80–39), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on Foreign Affairs.

3406. A letter from the Secretary of Commerce, transmitting the report on the review of export control country policy for the fourth quarter of 1977 and the first quarter of 1978, pursuant to section 4(b)(2)(A) of the Export Administration Act of 1969, as amended (91 Stat. 235); to the Committee on Foreign Affairs.

3407. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report that NASA provided no services to State or local governments under the Intergovernmental Cooperation Act of 1968 during calendar year 1979, pursuant to section 304 of the act (Public Law 90–577); to the Committee on Government Operations.

3408. A letter from the Secretary of the Interior, transmitting a report on the Teton Dam claims program for the calendar year 1979, pursuant to section 8 of Public Law 94–400; to the Committee on Interior and Insular Affairs.

3409. A letter from the Secretary of the Interior, transmitting the annual report for fiscal year 1979 on the Government's helium program, pursuant to section 16 of Public Law 86–777; to the Committee on Interior and Insular Affairs.

3410. A letter from the Secretary of Health, Education, and Welfare, transmitting the report of the National Cancer Advisory Board on the National Cancer program, covering fiscal year 1979, pursuant to section 407(a)(7) of the Public Health Service Act, as amended; to the Committee on Interstate and Foreign Commerce.

3411. A letter from the Secretary of Health, Education, and Welfare, transmitting the seventh annual report of the National Heart, Lung, and Blood Advisory Council, pursuant to section 418(b)(2) of the Public Health Service Act, as amended; to the Committee on Interstate and Foreign Commerce.

3412. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in the cases of certain aliens found admissible to the United States, pursuant to section 212(a)(28)(I)(ii) of the Immigration and Nationality Act; to the Committee on the Judiciary.

3413. A letter from the Acting Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting copies of orders entered in cases in which the authority contained in section 212(d)(3) of the Immigration and Nationality Act was exercised in behalf of certain aliens, pursuant to section 212(d)(6) of the act; to the Committee on the Judiciary.

3414. A letter from the Chairman, Migratory Bird Conservation Commission, transmitting the Commission's annual report for fiscal year 1979, pursuant to section 3 of the act of February 18, 1929 (16 U.S.C. 715b); to the Committee on Merchant Marine and Fisheries.

3415. A letter from the Administrator, Panama Canal Commission, transmitting a report, including financial statements, on the operations of the Panama Canal during fiscal year 1979, pursuant to section 1312 of the Panama Canal Act of 1979 (Public Law 96–70); to the Committee on Merchant Marine and Fisheries.

3416. A letter from the Director, Office of Personnel Management, transmitting a report on the activities of the Office and of Executive agencies with regard to the minority recruitment program, pursuant to 5 U.S.C. 7201(e); to the Committee on Post Office and Civil Service.

3417. A letter from the Under Secretary of State for Management, transmitting a draft of proposed legislation to amend Public Law 90–553, to authorize the transfer, conveyance, lease and improvement of, and construction on, certain property in the District of Columbia, for use as a headquarters site for an international organization, as sites for governments of foreign countries, and for other purposes; to the Committee on Public Works and Transportation.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. FROST: Committee on Rules. H. Res. 558, a resolution providing for the consideration of H.R. 2609. A bill to increase the appropriations ceiling for title I of the Colorado River Basin Salinity Control Act (Act of June 24, 1974; 88 Stat. 266), and for other purposes (Rept. No. 96–745). Referred to the House Calendar.

Mr. FROST: Committee on Rules. H. Res. 559, a resolution providing for the consideration of H.R. 3275. A bill to amend the Small Reclamation Projects Act of 1956, as amended (Rept. No. 96–746). Referred to the House Calendar.

Mr. MOAKLEY: Committee on Rules. H. Res. 560, a resolution providing for the consideration of H.R. 3995. A bill to authorize appropriations for the Noise Control Act of 1972 for the fiscal years 1980 and 1981 (Rept. No. 96–747). Referred to the House Calendar.

Mr. BEILENSON: Committee on Rules. H. Res. 561, a resolution providing for the consideration of H.R. 2551. A bill to establish internal Federal policy concerning protection of certain agricultural land; to establish a Study Committee on the Protection of Agricultural Land; to establish a demonstration program relating to methods of protecting certain agricultural land from being used for nonagricultural purposes; and for other purposes. (Rept. No. 96–748). Referred to the House Calendar.

