United States of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 94th CONGRESS, SECOND SESSION

Vol. 122 WASHINGTON, MONDAY, AUGUST 23, 1976 No. 124

Senate

The Senate met at 12 o'clock noon and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

PRAYER

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Almighty God, Lord of all the years, we thank Thee for this good land, for her rocks and rills, her woods and templed hills, her homes and schools and churches, for fields and factories, for diverse peoples with varied talents, for the institutions of government, and for those in every generation who undertake the stewardship of public office.

We thank Thee for this place, for its great moments in the past, for the work of the present, and for the promise of the future. May all who labor here be given grace and wisdom to meet great needs with daring deeds, to make decisions in accord with Thy will and thus set forward Thy kingdom on Earth.

We pray in His name, who is the Way, the Truth, and the Life. Amen.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. EASTLAND).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 23, 1976.

To the Senate:

Being temporarily absent from the Senate on official duties, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

JAMES O. EASTLAND,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, August 10, 1976, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF CALL OF CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Subcommittee on Manpower and Personnel of the Committee on Armed Services be authorized to meet today to consider the honor codes at the service academies; that the Committee on Foreign Relations be authorized to meet on August 24 to consider nominations, an international tin agreement, and S. 1439, and on August 26 for a briefing on the situation in the Aegean Sea; that the Committee on Commerce be authorized to meet on August 24 to consider nominations for the Federal Communications Commission; that the Committee on Public Works be authorized to meet on August 25 to consider water pollution issues; that the Committee on the Judiciary be authorized to meet on August 24 to consider pending nominations; that the Committee on Interior and Insular Affairs be authorized to meet on August 26 to consider several bills relating to the Federal reclamation program and on August 27 to consider S. 3468; and that the Subcommittee on Antitrust and Monopoly of the Committee on the Judiciary be authorized to meet on August 26 concerning S. 3548.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXPRESSION OF SYMPATHY AND SUPPORT TO REPUBLIC OF THE PHILIPPINES

Mr. MANSFIELD. Mr. President, during the recess of the Senate a natural disaster of great magnitude took place in the Republic of the Philippines. An earthquake struck in the large southern island of Mindanao and surrounding regions. It was followed by a massive tidal wave which covered vast tracts of inhabited land. The death toll is said to be in the thousands—the latest figure is 9,000 dead—with many thousands more injured. Property damage is very widespread.

What the Philippine Republic has just experienced could befall any nation at any time. All national occupants are at the mercy of the sometimes erratic and devastating whims of the common environment of this planet.

That awareness alone is sufficient to arouse in the people of the United States a sense of shared sorrow for what has occurred in the Philippines. It also gives rise to an impulse to do whatever we can do to help in the present situation. In the case of the Filipino people, moreover, there are the continuing ties of the relationship which brought together the two nations at the turn of the 20th century and kept them together during the common suffering of the manmade disaster of World War II. Since the establishment of an independent Philippines in 1946, moreover, that relationship has evolved into an expanded appreciation of the individual dignity and worth of each nation by the other. The two nations now stand separately as is appropriate even though both stand on the common ground of a shared past.

May I say that that was all that was needed to stimulate the United States to offer to help the Philippines in the present tragic situation. It not only does us a grave disservice, but it is also somewhat contemptuous of the basic values of this Nation to suggest that this decent human impulse might be predicated on some crude political quid pro quo having to do with military base negotiations. Yet, that is the story, Mr. President, that now makes the rounds along the Asian littoral from which I have just returned. *The press is not responsible for that story.* The irresponsibility lies somewhere in the executive branch of this Government. While the Department of State is to be commended for rejecting any such implication in the offer of help which went to the Philippines after the disaster, one would hope that the energy which has had to go into denials might have been spared for more positive purposes.

I note that the President of the Philippines has urged his people to draw on their own strength and determination to do the job of relief and reconstruction which is needed in the aftermath of the disaster. Speaking as one Member of the Senate, I wish to commend this initiative.

MONS 029847

It would be my hope, however, that the United States will make clear its human concern and that alone, or together with other nations, will still give whatever help is appropriate. The Senate can make clear where it stands, Mr. President, by adopting the resolution which on behalf of the minority leader and myself I now send to the desk.

The ACTING PRESIDENT pro tempore. The resolution will be stated.

The legislative clerk read as follows:

S. Res. 518

Whereas, the tragedy which natural disasters inflict on the people of any nation awakens the compassion of the peoples of all nations; and

Whereas, this compassion evokes an awareness of a universal unity, beyond all national and ideological dissensions;

Whereas, the Senate of the United States wishes to express its sorrow at the widespread death, injury and devastation caused by the massive earthquake and, tidal wave in the southern reaches of the Republic of the Philippines.

Therefore, be it resolved,

(1) That the Senate of the United States extends its deepest sympathy to the people of the Republic of the Philippines;

(2) That the Senate supports fully and without reservation the supplying of such emergency assistance for the relief and rehabilitation of the victims of the recent earthquake and tidal wave as the President of the United States, in consultation with the government of the Republic of the Philippines Deems feasible and appropriate in this hour of need and, solely on the basis of that need.

The Secretary of the Senate is directed to supply to the Secretary of State a copy of this resolution for transmittal to the government of the Republic of the Philippines.

The ACTING PRESIDENT pro tempore. Is there objection to the present consideration of the resolution?

There being no objection, the Senate proceeded to consider the resolution.

Mr. HUGH SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished Republican leader, Mr. HUGH SCOTT.

Mr. HUGH SCOTT. I first say at this point that I am in entire agreement with the action of the distinguished majority leader and have joined with him in the human expressions which he has just given us.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the resolution.

The resolution was agreed to.

The preamble was agreed to.

REMARKS OF THE PRESIDENT TO THE 1976 REPUBLICAN NATIONAL CONVENTION

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent at this time that there be printed in the RECORD the speech of the President of the United States in accepting the nomination of the Republican Party for the Presidency.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS OF THE PRESIDENT TO THE 1976 REPUBLICAN NATIONAL CONVENTION, KEMPER ARENA

Mr. Chairman, delegates and alternates of this Republican Convention:

I am honored by your nomination, and I accept it, with pride, with gratitude and with a total will to win a great victory for the American people. We will wage a winning campaign in every region of this country from the snowy banks of Minnesota to the sandy plains of Georgia.

We concede not a single State. We concede not a single vote. This evening I am proud to stand before this great Convention as the first incumbent since Dwight D. Eisenhower who can tell the American people: America is at peace.

Tonight, I can tell you straightaway this nation is sound, this nation is secure, this nation is on the march to full economic recovery and a better quality of life for all Americans.

I will tell you one more thing. This year the issues are on our side. I am ready. I am eager to go before the American people and debate the real issues face to face with Jimmy Carter.

The American people have a right to know first hand exactly where both of us stand. I am deeply grateful to those who stood with me in winning the nomination of the party whose cause I have served all of my adult life. I respect the convictions of those who want a change in Washington. I want a change, too. After 22 years of majority misrule, let's change the United States Congress.

My gratitude tonight reaches far beyond this Arena to countless friends whose confidence, hard work and unselfish support have brought me to this moment. It would be unfair to single out anyone, but may I make an exception for my wonderful family—Mike, Jack, Steve and Susan, and especially my dear wife Betty.

We Republicans have had some tough competition. We not only preach the virtues of competition, we practice them. But tonight, we come together not on a battlefield to consider a cease-fire, but to join forces on a training field that has conditioned us all for the rugged contest ahead.

Let me say this from the bottom of my heart. After the scrimmages of the past few months, it really feels good to have Ron Reagan on the same side of the line.

To strengthen our championship line-up, the Convention has wisely chosen one of the ablest Americans as our next Vice President, Senator Bob Dole of Kansas. With his help, with your help, with the help of millions of Americans who cherish peace, who want freedom preserved, prosperity shared, and pride in America, we will win this election.

I seek not a Republican victory, but a victory for the American people. You at home listening tonight, you are the people who pay the taxes and obey the laws. You are the people who make our system work. You are the people who make America what it is.

It is from your ranks that I come and on your side I stand. Something wonderful happened to this country of ours the past two years. We all came to realize it on the Fourth of July. Together, out of years of turmoil and tragedy, wars and riots, assassinations and wrongdoing in high places, America recaptured the spirit of 1776.

We saw again the pioneer vision of our revolutionary founders and our immigrant ancestors. Their vision was of a free man and free woman enjoying a limited Government and unlimited opportunity.

The mandate I want in 1976 is to make this vision a reality, but it will take the votes and the votes of many more Americans who are not Republicans to make that mandate binding and my mission possible.

I have been called an unelected President, an accidental President. We may even hear that again from the other party, despite the fact that I was welcomed and endorsed by an overwhelming majority of their elected representatives in the Congress who certified my fitness to our highest office.

Having become Vice President and President without expecting or seeking either, I have a special feeling toward these high offices. To me, the Presidency and the Vice Presidency were not prizes to be won, but a duty to be done.

So, tonight, it is not the power and the glamor of the Presidency that leads me to ask for another four years. It is something every hard-working American will understand—the challenge of a job well begun, but far from finished.

Two years ago, on August 9, 1974, I placed my hand on the Bible, which Betty held, and took the same Constitutional oath that was administered to George Washington. I had faith in our people, in our institutions, and in myself.

"My fellow Americans," I said, "our long national nightmare is over. It was an hour in our history that troubled our minds and tore at our hearts." Anger and hatred had risen to dangerous levels, dividing friends and families. The polarization of our political order had aroused unworthy passions of reprisal and revenge. Our governmental system was closer to a stalemate than at any time since Abraham Lincoln took that same oath of office.

Our economy was in the throes of runaway inflation, taking us headlong into the worst recession since Franklin D. Roosevelt took the same oath. On that dark day I told my fellow countrymen, "I am acutely aware that you have not elected me as your President by your ballots, so I ask you to confirm me as your President with your prayers."

On a mantle fireplace in the White House is carved a prayer which John Adams wrote. It concludes, "May none but honest and wise men ever rule under this roof."

Since I have resided in that historic house, I have tried to live by that prayer. I faced many tough problems. I probably made some mistakes, but on balance, America and Americans have made an incredible comeback since August, 1974.

Nobody can honestly say otherwise, and the plain truth is that the great progress we have made at home and abroad was in spite of the majority who run the Congress of the United States.

For two years, I have stood for all the people against a vote-hungry, free-spending Congressional majority on Capitol Hill. Fifty-five times I vetoed extravagant and unwise legislation; 45 times I made them vetoes stick. Those vetoes have saved American taxpayers billions and billions of dollars. I am against the big for the little taxpayer.

I called for a permanent tax cut, coupled with spending reductions, to stimulate the economy and relieve hard-pressed middle income taxpayers. Your personal exemption must be raised from $750 to $1,000.

The other party's platform talks about tax reform, but there is one big problem—their own Congress won't act.

I called for reasonable Constitutional restrictions on court ordered busing of school children, but the other party's platform concedes that busing should be a last resort. But their's is the same problem—their own Congress won't act.

I called for a major overhaul of criminal laws to crack down on crime and illegal drugs. The other party's platform deplores America's $80 billion case of crime. There is the problem again—their own Congress won't act.

MONS 029848

The other party's platform talks about a strong defense. Now, here is the other side of the problem—their own Congress did not. They slashed $60 billion from our national defense needs in the last ten years.

My friends, Washington is not the problem, their Congress is the problem. You know, the President of the United States is not a magician who can wave a wand or sign a paper that will instantly win a war or cure a recession or make bureaucracy disappear. The President has immense powers under the Constitution, but all of them ultimately come from the American people and their mandate to him.

That is why, tonight, I turn to the American people and ask not only for your prayers, but also for your strength and your support, for your votes and for your vote. I come before you with a two-year record of performance, without your mandate. I offer you a four-year pledge of greater performance with your mandate.

As Governor Al Smith used to say, "Let's look at the record." Two years ago, inflation was 12 percent. Sales were off, plants were shut down, thousands were being laid off every week. Fear of the future was throttling down our economy and threatening millions of families.

Let's look at the record since August of 1974. Inflation has been cut in half. Payrolls are up. Profits are up. Production is up. Purchases are up. Since the recession was turned around, almost 4 million of our fellow Americans have found new jobs or got their old jobs back. This year, more men and women have jobs than ever before in the history of the United States.

Confidence has returned and we are in the full surge of sound recovery through steady prosperity. Two years ago, America was mired in withdrawal from Southeast Asia. A decade of Congresses had short-changed our global defenses and threatened our strategic posture. Mounting tension between Israel and the Arab nations made another war seem inevitable. The whole world watched and wondered where America was going. Did we, in our domestic turmoil, have the will, the stamina and the unity to stand up for freedom?

Look at the record since August, two years ago. Today, America is at peace and seeks peace for all nations. Not a single American is at war anywhere on the face of this earth tonight.

Our ties with Western Europe and Japan, economic as well as military, were never stronger. Our relations with Eastern Europe, the Soviet Union, and Mainland China are firm, vigilant and forward-looking. Policies I have initiated offer sound progress for the peoples of the Pacific, Africa and Latin America.

Israel and Egypt, both trusting the United States, have taken an historic step that promises an eventual just settlement for the whole Middle East.

The world now respects America's policy of peace through strength. The United States is again the undisputed leader of the free world. Nobody questions our dedication to peace but nobody doubts our willingness to use our strength when our vital interests are at stake, and we will.

I called for an up to date, powerful Army, Navy, Air Force and Marines that will keep America secure for decades. A strong military posture is always the best insurance for peace. But America's strength has never rested on arms alone. It is rooted in our continued commitment of our citizens and leaders to the highest standards of ethics and morality and in the spiritual renewal which our Nation is undergoing right now.

Two years ago, people's confidence in their highest officials, to whom they had overwhelmingly entrusted power, had twice been shattered. Losing faith in the word of their elected leaders, Americans lost some of their own faith in themselves.

Again, let us look at the record from August, 1974. From the start, my Administration has been open, candid, forthright. While my entire public and private life was under searching examination for the Vice Presidency, I reaffirmed my life-long conviction that truth is the glue that holds Government together—not only Government, but civilization, itself. I have demanded honesty, decency and permanent integrity from everybody in the Executive Branch of the Government. The House and Senate have the same duty.

The American people will not accept a double standard in the United States Congress. Those who make our laws today must not debate the reputation of our great legislative bodies which have given us such giants as Daniel Webster, Henry Clay, Sam Rayburn and Robert A. Taft.

Whether in the nation's capital, the State capital or city hall, private morality and public trust must go together. From August of 1974 to August of 1976, the record shows steady progress upward toward prosperity, peace and public trust.

My record is one of progress, not platitude. My record is one of specifics, not smiles. My record is one of performance, not promises. It is a record I am proud to run on. It is a record the American people—Democrat, Independent and Republicans alike—will support on November 2.

For the next four years I pledge to you that I will hold to the steady course we have begun. But, I have no intention of standing on the record alone. We will continue winning the fight against inflation. We will go on reducing the dead weight and impudence of bureaucracy.

We will submit a balanced budget by 1978. We will improve the quality of life at work and play and in our homes and in our neighborhoods. We will not abandon our cities. We will encourage urban programs which insure safety in the streets, create healthy environments and restore neighborhood pride.

We will return control of our children's education to parents and local school authorities. We will make sure that the party of Lincoln remains the party of equal rights. We will create a tax structure that is fair for all of our citizens, ones that preserve the continuity in the family home, the family farm and the family business.

We will ensure the integrity of the Social Security system and improve Medicare so that our older citizens can enjoy the health and happiness that they have earned. There is no reason they should have to go broke just to get well.

We will make sure that this rich nation does not neglect citizens who are less fortunate, but provide for their needs with compassion and with dignity. We will reduce the growth in the control of Government and allow individual breadwinners and businessmen to keep more of the money that they earn.

We will create a climate in which our economy will provide a meaningful job for everyone who wants to work and a decent standard of life for all Americans. We will insure that all our young people have a better chance in life than we had, an education they can use and a career they can be proud of.

We will carry out a farm policy that assures a fair market price for the farmer, encourages full production, leads to record exports and eases the hunger within the human family. We will never use the bounty of America's farmers as a pawn in international diplomacy. There will be no embargoes.

We will continue our strong leadership to bring peace, justice, and economic progress where there is turmoil, especially in the Middle East. We will build a safe and saner world, through patient negotiations and dependable arms agreements which reduce the danger of conflict and horror of thermonuclear war.

While I am President, we will not return to a collision course that could reduce civilization to ashes. We will build an America where people feel rich in spirit as well as in worldly goods. We will build an America where people feel proud about themselves and about their country.

We will build on performance, not promises; experience, not expediency; real progress instead of mysterious plans to be revealed in some dim and distant future.

The American people are wise, wiser than our opponents think. They know who pays for every campaign promise. They are not afraid of the truth. We tell them the truth.

From start to finish, our campaign will be credible; it will be responsible. We will come out fighting, and we will win. Yes, we have all seen the polls and the pundits who say our party is dead. I have heard that before. So did Harry Truman. I will tell you what I think. The only polls that count are the polls the American people go to on November 2.

Right now, I predict that the American people are going to say that tonight. "Jerry, you have done a good job. Keep right on doing it."

As I try in my imagination to look into the homes where families are watching the end of this great Convention, I can't tell which faces are Republicans with the Democrats and which are Independent. I cannot see their color or their creed. I see only Americans.

I see Americans who love their husbands, their wives and their children. I see Americans who love their country for what it has been and what it must become. I see Americans who work hard, but who are willing to sacrifice all they have worked for to keep their children and their country free.

I see Americans who in their own quiet way pray for peace among nations and peace among themselves. We do love our neighbors and we do forgive those who have trespassed against us.

I see a new generation that knows what is right and knows itself, a generation determined to preserve its ideals, its environment, our nation and the world.

My fellow Americans, I like what I see. I have no fear for the future of this great country. As we go forward together, I promise you once more what I promised before: To uphold the Constitution, to do what is right as God gives me to see the right and to do it to the very best that I can for America.

God helping me, I won't let you down.

Thank you very much.

Mr. HUGH SCOTT. Mr. President, this is an extremely good speech. The common impression which I share seems to be that it is candid, it is a wholesome appeal to the American people, a restatement of his fundamental beliefs, a calendar of achievement, and a proud record upon which to open this campaign.

The selection of one of our colleagues, the distinguished Senator from Kansas (Mr. DOLE) has met with general approval.

It has indicated to me and, I think, to him, that this campaign will be vigorously conducted.

We have been twice honored in this body now in the selection by the Democratic candidate of our colleague Mr. MONDALE of Minnesota as his running mate.

These two Members of our body are both distinguished and articulate par-

MONS 029849

libertarians, speakers, orators both, and I am sure they will maintain the campaign on a level of brisk, acceptable, and accepted differences, but that the campaign, in my judgment, will be conducted on a plane which will give the American people a true insight into the issues which divide us as political parties.

The strength of our political system lies in our ability to disagree without being disagreeable; our willingness to submit our views to the electorate at stated intervals; our dependence upon and acceptance of the judgment of the electorate, and our complete joinder in the system which has contributed so much to the strength of the Nation. It is fundamentally and basically a two-party system, with the right of other candidates and other parties to be fully heard.

I am glad there are going to be debates. I think they will be in the context of the true issues, domestic, foreign, the Office of the Presidency itself.

We certainly hope all Members of our party will unite with the Members of the other party and independents in support of our candidate. We hope this will be the outcome. We recognize this is exactly the same hope shared in the other direction by those who oppose us, and I really look forward to an enlightening and informational campaign.

Mr. MANSFIELD. Mr. President, I wish to congratulate the President of the United States for having been nominated by his party at the convention in Kansas City, and also our colleague, Senator BOB DOLE, for having been selected by that same convention as his running mate.

While this will not be a reelection campaign for President Ford, I wish to emphasize that, somewhat contrary to the allegations which have been made that he is an unelected President, he is, in fact, an elected President because, under the Constitution, he had to have the approval of both the House and the Senate before he could be confirmed and, I dare say, in undergoing those proceedings, that no nominee for the Vice-Presidency has ever had his life and his background gone into so thoroughly.

So I would say, in effect, that he was elected by the representatives of the people who are themselves elected; that it was not an accident but rather in accord with the 25th amendment to the Constitution.

Regardless of the action taken last week, it is a relief to know that both parties have now had their nominees named and that the campaign will now get underway.

As of now I do not think it will make much difference as far as the Democrats are concerned but, perhaps, with the passage of time that may change, although I do not anticipate that, but from now on we will be in the thick of the campaign. We hope that the best men will win, and I anticipate without reservation that the best men will be Democrats come this November.

Mr. HUGH SCOTT. Mr. President, reserving the right to disagree, and I do disagree, I believe there is a time and a place in which we can expand our differing views.

I have high hopes and great confidence in the nominees of the Republican Party. I think they have deserved well of the Republic, according to the old Latin saying, and under those circumstances, deserving well of the Republic, I believe they will deserve well of the people and retain their franchise.

PRIVILEGE OF THE FLOOR—H.R. 8603

Mr. HUGH SCOTT. Mr. President, I ask unanimous consent that Mr. Kenneth Butler of my staff be granted the privileges of the floor during the consideration of H.R. 8603, the Postal Act Amendments of 1976.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE NEW RIVER BILL—S. 158

Mr. HELMS. Mr. President, I wonder if the Senator from Montana will yield to me for a question.

Mr. MANSFIELD. Oh, surely.

Mr. HELMS. I thank the able Senator. Can the Senator from Montana give the Senator from North Carolina any information as to when S. 158 will be acted upon by the Senate?

Mr. MANSFIELD. Is that the New River bill?

Mr. HELMS. Yes.

Mr. MANSFIELD. If the Senator will refer to the Racous of August 10, it was indicated, hopefully—this is not ironclad because we have to have some flexibility—that during the week beginning August 30 we will try to get it up at that time. That would be before we would go out for the 2 or 3 days over Labor Day.

Mr. HELMS. I thank the Senator.

I just wanted the Senator to know that this Senator, who is the sponsor of the bill, is perfectly willing to enter into any time agreement to which may be convenient with the leadership, anything from 90 minutes a side to decide on up or down.

Mr. MANSFIELD. The Senator has made his position known to the joint leadership several times. We have tried to reach a time agreement. We have been unsuccessful, so we will just have to take our chances. It will be through no fault of the Senator from North Carolina that we have been unable to obtain a time agreement.

Mr. HELMS. I thank the Senator.

MONTANA WILDERNESS STUDY ACT OF 1976

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar No. 968, which was passed by the Senate prior to the recess just concluded, but was then put back on the calendar.

The ACTING PRESIDENT pro tempore. The clerk will please state the bill by title.

The legislative clerk read as follows:

A bill (S. 393), to provide for the study of certain lands to determine their suitability for designation as wilderness in accordance with the Wilderness Act of 1964, and for other purposes.

The ACTING PRESIDENT pro tempore. Without objection, the Senate will proceed to the consideration of the bill.

The Senate proceeded to consider the bill which had been reported from the Committee on Interior and Insular Affairs with an amendment to strike out all after the enacting clause and insert the following:

That this Act may be cited as the "Montana Wilderness Study Act of 1976".

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132); the Secretary of Agriculture (hereinafter known as the "Secretary") shall, within five years after the date of enactment of this Act, review certain lands designated by this section, as to their suitability for preservation as wilderness, and report his findings to the President, as follows:

(1) certain lands in the Beaverhead National Forest, Montana, which are generally depicted on a map entitled "West Pioneer Wilderness Study Area: and dated April 1976, comprising approximately one hundred and fifty-one thousand acres, which shall be known as the West Pioneer Wilderness Study Area;

(2) certain lands in the Beaverhead and Gallatin National Forests, Montana, which are generally depicted on a map entitled "Taylor-Hilgard Wilderness Study Area" dated April 1976, comprising approximately two hundred and eighty-nine thousand acres, which shall be known as the Taylor-Hilgard Wilderness Study Area;

(3) certain lands in the Bitterroot National Forest, Montana, which are generally depicted on a map entitled "Bluejoint Wilderness Study Area" and dated April 1976 comprising approximately sixty-one thousand acres, which shall be known as the Blue joint Wilderness Study Area;

(4) certain lands in the Bitterroot and Deerlodge National Forests, Montana, which are generally depicted on a map entitled "Sapphire Wilderness Study Area" and dated April 1976, comprising approximately ninety-four thousand acres, which shall be known as the Sapphire Wilderness Study Area;

(5) certain lands in the Helena and Deerlodge National Forests, Montana, which are generally depicted on a map entitled "Elkhorn Wilderness Study Area" dated April 1976, comprising approximately seventy-seven thousand acres, which shall be known as the Elkhorn Wilderness Study Area;

(6) certain lands in the Kootenai National Forest, Montana, which are generally depicted on a map entitled "Ten Lakes Wilderness Study Area" and dated April 1976, comprising approximately thirty-four thousand acres, which shall be known as the Ten Lakes Wilderness Study Area;

(7) certain lands in the Lewis and Clark National Forest, Montana, which are generally depicted on a map entitled "Middle Fork Judith Wilderness Study Area" dated April 1976, comprising approximately eighty-one thousand acres, which shall be known as the Middle Fork Judith Wilderness Study Area;

(8) certain lands in the Lewis and Clark National Forest, Montana, which are generally depicted on a map entitled "Big Snowies Wilderness Study Area" and dated April 1976, comprising approximately ninety-one thousand acres, which shall be known as the Big Snowies Wilderness Study Area;

(9) certain lands in the Gallatin National Forest, Montana, which are generally depicted on a map entitled "Hyalite-Porcupine-Buffalo Horn Wilderness Study Area" and dated April 1976, comprising approximately one hundred and fifty-one thousand acres, which shall be known as the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area; and

MONS 029850

(10) certain lands in the Kootenai National Forest, Montana, which are generally depicted on a map entitled "Mt. Henry Wilderness Study Area" and dated April 1976, comprising approximately twenty-one thousand acres, which shall be known as the Mt. Henry Wilderness Study Area.

(b) The Secretary shall conduct his review and the President shall advise the United States Senate and House of Representatives of his recommendations, in accordance with the provisions of subsections 3(b) and 3(d) of the Wilderness Act, except that any reference in such subsections to areas in the national forests classified as "primitive" shall be deemed to be a reference to the wilderness study areas designated by this Act and except that the President shall advise the Congress of his recommendations with respect to such areas within seven years after the date of enactment of this Act: *Provided, however,* That the Secretary shall give at least sixty days' advance public notice of any hearing or other public meeting concerning such areas.

(c) The maps referred to in this section shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

SEC. 3. (a) Except as otherwise provided by this section, and subject to existing private rights, the wilderness study areas designated by this Act shall, until Congress determines otherwise, be administered by the Secretary of Agriculture so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System.

(b) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

(c) Nothing herein contained shall (1) limit the President in proposing, as part of his recommendation to Congress, the alteration of existing boundaries of any wilderness study area or recommending the addition to any such area of any contiguous area predominantly of wilderness value, or (2) limit the authority of the Secretary of Agriculture to establish, protect, study, or make recommendations to the President and Congress with respect to additional wilderness study areas within national forests in the State of Montana.

SEC. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

AMENDMENT NO. 994

Mr. MANSFIELD. Mr. President, I send an amendment to the desk.

The ACTING PRESIDENT pro tempore. The amendment will be stated.

The legislative clerk read as follows:

The Senator from Montana (Mr. MANSFIELD) proposes an unprinted amendment numbered 994: On page 10, line 7, immediately before the period, insert a colon and the following: "*Provided,* That nothing in this Act or any other law shall be construed to prohibit the Secretary of Agriculture from authorizing, entering on, and approving any application for the construction of a transmission line through the Cedar Creek area, Ennis to Lone Mountain, with a capacity of not to exceed 161 Kv for the sole purpose of providing adequate and reliable electric service to the Big Sky complex and current electrical power users in the Gallatin Valley (including allowance for future service to new residential or small commercial establishments in that area, or to prohibit any such construction based on such approval. In no event shall this proviso be construed as a precedent for any other construction lines through any other areas within the purview of this Act.".

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment.

The amendment was agreed to.

The ACTING PRESIDENT pro tempore. Are there further amendments? If not, the question is on agreeing to the committee amendment in the nature of a substitute, as amended.

The committee amendment, as amended, was agreed to.

The bill was ordered to be engrossed for a third reading, was read the third time, and, passed as follows:

S. 393

An act to provide for the study of certain lands to determine their suitability for designation as wilderness in accordance with the Wilderness Act of 1964, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Montana Wilderness Study Act of 1976".

SEC. 2. (a) In furtherance of the purposes of the Wilderness Act (78 Stat. 890; 16 U.S.C. 1132), the Secretary of Agriculture (hereinafter known as the "Secretary") shall, within five years after the date of enactment of this Act, review certain lands designated by this section, as to their suitability for preservation as wilderness, and report his findings to the President, as follows:

(1) certain lands in the Beaverhead National Forest, Montana, which are generally depicted on a map entitled "West Pioneer Wilderness Study Area: and dated April 1976, comprising approximately one hundred and fifty-one thousand acres, which shall be known as the West Pioneer Wilderness Study Area;

(2) certain lands in the Beaverhead and Gallatin National Forests, Montana, which are generally depicted on a map entitled "Taylor-Hilgard Wilderness Study Area" dated April 1976, comprising approximately two hundred and eighty-nine thousand acres, which shall be known as the Taylor-Hilgard Wilderness Study Area;

(3) certain lands in the Bitterroot National Forest, Montana, which are generally depicted on a map entitled "Bluejoint Wilderness Study Area" and dated April 1976 comprising approximately sixty-one thousand acres, which shall be known as the Bluejoint Wilderness Study Area;

(4) certain lands in the Bitterroot and Deerlodge National Forests, Montana, which are generally depicted on a map entitled "Sapphire Wilderness Study Area" and dated April 1976, comprising approximately ninety-four thousand acres, which shall be known as the Sapphire Wilderness Study Area;

(5) certain lands in the Helena and Deerlodge National Forests, Montana, which are generally depicted on a map entitled "Elkhorn Wilderness Study Area," dated April 1976, comprising approximately seventy-seven thousand acres, which shall be known as the Elkhorn Wilderness Study Area;

(6) certain lands in the Kootenai National Forest, Montana, which are generally depicted on a map entitled "Ten Lakes Wilderness Study Area" and dated April 1976, comprising approximately thirty-four thousand acres, which shall be known as the Ten Lakes Wilderness Study Area;

(7) certain lands in the Lewis and Clark National Forest, Montana, which are generally depicted on a map entitled "Middle Fork Judith Wilderness Study Area" dated April 1976, comprising approximately eighty-one thousand acres, which shall be known as the Middle Fork Judith Wilderness Study Area;

(8) certain lands in the Lewis and Clark National Forest, Montana, which are generally depicted on a map entitled "Big Snowies Wilderness Study Area" and dated April 1976, comprising approximately ninety-one thousand acres, which shall be known as the Big Snowies Wilderness Study Area;

(9) certain lands in the Gallatin National Forest, Montana, which are generally depicted on a map entitled "Hyalite-Porcupine-Buffalo Horn Wilderness Study Area" and dated April 1976, comprising approximately one hundred and fifty-one thousand acres, which shall be known as the Hyalite-Porcupine-Buffalo Horn Wilderness Study Area; and

(10) certain lands in the Kootenai National Forest, Montana, which are generally depicted on a map entitled "Mt. Henry Wilderness Study Area" and dated April 1976, comprising approximately twenty-one thousand acres, which shall be known as the Mt. Henry Wilderness Study Area.

(b) The Secretary shall conduct his review and the President shall advise the United States Senate and House of Representatives of his recommendations, in accordance with the provisions of subsections 3(b) and 3(d) of the Wilderness Act, except that any reference in such subsections to areas in the national forests classified as "primitive" shall be deemed to be a reference to the wilderness study areas designated by this Act and except that the President shall advise the Congress of his recommendations with respect to such areas within seven years after the date of enactment of this Act: *Provided, however,* That the Secretary shall give at least sixty days' advance public notice of any hearing or other public meeting concerning such areas.

(c) The maps referred to in this section shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

SEC. 3. (a) Except as otherwise provided by this section, and subject to existing private rights, the wilderness study areas designated by this Act shall, until Congress determines otherwise, be administered by the Secretary of Agriculture so as to maintain their presently existing wilderness character and potential for inclusion in the National Wilderness Preservation System: *Provided,* That nothing in this Act or any other law shall be construed to prohibit the Secretary of Agriculture from considering, entering on, and approving any application for the construction of a transmission line through the Cedar Creek area, Ennis to Lone Mountain, with a capacity of not to exceed 161 Kv for the sole purpose of providing adequate and reliable electric service to the Big Sky complex and current electrical power users in the Gallatin Valley (including allowance for future service to new residential or small commercial establishments in that area, or to prohibit any such construction based on such approval. In no event shall this proviso be construed as a precedent for any other construction lines through any other areas within the purview of this Act.

(b) Nothing in this Act shall be construed as affecting the jurisdiction or responsibilities of the several States with respect to wildlife and fish in the national forests.

(c) Nothing herein contained shall (1) limit the President in proposing, as part of his recommendation to Congress, the alteration of existing boundaries of any wilderness study area or recommending the addition to any such area of any contiguous area predominantly of wilderness value, or (2) limit the authority of the Secretary of Agriculture to establish, protect, study, or make recommendations to the President and Congress with respect to additional wilderness

MONS 029851

study areas within national forests in the State of Montana.

Sec. 4. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

ORDER OF BUSINESS

Mr. ROBERT C. BYRD. Mr. President, I believe Mr. PELL is to be recognized at this time under an order.

The ACTING PRESIDENT pro tempore. That is correct.

Mr. ROBERT C. BYRD. I ask unanimous consent that Mr. PELL's time be allotted to Mr. STENNIS, or such time as Mr. STENNIS cares to use.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Chair recognizes the distinguished Senator from the State of Mississippi (Mr. STENNIS).

THE WEST POINT HONOR SYSTEM

Mr. STENNIS. Mr. President, I thank the Chair and the distinguished Senator from West Virginia. I do not expect to use more than 4 or 5 minutes, anyway.

Mr. President, I have had a concern all the while and have a growing concern about the situation at the West Point Military Academy with reference to the continuation of the honor system and with reference to the alleged violations of the honor system. I have known for a long time, since I was in law school under an outstanding system of that kind, that the least said, the better; that we give things time in that field and they almost always work out.

I remember, some 8 or 9 years ago, being at the West Point Military Academy and I find the whole matter of the honor system explained to me by the cadets themselves. I remember the deep, intense pride that they had, the cadets had, in the system and their management thereof. I am speaking now, by the way, as an individual Senator. Our committee has not taken this up with the idea of legislating on it. The Senator from Georgia has held some hearings, but, as I understand him, we see it largely in the same way.

The situation there now is very grave, of course, Mr. President. I have decided to say something today in behalf of preserving the system as a continuing institution itself within that very fine academy and let the settling of the alleged violations that are there now be carried as a separate matter. I have no solution to that and I would not know how to counsel on it with my present knowledge. My plan today is, let us not let this matter there now kill the chance to have a system, a continuing honor system, that can operate.

Mr. President, Congress cannot create an honor system at West Point or anywhere else. Five hundred-odd members cannot operate it, the courts cannot operate it. There is some kind of appeal to one of the courts today. The courts cannot operate it. The administration of the West Point Academy cannot create or operate an honor system. This thing must come from the cadets. It is a spiritual thing. It must come from them wherein they must have a desire to have an honor system. It must be operated by them. Unless they are going to do that, it will not work, in my humble opinion.

As I say, I had the lifelong benefit of having been under this system as a young man in law school. It must come out of the hearts and feelings and dedication and warmth of these men involved.

Of course, they must have guidance. They must have some oversight to a small degree, but it is their product and it is theirs to operate. Unless we can get it back on that track and put it up to these young men, then we are going to be disappointed and we shall fail to have a real honor system, and there is only one kind: that is one that works 100 percent.

I hope that whatever is done as to the present situation, the individuals involved will be handled, as far as possible, as somewhat of a separate item or a separate consideration of some kind of an interim period to make a new start. I have not consulted with anyone about this, even the Secretary of the Army. I did write too the Superintendent of the Academy, saying we expect him to do the right thing, which we believe he will do, early. These are just things that come up in my mind as an individual Member of this body.

I hope, as I say, that some arrangement will be made to take care of the present situation on a interim basis. If we give those cadets a chance to preserve, maintain, operate, and have the responsibility for the honor system—after all, they are young men, taken there on trial, a very rigid trial, for 4 years, to determine whether or not they will be suitable for officers for the decades ahead. They are not fully mature to career responsibilities. They are on trial, I mean. But they can carry this responsibility of honor and trust and fidelity and dedication. I think some of the very finest training that they can possibly receive comes from the honor system and their participation in it and everyone will have to have a part or it will not work.

I appreciate the indulgence of the membership to allow me to express myself as one Member of this body.

I hope that we can get away from the idea that Congress is going to do this or going to do that and there is no honor system and that we can create an education by 8 o'clock in the morning or have a mature, trained military man in a few days. I believe that this is impossible. We expect them to do their best there—the man and the administration. I know that this is a delicate matter and if it takes time beyond the next session to work out a satisfactory system, for those young people to work it out, it will be worth the effort so that we shall not be overcome and that they will not, either, that they will run this race with patience and deliberation. I believe they will find a way.

I thank the distinguished majority leader.

EXPRESSION OF SORROW OF THE SENATE WITH RESPECT TO THE DEATH OF HAZEL R. GARN

Mr. MANSFIELD. Mr. President, on behalf of the distinguished Senator from Utah (Mr. MOSS) and the distinguished Senator from Nevada (Mr. LAXALT), I am sure that all their colleagues will join them and me in expressing their deepest sympathy to Senator GARN and his children on the loss of their beloved wife and mother, who was so suddenly and tragically taken from them last Tuesday.

Hazel Rhae Garn was, indeed, an exemplary woman. She devoted her life to the service and understanding of others. Her affection for youth and her competent leadership influenced her own four children and those of others. A faithful member of the Church of Jesus Christ of Latter-day Saints, she served for many years as president of the children's auxiliary in a Salt Lake City ward, and, until her death, as an adviser to a young adult auxiliary of the Mormon Church in McLean, Va., where the Garns make their home.

Her empathic concern for others was evident in every phase of her life. She served on the board of directors for the Salt Lake Community Mental Health Center and volunteered for the American Red Cross. In addition, she was an active worker in the American Cancer Society. A member of the boards of directors for the Salt Lake and Fairfax units and the Utah Division, she was awarded the society's highest honor in 1974, the Devoted Leadership Award.

The loss of her talents, her abilities, and leadership is inestimable for the many who loved and respected Mrs. Garn and felt her affection in return. In this time of sorrow, the thoughts and hearts of the Members of the Senate are with Senator GARN and his family. I pray that God will bless and comfort them. I ask my colleagues to join me in conveying to them, in this resolution, the sympathy and concern of this body.