Mr. LONG of Louisiana: Committee on Rules. H. Res. 562, a resolution providing for the consideration of H.R. 4119. A bill to improve and expand the Federal crop insurance program, and for other purposes. (Rept. No. 96–749). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. WHITE (for himself, Mr. PRICE, Mrs. HOLT, Mr. RODINO, and Mr. KASTENMEIER):

H.R. 6406. A bill to amend chapter 47 of title 10, United States Code (the Uniform Code of Military Justice), to revise the laws governing the U.S. Court of Military Appeals, to provide for review of decisions of such court by the Supreme Court, and for other purposes; to the Committee on Armed Services.

By Mr. BINGHAM (for himself, Mr. LEE, and Mr. PHILLIP BURTON):

H.R. 6407. A bill to provide for the establishment of the Women's Rights National Historical Park in the State of New York and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. BRINKLEY:

H.R. 6408. A bill to amend title 38, United States Code, to establish a program for making direct loans to veterans for solar energy systems and certain other energy conservation improvements; to the Committee on Veterans' Affairs.

By Mr. BRODHEAD:

H.R. 6409. A bill to amend title 10, United States Code, to provide that a member of the Fleet Reserve or Fleet Marine Corps Reserve who is eligible for both retired pay based on nonregular service as a Reserve and retainer pay based on regular service shall be entitled to whichever pay is more favorable to such member; to the Committee on Armed Services.

By Mr. BROOKS (for himself and Mr. HORTON, Mr. PREYER, and Mr. STEED):

H.R. 6410. A bill to reduce paperwork and enhance the economy and efficiency of the Government and the private sector by improving Federal information policymaking, and for other purposes; to the Committee on Government Operations.

By Mrs. BYRON:

H.R. 6411. A bill to amend title 18, United States Code, to provide increased penalties for using a firearm to commit a felony or carrying a firearm unlawfully during the commission of a felony, and for other purposes; to the Committee on the Judiciary.

By Mr. FUQUA (by request):

H.R. 6412. A bill to authorize a supplemental appropriation to the National Aeronautics and Space Administration for Research and Development; to the Committee on Science and Technology.

H.R. 6413. A bill 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.

By Mr. HAMMERSCHMIDT:

H.R. 6414. A bill to amend the Older Americans Act of 1965 to provide that area agencies on aging shall have authority to award funds to the providers of home delivered meals for older persons without requiring that such providers also furnish meals to older persons in a congregate setting, and for other purposes; to the Committee on Education and Labor.

By Mr. HEFNER:

H.R. 6415. A bill to amend title 38, United States Code, to revise the eligibility for various veterans' employment and training programs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. HOWARD:

H.R. 6416. A bill to amend the mortgage amount, sales price, and interest rate limitations under the Government National Mortgage Association emergency home purchase assistance authority, and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. HOWARD (for himself, Mr. JOHNSON of California, Mr. SHUSTER, Mr. ROBERTS, Mr. CLEVELAND, Mr. ANDERSON of California, Mr. CLAUSEN, Mr. ROE, Mr. HAGEDORN, Mr. MINETA, Mr. STANGELAND, Mr. NOWAK, Mr. EDGAR, Mrs. BOUQUARD, Mr. HEFNER, Mr. YOUNG of Missouri, Mr. BONIOR of Michigan, Mr. FLIPPO, Mr. RAHALL, Mr. ATKINSON, Mr. ALBOSTA, Mr. BONER of Tennessee, and Mr. EDWARDS of Alabama):

H.R. 6417. A bill to authorize appropriations for the construction of certain highways in accordance with title 23 of the United States Code, for highway safety, for mass transportation in urban and in rural areas, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. HOWARD (for himself, Mr. JOHNSON of California, Mr. HARSHA, and Mr. SHUSTER):

H.R. 6418. A bill to amend subtitle IV of title 49, United States Code, to provide for more effective regulation of motor carriers of property, and for other purposes; to the Committee on Public Works and Transportation.

By Mr. MATHIS:

H.R. 6419. A bill to amend title 5, United States Code, to provide for adjustments to Federal personnel ceilings based upon the extent that Federal functions are contracted out, to provide that performance in administering personnel ceilings and contracting-out requirements are taken into account in evaluating the performance of Federal executives and managers, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. MURPHY of Pennsylvania:

H.R. 6420. A bill to amend the Military Selective Service Act to increase the maximum age for registration under such act from 26 to 55; to the Committee on Armed Services.