Those are the words of Senator MOSS of Utah in which Senator LAXALT and I join.

Mr. President, I send this resolution to the desk on behalf of Senator MOSS, Senator LAXALT and myself, as well as the minority leader (Mr. HUGH SCOTT), the assistant majority leader (Mr. ROBERT C. BYRD), the assistant Republican leader (Mr. GRIFFIN), the distinguished Senator from North Carolina (Mr. HELMS), the Senator from Alabama (Mr. SPARKMAN), the Senator from Virginia (Mr. HARRY F. BYRD, JR.), the Senator from Mississippi (Mr. STENNIS), and the Senator from Alabama (Mr. ALLEN), and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The resolution will be stated by title.

The second assistant legislative clerk read as follows:

The Senator from Montana (Mr. MANSFIELD), on behalf of himself, and Senators MOSS, LAXALT, HUGH SCOTT, ROBERT C. BYRD, GRIFFIN, HELMS, SPARKMAN, HARRY F. BYRD, JR., STENNIS, ALLEN, DOMENICI, MCCLURE, FANNIN, BUCKLEY, and BAKER, proposes the following resolution:

A resolution (S. Res. 319) expressing the sorrow of the Senate with respect to the death of Hazel R. Garn.

The ACTING PRESIDENT pro tem-

MONS 029852

pore. Is there objection to the present consideration of the resolution?

There being no objection, the resolution was considered and agreed to.

The resolution is as follows:

Resolved, That the Senate has learned with profound sorrow of the death of Hazel B. Garn, wife of the Senator from Utah, and expresses its deepest sympathy to Senator Garn and his family.

Sec. 2. The Secretary of the Senate shall transmit a copy of this resolution to Senator Garn and his family.

ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business not to exceed 30 minutes, with statements therein limited to 5 minutes each.

ORDER FOR RECOGNITION OF SENATOR PELL ON WEDNESDAY, AUGUST 25, 1976

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. PELL be recognized for not to exceed 15 minutes on Wednesday after the recognition of the two leaders under the standing order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR MOSS ON TUESDAY, AUGUST 24, 1976

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that Mr. Moss be recognized for not to exceed 15 minutes on tomorrow after the two leaders have been recognized.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR—H.R. 8603

Mr. HARRY F. BYRD, JR. Mr. President, I ask unanimous consent that Jeanne O'Neal of my staff be granted privilege of the floor during the consideration of the Postal Reorganization Act.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate now go into executive session to consider Calendar Nos. 7 and 8, Executive H and Executive I, 94th Congress, 2d session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

INTERNATIONAL COFFEE AGREEMENT, 1976

PROTOCOLS FOR THE THIRD EXTENSION OF THE WHEAT TRADE CONVENTION AND FOOD AID CONVENTION CONSTITUTING THE INTERNATIONAL WHEAT AGREEMENT, 1971

The Senate, as in Committee of the Whole, proceeded to consider the following agreement and protocols, which were read the second time:

INTERNATIONAL COFFEE AGREEMENT 1976

PREAMBLE

The Governments Party to this Agreement,

Recognizing the exceptional importance of coffee to the economies of many countries which are largely dependent upon this commodity for their export earnings and thus for the continuation of their development programmes in the social and economic fields;

Considering that close international cooperation on trade in coffee will foster the economic diversification and development of coffee-producing countries, will improve the political and economic relations between producers and consumers and will provide for increasing consumption of coffee;

Recognizing the desirability of avoiding disequilibrium between production and consumption which can give rise to pronounced fluctuations in prices harmful both to producers and to consumers;

Believing that international measures can assist in correcting the effects of such disequilibrium, as well as help to ensure an adequate level of earnings to producers through remunerative prices;

Noting the advantages derived from the international cooperation which resulted from the operation of the International Coffee Agreements 1962 and 1968;

Have agreed as follows:

CHAPTER I.—OBJECTIVES

Article 1

Objectives

The objectives of this Agreement are:

(1) to achieve a reasonable balance between world supply and demand on a basis which will ensure adequate supplies of coffee at fair prices to consumers and markets for coffee at remunerative prices to producers and which will be conducive to long-term equilibrium between production and consumption;

(2) to avoid excessive fluctuations in the levels of world supplies, stocks and prices which are harmful to both producers and consumers;

(3) to contribute to the development of productive resources and to the promotion and maintenance of employment and income in Member countries, thereby helping to bring about fair wages, higher living standards and better working conditions;

(4) to increase the purchasing power of coffee-exporting countries by keeping prices in accordance with the provisions of paragraph (1) of this Article and by increasing consumption;

(5) to promote and increase the consumption of coffee by every possible means; and

(6) in general, in recognition of the relationship of the trade in coffee to the economic stability of markets for industrial products, to further international cooperation in connection with world coffee problems.

Article 2

General undertakings by members

(1) Members undertake to conduct their trade policy in such a way that the objectives set out in Article 1 may be attained. They further undertake to achieve these objectives by strict observance of the obligations and provisions of this Agreement.

(2) Members recognize the need to adopt policies which will maintain prices at levels which will ensure adequate remuneration to producers and seek to ensure that prices of coffee to consumers will not hamper a desirable increase in consumption.

(3) Importing Members undertake not to adopt or maintain any governmental measures which would permit the sale of coffee to non-members on terms commercially more favourable than those which they are prepared to offer at the same time to importing Members, taking into account normal trade practices.

(4) The Council shall review periodically compliance with the provisions of paragraph (3) of this Article and may require Members to supply appropriate information in accordance with the provisions of Article 59.

(5) Members recognize that Certificates of Origin are a vital source of information on the trade in coffee. During periods when quotas are suspended, the responsibility for ensuring the proper use of Certificates of Origin rests with exporting Members. However, importing Members, while under no obligation to demand that Certificates accompany consignments of coffee when quotas are not in effect, shall cooperate fully with the Organization in the collection and verification of Certificates relating to shipments of coffee received from exporting Member countries in order to ensure that the maximum information is available to all Members.

CHAPTER II—DEFINITIONS

Article 3

Definitions

For the purposes of this Agreement:

(1) "Coffee" means the beans and cherries of the coffee tree, whether parchment, green or roasted, and includes ground, decaffeinated, liquid and soluble coffee. These terms shall have the following meaning:

(a) "green coffee" means all coffee in the natural bean form before roasting;

(b) "dried coffee cherry" means the dried fruit of the coffee tree; to find the equivalent of dried coffee cherry to green coffee, multiply the net weight of the dried coffee cherry by 0.50;

(c) "parchment coffee" means the green coffee bean contained in the parchment skin; to find the equivalent of parchment coffee to green coffee, multiply the net weight of the parchment coffee by 0.80;

(d) "roasted coffee" means green coffee roasted to any degree and includes ground coffee; to find the equivalent of roasted coffee to green coffee, multiply the net weight of roasted coffee by 1.19;

(e) "decaffeinated coffee" means green, roasted or soluble coffee from which caffein has been extracted; to find the equivalent of decaffeinated coffee to green coffee, multiply the net weight of the decaffeinated coffee in green, roasted or soluble form by 1.00, 1.19 or 2.50[1] respectively;

(f) "liquid coffee" means the water-soluble solids derived from roasted coffee and put into liquid form; to find the equivalent of liquid to green coffee, multiply the net weight of the dried coffee solids contained in the liquid coffee by 2.50[1];

(g) "soluble coffee" means the dried water-soluble solids derived from roasted coffee; to find the equivalent of soluble coffee to green coffee, multiply the net weight of the soluble coffee by 2.05.[1]

(2) "Bag" means 60 kilogrammes or 132.276 pounds of green coffee; "tonne" means a metric tonne of 1,000 kilogrammes or 2,204.6 pounds; and "pound" means 453.597 grammes.

(3) "Coffee year" means the period of one year, from 1 October through 30 September.

(4) "Organization", "Council" and "Board" mean, respectively, the International Coffee Organization, the International Coffee Council and the Executive Board.

(5) "Member" means a Contracting Party, including an intergovernmental organization referred to in paragraph (3) of Article 4; a designated territory or territories in respect of which separate Membership has been declared under the provisions of Ar-

[1] The conversion factor of 2.05 shall be reviewed and may be revised by the Council in the light of decisions taken by recognized international authorities.

MONS 029853

title 3; or two or more Contracting Parties or designated territories, or both, which participate in the Organization as a Member group under the provisions of Articles 6 or 7.

(6) "Exporting Member" or "exporting country" means a Member or country, respectively, which is a net exporter of coffee; that is, a Member or country whose exports exceed its imports.

(7) "Importing Member" or "importing country" means a Member or country, respectively, which is a net importer of coffee; that is, a Member or country whose imports exceed its exports.

(8) "Producing Member" or "producing country" means a Member or country, respectively, which grows coffee in commercially significant quantities.

(9) "Distributed simple majority vote" means a majority of the votes cast by exporting Members present and voting and a majority of the votes cast by importing Members present and voting, counted separately.

(10) "Distributed two-thirds majority vote" means a two-thirds majority of the votes cast by exporting Members present and voting and a two-thirds majority of the votes cast by importing Members present and voting, counted separately.

(11) "Entry into force" means, except as otherwise provided, the date on which this agreement enters into force, whether provisionally or definitively.

(12) "Exportable production" means the total production of coffee of an exporting country in a given coffee or crop year, less the amount destined for domestic consumption in the same year.

(13) "Availability for export" means the exportable production of an exporting country in a given coffee year, plus accumulated stocks from previous years.

(14) "Export entitlement" means the total quantity of coffee which a Member is authorized to export under the various provisions of this Agreement, but excluding exports which under the provisions of Article 44 are not charged to quota.

(15) "Shortfall" means the difference between the annual export entitlement of an exporting Member in a given coffee year and the amount of coffee which that Member has exported to quota markets in that coffee year.

CHAPTER III—MEMBERSHIP

Article 4

Membership in the organization

(1) Each Contracting Party, together with those territories to which this Agreement is extended under the provisions of paragraph (2) of Article 64, shall constitute a single Member of the Organization, except as otherwise provided for under the provisions of Articles 5, 6 and 7.

(2) A Member may change its category of Membership on such conditions as the Council may agree.

(3) Any reference in this Agreement to a Government shall be construed as including a reference to the European Economic Community, or any intergovernmental organization having comparable responsibilities in respect of the negotiation, conclusion and application of international agreements, in particular commodity agreements.

(4) Such intergovernmental organization shall not itself have any votes but in the case of a vote on matters within its competence it shall be entitled to cast collectively the votes of its member States. In such cases, the member States of such intergovernmental organization shall not be entitled to exercise their individual voting rights.

(5) The provisions of paragraph (1) of Article 16 shall not apply to such intergovernmental organization but it may participate in the discussions of the Executive Board on matters within its competence. In the case of a vote on matters within its competence, and notwithstanding the provisions of paragraph (1) of Article 19, the votes which its member States are entitled to cast in the Executive Board may be cast collectively by any one of those member States.

Article 5

Separate membership in respect of designated territories

Any Contracting Party which is a net importer of coffee may, at any time, by appropriate notification in accordance with the provisions of paragraph (2) of Article 64, declare that it is participating in the Organization separately with respect to any of the territories for whose international relations it is responsible, which are net exporters of coffee and which it designates. In such case, the metropolitan territory and its non-designated territories will have a single Membership, and its designated territories, either individually or collectively as the notification indicates, will have separate Membership.

Article 6

Group membership upon joining the organization

(1) Two or more Contracting Parties which are net exporters of coffee may, by appropriate notification to the Council and to the Secretary-General of the United Nations at the time of deposit of their respective instruments of approval, ratification, acceptance or accession, declare that they are joining the Organization as a Member group. A territory to which this Agreement has been extended under the provisions of paragraph (1) of Article 64 may constitute part of such Member group if the Government of the State responsible for its international relations has given appropriate notification thereof under the provisions of paragraph (2) of Article 64. Such Contracting Parties and designated territories must satisfy the following conditions:

(a) they shall declare their willingness to accept responsibility for group obligations in an individual as well as a group capacity;

(b) they shall subsequently provide satisfactory evidence to the Council that:

(i) the group has the organization necessary to implement a common coffee policy and that they have the means of complying, together with the other parties to the group, with their obligations under this Agreement; and that either

(ii) they have been recognized as a group in a previous international coffee agreement; or

(iii) they have a common or coordinated commercial and economic policy in relation to coffee and a coordinated monetary and financial policy, as well as the organs necessary to implement such policies, so that the Council is satisfied that the Member group is able to comply with the group obligations involved.

(2) The Member group shall constitute a single Member of the Organization, except that each party to the group shall be treated as if it were a single Member in relation to matters arising under the following provisions:

(a) Articles 11, 12 and 20 of Chapter IV;

(b) Articles 50 and 51 of Chapter VIII; and

(c) Article 67 of Chapter X.

(3) The Contracting Parties and designated territories joining as a Member group shall specify the Government or organization which will represent them in the Council on matters arising under this Agreement other than those specified in paragraph (2) of this Article.

(4) The voting rights of the Member group shall be as follows:

(a) the Member group shall have the same number of basic votes as a single Member country joining the Organization in an individual capacity. These basic votes shall be distributed to and cast by the Government or organization representing the group; and

(b) in the event of a vote on any matters arising under the provisions of paragraph (2) of this Article, the parties to the Member group may cast separately the votes attributed to them under the provisions of paragraphs (3) and (4) of Article 13 as if each were an individual Member of the Organization, except for the basic votes, which shall remain attributable only to the Government or organization representing the group.

(5) Any Contracting Party or designated territory which is a party to a Member group may, by notification to the Council, withdraw from that group and become a separate Member. Such withdrawal shall take effect upon receipt of the notification by the Council. If a party to a Member group withdraws from that group or ceases to participate in the Organization, the remaining parties to the group may apply to the Council to maintain the group; the group shall continue to exist unless the Council disapproves the application. If the Member group is dissolved, each former party to the group will become a separate Member. A Member which has ceased to be a party to a group may not, as long as this Agreement remains in force, again become a party to a group.

Article 7

Subsequent Group Membership

Two or more exporting Members may, at any time after this Agreement has entered into force, apply to the Council to form a Member group. The Council shall approve the application if it finds that the Members have made a declaration and have provided satisfactory evidence in accordance with the requirements of paragraph (1) of Article 6. Upon such approval, the Member group shall be subject to the provisions of paragraphs (2), (3), (4) and (5) of that Article.

CHAPTER IV.—ORGANIZATION AND ADMINISTRATION

Article 8

Seat and Structure of the International Coffee Organization

(1) The International Coffee Organization established under the 1962 Agreement shall continue in being to administer the provisions and supervise the operation of this Agreement.

(2) The seat of the Organization shall be in London unless the Council by a distributed two-thirds majority vote decide otherwise.

(3) The Organization shall function through the International Coffee Council, the Executive Board, the Executive Director and the staff.

Article 9

Composition of the International Coffee Council

(1) The highest authority of the Organization shall be the International Coffee Council, which shall consist of all the Members of the Organization.

(2) Each Member shall appoint one representative on the Council and, if it so desires, one or more alternates. A Member may also designate one or more advisers to its representative or alternates.

Article 10

Powers and Functions of the Council

(1) All powers specifically conferred by this Agreement shall be vested in the Council, which shall have the powers and perform the functions necessary to carry out the provisions of this Agreement.

(2) The Council shall, by a distributed two-thirds majority vote, establish such rules and regulations, including its own rules of procedure and the financial and staff regulations of the Organization, as are necessary to carry out the provisions of this Agreement and are consistent therewith. The Council may, in its rules of procedure, provide the

MONS 029854

means whereby it may, without meeting, decide specific questions.

(2) The Council shall also keep such records as are required to perform its functions under this Agreement and such other records as it considers desirable.

Article 11

Election of the chairman and vice-chairmen of the Council

(1) The Council shall elect, for each coffee year, a Chairman and a first, a second and a third Vice-Chairman.

(2) As a general rule, the Chairman and the first Vice-Chairman shall both be elected either from among the representatives of exporting Members or from among the representatives of importing Members and the second and the third Vice-Chairmen shall be elected from among representatives of the other category of Member. These offices shall alternate each coffee year between the two categories of Member.

(3) Neither the Chairman nor any Vice-Chairman acting as Chairman shall have the right to vote. His alternate will in such case exercise the voting rights of the Member.

Article 12

Sessions of the Council

As a general rule, the Council shall hold regular sessions twice a year. It may hold special sessions should it so decide. Special sessions shall also be held at the request of the Executive Board, of any five Members, or of a Member or Members having at least 200 votes. Notice of sessions shall be given at least thirty days in advance except in cases of emergency. They shall be held at the seat of the Organization, unless the Council decides otherwise.

Article 13

Votes

(1) The exporting Members shall together hold 1,000 votes and the importing Members shall together hold 1,000 votes, distributed within each category of Member—that is, exporting and importing Members, respectively—as provided for in the following paragraphs of this Article.

(2) Each Member shall have five basic votes, provided that the total number of basic votes within each category of Member does not exceed 200. Should there be more than thirty exporting Members or more than thirty importing Members, the number of basic votes for each Member within that category of Member shall be adjusted so as to keep the total number of basic votes for each category of Member within the maximum of 200.

(3) Exporting Members listed in Annex I as having an initial annual export quota of 100,000 bags of coffee or more but less than 400,000 bags shall, in addition to the basic votes, have the number of votes attributed to them in column 3 of Annex I. If any exporting Member referred to in this paragraph ceases to have a basic quota under the provisions of paragraph (5) of Article 31, the provisions of this paragraph shall cease to apply to it.

(4) Subject to the provisions of Article 22, the remaining votes of exporting Members shall be divided, among those Members having a basic quota in proportion to the average volume of their respective exports of coffee to importing Members in coffee years 1968/69 to 1971/72 inclusive. This will constitute the basis of voting for the exporting Members concerned until 31 December 1977. With effect from 1 January 1978 the remaining votes of exporting Members having a basic quota be calculated in proportion to the average volume of their respective exports of coffee to importing Members as follows:

With effect from January 1, and coffee years:

1978—1969/70, 1970/71, 1971/72, 1972/77.
1979—1970/71, 1971/72, 1972/77, 1977/78.
1980—1971/72, 1972/77, 1977/78, 1978/79.
1981—1972/77, 1977/78, 1978/79, 1979/80.
1982—1977/78, 1978/79, 1979/80, 1980/81.

(5) The remaining votes of importing Members shall be divided among those Members in proportion to the average volume of their respective coffee imports in the preceding three calendar years.

(6) The distribution of votes shall be determined by the Council in accordance with the provisions of this Article at the beginning of each coffee year and shall remain in effect during that year, except as provided for in paragraphs (4) and (7) of this Article.

(7) The Council shall provide for the redistribution of votes in accordance with the provisions of this Article whenever there is a change in the membership of the Organization, or if the voting rights of a Member are suspended or regained under the provisions of Articles 25, 42, 45 or 58.

(8) No Member shall hold more than 400 votes.

(9) There shall be no fractional votes.

Article 14

Voting procedure of the Council

(1) Each Member shall be entitled to cast the number of votes it holds and shall not be entitled to divide its votes. However, a Member may cast differently any votes which it holds under the provisions of paragraph (2) of this Article.

(2) Any exporting Member may authorize any other exporting Member, and any importing Member may authorize any other importing Member, to represent its interests and to exercise its right to vote at any meeting or meetings of the Council. The limitation provided for in paragraph (8) of Article 13 shall not apply in this case.

Article 15

Decisions of the Council

(1) All decisions of the Council shall be taken, and all recommendations shall be made, by a distributed simple majority vote unless otherwise provided for in this Agreement.

(2) The following procedure shall apply with respect to any decision by the Council which under the provisions of this Agreement requires a distributed two-thirds majority vote:

(a) If a distributed two-thirds majority vote is not obtained because of the negative vote of three or less exporting or three or less importing Members, the proposal shall, if the Council so decides by a majority of the Members present and by a distributed simple majority vote, be put to a vote again within 48 hours;

(b) If a distributed two-thirds majority vote is again not obtained because of the negative vote of two or less importing or two or less exporting Members, the proposal shall, if the Council so decides by a majority of the Members present and by a distributed simple majority vote, be put to a vote again within 24 hours;

(c) If a distributed two-thirds majority vote is not obtained in the third vote because of the negative vote of one exporting Member or one importing Member, the proposal shall be considered adopted; and

(d) If the Council fails to put a proposal to a further vote, it shall be considered rejected.

(3) Members undertake to accept as binding all decisions of the Council under the provisions of this Agreement.

Article 16

Composition of the Board

(1) The Executive Board shall consist of eight exporting Members and eight importing Members elected for each coffee year in accordance with the provisions of Article 17. Members may be re-elected.

(2) Each member of the Board shall appoint one representative and, if it so desires, one or more alternates. Each member may also designate one or more advisers to its representative or alternates.

(3) The Executive Board shall have a Chairman and Vice-Chairman who shall be elected by the Council for each coffee year and may be re-elected. Neither the Chairman nor a Vice-Chairman acting as Chairman shall have the right to vote. If a representative is elected Chairman or if a Vice-Chairman is acting as Chairman, his alternate will have the right to vote in his place. As a general rule, the Chairman and the Vice-Chairman for each coffee year shall be elected from among the representatives of the same category of Member.

(4) The Board shall normally meet at the seat of the Organization but may meet elsewhere.

Article 17

Election of the Board

(1) The exporting and the importing members of the Board shall be elected in the Council by the exporting and the importing Members of the Organization respectively. The election within each category shall be held in accordance with the provisions of the following paragraphs of this Article.

(2) Each Member shall cast for a single candidate all the votes to which it is entitled under the provisions of Article 13. A Member may cast for another candidate any votes which it holds under the provisions of paragraph (2) of Article 14.

(3) The eight candidates receiving the largest number of votes shall be elected; however, no candidate shall be elected on the first ballot unless it receives at least 75 votes.

(4) If, under the provisions of paragraph (3) of this Article, less than eight candidates are elected on the first ballot, further ballots shall be held in which only Members which did not vote for any of the candidates elected shall have the right to vote. In each further ballot the minimum number of votes required for election shall be successively diminished by five until eight candidates are elected.

(5) Any Member which did not vote for any of the Members elected shall assign its votes to one of them, subject to the provisions of paragraphs (6) and (7) of this Article.

(6) A Member shall be deemed to have received the number of votes cast for it when it was elected and, in addition, the number of votes assigned to it, provided that the total number of votes shall not exceed 400 for any Member elected.

(7) If the votes deemed received by an elected Member exceed 400, Members which voted for or assigned their votes to such elected Member shall arrange among themselves for one or more of them to withdraw their votes from that Member and assign or re-assign them to another elected Member so that the votes received by each elected Member shall not exceed the limit of 400.

Article 18

Competence of the Board

(1) The Board shall be responsible to and work under the general direction of the Council.

(2) The Council may, by a distributed two-thirds majority vote, delegate to the Board the exercise of any or all of its powers other than the following:

(a) approval of the administrative budget and assessment of contributions under the provisions of Article 26;

(b) suspension of the voting rights of a Member under the provisions of Articles 42 or 58;—

(c) waiver of the obligations of a Member under the provisions of Article 39;

(d) decisions on disputes under the provisions of Article 69;

MONS 029855

(e) establishment of conditions for accession under the provisions of *Article 65*;

(f) a decision to require the exclusion of a Member under the provisions of Article 66;

(g) a decision concerning renegotiation, extension or termination of this Agreement under the provisions of Article 68; and

(h) recommendation of amendments to Members under the provisions of Article 69.

(3) The Council may, by a distributed simple majority vote, at any time revoke any powers which have been delegated to the Board.

Article 19

Voting procedure of the Board

(1) Each member of the Board shall be entitled to cast the number of votes received by it under the provisions of paragraphs (6) and (7) of Article 17. Voting by proxy shall not be allowed. A member of the Board shall not be entitled to divide its votes.

(2) Any decision taken by the Board shall require the same majority as such decision would require if taken by the Council.

Article 20

Quorum for the Council and the Board

(1) The quorum for any meeting of the Council shall be the presence of a majority of the Members representing a distributed two-thirds majority of the total votes. If there is no quorum at the time appointed for the commencement of any Council meeting, the Chairman of the Council may decide to postpone the opening time of the meeting for at least three hours. If there is no quorum at the new time set, the Chairman may again defer the opening time of the Council meeting for at least a further three hours. This procedure may be repeated until a quorum is present at the appointed time. Representation in accordance with the provisions of paragraph (2) of Article 14 shall be considered as presence.

(2) The quorum for any meeting of the Board shall be the presence of a majority of the members representing a distributed two-thirds majority of the total votes.

Article 21

The Executive Director and the staff

(1) The Council shall appoint the Executive Director on the recommendation of the Board. The terms of appointment of the Executive Director shall be established by the Council and shall be comparable to those applying to corresponding officials of similar intergovernmental organizations.

(2) The Executive Director shall be the chief administrative officer of the Organization and shall be responsible for the performance of any duties devolving upon him in the administration of this Agreement.

(3) The Executive Director shall appoint the staff in accordance with regulations established by the Council.

(4) Neither the Executive Director nor any member of the staff shall have any financial interest in the coffee industry, coffee trade or the transportation of coffee.

(5) In the performance of their duties, the Executive Director and the staff shall not seek or receive instructions from any Member or from any other authority external to the Organization. They shall refrain from any action which might reflect on their position as international officials responsible only to the Organization. Each Member undertakes to respect the exclusively international character of the responsibilities of the Executive Director and the staff and not to seek to influence them in the discharge of their responsibilities.

Article 22

Cooperation with other organizations

The Council may make whatever arrangements are desirable for consultation and cooperation with the United Nations and its specialized agencies and with other appropriate intergovernmental organizations. The Council may invite these organizations and any organizations concerned with coffee to send observers to its meetings.

CHAPTER V.—PRIVILEGES AND IMMUNITIES

Article 23

Privileges and immunities

(1) The Organization shall have legal personality. It shall in particular have the capacity to contract, acquire and dispose of movable and immovable property and to institute legal proceedings.

(2) The status, privileges and immunities of the Organization, of its Executive Director, its staff and experts, and of representatives of Members while in the territory of the United Kingdom of Great Britain and Northern Ireland for the purpose of exercising their functions, shall continue to be governed by the Headquarters Agreement concluded between the Government of the United Kingdom of Great Britain and Northern Ireland (hereinafter referred to as the host Government) and the Organization on 28 May 1969.

(3) The Headquarters Agreement referred to in paragraph (2) of this Article shall be independent of this Agreement. It shall however terminate:

(a) by agreement between the host Government and the Organization;

(b) in the event of the headquarters of the Organization being moved from the territory of the host Government; or

(c) in the event of the Organization ceasing to exist.

(4) The Organization may conclude with one or more other Members agreements to be approved by the Council relating to such privileges and immunities as may be necessary for the proper functioning of this Agreement.

(5) The Governments of Member countries other than the host Government shall grant the Organization the same facilities in respect of currency or exchange restrictions, maintenance of bank accounts and transfer of monies, as are accorded to the specialized agencies of the United Nations.

CHAPTER VI.—FINANCE

Article 24

Finance

(1) The expenses of delegations to the Council, representatives on the Board and representatives on any of the committees of the Council or the Board shall be met by their respective Governments.

(2) The other expenses necessary for the administration of this Agreement shall be met by annual contributions from the Members assessed in accordance with the provisions of Article 25. However, the Council may levy fees for specific services.

(3) The financial year of the Organization shall be the same as the coffee year.

Article 25

Determination of the budget and assessment of contributions

(1) During the second half of each financial year, the Council shall approve the administrative budget of the Organization for the following financial year and shall assess the contribution of each Member to that budget.

(2) The contribution of each Member to the budget for each financial year shall be in the proportion which the number of its votes at the time the budget for that financial year is approved bears to the total votes of all the Members. However, if there is any change in the distribution of votes among Members in accordance with the provisions of paragraph (6) of Article 18 at the beginning of the financial year for which contributions are assessed, such contributions shall be correspondingly adjusted for that year. In determining contributions, the votes of each Member shall be calculated without regard to the suspension of the voting rights of any Member or any redistribution of votes resulting therefrom.

(3) The initial contribution of any Member joining the Organization after the entry into force of this Agreement shall be assessed by the Council on the basis of the number of votes to be held by it and the period remaining in the current financial year, but the assessments made upon other Members of the current financial year shall not be altered.

Article 26

Payment of contributions

(1) Contributions to the administrative budget for each financial year shall be payable in freely convertible currency and shall become due on the first day of that financial year.

(2) If any Member fails to pay its full contribution to the administrative budget within six months of the date on which the contribution is due, both its voting rights in the Council and its right to have its votes cast in the Board shall be suspended until such contribution has been paid. However, unless the Council by a distributed two-thirds majority vote so decides, such Member shall not be deprived of any of its other rights nor relieved of any of its obligations under this Agreement.

(3) Any Member whose voting rights have been suspended either under the provisions of paragraph (2) of this Article or under the provisions of Articles 42, 45 or 58 shall nevertheless remain responsible for the payment of its contribution.

Article 27

Audit and publication of accounts

As soon as possible after the close of each financial year, an independently audited statement of the Organization's receipts and expenditures during that financial year shall be presented to the Council for approval and publication.

CHAPTER VII.—REGULATION OF EXPORTS AND IMPORTS

Article 28

General provisions

(1) All decisions of the Council under the provisions of this Chapter shall be adopted by a distributed two-thirds majority vote.

(2) The word "annual" in this Chapter shall mean any period of twelve months established by the Council. However, the Council may adopt procedures for applying the provisions of this Chapter for a period longer than twelve months.

Article 29

Markets subject to quota

For the purpose of this Agreement, the world coffee market shall be divided into Member quota and non-member non-quota markets.

Article 30

Basic quotas

(1) Each exporting Member shall, subject to the provisions of Articles 31 and 33, be entitled to a basic quota calculated in accordance with the provisions of this Article.

(2) If, under the provisions of Article 35, quotas come into effect during coffee year 1976/77, the basic quota to be used for the distribution of the fixed part of the quotas shall be calculated on the basis of the average volume of the annual exports of each exporting Member to importing Members in coffee years 1968/69 to 1971/72. This distribution of the fixed part shall remain in effect until the quotas are suspended for the first time under the provisions of Article 38.

(3) If quotas are not introduced in coffee year 1976/77 but come into effect during coffee year 1977/78, the basic quota to be used for the distribution of the fixed part of the quotas shall be calculated by select-

MONS 029856

ing for each exporting Member the higher of the following:

(a) the volume of its exports to importing Members during coffee year 1976/77 calculated on the basis of information obtained from Certificates of Origin; or

(b) the figure resulting from the application of the procedure established in paragraph (2) of this Article.

This distribution of the fixed part shall remain in effect until the quotas are suspended for the first time under the provisions of Article 35.

(4) If quotas come into effect for the first time or are reintroduced during coffee year 1976/77, or at any time thereafter, the basic quota to be used for the distribution of the fixed part of the quotas shall be calculated by selecting for each exporting Member the higher of the following:

(a) the average of the volume of its exports to importing Members for coffee years 1976/77 and 1977/78 calculated on the basis of information obtained from Certificates of Origin; or

(b) the figure resulting from the application of the procedure established in paragraph (2) of this Article.

(5) If quotas are introduced under the provisions of paragraph (3) of this Article and subsequently suspended, their reintroduction during coffee year 1977/78 shall be governed by the provisions of paragraph (4) of this Article and paragraph (1) of Article 35. The reintroduction of quotas during coffee year 1978/79, or at any time thereafter, shall be governed by the provisions of paragraph (4) of this Article and paragraph (1) of Article 35.

Article 31

Importing members exempt from basic quotas

(1) Subject to the provisions of paragraphs (6) and (8) of this Article, a basic quota shall not be allocated to the exporting Members listed in Annex I. Subject to the provisions of Article 36, in coffee year 1976/77 these Members shall have the initial annual export quotas set out in column 1 of that Annex. Subject to the provisions of paragraph (2) of this Article and to those of Article 32, the quota of these Members in each of the subsequent coffee years shall be increased by:

(a) 10 percent of the initial annual export quota in the case of Members whose initial annual export quota is less than 150,000 bags; and

(b) 5 percent of the initial annual export quota in the case of Members whose initial annual export quota is 150,000 bags or more but less than 400,000 bags.

These annual increments shall be deemed, for the purpose of uniting the annual quota of the Members concerned whenever quotas are introduced or reintroduced under the provisions of Article 35, to have been effective from the entry into force of this Agreement.

(2) Not later than 31 July of each year, each Member referred to in paragraph (1) of this Article shall notify the Council of the amount of coffee it is likely to have available for export during the next coffee year. The quota for the next coffee year shall be the amount thus indicated by the exporting Member, provided that such amount is within the permissible limit defined in paragraph (1) of this Article.

(3) When the annual quota of an exporting Member having an initial annual export quota of less than 150,000 bags reaches or exceeds the maximum of 150,000 bags referred to in paragraph (1) of this Article, the Member shall thereafter be subject to the provisions applicable to exporting Members whose initial annual export quotas are 150,000 bags or more but less than 400,000 bags.

(4) When the annual quota of an exporting Member having an initial annual export quota of less than 400,000 bags reaches the maximum of 400,000 bags referred to in paragraph (1) of this Article, the Member shall thereafter be subject to the provisions of Articles 35 and the Council shall set a basic quota for such Member.

(5) Any exporting Member listed in Annex I which exports 100,000 bags or more may at any time request the Council to establish a basic quota for it.

(6) Members whose annual quotas are less than 100,000 bags shall not be subject to the provisions of Articles 36 and 37.

Article 32

Provisions for the adjustment of basic quotas

(1) If an importing country which was neither a member of the International Coffee Agreement 1968 nor of the International Coffee Agreement 1968 as Extended becomes a Member of this Agreement, the Council shall adjust the basic quotas resulting from the application of the provisions of Article 30.

(2) The adjustment referred to in paragraph (1) of this Article shall take into account either the average exports of individual exporting Members to the importing country concerned during the period 1968 to 1972 or the proportionate share of individual exporting Members in the average imports of that country during the same period.

(3) The Council shall approve the data to be used as a basis for the calculations necessary for the adjustment of basic quotas, as well as the criteria to be followed for the purpose of applying the provisions of this Article.

Article 33

Provisions for the introduction, suspension and reintroduction of quotas

(1) Unless the Council decides otherwise, quotas shall come into effect at any time during the life of this Agreement if:

(a) the composite indicator price remains on average, for 20 consecutive market days, at or below the ceiling of the price range currently in effect established by the Council under the provisions of Article 26;

(b) in the absence of a decision by the Council to establish a price range:

(i) the average of the indicator prices for Other Mild and Robusta coffees remains on average, for 20 consecutive market days, at or below the average of these prices for calendar year 1973 as maintained by the Organization during the life of the International Coffee Agreement 1968 as Extended; or

(ii) subject to the provisions of paragraph (3) of this Article, the composite indicator price calculated under the provisions of Article 26 remains on average, for 20 consecutive market days, 15 percent or more below the average composite indicator price for the preceding coffee year during which this Agreement was in force.

Notwithstanding the preceding provisions of this paragraph, quotas shall not come into effect on the entry into force of this Agreement unless the average of the indicator prices for Other Mild and Robusta coffees remains on average, for the 20 consecutive market days immediately preceding that date, at or below the average of these prices for calendar year 1975.

(3) Notwithstanding the provisions of subparagraph (b) (ii) of paragraph (1) of this Article, quotas shall not come into effect, unless the Council decides otherwise, if the average of the indicator prices for Other Mild and Robusta coffees remains on average, for 20 consecutive market days, 22.5 percent or more above the average of these prices for calendar year 1975.

(4) The prices specified in sub-paragraph (b) (i) of paragraph (1) and in paragraph (2) of this Article shall be reviewed and may be revised by the Council prior to 30 September 1978 and to 30 September 1980.

(5) Unless the Council decides otherwise, quotas shall be suspended:

(a) if the composite indicator price remains on average, for 20 consecutive market days, 15 percent above the ceiling of the price range established by the Council and currently in force; or

(b) in the absence of a decision by the Council to establish a price range, if the composite indicator price remains on average, for 20 consecutive market days, 15 percent or more above the average composite indicator price recorded during the preceding calendar year.

(6) Unless the Council decides otherwise, quotas shall be reintroduced, after suspension under the provisions of paragraph (4) of this Article, in accordance with the provisions of paragraphs (1), (2) and (3).

(7) Whenever the relevant price conditions referred to in paragraph (1) of this Article are met, and subject to the provisions of paragraph (2) of this Article, quotas shall come into effect as soon as possible and in any event not later than the quarter following the fulfilment of the relevant price conditions. The quotas shall, except as otherwise provided for this Agreement, be fixed for a period of four quarters. If the global annual and quarterly quotas have not previously been established by the Council, the Executive Director shall set a quota on the basis of the disappearance of coffee in quota markets, estimated in accordance with the criteria established in Article 34; such quota shall be allocated to exporting Members in accordance with the provisions of Articles 31 and 35.

(7) The Council shall be convened during the first quarter after quotas come into effect in order to establish price ranges and to review and, if necessary, revise quotas for such period as the Council deems advisable, provided that such period does not exceed twelve months from the date on which quotas came into effect.

Article 34

Setting of the Global Annual Quota

Subject to the provisions of Article 33, the Council shall, at its last regular session of the coffee year, set a global annual quota taking into account inter alia the following:

(a) estimated annual consumption of Importing Members;

(b) estimated imports of Members from other Importing Members and from non-member countries;

(c) estimated changes in the level of inventories in importing Member countries and in free ports;

(d) compliance with the provisions of Article 40 concerning shortfalls and their redistributions; and

(e) for the introduction or reintroduction of quotas under the provisions of paragraph (1) and (5) of Article 33, exports of exporting Members to importing Members and to non-members during the twelve-month period preceding the introduction of quotas.

Article 35

Allocation of Annual Quotas

(1) In the light of the decision taken under the provisions of Article 34 and after deducting the amount of coffee required to comply with the provisions of Article 31, annual quotas shall be allocated in fixed and variable parts to exporting Members entitled to a basic quota. The fixed part shall correspond to 70 percent of the global annual quota, as adjusted to comply with the provisions of Article 31, and shall be distributed among exporting Members in accordance with the provisions of Article 30. The variable part shall correspond to 30 percent of the global annual quota, as adjusted to comply

MONS 029857

with the provisions of Article 31. These proportions may be changed by the Council but the fixed part shall never be less than 70 percent. Subject to the provisions of paragraph (3) of this Article, the variable part shall be distributed among exporting Members in the proportion which the verified stocks of each exporting Member bear to the total verified stocks of all exporting Members having basic quotas, provided that, unless the Council establishes a different limit, no Member shall receive a share of the variable part of the quota in excess of 40 percent of the total volume of such variable part.