H.R. 6421. A bill to amend title 10, United States Code, to raise to 45 the maximum age at which an individual may receive an original appointment as a commissioned officer of the Armed Forces; to the Committee on Armed Services.

By Mr. PATTEN:

H.R. 6422. A bill to amend title 38, United States Code, to allow beneficiaries of U.S. Government life insurance policies to elect to receive such insurance in a lump sum, rather than in monthly installments, when the insured has not specified the method of payment of such insurance; to the Committee on Veterans' Affairs.

By Mr. ROBINSON:

H.R. 6423. A bill to provide for the awarding of costs and fees to a prevailing party other than the United States in certain administrative proceedings and civil actions; to the Committee on the Judiciary.

By Mr. SHUMWAY:

H.R. 6424. A bill to deny access to ports of the United States to Soviet vessels until the Soviet Union withdraws its military forces from Afghanistan; to the Committee on Merchant Marine and Fisheries.

By Mr. STEWART:

H.R. 6425. A bill to require the consideration of the impact on employment in Federal contract operations, and for other purposes; to the Committee on Government Operations.

By Mr. YATRON:

H.R. 6426. A bill to amend title 5, United States Code, relating to qualifications for appointment and retention in the civil service; to the Committee on Post Office and Civil Service.

By Mr. CORRADA (for himself, Mr. EVANS of the Virgin Islands, and Mr. WON PAT):

H.R. 6427. A bill to amend title 5 of the United States Code to provide for the transportation of remains, dependents, and effects of certain Federal employees whose homes or official stations are located in parts of the United States outside the continental United States, and for other purposes; to the Committee on Government Operations.

By Mr. DASCHLE (for himself, Mr. ENGLISH, Mr. NOLAN, and Mr. STANGELAND):

H.R. 6428. A bill to amend the Agricultural Act of 1949 to establish land diversion payment program for the 1980 crops of corn and wheat; to the Committee on Agriculture.

By Mr. McDADE:

H.R. 6429. A bill entitled "Small Business Equal Access to Justice Act"; jointly, to the Committee on Small Business and the Judiciary.

By Mr. McDONALD:

H.R. 6430. A bill to amend section 105(c) of Public Law 95–344 to extend to 5 years the period within which the general management plan for the Chattahoochee River National Recreation Area shall be developed; to the Committee on Interior and Insular Affairs.

By Mr. PEPPER:

H.R. 6431. A bill to provide for the issuance of a commemorative postage stamp in honor of older Americans in recognition of the 1981 White House Conference on Aging and the World Assembly on Aging to take place in 1982; to the Committee on Post Office and Civil Service.

By Mr. WEAVER:

H.R. 6432. A bill to provide for the conveyance of certain real property in Lane County, Oreg., to certain persons who purchased and held such land in good faith reliance on an inaccurate surveyor's map; to the Committee on Interior and Insular Affairs.

By Mr. HORTON:

H.J. Res. 497. Joint resolution to authorize and request the President to issue annually a proclamation designating November 7 of each year as National Teenager Day; to the Committee on Post Office and Civil Service.

By Mr. BONKER (for himself, Mrs. FENWICK, Mr. FASCELL, Mr. ALBOSTA, Mr. WOLFF, Mr. MAGUIRE, Mr. ZABLOCKI, Mr. FOUNTAIN, Mr. DIGGS, Mr. ROSENTHAL, Mr. HAMILTON, Mr. BINGHAM, Mr. YATRON, Mr. SOLARZ, Mr. STUDDS, Mr. IRELAND, Mr. PEASE, 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, Mr. QUAYLE, Mr. WRIGHT, Mr. DODD, Mr. BIAGGI, Mr. MCKINLEY, Mr. AMBRO, Mr. DONNELLY, Mr. SKELTON, Mr. ROE, Mr. GIAIMO, Mr. BLANCHARD, Mr. PEYSER, Mr. LEACH of Louisiana, Mr. DOWNEY, Mr. LENT, Mr. LEVITAS, Mr. OTTINGER, Mr. STACK, Mr. TRAXLER, Mr. EVANS of Delaware, Mr. FROST, Mr. LAFALCE, Mr. MITCHELL of Maryland, Mr. YATES, Mr. HARRIS, Mr. WAXMAN, Mr. WON PAT, Mr. BURGENER, Mr. LUNGREN, Mr. SCHEUER, Mr. D'AMOURS, Mr. OBERSTAR, Mr. YOUNG of Alaska, Mr. KOSTMAYER, Mrs. CHISHOLM, Mr. COELHO, Mr. GOLDWATER, Mr. BOLAND, Mr. MOAKLEY, Mr. FISH, Mr. PEPPER, Mr. KILDEE, Mr. LEHMAN, Mr. BRODHEAD, Mr. COURTER, Mr. GARCIA, Mr. ANDERSON of Illinois, and Mr. GLICKMAN):