(3) The stocks to be taken into account for the purposes of this Article shall be those verified, in accordance with the appropriate rules for the verification of stocks, at the end of the crop year of each exporting Member immediately preceding the setting of quotas.

Article 36

Quarterly Quotas

(1) Immediately following the allocation of annual quotas under the provisions of paragraph (1) of Article 35, and subject to the provisions of Article 31, the Council shall allocate quarterly quotas to each exporting Member for the purpose of assuring an orderly flow of coffee to world markets throughout the period for which quotas are set.

(2) These quotas shall be, as nearly as possible, 25 percent of the annual quota of each Member. No Member shall be allowed to export more than 30 percent in the first quarter, 55 percent in the first two quarters, and 80 percent in the first three quarters. If exports by any Member in one quarter are less than its quota for that quarter, the outstanding balance shall be added to its quota for the following quarter.

(3) The provisions of this Article shall also apply to the implementation of paragraph (6) of Article 35.

(4) If, on account of exceptional circumstances, an exporting Member considers that the limitations provided in paragraph (2) of this Article would be likely to cause serious harm to its economy, the Council may, at the request of that Member, take appropriate action under the provisions of Article 56. The Member concerned must furnish evidence of harm and provide adequate guarantees concerning the maintenance of price stability. The Council shall not, however, in any event, authorize a Member to export more than 35 percent of its annual quota in the first quarter, 60 percent in the first two quarters, and 85 percent in the first three quarters.

Article 37

Adjustment of annual and quarterly quotas

(1) If market conditions so require, the Council may vary the annual and quarterly quotas allocated under the provisions of Articles 33, 35 and 36. Subject to the provisions of paragraph (1) of Article 35 and except as provided for in Article 31 and paragraph (3) of Article 39, the quotas of each exporting Member shall be varied by the same percentage.

(2) Notwithstanding the provisions of paragraph (1) of this Article, the Council may, if it finds the market situation so requires, make adjustments among the current and remaining quarterly quotas of exporting Members without, however, altering the annual quotas.

Article 38

Price measures

(1) The Council shall establish a system of indicator prices which shall provide for a daily composite indicator price.

(2) On the basis of such a system, the Council may establish price ranges and price differentials for the principal types and/or groups of coffee and a composite price range.

(3) In establishing and adjusting any price range for the purposes of this Article, the Council shall take into consideration the prevailing level and trend of coffee prices including the influence thereon of:

The levels and trends of consumption and production as well as stocks in importing and exporting countries;

Changes in the world monetary system;

The trend of world inflation or deflation; and

Any other factors which might affect the achievement of the objectives set out in this Agreement.

The Executive Director shall supply the data necessary to permit the Council to give due consideration to the foregoing elements.

(4) The Council shall make rules concerning the effect of the introduction of quotas or adjustments thereto on contracts entered into prior to such introduction or adjustment.

Article 39

Additional measures for the adjustment of quotas

(1) If quotas are in effect, the Council shall be convened in order to establish a system for the pro rata adjustment of quotas in response to movements in the composite indicator price, as provided for in Article 38.

(2) Such a system shall include provisions regarding price ranges, the number of market days over which counts shall be held and the number and size of adjustments.

(3) The Council may also establish a system for increasing quotas in response to the movement of the prices of the principal types and/or groups of coffee.

Article 40

Shortfalls

(1) Each exporting Member shall declare any anticipated shortfall from its export entitlement in order to permit redistribution in the same coffee year among exporting Members able and prepared to export the amounts of shortfalls. Seventy percent of the quantity declared in accordance with the provisions of this paragraph shall be offered for redistribution in the first instance among other Members exporting the same type of coffee in proportion to their basic quotas and 30 percent in the first instance to Members exporting the other type of coffee also in proportion to their basic quotas.

(2) If a Member declares a shortfall within the first six months of a coffee year, the annual quota of that Member shall, in the following coffee year, be increased by an amount of 30 percent of the volume declared and not exported. This amount shall be charged to the annual export entitlements of those exporting Members which have accepted the redistribution under the provisions of paragraph (1) of this Article, pro rata to their participation in that redistribution.

Article 41

Export entitlement of a member group

If two or more Members form a Member group in accordance with the provisions of Articles 6 and 7, the basic quotas or the export entitlements, as the case may be, of those Members shall be added together and the combined total treated as a single basic quota or a single export entitlement for the purposes of this Chapter.

Article 42

Compliance with quotas

(1) Exporting Members shall adopt the measures required to ensure full compliance with all provisions of this Agreement relating to quotas. In addition to any measures the Member itself may take, the Council may require such Member to adopt additional measures for the effective implementation of the quota system provided for in this Agreement.

(2) Exporting Members shall not exceed the annual and quarterly quotas allocated to them.

(3) If an exporting Member exceeds its quota for any quarter, the Council shall deduct from one or more of its subsequent quotas a quantity equal to 110 percent of that excess.

(4) If an exporting Member for the second time exceeds its quarterly quota, the Council shall make the same deduction as that provided for in paragraph (3) of this Article.

(5) If an exporting Member for a third or subsequent time exceeds its quarterly quota, the Council shall make the same deduction as provided for in paragraph (3) of this Article and the voting rights of the Member shall be suspended until such time as the Council decides whether to exclude such Member from the Organization under the provisions of Article 66.

(6) The deductions provided for in paragraphs (3), (4) and (5) of this Article shall be deemed to be shortfalls for the purpose of paragraph (1) of Article 40.

(7) The Council shall apply the provisions of paragraphs (1) to (5) of this Article as soon as the necessary information is available.

Article 43

Certificates of origin and re-export

(1) Every export of coffee by a Member shall be covered by a valid Certificate of Origin. Certificates of Origin shall be issued, in accordance with rules established by the Council, by a qualified agency chosen by the Member and approved by the Organization.

(2) If quotas are in effect, every re-export of coffee by a Member shall be covered by a valid Certificate of Re-export. Certificates of Re-export shall be issued, in accordance with rules established by the Council, by a qualified agency chosen by the Member and approved by the Organization, and shall certify that the coffee in question was imported in accordance with the provisions of this Agreement.

(3) The rules referred to in this Article shall contain provisions which will permit their application to groups of importing Members forming a customs union.

(4) The Council may make rules governing the printing, validation, issuing and use of Certificates and may adopt measures to issue coffee export stamps against payment of a fee to be determined by the Council. The affixing of such stamps to Certificates of Origin may be one of the means prescribed for the validation of such Certificates. The Council may make similar arrangements for the validation of other forms of coffee stamps on conditions to be determined.

(5) Each Member shall notify the Organization of the government or non-government agency which is to perform the functions specified in paragraphs (1) and (3) of this Article. The Organization shall specifically approve a non-government agency upon submission by the Member of satisfactory evidence of the agency's ability and willingness to fulfil the Member's responsibilities in accordance with the rules and regulations established under the provisions of this Agreement. The Council may at any time, for cause, declare a particular non-government agency to be no longer acceptable to it. The Council shall, either directly or through an internationally recognized world-wide organization, take all necessary steps so that at any time it will be able to satisfy itself that all forms of Certificate are being issued and used correctly and to ascertain the quantities of coffee which have been exported by each Member.

(6) A non-government agency approved

MONS 029858

as a certifying agency under the provisions of paragraph (5) of this Article shall keep records of the Certificates issued and the basis for their issue, for a period of not less than four years. In order to obtain approval as a certifying agency under the provisions of paragraph (5) of this Article, a non-governmental agency must previously agree to make such records available for examination by the Organization.

(7) If quotas are in effect Members shall, subject to the provisions of Article 44 and those of paragraphs (1) and (3) of Article 45, prohibit the import of any shipment of coffee which is not accompanied by a valid Certificate in the appropriate form issued in accordance with rules established by the Council.

(8) Small quantities of coffee in such forms as the Council may determine, or coffee for direct consumption on ships, aircraft and other international carriers, shall be exempt from the provisions of paragraphs (1) and (2) of this Article.

Article 44

Exports not charged to quotas

(1) As provided for in Article 29, exports to countries not members of this Agreement shall not be charged to quotas. The Council may make rules governing, *inter alia*, the conduct and supervision of this trade, the treatment of, and the penalties for, diversions and re-exports from non-member to Member countries and the documents required to cover exports to both Member and non-member countries.

(2) Imports of coffee beans as raw material for industrial processing for any purposes other than human consumption as a beverage or foodstuff shall not be charged to quotas, provided that the Council is satisfied from information supplied by the exporting Member that the coffee beans are in fact used for such other purposes.

(3) The Council may, at the request of an exporting Member, decide that exports of coffee made by that Member for humanitarian or other non-commercial purposes shall not be charged to its quota.

Article 45

Regulation of imports

(1) To prevent non-member countries from increasing their exports at the expense of exporting Members, each Member shall, whenever quotas are in effect, limit its annual imports of coffee from non-member countries which were not Members of the International Coffee Agreement 1968 to an amount equal to the annual average of its imports of coffee from non-member countries from either calendar year 1971 to calendar year 1976 inclusive, or from calendar year 1972 to calendar year 1976 inclusive.

(2) Whenever quotas are in effect, Members shall also limit their annual imports of coffee from each non-member which was a Member of the International Coffee Agreement 1968 or the International Coffee Agreement 1968 as Extended to a quantity not greater than a percentage of the average annual imports from that non-member during coffee years 1968/69 to 1971/72. Such percentage shall correspond to the proportion which the fixed part bears to the global annual quota, under the provisions of paragraph (1) of Article 28, at the time when quotas come into effect.

(3) The Council may suspend or vary these quantitative limitations if it finds such action necessary for the purposes of this Agreement.

(4) The obligations established in the preceding paragraphs of this Article shall not derogate from any conflicting bilateral or multilateral obligations which importing Members have entered into with non-member countries prior to the entry into force of this Agreement, provided that any importing Member which has such conflicting obligations shall carry them out in such a way as to minimise any conflict with the obligations established in the preceding paragraphs. Such Member shall take steps as soon as possible to bring its obligations into harmony with the provisions of paragraphs (1) and (2) of this Article and shall inform the Council of the details of the conflicting obligations as well as of the steps taken to minimise or eliminate the conflict.

(5) If an importing Member fails to comply with the provisions of this Article the Council may suspend both its voting rights in the Council and its right to have its votes cast in the Board.

CHAPTER VIII.—OTHER ECONOMIC PROVISIONS

Article 46

Measures related to processed coffee

(1) Members recognise the need of developing countries to broaden the base of their economies through, *inter alia*, industrialisation and the export of manufactured products, including the processing of coffee and the export of processed coffee.

(2) In this connection, Members shall avoid the adoption of governmental measures which could cause disruption to the coffee sector of other Members.

(3) Should a Member consider that the provisions of paragraph (2) of this Article are not being complied with, it should consult with the other Members concerned, having due regard to the provisions of Article 27. The Members concerned shall make every effort to reach amicable settlement on a bilateral basis. If these consultations do not lead to a mutually satisfactory solution, either party may bring the matter before the Council for consideration under the provisions of Article 26.

(4) Nothing in this Agreement shall prejudice the right of any Member to take measures to prevent or remedy disruption to its coffee sector by imports of processed coffee.

Article 47

Promotion

(1) Members undertake to encourage the consumption of coffee by every possible means. To achieve this purpose, a Promotion Fund shall be established with the objectives of promoting consumption in importing countries by all appropriate means without regard to origin, type or brand of coffee, and of achieving and maintaining the highest quality and purity of the beverage.

(2) The Promotion Fund shall be administered by a committee. The membership of the Fund shall be limited to Members which contribute financially to the Fund.

(3) The Fund shall be financed during coffee years 1976/77 and 1977/78 by a compulsory levy on coffee export stamps or equivalent export authorisations, payable by exporting Members with effect from 1 October 1976. Such levy shall be 5 U.S. cents per bag for Members listed in Annex I having initial annual export quotas of less than 100,000 bags; 10 U.S. cents per bag for Members listed in Annex I having initial annual export quotas of 100,000 bags or more but less than 400,000 bags, and 25 U.S. cents per bag for all other exporting Members. The Fund may also be financed by voluntary contributions from other Members on terms to be approved by the committee.

(4) At any time, the committee may decide to continue to collect a compulsory levy in the third and subsequent coffee years if additional resources are necessary to comply with commitments undertaken in accordance with paragraph (7) of this Article. It may further decide to receive contributions of other Members on terms it shall approve.

(5) The resources of the Fund shall be used mainly to finance promotion campaigns in importing Member countries.

(6) The Fund may sponsor research and studies related to the consumption of coffee.

(7) Importing Members, or trade associations in importing Member countries acceptable to the committee, may present proposals for campaigns for the promotion of coffee. The Fund may provide resources to finance up to 50 percent of the cost of such campaigns. Whenever a campaign is agreed upon, the percentage contribution of the committee to the campaign shall remain unaltered. The campaigns may be for a period of more than one year but not more than five years.

(8) The payment referred to in paragraph (3) of this Article shall be made against the delivery of coffee export stamps or equivalent export authorisations. The rules for the application of a system of Certification of Origin, under the provisions of Article 48, shall incorporate provisions for the payment of the levy referred to in paragraph (3), of this Article.

(9) The levy referred to in paragraphs (3) and (4) of this Article shall be payable in U.S. dollars to the Executive Director, who shall deposit the funds derived therefrom in a special account to be designated the Promotion Fund Account.

(10) The committee shall control all funds in the Promotion Fund. As soon as possible after the close of each financial year, an independently audited statement of the receipts and expenditures of the Promotion Fund during that financial year shall be presented to the committee for approval. The audited accounts as approved by the committee shall be forwarded to the Council for information only.

(11) The Executive Director shall be the Chairman of the committee and shall report periodically to the Council on the activities of the committee.

(12) The administrative expenses necessary to carry out the provisions of this Article and those relating to promotion activities shall be charged to the Promotion Fund.

(13) The committee shall establish its own by-laws.

Article 48

Removal of obstacles to consumption

(1) Members recognise the utmost importance of achieving the greatest possible increase of coffee consumption as rapidly as possible, in particular through the progressive removal of any obstacles which may hinder such increase.

(2) Members recognise that there are at present in effect measures which may to a greater or lesser extent hinder the increase in consumption of coffee, in particular:

(a) import arrangements applicable to coffee, including preferential and other tariffs, quotas, operations of government monopolies and official purchasing agencies, and other administrative rules and commercial practices;

(b) export arrangements as regards direct or indirect subsidies and other administrative rules and commercial practices; and

(c) internal trade conditions and domestic legal and administrative provisions which may affect consumption.

(3) Having regard to the objectives stated above and to the provisions of paragraph (4) of this Article, Members shall endeavour to pursue tariff reductions on coffee or to take other action to remove obstacles to increased consumption.

(4) Taking into account their mutual interest, Members undertake to seek ways and means by which the obstacles to increased trade and consumption referred to in paragraph (2) of this Article may be progressively reduced and eventually, wherever possible, eliminated, or by which the effects of such obstacles may be substantially diminished.

(5) Taking into account any commitments undertaken under the provisions of

MONS 029859

paragraph (d) of this Article, Members shall inform the Council annually of all measures adopted with a view to implementing the provisions of this Article.

(e) The Executive Director shall prepare periodically a survey of the obstacles to consumption to be reviewed by the Council.

(f) The Council may, in order to further the purposes of this Article, make recommendations to Members which shall report as soon as possible to the Council on the measures adopted with a view to implementing such recommendations.

Article 49

Mixtures and substitutes

(1) Members shall not maintain any regulations requiring the mixing, processing or using of other products with coffee for consumption roasts as coffee. Members shall endeavour to prohibit the sale and advertisement of products under the name of coffee if such products contain less than the equivalent of ninety percent green coffee as the basic raw material.

(2) The Council may request any Member to take the steps necessary to ensure observance of the provisions of this Article.

(3) The Executive Director shall submit to the Council a periodic report on compliance with the provisions of this Article.

Article 50

Production policy

(1) To facilitate the achievement of the objective set out in paragraph (1) of Article 1, exporting Members undertake to use their best endeavours to adopt and to implement a production policy.

(2) The Council may establish procedures for coordinating the production policies referred to in paragraph (1) of this Article. These procedures may include appropriate measures for, or encouragement of, diversification, together with the means whereby Members may obtain both technical and financial assistance.

(3) The Council may establish a contribution payable by exporting Members which shall be used to permit the Organization to carry out appropriate technical studies for the purpose of assisting exporting Members to adopt the measures necessary to pursue an adequate production policy. Such contribution shall not exceed 3 U.S. cents per bag exported by importing Member countries and shall be payable in convertible currency.

Article 51

Policy relative to coffee stocks

(1) In complement the provisions of Chapter VII and of Article 50, the Council shall, by a distributed two-thirds majority vote, establish a policy relating to coffee stocks in producing Member countries.

(2) The Council shall adopt measures to ascertain annually the volume of coffee stocks in the hands of individual exporting Members in accordance with the provisions of Article 56. The Members concerned shall facilitate this annual survey.

(3) Producing Members shall ensure that adequate facilities exist in their respective countries for the proper storage of coffee stocks.

(4) The Council shall undertake a study of the feasibility of supporting the objectives of this Agreement by an international stock arrangement.

Article 52

Consultation and cooperation with the trade

(1) The Organization shall maintain close liaison with appropriate non-governmental organizations concerned with international commerce in coffee, and with experts in coffee matters.

(2) Members shall conduct their activities within the framework of this Agreement in a manner consonant with established trade channels and shall refrain from discriminatory sales practices. In carrying out these activities they shall endeavour to take due account of the legitimate interests of the coffee trade.

Article 53

Information

(1) The Organization shall act as a centre for the collection, exchange and publication of:

(a) statistical information on world production, prices, exports and imports, distribution and consumption of coffee; and

(b) in so far as is considered appropriate, technical information on the cultivation, processing and utilization of coffee.

(2) The Council may require Members to furnish such information as it considers necessary for its operations, including regular statistical reports on coffee production, production trends, exports and imports, distribution, consumption, stocks, prices and taration, but no information shall be published which might serve to identify the operations of persons or companies producing, processing or marketing coffee. Members shall furnish information requested in as detailed and accurate a manner as is practicable.

(3) If a Member fails to supply or finds difficulty in supplying within a reasonable time statistical and other information required by the Council for the proper functioning of the Organization, the Council may require the Member concerned to explain the reasons for non-compliance. If it is found that technical assistance is needed in the matter, the Council may take any necessary measures.

(4) In addition to the measures provided for in paragraph (3) of this Article, the Executive Director may, after giving due notice and unless the Council decides otherwise, withhold the release of coffee stamps or other equivalent export authorizations as provided for in Article 48.

Article 54

Studies

(1) The Council may promote studies concerning the economics of coffee production and distribution, the impact of governmental measures in producing and consuming countries on the production and consumption of coffee, the opportunities for expansion of coffee consumption for traditional and possible new uses and the effects of the operation of this Agreement on producers and consumers of coffee, including their terms of trade.

(2) The Organization may study the practicability of establishing minimum standards for exports of coffee from producing Members.

Article 55

Special Fund

(1) A special Fund shall be established to permit the Organization to adopt and to finance the additional measures required to ensure that the relevant provisions of this Agreement can be implemented with effect from its entry into force or as close to that date as possible.

(2) Payments to the Fund shall consist of a levy of 1 U.S. cents on each bag of coffee exported by importing Members, payable by exporting Members with effect from the entry into force of this Agreement, unless the Council decides to decrease or suspend such levy.

(3) The levy referred to in paragraph (2) of this Article shall be payable in U.S. dollars to the Executive Director against the delivery of coffee export stamps or equivalent export authorizations. The rules for the application of a system of Certificates of Origin under the provisions of Article 43 shall incorporate provisions for the payment of this levy.

(4) Subject to the approval of the Council, the Executive Director shall be authorized to expend monies from the Fund to meet the costs of introducing the system of Certificates of Origin referred to in Article 43, the expenditures involved in the verification of stocks required under the provisions of paragraph (2) of Article 51 and the costs of the improvements in the system for the collection and transmission of statistical information referred to in Article 53.

(5) To the extent possible, though separately from the administrative budget, the Fund shall be managed and administered in a manner similar to the administrative budget and shall be subject to an independent annual audit as required for the accounts of the Organization under the provisions of Article 27.

Article 56

Waiver

(1) The Council may, by a distributed two-thirds majority vote, relieve a Member of an obligation, on account of exceptional or emergency circumstances, *force majeure*, constitutional obligations or international obligations under the United Nations Charter for territories administered under the trusteeship system.

(2) The Council, in granting a waiver to a Member, shall state explicitly the terms and conditions on which and the period for which the Member is relieved of such obligation.

(3) The Council shall not consider a request for a waiver of quota obligations on the basis of the existence in a Member country, in one or more years, of an exportable production in excess of its permitted exports or which is the consequence of the Member having failed to comply with the provisions of Articles 50 and 51.

CHAPTER IX—CONSULTATIONS, DISPUTES AND COMPLAINTS

Article 57

Consultations

Each Member shall accord sympathetic consideration to, and shall afford adequate opportunity for, consultants regarding such representations as may be made by another Member with respect to any matter relating to this Agreement. In the course of such consultation, on request by either party and with the consent of the other, the Executive Director shall establish an independent panel which shall use its good offices with a view to conciliating the parties. The costs of the panel shall not be chargeable to the Organization. If a party does not agree to the establishment of a panel by the Executive Director, or if the consultation does not lead to a solution, the matter may be referred to the Council in accordance with the provisions of Article 58. If the consultation does lead to a solution, it shall be reported to the Executive Director who shall distribute the report to all Members.

Article 58

Disputes and complaints

(1) Any dispute concerning the interpretation or application of this Agreement which is not settled by negotiation shall, at the request of any Member party to the dispute, be referred to the Council for decision.

(2) In any case where a dispute has been referred to the Council under the provisions of paragraph (1) of this Article, a majority of Members, or Members holding not less than one-third of the total votes, may require the Council, after discussion, to seek the opinion of the advisory panel referred to in paragraph (3) of this Article on the issues in dispute before giving its decision.

(3) —

(a) Unless the Council unanimously agrees otherwise, the panel shall consist of:

(i) two persons, one having wide experience in matters of the kind in dispute and the other having legal standing and experience, nominated by the exporting Members;

(ii) two such persons nominated by the importing Members; and

(iii) a chairman selected unanimously by the four persons nominated under (i) and (ii) or, if they fail to agree, by the Chairman of the Council.

(b) Persons from countries whose Governments are Contracting Parties to this Agreement shall be eligible to serve on the advisory panel.

(c) Persons appointed to the advisory panel shall act in their personal capacities and without instructions from any Government.

(d) The expenses of the advisory panel shall be paid by the Organization.

(4) The opinion of the advisory panel and the reasons therefore shall be submitted to the Council which, after considering all the relevant information, shall decide the dispute.

(5) The Council shall rule on any dispute brought before it within six months of submission of such dispute for its consideration.

(6) Any complaint that any Member has failed to fulfill its obligations under this Agreement shall, at the request of the Member making the complaint, be referred to the Council which shall make a decision on the matter.

(7) No Member shall be found to have been in breach of its obligations under this Agreement except by a distributed simple majority vote. Any finding that a Member is in breach of its obligations under this Agreement shall specify the nature of the breach.

(8) If the Council finds that a Member is in breach of its obligations under this Agreement, it may, without prejudice to other enforcement measures provided for in other Articles of this Agreement, by a distributed two-thirds majority vote, suspend such Member's voting rights in the Council and its right to have its votes cast in the Board until it fulfills its obligations, or the Council may decide to exclude such Member from the Organization under the provisions of Article 66.

(9) A Member may seek the prior opinion of the Executive Board in a matter of dispute or complaint before the matter is discussed by the Council.

CHAPTER X.—FINAL PROVISIONS

Article 59

Signature

This Agreement shall be open for signature at United Nations Headquarters from 21 January 1976 until and including 31 July 1976 by Contracting Parties to the International Coffee Agreement 1968 as Extended by Protocol and Governments invited to the sessions of the International Coffee Council convened for the purpose of negotiating the International Coffee Agreement 1976.

Article 60

Ratification, acceptance, approval

(1) This Agreement shall be subject to ratification, acceptance or approval by the signatory Governments in accordance with their respective constitutional procedures.

(2) Except as provided for in Article 61, instruments of ratification, acceptance or approval shall be deposited with the Secretary-General of the United Nations not later than 30 September 1976. However, the Council may grant extensions of time to signatory Governments which are unable to deposit their instruments by that date.

Article 61

Entry into force

(1) This Agreement shall enter into force definitively on 1 October 1976, if, by that date, Governments representing at least twenty exporting Members holding at least 80 percent of the votes of the exporting Members and at least ten importing Members holding at least 80 percent of the votes of the importing Members, as set out in Annex B, have deposited their instruments of ratification, acceptance or approval. Alternatively, it shall enter into force definitively at any time after 1 October 1976, if it is provisionally in force in accordance with the provisions of paragraph (2) of this Article and these percentage requirements are satisfied by the deposit of instruments of ratification, acceptance or approval.

(2) This Agreement may enter into force provisionally on 1 October 1976. For this purpose, a notification by a signatory Government or by any other Contracting Party to the International Coffee Agreement 1968 as Extended by Protocol containing an undertaking to apply this Agreement provisionally and to seek ratification, acceptance or approval in accordance with its constitutional procedures as rapidly as possible, which is received by the Secretary-General of the United Nations not later than 30 September 1976, shall be regarded as equal in effect to an instrument of ratification, acceptance or approval. A Government which undertakes to apply this Agreement provisionally pending the deposit of an instrument of ratification, acceptance or approval shall be regarded as a provisional Party thereto until it deposits its instrument of ratification, acceptance or approval, or until and including 31 December 1976 whichever is the earlier. The Council may grant an extension of the time within which any Government which is applying this Agreement provisionally may deposit its instrument of ratification, acceptance or approval.

(3) If this Agreement has not entered into force definitively or provisionally on 1 October 1976 under the provisions of paragraphs (1) or (2) of this Article, those Governments which have deposited instruments of ratification, acceptance, approval or accession or made notifications containing an undertaking to apply this Agreement provisionally and to seek ratification, acceptance or approval may, by mutual consent, decide that it shall enter into force among themselves. Similarly, if this Agreement has entered into force provisionally but has not entered into force definitively on 31 December 1976, those Governments which have deposited instruments of ratification, acceptance, approval or accessions or made the notifications referred to in paragraph (2) of this Article, may, by mutual consent, decide that it shall continue in force provisionally or enter into force definitively among themselves.

Article 62

Accession

(1) The Government of any State member of the United Nations or of any of its specialized agencies may, before or after the entry into force of this Agreement, accede to it upon conditions which shall be established by the Council.

(2) Instruments of accession shall be deposited with the Secretary-General of the United Nations. The accession shall take effect upon deposit of the instrument.

Article 63

Reservations

Reservations may not be made with respect to any of the provisions of this Agreement.

Article 64

Extension to designated territories

(1) Any Government may, at the time of signature or deposit of an instrument of ratification, acceptance, approval or accession, or at any time thereafter, by notification to the Secretary-General of the United Nations, declare that this Agreement shall extend to any of the territories for whose international relations it is responsible; this Agreement shall extend to the territories named therein from the date of such notification.

(2) Any Contracting Party which desires to exercise its rights under the provisions of Article 5 in respect to any of the territories for whose international relations it is responsible or which desires to authorize any such territory to become part of a Member group formed under the provisions of Articles 6 or 7, may do so by making a notification to that effect to the Secretary-General of the United Nations, either at the time of the deposit of its instrument of ratification, acceptance, approval, or accession, or at any later time.

(3) Any Contracting Party which has made a declaration under the provisions of paragraph (1) of this Article may at any time thereafter, by notification to the Secretary-General of the United Nations, declare that this Agreement shall cease to extend to the territory named in the notification. This Agreement shall cease to extend to such territory from the date of such notification.

(4) When a territory to which this Agreement has been extended under the provisions of paragraph (1) of this Article subsequently attains its independence, the Government of the new state may, within 90 days after the attainment of independence, declare by notification to the Secretary-General of the United Nations that it has assumed the rights and obligations of a Contracting Party to this Agreement. It shall, as from the date of such notification, become a Contracting Party to this Agreement. The Council may grant an extension of the time within which such notification may be made.

Article 65

Voluntary withdrawal

Any Contracting Party may withdraw from this Agreement at any time by giving a written notice of withdrawal to the Secretary-General of the United Nations. Withdrawal shall become effective 90 days after the notice is received.

Article 66

Exclusion

If the Council decides that any Member is in breach of its obligations under this Agreement and decides further that such breach significantly impairs the operation of this Agreement, it may, by a distributed two-thirds majority vote, exclude such Member from the Organization. The Council shall immediately notify the Secretary-General of the United Nations of any such decision. Ninety days after the date of the Council's decision, such Member shall cease to be a Member of the Organization and, if such Member is a Contracting Party, a Party to this Agreement.

Article 67

Settlement of accounts with withdrawing or excluded members

(1) The Council shall determine any settlement of accounts with a withdrawing or excluded Member. The Organization shall retain any amounts already paid by a withdrawing or excluded Member and such Member shall remain bound to pay any amounts due from it to the Organization at the time the withdrawal or the exclusion becomes effective; provided, however, that in the case of a Contracting Party which is unable to accept an amendment and consequently ceases to participate in this Agreement under the provisions of paragraph (2) of Article 60, the Council may determine any settlement of accounts which it finds equitable.

(2) A Member which has ceased to participate in this Agreement shall not be entitled to any share of the proceeds of liquidation or the other assets of the Organization; nor shall it be liable for payment of any part of the deficit, if any, of the Organization upon termination of this Agreement.

Article 68

Duration and termination

(1) This Agreement shall remain in force for a period of six years until 30 September 1982, unless extended under the provisions of paragraph (3) of this Article or terminated

MONS 029861

under the provisions of paragraph (4) of this Article.

(3) During the third year of this Agreement, namely the coffee year ending 30 September 1979, Contracting Parties shall notify the Secretary-General of the United Nations of their intention to continue to participate in this Agreement for the remaining three years of its duration, or any territory which is either a Member or a party to a Member group on behalf of which such notification has not been made by that date, shall with effect from 1 October 1979 cease to participate in this Agreement.

(4) The Council may, at any time after 30 September 1980, by a vote of 55 percent of the Members having not less than a distributed majority of 70 percent of the total votes, decide either that this Agreement be renegotiated or that it be extended, with or without modification, for such period as the Council shall determine. Any Contracting Party which by the date on which such renegotiated or extended Agreement enters into force has not made a notification of acceptance of such renegotiated or extended Agreement to the Secretary-General of the United Nations, or any territory which is either a Member or a party to a Member group on behalf of which such notification has not been made by that date, shall as of that date cease to participate in such Agreement.

(5) The Council may at any time, by a vote of a majority of the Members having not less than a distributed two-thirds majority of the total votes, decide to terminate this Agreement. Such termination shall take effect on such date as the Council shall decide.

(6) Notwithstanding termination of this Agreement, the Council shall remain in being for as long as necessary to carry out the liquidation of this Organization, settlement of its accounts and disposal of its assets and shall have during that period such powers and functions as may be necessary for those purposes.

Article 19

Amendment

(1) The Council may, by a distributed two-thirds majority vote, recommend an amendment of this Agreement to the Contracting Parties. The amendment shall become effective 100 days after the Secretary-General of the United Nations has received notifications of acceptance from Contracting Parties representing at least 75 percent of the exporting countries holding at least 80 percent of the votes of the exporting Members, and from Contracting Parties representing at least 75 percent of the importing countries holding at least 80 percent of the votes of the importing Members. The Council shall fix a time within which Contracting Parties shall notify the Secretary-General of the United Nations of their acceptance of the amendment. If, on expiry of such time limit, the percentages requirements for the entry into effect of the amendment have not been met, the amendment shall be considered withdrawn.

(2) Any Contracting Party which has not notified acceptance of an amendment within the period fixed by the Council, or any territory which is either a Member or a party to a Member group on behalf of which such notification has not been made by that date, shall cease to participate in this Agreement from the date on which such amendment becomes effective.

Article 20

Supplementary and transitional provisions

(1) This Agreement shall be considered as a continuation of the International Coffee Agreement 1968 as Extended by Protocol.

(2) In order to facilitate the uninterrupted continuation of the International Coffee Agreement 1968 as Extended by Protocol:

(a) All acts by or on behalf of the Organization or any of its organs under the International Coffee Agreement 1968 as Extended by Protocol, in effect on 30 September 1976, whose terms do not provide for expiry on that date, shall remain in effect unless changed under the provisions of this Agreement;

(b) All decisions required to be taken by the Council during coffee year 1975/76 for application in coffee year 1976/77 shall be taken during the last regular session of the Council in coffee year 1975/76 and applied on a provisional basis as if this Agreement had already entered into force.

Article 21

Authentic texts of the agreement

The texts of this Agreement in the English, French, Portuguese and Spanish languages shall all be equally authentic. The originals shall be deposited with the Secretary-General of the United Nations.

In witness whereof the undersigned, having been duly authorised to this effect by their respective Governments, have signed this Agreement on the dates appearing opposite their signatures.

PROTOCOL FOR THE THIRD EXTENSION OF THE WHEAT TRADE CONVENTION AND FOOD AID CONVENTION CONSTITUTING THE INTERNATIONAL WHEAT AGREEMENT, 1971

PREAMBLE

The Conference to establish the texts of the Protocols for the third extensions of the Conventions constituting the International Wheat Agreement, 1971

Considering that the International Wheat Agreement of 1949 was revised, renewed or extended in 1953, 1956, 1959, 1962, 1965, 1968, 1967, 1968, 1971, 1974 and 1975,

Considering that the International Wheat Agreement, 1971, consisting of two separate legal instruments, the Wheat Trade Convention, 1971 and the Food Aid Convention, 1971, both of which were further extended by Protocol in 1975, will expire on 30 June 1976,

Have established the texts of Protocols for the third extension of the Wheat Trade Convention, 1971 and for the third extension of the Food Aid Convention, 1971.

PROTOCOL FOR THE THIRD EXTENSION OF THE WHEAT TRADE CONVENTION, 1971

The Governments party to this Protocol,

Considering that the Wheat Trade Convention, 1971 (hereinafter referred to as "the Convention") of the International Wheat Agreement, 1971, which was further extended by Protocol in 1975, expires on 30 June 1976,

Have agreed as follows:

ARTICLE I

EXTENSION, RENEWAL AND TERMINATION OF THE CONVENTION

Subject to the provisions of Article 2 of this Protocol, the Convention shall continue in force between the parties to this Protocol until 30 June 1978, provided that, if a new international agreement covering wheat enters into force before 30 June 1978, this Protocol shall remain in force only until the date of entry into force of the new agreement.

ARTICLE II

MODIFICATIONS PROVISIONAL OF THIS CONVENTION

The following provisions of the Convention shall be deemed to be inoperative with effect from 1 July 1976:

(a) paragraph (4) of Article 19;
(b) Articles 22 to 29 inclusive;
(c) paragraph (1) of Article 27;
(d) Articles 29 to 37 inclusive.

ARTICLE III

DEFINITIONS

Any reference in this Protocol to a "Government" or "Governments" shall be construed as including a reference to the European Economic Community (hereinafter referred to as "the Community"). Accordingly, any reference in this Protocol to "signature" or to the "deposit of instruments of ratification, acceptance, approval or accession" or "an instrument of accession" or "a declaration of provisional application" by a Government shall, in the case of the Community, be construed as including signature or declaration of provisional application on behalf of the Community by its competent authority and the deposit of the instrument required by the institutional procedures of the Community to be deposited for the conclusion of an international agreement.

ARTICLE IV

FINANCE

The initial contribution of any exporting or importing member acceding to this Protocol under paragraph (1)(b) of Article 7 thereof, shall be assessed by the Council on the basis of the votes to be distributed to it and the period remaining in the current crop year, but the assessments made upon other exporting and importing members for the current crop year shall not be altered.

ARTICLE V

SIGNATURE

This Protocol shall be open for signature in Washington from 17 March 1976 until and including 7 April 1976 by Governments of countries party to the Convention as further extended by Protocol, or which are provisionally regarded as party to the Convention as further extended by Protocol, on 17 March 1976, or which are members of the United Nations, of its specialised agencies or of the International Atomic Energy Agency and are listed in Annex A or Annex B to the Convention.

ARTICLE VI

RATIFICATION, ACCEPTANCE, APPROVAL OR CONCLUSION

This Protocol shall be subject to ratification, acceptance, approval or conclusion by each signatory Government in accordance with its respective constitutional or institutional procedures. Instruments of ratification, acceptance, approval or conclusion shall be deposited with the Government of the United States of America not later than 18 June 1976, except that the Council may grant one or more extensions of time to any signatory Government that has not deposited its instrument of ratification, acceptance, approval or conclusion by that date.

ARTICLE VII

ACCESSION

(1) This Protocol shall be open for accession

(a) until 18 June 1976 by the Government of any member listed in Annex A or B to the Convention as of that date, except that the Council may grant one or more extensions of time to any Government which has not deposited its instrument by that date and

(b) after 18 June 1976 by the Government of any member of the United Nations, of its specialised agencies or of the International Atomic Energy Agency upon such conditions as the Council considers appropriate by not less than two-thirds of the votes cast by exporting members and two-thirds of the votes cast by importing members.

(2) Accession shall be effected by the deposit of an instrument of accession with the Government of the United States of America.

(3) Where, for the purposes of the operation of the Convention and this Protocol, reference is made to members listed in Annex A or B to the Convention, any member the Government of which has acceded to the Convention on conditions prescribed by the Council, or to this Protocol in accordance

with paragraph (1)(b) of this Article, shall be deemed to be listed in the appropriate Annex.

ARTICLE B

PROVISIONAL APPLICATION

Any signatory Government may deposit with the Government of the United States of America a declaration of provisional application of this Protocol. Any other Government eligible to sign this Protocol or whose application for accession is approved by the Council may also deposit with the Government of the United States of America a declaration of provisional application. Any Government depositing such a declaration shall provisionaly apply this Protocol and be provisionaly regarded as a party thereto.

ARTICLE 9

ENTRY INTO FORCE

(1) This Protocol shall enter into force among those Governments which have deposited instruments of ratification, acceptance, approval, conclusion or accesions, or declarations of provisional application, in accordance with Articles 6, 7 and 8 of this Protocol by 18 June 1976, as follows:

(a) on 19 June 1976, with respect to all provisions of the Convention other than Articles 8 to 9 inclusive, and Article 21, and

(b) on 1 July 1976, with respect to Articles 8 to 9 inclusive, and articles 21 of the Convention, if such instruments of ratification, acceptance, approval, conclusion or accession, or declarations of provisional application, have been deposited not later than 18 June 1976 on behalf of Governments representing exporting members which held at least 90 per cent of the votes set out in Annex A and representing importing members which held at least 80 per cent of the votes set out in Annex B, or would have held such votes respectively if they had been parties to the Convention on that date.