H. Con. Res. 272—Expressing the sense of the Congress that Andrei Sakharov should be released from internal exile, urging the President to protest the continued suppression of human rights in the Soviet Union, and for other purposes.

By Mr. MURPHY of New York (for himself, Mr. BREAUX, Mr. FORSYTHE, Mr. DINGELL, Mr. MCCLOSKEY, Mr. D'AMOURS, Mr. EVANS of Delaware, Mr. DE LA GARZA, Mr. AKAKA, and Mr. STACK):

H. Con. Res. 273. Concurrent resolution to encourage the President to terminate the fishing privileges of the Soviet Union in U.S. fisheries unless the Soviet military presence in Afghanistan is withdrawn; to the Committee on Merchant Marine and Fisheries.

By Mr. ZABLOCKI (for himself, Mr. BROOMFIELD, Mr. FASCELL, Mr. WOLFF, Mr. SOLARZ, Mr. BUCHANAN, Mr. GUYER, Ms. HOLTZMAN, Mrs. BOGGS, Mrs. SCHROEDER, Ms. MIKULSKI, Mrs. HECKLER, Mrs. FENWICK, and Mrs. SNOWE):

H. Con. Res. 274. Concurrent resolution expressing the sense of the Congress that the President should request the United Nations to establish an international presence in the refugee encampments on the border between Thailand and Kampuchea, and for other purposes; to the Committee on Foreign Affairs.

By Mr. PERKINS (for himself, Mr. THOMPSON, Mr. ASHBROOK, and Mr. ERLENBORN):

H. Res. 557. Resolution providing funds for the further expenses of a welfare and pension plans task force under the jurisdiction of the Committee on Education and Labor to the Committee on House Administration.

By Mr. BEDELL:

H. Res. 563. Resolution calling upon the President to prohibit the export of superphosphoric acid (phosphate fertilizer), to the Soviet Union until the Soviet Union withdraws its troop from Afghanistan and until the President removes the ban imposed on the export of agricultural commodities to the Soviet Union; to the Committee on Foreign Affairs.

By Mr. DORNAN:

H. Res. 564. Resolution to amend the Code of Official Conduct of the House of Representatives; to the Committee on Rules.

By Mr. PEPPER:

H. Res. 565. Resolution to provide for the expenses of investigations and studies to be conducted by the Select Committee on Aging; to the Committee on House Administration.

By Mr. QUAYLE:

H. Res. 566. Resolution requesting Special Prosecutor; to the Committee on the Judiciary.

By Mr. UDALL:

H. Res. 567. Resolution to provide for the expenses of investigations and studies to be conducted by the Committee on Interior and Insular Affairs; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. PHILLIP BURTON:

H.R. 6433. A bill for the relief of Tin Man Cheung; to the Committee on the Judiciary.

By Mr. YOUNG of Alaska:

H.R. 6434. A bill for the relief of Estrella Mangahas; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

275. The SPEAKER presented a petition of the Bailey County Commissioner's Court, Bailey County, Tex., relative to revenue sharing; to the Committee on Government Operations.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 365: Mr. SATTERFIELD, Mr. GRAMM, Mr. YOUNG of Florida, and Mr. KILDEE.

H.R. 1000: Mr. MITCHELL of New York.

H.R. 1101: Mr. TAUKE.

H.R. 1429: Mr. UDALL.

H.R. 1642: Mr. NEAL.

H.R. 1644: Mr. TAUKE.

H.R. 1682: Mr. DUNCAN of Tennessee.

H.R. 1918: Mr. LEHMAN, Mr. CLAUSEN, Mr. DASCHLE, and Mr. LOTT.

H.R. 1970: Mr. LUNGREN.