(2) The Protocol shall enter into force for any Government that deposits an instrument of ratification, acceptance, approval, conclusion or accession after 19 June 1976 in accordance with the relevant provisions of this Protocol, on the date of such deposit except that no part of it shall enter into force for such a Government until that part enters into force for other Governments under paragraph (1) or (3) of this Article.

(3) If this Protocol does not enter into force in accordance with paragraph (1) of this Article, the Governments which have deposited instruments of ratification, acceptance, approval, conclusion or accession, or declarations of provisional application, may decide by mutual consent that it shall enter into force among those Governments that have deposited instruments of ratification, acceptance, approval, conclusion or accession, or declarations of provisional application.

ARTICLE 10

NOTIFICATION BY DEPOSITORY GOVERNMENT

The Government of the United States of America as the depositary Government shall notify all signatory and acceding Governments of each signature, ratification, acceptance, approval, conclusion, provisional application of, and accession to, this Protocol, as well as of each notification and notice received under Article 87 of the Convention and each declaration and notification received under Article 26 of the Convention.

ARTICLE 11

CERTIFIED COPY OF THE PROTOCOL

As soon as possible after the definitive entry into force of this Protocol, the depositary Government shall send a certified copy of this Protocol in the English, French, Russian and Spanish languages to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. Any amendments to this Protocol shall likewise be communicated.

ARTICLE 12

RELATIONSHIP OF PREAMBLE TO PROTOCOL

This Protocol includes the Preamble to the Protocols for the third extension of the International Wheat Agreement, 1971.

IN WITNESS WHEREOF the undersigned, having been duly authorised to this effect by their respective Governments or authorities, have signed this Protocol on the dates appearing opposite their signatures.

The texts of this Protocol in the English, French, Russian and Spanish languages shall be equally authentic. The originals shall be deposited with the Government of the United States of America, which shall transmit certified copies thereof to each signatory and acceding party and to the Executive Secretary of the Council.

PROTOCOL FOR THE THIRD EXTENSION OF THE FOOD AID CONVENTION, 1971

The parties to this Protocol,

Considering that the Food Aid Convention, 1971 (hereinafter referred to as "the Convention") of the International Wheat Agreement, 1971, which was further extended by Protocol in 1978, expires on 30 June 1976,

Have agreed as follows:

ARTICLE I

EXTENSION, EXPIRY, AND TERMINATION OF THE PROMOTION

Subject to the provisions of Article II of this Protocol, the Convention shall continue in force between the parties to this Protocol until 30 June 1979, provided that, if a new agreement covering food aid enters into force before 30 June 1979, this Protocol shall remain in force only until the date of entry into force of the new agreement.

ARTICLE II

INOPERATIVE PROVISIONS OF THE CONVENTION

The provisions of paragraphs (1), (2) and (3) of Article II, of paragraph (1) of Article III, and of Articles VI and XIV, inclusive, of the Convention shall be deemed to be inoperative with effect from 1 July 1976.

ARTICLE III

INTERNATIONAL FOOD AID

(1) The parties to this Protocol agree to contribute as food aid to the developing countries, wheat, coarse grains or products derived therefrom, suitable for human consumption and of an acceptable type and quality, or the cash equivalent thereof, in the minimum annual amounts specified in paragraph (2) below:

(2) The minimum annual contribution of each party to this Protocol is fixed as follows:

	Metric tons
Argentina	35,000
Australia	225,000
Canada	495,000
European Economic Community	1,287,000
Finland	14,000
Japan	235,000
Sweden	25,000
Switzerland	25,000
United States of America	1,890,000

(3) For the purpose of the operation of this Protocol, any party which has signed this Protocol pursuant to paragraph (3) of Article V thereof, or which has acceded to this Protocol pursuant to paragraph (2) or (3) of Article VII thereof, shall be deemed to be listed in paragraph (2) of Article III of this Protocol together with the minimum contribution of such party as determined in accordance with the relevant provisions of Article V or Article VII of this Protocol.

ARTICLE IV

FOOD AID COMMITTEE

There shall be established a Food Aid Committee whose membership shall consist of the parties listed in paragraph (3) of Article III of this Protocol and of those others that become parties to this Protocol. The Committee shall appoint a Chairman and a Vice-Chairman.

ARTICLE V

SIGNATURE

(1) This Protocol shall be open for signature in Washington from 17 March 1976 until and including 7 April 1976 by the Governments of Argentina, Australia, Canada, Finland, Japan, Sweden, Switzerland and the United States of America, and by the European Economic Community and its member States, provided that they sign both this Protocol and the Protocol for the third extension of the Wheat Trade Convention, 1971.

(2) This Protocol shall also be open for signature, on the same conditions, to any party to the Food Aid Convention, 1967 which is not enumerated in paragraph (1) of this Article, provided that its contribution is at least equal to that which it agreed to make in the Food Aid Convention, 1967.

ARTICLE VI

RATIFICATION, ACCEPTANCE, APPROVAL, OR CONCLUSION

This Protocol shall be subject to ratification, acceptance, approval or conclusion by each signatory in accordance with its constitutional or institutional procedures provided that it also ratifies, accepts, approves or concludes the Protocol for the third extension of the Wheat Trade Convention, 1971. Instruments of ratification, acceptance, approval or conclusion shall be deposited with the Government of the United States of America not later than 18 June 1976, except that the Food Aid Committee may grant one or more extensions of time to any signatory that has not deposited its instrument of ratification, acceptance, approval or conclusion by that date.

ARTICLE VII

ACCESSION

(1) This Protocol shall be open for accession by any party referred to in Article V of this Protocol, provided it also accedes to the Protocol for the third extension of the Wheat Trade Convention, 1971 and provided further that in the case of any party referred to in paragraph (2) of Article V its contribution is at least equal to that which it agreed to make in the Food Aid Convention, 1967. Instruments of accession under this paragraph shall be deposited not later than 18 June 1976, except that the Food Aid Committee may grant one or more extensions of time to any party that has not deposited its instrument of accession by that date.

(2) The Food Aid Committee may approve accession to this Protocol, as a donor, by the Government of any member of the United Nations, of its specialized agencies or of the International Atomic Energy Agency, on such conditions as the Food Aid Committee considers appropriate, provided that the Government also accedes at the same time to the Protocol for the third extension of the Wheat Trade Convention, 1971, if not already a party to it.

(3) Accession shall be effected by the deposit of an instrument of accession with the Government of the United States of America.

ARTICLE VIII

PROVISIONAL APPLICATION

Any party referred to in Article V of this Protocol may deposit with the Government of the United States of America a declaration of provisional application of this Protocol, provided it also deposits a declaration of provisional application of the Protocol for the third extension of the Wheat Trade Convention, 1971. Any other party whose application for accession is approved may also deposit with the Government of the United States of America a declaration of provisional

MONS 029863

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

848. By MR. PASCELL: Petition of officers and members of various credit unions in Florida, relative to the proposed "Financial Institutions Act of 1976"; to the Committee on Banking, Currency and Housing.

849. By the SPEAKER: Petition of Hildred McMasters, Reseda, Calif., and others relative to gun control; to the Committee on the Judiciary.

850. Also, a petition of the Board of Directors, Oklahoma City Chamber of Commerce, Oklahoma City, Okla., relative to opposing divestiture of petroleum firms; to the Committee on the Judiciary.

851. Also, a petition of the Catholic Order of Foresters, Chicago, Ill., relative to abortion; to the Committee on the Judiciary.

AMENDMENTS

Under clause 6 of rule XXIII, proposed amendments were submitted as follows:

H.R. 8911

By Mr. CORMAN:

Page 24, after line 14, insert the following new section (and redesignate the succeeding section accordingly):

EXCLUSION OF CERTAIN ASSISTANCE PAYMENTS FROM INCOME

SEC. 17. Section 1621(b) of the Social Security Act is amended by inserting "(1)" after "(b)", and by adding at the end thereof the following new paragraph:

"(2) No part of any benefit paid to an individual under this title for any month beginning before October 1, 1976, shall be considered an overpayment by reason of assistance paid under any provision of law with respect to a dwelling unit in which such individual was living if, under section 2(b) of the Housing Authorization Act of 1976, the value of assistance paid under that provision of law would not be considered as income or a resource for purposes of benefits under this title on or after that date.".

By Mr. FRASER:

Page 24, after line 14, insert the following new section (and redesignate the succeeding section accordingly):

MAINTENANCE OF STATE SUPPLEMENTATION

SEC. 17. (a) Title XVI of the Social Security Act is amended by adding immediately after section 1617 the following new section:

"OPERATION OF STATE SUPPLEMENTATION PROGRAMS

"SEC. 1618. (a) In order for any State which makes supplementary payments of the type described in section 1616(a) (including payments pursuant to an agreement entered into under section 212(a) of Public Law 93-66), on or after June 30, 1977, to be eligible for payments pursuant to title XIX with respect to expenditures for any calendar quarter which begins—

"(1) after June 30, 1977, or, if later,

"(2) after the calendar quarter in which it first makes such supplementary payments,

such State must have in effect an agreement with the Secretary whereby the State will—

"(3) continue to make such supplementary payments, and

"(4) maintain such supplementary payments at levels which are not lower than the levels of such payments in effect in December 1976, or, if no such payments were made in that month, the levels for the first subsequent month in which such payments were made.

"(b) (1) The Secretary shall not find that a State has failed to meet the requirements imposed by paragraph (4) of subsection (a) with respect to the levels of its supplementary payments for a particular month or months if the State's expenditures for such payments in the twelve-month period (within which such month or months fall) beginning on the effective date of any increase in the level of supplemental security income benefits pursuant to section 1617 are not less than its expenditures for such payments in the preceding twelve-month period."

(b) Section 401(a)(2) of the Social Security Amendments of 1972 is amended—

(1) by inserting "(subject to the second sentence of this paragraph)" immediately after "Act" where it first appears in subparagraph (B), and

(2) by adding at the end thereof the following new sentence: "In determining the difference between the level specified in subparagraph (A) and the benefits and income described in subparagraph (B) there shall be excluded any part of any such benefit which results from (and would not be payable but for) and cost-of-living increase in such benefits under section 1617 of such Act (or any general increase enacted by law in the dollar amounts referred to in such section) becoming effective after June 30, 1977.".

(c) The provisions of this section shall be effective with respect to benefits payable for months after June 1977.

By Mr. MIKVA:

Strike out line 13 on page 5 and all that follows down through line 10 on page 6, and insert in lieu thereof the following:

SEC. 4. (a) Section 1615 of the Social Security Act is amended to read as follows:

"REHABILITATION SERVICES FOR BLIND AND DISABLED INDIVIDUALS

"SEC. 1615. (a) In the case of any blind or disabled individual who—

"(1) has not attained age 65, and

"(2) is receiving benefits (or with respect to whom benefits are paid) under this title, the Secretary shall make provision for referral of such individual to the appropriate State agency administering the State plan for vocational rehabilitation services approved under the Vocational Rehabilitation Act, or in the case of any such individual who has not attained age 16, to the appropriate State agency administering the State plan under subsection (b) of this section for rehabilitation services under such plan, and (except in such cases as he may determine) for a review not less often than quarterly of such individual's blindness or disability and the need for and utilization of the rehabilitation services made available to him under such plan.

"(b) The Secretary shall by regulation prescribe criteria for approval of State plans for the offering of appropriate, comprehensive rehabilitative services (including social and developmental services) to blind and disabled persons who have not attained the age of 16 (hereinafter referred to as 'disabled children'). Such criteria shall include—

"(1) administration—

"(A) by the agency administering the State plan for crippled children's services under title V of this Act, or

"(B) by another agency which administers programs providing services to disabled children, and which the Governor of the State concerned has determined is capable of administering the State plan described in the first sentence of this subsection in a more effective and efficient manner than the agency described in subparagraph (A) (with the reasons for such determination being set forth in the State plan described in the first sentence of this subsection);

"(2) coordination with other agencies serving disabled children; and

"(3) establishment of an identifiable unit within such agency which shall be responsible for (A) assuring appropriate counseling for disabled children and their families, (B) establishment of an individual service plan for each child, and prompt referral to and arrangements for appropriate medical, educational, and social services, (C) monitoring to assure adherence to each individual service plan, and (D) provision for disabled children, who are 6 years of age and under or who require preparation to take advantage of public educational services, of medical, social, developmental, and rehabilitative services, in all cases where such services reasonably promise to enhance the child's ability to benefit from subsequent education or training, or otherwise to enhance his opportunities for self-sufficiency or self-support as an adult.

"(c) Every individual with respect to whom the Secretary is required to make provision for referral under subsection (a) shall accept such rehabilitation services as are made available to him under the State plan for vocational and rehabilitation services approved under the Vocational Rehabilitation Act and no individual shall be an eligible individual or eligible spouse for purposes of this title if he refuses without good cause to accept rehabilitation services for which he is referred under subsection (a).

"(d) The Secretary is authorized to pay to the State agency administering or supervising the administration of the applicable State plan the costs incurred in the provision of rehabilitation services to individuals so referred (not including the costs of any services to which individuals have been referred under a State plan approved pursuant to subsection (b) of this section except to the extent that provision for such services is made under and in accordance with subsection (b)(2)(D)).

"(e) The Secretary shall, within 120 days after the enactment of this subsection, promulgate by regulation criteria (including medical, social, personal, educational, and other criteria) for the determination of disability in the case of persons who have not attained the age of 16."

(b) The amendment made by subsection (a) shall take effect on the first day of the second calendar month beginning after the date of the enactment of this Act.

By Mr. PICKLE:

Page 23, strike out lines 1 through 18 and insert in lieu thereof the following: "the benefit for such individual for such month shall be payable—

"(i) in the case of an individual who does not have an eligible spouse, at a rate not in excess of $300 per year (reduced by the amount of any income of such individual which is not excluded pursuant to section 1612(b));

"(iv) in the case of an individual who has an eligible spouse, if only one of them is in such a hospital, home, or facility throughout such month, at a rate not in excess of the sum of—

"(I) the rate of $300 per year (reduced by the amount of any income, not excluded pursuant to section 1612(b), of the one who is in such hospital, home, or facility), and

"(II) the applicable rate specified in subsection (b)(1) (reduced by the amount of any income, not excluded pursuant to section 1612(b), of the other); and

"(v) in the case of an individual who has an eligible spouse, if both of them are in such a hospital, home, or facility through such month, at a rate not in excess of $600 per year (reduced by the amount of any income of either spouse which is not excluded pursuant to section 1612(b));

except that for purposes of any provision of law other than this subparagraph, any benefit determined under clause (iv) shall be deemed to be payable at a rate equal to the sum of the rate of $300 per year

MONS 029962

and the applicable rate specified in subsection (b)(1), reduced by any income of either spouse which is not excluded pursuant to section 1612(b).".

Page 24, after line 14, insert the following new section (and redesignate the succeeding section accordingly):

COST-OF-LIVING ADJUSTMENTS IN AMOUNT OF CERTAIN EXCLUDABLE INCOMES

SEC. 17. (a) Section 1617 of the Social Security Act is amended by inserting "subsection (b)(3)(A) of section 1612," after "1611,".

(b) The amendment made by subsection (a) shall apply with respect to months after the month following the month in which this Act is enacted, so as to reflect in the benefits payable for such months under title XVI of the Social Security Act the percentage increase in benefit amounts under title II of such Act which became effective (pursuant to section 215(i) thereof in 1976.

H.R. 14844

By Mr. VANIK:

Beginning on page 2, strike out the rate schedule which follows line 9 and insert the following:

"If the amount with respect to which the tentative tax to be computed is:	The tentative tax is:
Not over $10,000	16 percent of such amount.
Over $10,000 but not over $20,000	$1,600, plus 20 percent of the excess of such amount over $10,000.
Over $20,000 but not over $40,000	$3,600, plus 22 percent of the excess of such amount over $20,000.
Over $40,000 but not over $60,000	$8,000, plus 24 percent of the excess of such amount over $40,000.
Over $60,000 but not over $100,000	$13,000, plus 28 percent of the excess of such amount over $60,000.
Over $100,000 but not over $150,000	$23,200, plus 30 percent of the excess of such amount over $100,000.
Over $150,000 but not over $200,000	$38,200, plus 33 percent of the excess of such amount over $150,000.
Over $200,000 but not over $500,000	$71,200, plus 36 percent of the excess of such amount over $200,000.
Over $500,000 but not over $750,000	$191,200, plus 39 percent of the excess of such amount over $500,000.
Over $750,000 but not over $1,000,000	$288,200, plus 42 percent of the excess of such amount over $750,000.
Over $1,000,000 but not over $1,250,000	$393,200, plus 44 percent of the excess of such amount over $1,000,000.
Over $1,250,000 but not over $1,500,000	$471,200, plus 48 percent of the excess of such amount over $1,250,000.
Over $1,500,000 but not over $2,000,000	$591,200, plus 52 percent of the excess of such amount over $1,500,000.
Over $2,000,000 but not over $2,500,000	$851,200, plus 56 percent of the excess of such amount over $2,000,000.
Over $2,500,000 but not over $3,000,000	$1,131,200, plus 60 percent of the excess of such amount over $2,500,000.
Over $3,000,000 but not over $3,500,000	$1,431,200, plus 64 percent of the excess of such amount over $3,000,000.
Over $3,500,000 but not over $4,000,000	$1,751,200, plus 68 percent of the excess of such amount over $3,500,000.
Over $4,000,000	$2,091,200, plus 72 percent of the excess of such amount over $4,000,000.

Page 18, line 8, strike out "$153,000" and insert in lieu thereof "$142,000".

Page 16, strike out lines 18 through 20 and insert: "1977, by substituting '$112,000' for '$142,000', and

"(B) in the case of a decedent dying during 1978, by substituting '$127,000' for '$142,000'."

Page 55, line 17, strike out "$345,800" and insert in lieu thereof "$336,200".

Beginning on page 3, strike out the rate schedule which follows line 9 and insert the following:

"If the amount with respect to which the tentative tax to be computed is:	The tentative tax is:
Not over $10,000	16 percent of such amount.
Over $10,000 but not over $20,000	$1,600, plus 21 percent of the excess of such amount over $10,000.
Over $20,000 but not over $40,000	$3,900, plus 23 percent of the excess of such amount over $20,000.
Over $40,000 but not over $60,000	$8,500, plus 25 percent of the excess of such amount over $40,000.
Over $60,000 but not over $80,000	$13,500, plus 29 percent of the excess of such amount over $60,000.
Over $80,000 but not over $100,000	$19,300, plus 32 percent of the excess of such amount over $80,000.
Over $100,000 but not over $150,000	$25,700, plus 34 percent of the excess of such amount over $100,000.
Over $150,000 but not over $250,000	$42,700, plus 38 percent of the excess of such amount over $150,000.
Over $250,000 but not over $500,000	$76,700, plus 42 percent of the excess of such amount over $250,000.
Over $500,000 but not over $750,000	$181,700, plus 45 percent of the excess of such amount over $500,000.
Over $750,000 but not over $1,000,000	$294,200, plus 48 percent of the excess of such amount over $750,000.
Over $1,000,000 but not over $1,250,000	$414,200, plus 50 percent of the excess of such amount over $1,000,000.
Over $1,250,000 but not over $1,500,000	$539,200, plus 53 percent of the excess of such amount over $1,250,000.
Over $1,500,000 but not over $2,000,000	$671,700, plus 55 percent of the excess of such amount over $1,500,000.
Over $2,000,000 but not over $2,500,000	$946,700, plus 59 percent of the excess of such amount over $2,000,000.
Over $2,500,000 but not over $3,000,000	$1,241,700, plus 63 percent of the excess of such amount over $2,500,000.
Over $3,000,000 but not over $3,500,000	$1,556,700, plus 66 percent of the excess of such amount over $3,000,000.
Over $3,500,000 but not over $4,000,000	$1,886,700, plus 69 percent of the excess of such amount over $3,500,000.
Over $4,000,000	$2,186,700, plus 72 percent of the excess of such amount over $4,000,000.