H.R. 2264: Mr. CORRADA, Mr. DODD, Mr. DOUGHERTY, Mr. GRAY, Mr. MITCHELL of Maryland, Mr. OTTINGER, Mr. PANETTA, Mr. PEPPER, Mr. ROE, Mr. SOLARZ, Mr. STOKES, Mr. ROSENTHAL, Mr. CARTER, Mrs. COLLINS of Illinois, Mr. DOWNEY, Mr. FISH, and Mr. PATTEN.

H.R. 2400: Ms. FERRARO, Mr. ROE, and Mr. WAXMAN.

H.R. 3566: Mr. PEPPER.

H.R. 4367: Mr. BEILENSON.

H.R. 4511: Mr. HEFTEL.

H.R. 4574. Mr. GILMAN, Mr. EVANS of Georgia, and Mr. SOLOMON.

H.R. 4631: Mr. WAXMAN and Mr. MATSUI.

H.R. 4646: Mr. FINDLEY, Mr. MCCORMACK, and Mr. PURSELL.

H.R. 4782: Mr. JOHNSON of California.

H.R. 4827: Mr. GRASSLEY.

H.R. 5022: Mr. MARKEY.

H.R. 5504: Mr. FARY.

H.R. 5610: Mr. O'BRIEN.

H.R. 5663: Mr. PEPPER, Mr. MURPHY of Pennsylvania, Mr. MARLENEE, Mr. HILLIS, Mr. STANGELAND, Mr. LAGOMARSINO, Mr. ROBERT W. DANIEL, Jr., and Mr. MCCLORY.

H.R. 5771: Mr. EDGAR and Mr. COELHO.

H.R. 5858: Mr. FISH, Mr. FITHIAN, Mr. FUQUA, Mr. HALL of Ohio, Mr. HANCE, Mr. LEACH of Louisiana, Mr. LONG of Maryland, Mr. RITTER, Mr. RUSSO, Mr. SOLOMON, Mr. STACK, Mr. BONER of Tennessee, Mr. NEDZI, and Mr. BENJAMIN.

H.R. 5862: Mr. BROWN of Ohio, Mr. TAUKE, and Mr. FOUNTAIN.

H.R. 5935: Mr. DRINAN, Mr. EVANS of Indiana, and Mr. DOWNEY.

H.R. 5978: Mr. BUTLER and Mr. ROBINSON.

H.R. 6008: Mr. KILDEE.

H.R. 6034: Mr. KILDEE, Mr. GOLDWATER, and Mr. DOUGHERTY.

H.R. 6066: Mr. KILDEE and Ms. MIKULSKI.

H.R. 6303: Mr. STARK, Mr. YATES, Mr. DELLUMS, Mr. BINGHAM, Mr. EDWARDS of California, Mr. SABO, Mr. MCCLOSKEY, and Mr. ROSENTHAL.

H.R. 6316: Mr. APPLEGATE, Mr. CLEVELAND, Mr. WHITEHURST, Mr. LEACH of Louisiana, Mr. BARNARD, Mr. SPENCE, Mr. YOUNG of Alaska, Mr. YATRON, Mr. MCDONALD, Mrs. SMITH of Nebraska, and Mr. BEVILL.

H.R. 6324: Mr. TRAXLER.

H.J. Res. 157: Mr. QUILLEN.

H.J. Res. 159: Mr. HORTON.

H.J. Res. 300: Mr. PHILIP M. CRANE.

H.J. Res. 322: Mr. DICKS.

H.J. Res. 416: Mr. HOLLENBECK, Mr. WAXMAN, and Mr. VANDER JAGT.

H.J. Res. 442: Mr. ALEXANDER, Mr. ANDREWS of North Dakota, Mr. ANDREWS of North Carolina, Mr. ANNUNZIO, Mr. ANTHONY, Mr. APPLEGATE, Mr. ARCHER, Mr. AUCOIN, Mr. BADHAM, Mr. BAFALIS, Mr. BAILEY, Mr. BARNES, Mr. BAUMAN, Mr. BEARD of Tennessee, Mr. BENJAMIN, Mr. BENNETT, Mr. BEREUTER, Mr. BETHUNE, Mr. BEVILL, Mr. BINGHAM, Mr. BLANCHARD, Mrs. BOGGS, Mrs. BOUQUARD, Mr. BOWEN, Mr. BRADEMAS, Mr. BREAUX, Mr. BRINKLEY, Mr. BROOMFIELD, Mr. BRODHEAD, Mr. PHILLIP BURTON, Mr. BUTLER, Mrs. BYRON, Mr. CARNEY, Mr. CARR, Mr. CARTER, Mr. CAVANAUGH, Mr. CHAPPELL, Mr. CLEVELAND, Mr. COEHLO, Mr. CONTE, Mr. CORMAN, Mr. CORCORAN, Mr. DANIEL B. CRANE, Mr. D'AMOURS, Mr. ROBERT W. DANIEL, JR., Mr. DANNEMEYER, Mr. DASCHLE, Mr. DAVIS of South Carolina, Mr. DECKARD, Mr. DE LA GARZA, Mr. DELLUMS, Mr. DERRICK, Mr. DERWINSKI, Mr. DEVINE, Mr. DICKS, Mr. DINGELL, Mr. DONNELLY, Mr. DOUGHERTY, Mr. DUNCAN of Oregon, Mr. EDGAR, Mr. EDWARDS of California, Mr. EDWARDS of Oklahoma, Mr. ENGLISH, Mr. ERDAHL, Mr. ERTEL, Mr. EVANS of Georgia, Mr. EVANS of Delaware, Mr. FARY, Mr. FASCELL, Mr. FAUNTROY, Mr. FAZIO, Ms. FERRARO, Mrs. FENWICK, Mr. FINDLEY, Mr. FISHER, Mr. FITHIAN, Mr. FLORIO, Mr. FORD of Tennessee, Mr. FORD of Michigan, Mr. FOLEY, Mr. FORSYTHE, Mr. FOUNTAIN, Mr. FOWLER, Mr. FRENZEL, Mr. FROST, Mr. FUQUA, Mr. GEPHARDT, Mr. GIAIMO, Mr. GIBBONS, Mr. GILMAN, Mr. GINN, Mr. GORE, Mr. GRAMM, Mr. GRASSLEY, Mr. GRAY, Mr. GOLDWATER, Mr. GUDGER, Mr. HAGEDORN, Mr. HALL of Texas, Mr. HALL of Ohio, Mr. HANCE, Mr. HANLEY, Mr. HANSEN, Mr. HAMMERSCHMIDT, Mr. HARRIS, Mr. HAWKINS, Mr. HEFNER, Mr. HEFTEL, Mr. HILLIS, Mr. HOPKINS, Mr. HUBBARD, Mr. HUCKABY, Mr. HUGHES, Mr. HUTTO, Mr. HYDE, Mr. ICHORD, Mr. IRELAND, Mr. JEFFRIES, Mr. JENKINS, Mr. JENRETTE, Mr. JOHNSON of California, Mr. JONES of Tennessee, Mr. JONES of North Carolina, Mr. KASTENMEIER, Mr. KAZEN, Mr. KEMP, Mr. KOGOVSEK, Mr. KOSTMAYER, Mr. LAGOMARSINO, Mr. LATTA, Mr. LEACH of Louisiana, Mr. LEATH of Texas, Mr. LEE, Mr. LEVITAS, Mr. LELAND, Mr. LEWIS, Mr. LLOYD, Mr. LONG of Maryland, Mr. LONG of Louisiana, Mr. LOEFFLER, Mr. LOWRY, Mr. LUNGREN, Mr. MAGUIRE, Mr. MATHIS, Mr. MATSUI, Mr. MAVROULES, Mr. MCCLORY, Mr. MCCLOSKEY, Mr. MCCORMACK, Mr. MCDONALD, Mr. MCHUGH, Mr. MCKINNEY, Ms. MIKULSKI, Mr. MILLER of California, Mr. MINETA, Mr. MINISH, Mr. MITCHELL of New York, Mr. MOAKLEY, Mr. MOFFETT, Mr. MOORE, Mr. MOORHEAD of Pennsylvania, Mr. MOTTL, Mr. MURPHY of Pennsylvania, Mr. MURTHA, Mr. NATCHER, Mr. NEAL, Mr. NELSON, Mr. NICHOLS, Mr. NOLAN, Mr. NOWAK, Ms. OAKAR, Mr. O'BRIEN, Mr. PANETTA, Mr. PATTEN, Mr. PAUL, Mr. PEPPER, Mr. PEYSER, Mr. PREYER, Mr. PRITCHARD, Mr. PURSELL, Mr. QUILLEN, Mr. RAILSBACK, Mr. RATCHFORD, Mr. REUSS, Mr. RHODES, Mr. ROBERTS, Mr. ROSE, Mr. ROTH, Mr. ROUSSELOT, Mr. ROYBAL, Mr. ROYER, Mr. RUDD, Mr. RUNNELS, Mr. SABO, Mr. SATTERFIELD, Mr. SAWYER, Mr. SCHEUER, Mr. SCHULZE, Mr. SEBELIUS, Mr. SHARP, Mr. SIMON, Mr. SKELTON, Mr. SOLARZ, Mr. SOLOMON, Mrs. SNOWE, Mr. STACK, Mr. STAGGERS, Mr. STENHOLM, Mr. STEWART, Mr. STUMP, Mr.

SYMMS, Mr. SYNAR, Mr. TAUKE, Mr. TAYLOR, Mr. THOMAS, Mr. THOMPSON, Mr. TRIBLE, Mr. UDALL, Mr. ULLMAN, Mr. VENTO, Mr. VOLKMER, Mr. WALGREN, Mr. WALKER, Mr. WATKINS, Mr. WAXMAN, Mr. WHITEHURST, Mr. WHITTEN, Mr. CHARLES WILSON of Texas, Mr. CHARLES H. WILSON of California, Mr. WOLFF, Mr. WOLPE, Mr. WYATT, Mr. YOUNG of Alaska, Mr. ZABLOCKI, Mr. ZEFERETTI, Mr. WAMPLER, Mr. BEDELL, Mr. PHILIP M. CRANE, Mr. HOLLENBECK, Mr. OBERSTAR, Mr. RAHALL, Mr. STANGELAND, Mr. STARK, and Mr. FISH.

H.J. Res. 445: Mr. GREEN, Mr. ROBINSON, Mr. MICHEL, Mr. ROYBAL, Mr. HARSHA, Mr. MCCLORY, Mr. RICHMOND, Mr. KAZEN, Mr. GUYER, Mr. YOUNG of Florida, Mr. EDWARDS of Oklahoma, Mr. WILLIAMS of Ohio, Mr. MYERS of Indiana, Mr. GRASSLEY, Mr. CHAPPELL, Mr. HAWKINS, Mr. BROWN of California, Mr. GILMAN, Mr. WRIGHT, Mr. OTTINGER, Mr. HORTON, Mr. MCKAY, Mr. SOLOMON, Mrs. COLLINS of Illinois, Mr. CLAUSEN, Mr. DERWINSKI, Mr. NEDZI, Mr. PRITCHARD, Mr. STOCKMAN, Mrs. HECKLER, Mr. HOPKINS, Mr. WYDLER, Mr. ROUSSELOT, Mr. MCCLOSKY, Mr. REGULA, Mr. CONYERS, Mr. MOORHEAD of California, Mr. FISH, Mr. CARTER, Mr. GOLDWATER, Mr. GINN, Mr. LUKEN, Mr. LEACH of Iowa, Mr. FORD of Michigan, Mr. DRINAN, Mr. MCEWEN, Mr. LEE, Mr. HYDE, Mr. CLEVELAND, Mr. TAYLOR, Mr. BOB WILSON, Mr. ROTH, Mr. PETRI, Mr. DICKINSON, Mr. BUCHANAN, Mr. ASHLEY, Mr. RINALDO, Mr. PORTER, Mr. BEVILL, Mr. MICA, Mr. COLEMAN, Mr. HANLEY, and Mr. GEPHARDT.

H.J. Res. 463: Mr. BARNES, Mr. BIAGGI, Mr. BINGHAM, Mr. BOLAND, Mr. BUTLER, Mrs. BYRON, Mr. COLLINS of Texas, Mr. CONYERS, Mr. EARLY, Mr. EDGAR, Mr. EVANS of Delaware, Mr. FOLEY, Mr. FRENZEL, Mr. GORE, Mr. GUARINI, Mr. HAMMERSCHMIDT, Mr. HARSHA, Mr. HAWKINS, Mr. HYDE, Mr. LLOYD, Mr. MARTIN, Mr. MATHIS, Mr. MICA, Mr. MILLER of Ohio, Mr. MITCHELL of New York, Mr. MOAKLEY, Mr. MOFFETT, Mr. MONTGOMERY, Mr. NEAL, Ms. OAKAR, Mr. PORTER, Mr. PREYER, Mr. PRITCHARD, Mr. QUILLEN, Mr. ROSENTHAL, Mr. SAWYER, Mr. SKELTON, Mr. SOLARZ, Mr. SPENCE, Mr. STUDDS, Mr. TAUKE, Mr. TAYLOR, Mr. WATKINS, Mr. CHARLES H. WILSON of California, Mr. WOLFF, Mr. WOLPE, Mr. WYATT, Mr. YATES, Mr. YATRON, and Mr. YOUNG of Alaska.

H.J. Res. 474: Mr. AMBRO, Mr. BARNES, Mr. BEARD of Rhode Island, Mr. CARTER, Mrs. CHISHOLM, Mr. CORRADA, Mr. DIGGS, Mr. DUNCAN of Oregon, Mr. FASCELL, Mr. FAZIO, Mr. FISH, Mr. GINN, Mr. HANLEY, Mr. HOLLENBECK, Mr. KASTENMEIER, Mr. KEMP, Mr. LAGOMARSINO, Mr. LENT, Mr. MOAKLEY, Mr. MURPHY of Pennsylvania, Mr. MURPHY of New York, Mr. MURPHY of Illinois, Mr. OBERSTAR, Mr. PEPPER, Mr. PEYSER, Mr. PICKLE, Mr. RAHALL, Mr. SCHEUER, Mr. SOLARZ, Mr. STACK, Mr. STARK, Mr. STRATTON, Mr. TRAXLER, Mr. VAN DEERLIN, Mr. WEISS, Mr. WILLIAMS of Ohio, Mr. WINN, Mr. WHITEHURST, Mr. WOLFF, Mr. BINGHAM, Mr. ANDERSON of California, Mr. ANDERSON of Illinois, Mr. BENJAMIN, Mr. BEVILL, Mr. CARNEY, Mr. DOUGHERTY, Mr. FORSYTHE, Mr. FROST, Mr. KAZEN, Mr. KELLY, Mr. LEWIS, Mr. LLOYD, Mr. LONG of Maryland, Mr. LUNGREN, Mr. MCHUGH, Mr. MAZZOLI, Mr. PANETTA, Mr. ROE, Mr. ROSENTHAL, Mr. SOLOMON, Mr. WAXMAN, Mr. YOUNG of Florida, Mr. YOUNG of Missouri, Mr. SANTINI, Mr. DE LA GARZA, Mr. FRENZEL, Mr. GREEN, Mr. LA FALCE, Mr. LEACH of Louisiana, Mr. RICHMOND, Mr. YATES, Mr. ZEFERETTI, Mrs. HOLT, Mr. COELHO, Mr. DOWNEY, Mr. EDGAR, Mr. EVANS of the Virgin Islands, Mr. HEFTEL, Mr. PATTEN, Mr. SKELTON, Mr. BRODHEAD, Mr. HORTON, Mr. EVANS of Delaware, and Mr. NEAL.

H.J. Res. 480: Mr. EMERY, Mr. DOUGHERTY, Mr. BONIOR of Michigan, Mr. FISH, and Mr. HORTON.

H.J. Res. 481: Mr. YOUNG of Missouri, Mr. BOLLING, Mr. ICHORD, Mr. BLANCHARD, Mr. SOLOMON, Mr. BUCHANAN, Mr. FASCELL, Mr. BETHUNE, Mr. ROYER, Mr. PERKINS, Mr. HIGHTOWER, Mr. HORTON, Mr. GRAMM, Mr. BONER of Tennessee, Mrs. HOLT, Mr. LEACH of Louisiana, Mr. BAFALIS, Mrs. BOUQUARD, and Mr. CHARLES H. WILSON of California.

H. Con. Res. 212: Mr. LUNDINE.

H. Con. Res. 257: Mr. COURTER, Mr. GRADISON, Mr. ROBINSON, and Mr. PHILIP M. CRANE.

H. Con. Res. 259: Mr. FINDLEY, Mr. D'AMOURS, Mr. EVANS of the Virgin Islands, Mr. BONIOR of Michigan, Mrs. CHISHOLM, Mr. BONKER, Mr. SCHEUER, Mr. KILDEE, Mr. BEDELL, Mr. SIMON, Mr. LUNGREN, and Mr. PHILIP M. CRANE.

H. Res. 547: Mr. WHITEHURST, Mr. LEACH of Louisiana, Mr. FRENZEL, Mr. SEIBERLING, Mr. BEDELL, Mr. HORTON, Mr. BLANCHARD, Mr. HINSON, Mr. WON PAT, Mr. GARCIA, Mr. LAGOMARSINO, Mr. LUNGREN, and Mr. VENTO.