Page 16, line 8, strike out "$153,000" and insert in lieu thereof "$142,000".

Page 16, strike out lines 18 through 20 and insert: 1977, by substituting '$112,000' for '$142,000', and "(B) in the case of a decedent dying during 1978, by substituting '$127,000' for '$142,000'."

Page 55, line 17, strike out "$345,800" and insert in lieu thereof "$336,200".

FACTUAL DESCRIPTIONS OF BILLS AND RESOLUTIONS INTRODUCED

Prepared by the Congressional Research Service pursuant to clause 5(d) of House rule X. Previous listing appeared in the CONGRESSIONAL RECORD of August 10, 1976, page H8661.

HOUSE BILLS

H.R. 14840. July 22, 1976. Judiciary. Declares a certain individual lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 14841. July 22, 1976. Judiciary. Declares certain individuals lawfully admitted to the United States for permanent residence, under the Immigration and Nationality Act.

H.R. 14842. July 26, 1976. Government Operations. Requires the Office of Management and Budget to study the efficiency and effectiveness of all Federal agencies every ten years.

Terminates such agency ten years after the submission of such report to the President and Congress unless Congress acts to continue such agency.

MONS 029993

H.R. 14845. July 26, 1976. Education and Labor. Authorizes appropriations for the continuation through fiscal year 1977 of specified grants under the Indian Elementary and Secondary School Assistance Act, the Elementary and Secondary Education Act, and the Adult Education Act.

H.R. 14844. July 26, 1976. Ways and Means. Amends the Internal Revenue Code to provide a single unified rate schedule for estate and gift taxes. Repeals the estate and gift tax exemptions. Substitutes for such exemptions a credit against estate and gift taxes. Increases the estate and gift tax marital deduction. Allows the executor of an estate which includes real property used for farming, or in a trade or business, to value the property at its current use rather than at its fair market value determined on the basis of its best use. Provides a carryover basis for property acquired from a decedent.

H.R. 14843. July 26, 1976. Ways and Means. Amends the Internal Revenue Code to establish graduated corporate income tax rates. Increases the estate tax exemption and establishes a new rate schedule for the estate tax. Increases the gift tax exclusion and exemption and establishes a new gift tax rate. Provides special treatment for the sale of stock in a closely held corporation when sold to pay estate taxes. Redefines a subchapter S corporation. Allows tax credits for the hiring of new employees. Redefines section 1244 stock (small business stock, losses on which are treated as ordinary losses).

H.R. 14842. July 26, 1976. Armed Services. Authorizes the Secretaries of the Army, Navy, Air Force, and Defense to establish or develop specified military installations and facilities. Authorizes the Secretary of Defense to acquire or construct military family housing.

H.R. 14841. July 26, 1976. Post Office and Civil Service. Directs the Postmaster General to issue a special postage stamp in honor of Doctor Martin Luther King, Junior.

H.R. 14840. July 26, 1976. Banking, Currency and Housing. Amends the Federal Reserve Act to extend the authority of Federal Reserve banks to purchase United States obligations directly from the Treasury.

H.R. 14839. July 26, 1976. Education and Labor. Amends the National Labor Relations Act to require that an employer who assumes the ownership or operation of a business must honor the terms and conditions of an existing collective bargaining contract.

H.R. 14838. July 26, 1976. Interior and Insular Affairs. Amends the Alaska Native Claims Settlement Act to direct the Secretary of the Interior to withdraw 76,000 acres of public lands in order that the Village Corporation for the Village of Klukwan may select 23,040 acres.

H.R. 14851. July 26, 1976. Judiciary. Authorizes the Secretary of the Treasury to reimburse State and local governments for expenditures made at the request of the United States Secret Service for the protection of any person the Service is authorized to protect.

H.R. 14852. July 26, 1976. Post Office and Civil Service. Permits employees of either the Federal or District of Columbia government to elect to receive a lump-sum payment for accumulated and current sick leave upon separation from service. Prohibits employees electing to receive such payment from taking accumulated and current sick leave into account in determining eligibility for or the amount of any retirement annuity.

H.R. 14853. July 26, 1976. Interior and Insular Affairs. Directs the Secretary of Agriculture to review as to suitability for preservation as wilderness specified lands in the Sam Houston National Forest, the Sabine National Forest, and the Davy Crockett National Forest, Texas.

H.R. 14854. July 26, 1976. Agriculture. Directs the Secretary of Agriculture to provide financial assistance through loan guarantees and interest payment reimbursement, to farmers for loans to restock their livestock herds and for meeting operational expenses in the event of a natural disaster or emergency. Authorizes the Secretary to make loans to farmers in areas which have been declared natural disaster or emergency areas two or more times since January 1, 1971.

H.R. 14855. July 26, 1976. Ways and Means. Amends the Internal Revenue Code to require the Internal Revenue Service to audit all income tax returns filed by Members of Congress.

H.R. 14856. July 26, 1976. Judiciary; Education and Labor. Prohibits the requirement of quotas, goals designed to establish quotas, or programs to expand applicant pools in affirmative action programs required of Federal grantees or contractors.

Prohibits findings of discrimination (1) based solely on composition of work or membership, and (2) unless based upon an act of discrimination.

Prohibits court or agency ordered relief for discrimination to enforce quotas or goals which establish quotas.

Prohibits Federal instrumentalities from requiring the collection of data relating to race, color, religion, national origin, or sex, by employers, labor organizations, or Federal grantees or contractors.

H.R. 14857. July 26, 1976. Ways and Means. Exempts from Federal income taxation, under the Internal Revenue Code, a corporation organized and operated for mutual purposes and without profit for the purpose of providing, either or both, reserve funds for, and insurance of, shares and deposits in credit unions which have no capital stock and are organized and operated for mutual purposes and not for profit.

H.R. 14858. July 26, 1976. Education and Labor. Amends the Elementary and Secondary Education Act of 1965 to authorize a program of grants to States for preschool educational programs for migratory children.

H.R. 14859. July 26, 1976. Banking, Currency and Housing. Directs the Administrator of the Energy Research and Development Administration to assist communities in developing solar energy community utility programs. Establishes a revolving fund for continued financing of such program.

H.R. 14860. July 26, 1976. Interstate and Foreign Commerce. Amends the Solid Waste Disposal Act to prohibit the issuance of solid waste management regulations with respect to the sale or distribution of beverage containers at Federal facilities.

H.R. 14861. July 26, 1976. Interior and Insular Affairs; Merchant Marine and Fisheries. Directs the Secretary of the Interior to make payments based on a specified formula to each unit of local government in which are located lands within the National Wildlife Refuge System. Directs that additional payments be made for five fiscal years with respect to lands acquired by the United States for addition to the National Wildlife Refuge System after December 31, 1970, which were subject to local real property taxes within five years preceding such acquisition.

H.R. 14862. July 26, 1976. Merchant Marine and Fisheries; Public Works and Transportation. Establishes a fund for the purpose of paying for otherwise uncompensated losses resulting from oil pollution.

Imposes, within certain monetary limits, joint, several, and strict liability on the owners and operators of each pollution source. Requires petroleum facilities and certain vessels to maintain evidence of financial responsibility in an amount equal to applicable liability limits.

Sets forth procedures for identifying and publicizing pollution sources.

H.R. 14863. July 26, 1976. Judiciary. Directs the Secretary of the Treasury to pay a specified sum to a certain individual in full settlement of such individual's claims against the United States based on injuries received in a bus accident while employed by the United States Government.

H.R. 14864. July 26, 1976. International Relations. Authorizes a certain retired military noncommissioned officer to accept employment with the Government of Saudi Arabia.

H.R. 14865. July 26, 1976. Judiciary. Permits a certain individual to file a claim with the Comptroller General of the General Accounting Office with respect to the unpaid portion of combat pay incident to such individual's service with the United States Army.

H.R. 14866. July 27, 1976. Public Works and Transportation. Amends the Federal Aviation Act of 1958 to allow air carriers to offer reduced-rate transportation on a space-available basis to persons who are 65 years of age or older or 21 years of age or younger, to handicapped persons, and to attendants of such handicapped persons.

H.R. 14867. July 27, 1976. Ways and Means. Amends the Internal Revenue Code to exclude from the definition of a private foundation an organization which is federally chartered and which is organized for the purpose of honoring the memory of a former President of the United States.

H.R. 14868. July 27, 1976. Ways and Means. Amends the Internal Revenue Code to establish graduated corporate income tax rates. Increases the estate tax exemption and establishes a new rate schedule for the estate tax. Increases the gift tax exclusion and exemption and establishes a new gift tax rate. Provides special treatment for the sale of stock in a closely held corporation when sold to pay estate taxes. Redefines a subchapter S corporation. Allows tax credits for the hiring of new employees. Redefines section 1244 stock (small business stock, losses on which are treated as ordinary losses).

H.R. 14869. July 27, 1976. Education and Labor. Authorizes appropriations for the continuation through fiscal year 1977 of specified grants under the Indian Elementary and Secondary School Assistance Act, the Elementary and Secondary Education Act, and the Adult Education Act.

MONS 029964

EXTENSIONS OF REMARKS

STUDENT WRITES EDITORIAL ABOUT HELEN MEYNER

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

MS. ABZUG. Mr. Speaker, recently, a student from Trenton, N.J., sent me this editorial which he had written for his school newspaper, about our colleague, HELEN MEYNER.

In it, the student—Daniel Poplin—states his faith in government, based on the responsiveness and sensitivity of our colleague from New Jersey. It is a moving and delightful comment on the way in which Representative MEYNER deals with her constituents:

[From the George School News, May 1976]

POLITICS

(By Dan Poplin)

In the United States, there is a group of people who are constantly complaining that politicians don't give a damn about the peoples' beliefs. They assert that politicians are not responsive to the people and that they are all corrupt. Unbelievably, these are the very same people who disgree with every bill that comes out of Congress and of the President's desk. Instead of writing to their Congresspersons and presenting their opinions, or finding out the other side of the issues, these complainers only grumble about the politicians' indifference toward the people they represent. What they do not realize is that it is their own indifference that causes this continuing gap between government and the people.

It has been my observation that our elected officials do care and will listen to their constituents. It came to my attention, recently, that the United States tuna fishermen are killing thousands of dolphins and porpoises each year, while they are fishing for tuna in the sea. I wrote a letter to my Congresswoman, Helen Meyner, and asked her what was being done about this problem. Several days later she sent me a personal note explaining the entire situation, including past, present and future legislation on the issue. She also informed me that she would vote for any decent legislation to save the fish, and thanked me for voicing my opinion.

Another issue that came to my attention was the Robert Sikes affair in Congress. Even though Congressman Sikes is clearly involved in many conflicts of interest, the House Ethics Committee has dared not to investigate his case. I noticed that a petition was started in the House of Representatives to begin an investigation, but that only 44 of the 435 House members signed it. This put my pen in motion again, and I mailed a letter to Mrs. Meyner asking her opinion of the issue. She responded that she had not voted for the petition because she "didn't feel adequately informed about the nature of the accusations against him" but that it appeared to her "that some sort of inquiry into this matter is in order." An inquiry wasn't enough for me, because the more I read about the case and the issue, the more eager I became to persuade her to sign the petition. I was successful, because in response to my third letter on the subject, she informed me that she had just voted for the petition, and that she fully supported an investigation.

This is a proof to me that government can be responsive to the people. I am convinced that I had some influence on Mrs. Meyner's final decision.

In my most recent correspondence with her, I suggested the idea of a tollfree Public Pressure Hotline which would be connected directly to the Capitol Building, or to the Congressperson's district office, whereby people could voice their opinions or inquire about issues. She indicated interest in the idea, and invited me down to her office in Washington to discuss the idea in greater detail.

I think it is very important for people in the United States to realize the power that they have, and to use it to the fullest. After all, the job of each Congressperson is to represent the consensus of the constituents he represents in his district, and it is the voting record of each elected official that determines whether or not he will be reelected. In the words of Plato:

"The punishment suffered by the wise who refuse to take part in the government, is to live under the government of bad men."

SHE COMFORTS THE AFFLICTED AND AFFLICTS THE COMFORTABLE: TRIBUTE TO DOROTHY DAY

HON. JOHN G. FARY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. FARY. Mr. Speaker, during this past recess I had an opportunity to visit with many of my constituents in my district, and on one of these visits met with my dear friend Monsignor Joseph L. Mrocskowski, pastor of St. Turibius Church, who had just returned from the meeting of the Eucharistic Congress recently held in Philadelphia.

Monsignor Mrocskowski talked at length of a very delightful lady he had read about through the years, and of her many acts of charity in behalf of the poor. His meeting with Dorothy Day was one of the highlights of the Eucharistic gathering of over 1 million pilgrims from throughout the United States who traveled to Philadelphia for spiritual renewal.

The life story of this gracious lady of the Catholic Workers movement in New York City slums is so filled with compassion and love that we should try to emulate her in our daily pursuits.

I know you and my colleagues would like to know more about this unselfish and dedicated woman:

Dorothy Day, editor and publisher of the Catholic Worker and cofounder of the Catholic Worker movement, will be 79 years old this November. Although she is not listed in "Who's Who," she is perhaps the most influential lay person in the history of American Catholicism, and she will certainly be numbered among the outstanding Christians of the twentieth century.

Born in the Bath Beach section of Brooklyn, Miss Day has spent all her life in New York. In the 1920's, she worked as a journalist, for radical periodicals and dailies of the time. Among her friends were Eugene O'Neill, Max Bodenheim, John Reed, Mike Gold, Emman Goldman, Hart Crane and Sinclair Lewis—the Greenwich Village literary-social avant-garde of her day. When she was 30, she surprised her associates by embracing Roman Catholicism. Some of her friends at first looked upon her conversion as a kind of sell-out, a turning away from the poor and oppressed and radical causes. They could not have been more wrong.

Actually, Miss Day outdid them all in the steadfastness of her devotion to the poor, her inexhaustible outrage with the injustices in American life, her opposition to war, and contempt for materialistic values.

While other erstwhile radicals moved uptown, she remained with the poorest of the poor. When others enthusiastically endorsed war against Hitler and Franco, he remained a dedicated pacifist. For herself, she has never sought power or celebrity. She urged her followers to heed St. Paul, and be "fools for Christ." Jesus, she insists, is to be found among the poorest of His brothers.

She speaks with the authority of one who has acted on her own words for many years that even the severest critics are silenced. She has proven her devotion to the poor by being poor herself. She has demonstrated her dedication to peace, time and again, by going to jail. She has strengthened the cause of women, not by haranguing men, but by actually leading them, by example in her life, in her work, and within the Roman Catholic Church itself.

In 1972, Notre Dame University awarded Dorothy Day its prestigious Laetare Medal, in recognition of her work as editor of the Catholic Worker, leader of the movement that developed among readers of the paper, and director of the house of hospitality and communal farm, where society's hopeless, broken and rejected are welcomed, comforted and cared for. On that occasion, the Rev. Theodore Hesburgh, president of Notre Dame, commended her for a lifetime spent "comforting the afflicted and afflicting the comfortable."

It was a perfect summing-up. Dorothy Day's courageous example has touched and changed the lives of countless persons. She has truly lived her faith: "Insomuch as ye have done it unto these, the least of my brethren, ye have done it unto Me."

INTRODUCTION OF COST-SAVING LEGISLATION ON DURABLE MEDICAL EQUIPMENT

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. VANIK. Mr. Speaker, I am today introducing legislation which mandates an end to the delays caused by HEW in implementing more economical means of utilizing medicare durable medical equipment by requiring the Secretary to enter into lease-purchase agreements for durable medical equipment in cases where purchase is obviously more economical than prolonged leasing.

Testifying before the Ways and Means Oversight Subcommittee on May 17, 1976, Mr. Gregory Ahart, Director of the Manpower and Welfare Division of GAO, described studies conducted by GAO which strongly supported the purchase,

MONS 029965

rather than rental, of durable medical equipment for patients who will need it on a long-term basis. In its report, issued to Congress in 1972, entitled "Need for Legislation To Authorize More Economical Ways of Providing Durable Medical Equipment Under Medicare," GAO found that for 13,000 patients covered by 5 medicare carriers in 4 States, a savings of $234,000, including the patients' share of $47,000, could have been realized had the equipment been purchased when the extended period of need had been anticipated. At a sixth carrier, in a fifth State, with 7,000 patients, $763,000, including the patients' share of $153,000, could have been saved.

Mr. Ahart expressed his disappointment with HEW's failure to develop research projects in the area of durable medical equipment. He explained that by the time HEW awarded a contract—and that was expected to be this summer—and the time the experiment was completed:

At least 7 years will have passed since the enactment of Section 246 of Public Law 92-603 before the reimbursement improvements envisioned in that legislation are implemented.

He continued:

We believe that our 1972 report demonstrated the economic benefits available from the use of lease-purchase agreements for durable medical equipment.

Mr. Ahart stated flatly:

It seems to us, Mr. Chairman, that the issues involved here are relatively simple. I think at this point in time we question whether there is a need to get involved in a rather lengthy and complicated experiment. There is legislation before the House which would give the authority necessary to go ahead without experimentation, and we would endorse that legislation, and cut down the time for bringing in the benefits that are available here at an earlier time.

I agree. Why should we stand idly by while HEW conducts a useless experiment to provide us with information we already have—that is, the purchase of durable medical equipment can effect a savings? Patients and HEW will only lose out on substantial savings during the period of experimentation. In order to decrease the unnecessary delays, I am introducing legislation, today as a member of the Health Subcommittee, identical to H.R. 8717, a bill originally introduced by our colleague from Rhode Island (Mr. ST GERMAIN). I hope that this simple but potentially significant legislation can be enacted in the near future.

PERSONAL EXPLANATION

HON. ROMANO L. MAZZOLI

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. MAZZOLI. Mr. Speaker, on roll-call No. 628, I am recorded as being absent.

I was unavoidably detained. Had I been present, I would have voted "aye" on the motion that the House resolve itself into the Committee of the Whole for the consideration of H.R. 13372.

STATEMENT BY THE HONORABLE JOHN M. MURPHY TO ACCOMPANY A HOUSE RESOLUTION ON THE BREACH OF THE U.S.-U.S.S.R. TRADE AND SHIPPING AGREEMENT BY THE SOVIET UNION

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. MURPHY of New York. Mr. Speaker, I am introducing today a House resolution which calls upon the President to terminate the so-called wheat deal between the United States and the Soviet Union if the Russians persist in their refusal to abide by the agreement's shipping terms.

Under the 1972 agreement, Soviet vessels have access to some 40 American ports. At the same time, it was agreed that the national flag vessels of each country should carry equal and substantial amounts of the ocean-borne commerce between the two countries. Regrettably, the Soviet Union has resorted to various devices to deny the U.S. vessels their fair share of the cargo covered by the agreement, which is one-third of total tonnage shipped.

My resolution will urge the President to terminate the 1972 agreement upon 90 days notice unless he can notify Congress that the U.S.S.R. has indicated a willingness to honor the express terms of the agreement.

I have asked the chairman of the House Committee on Merchant Marine and Fisheries to schedule hearings immediately on this matter so that the unemployed merchant seamen in this country can hear representatives of the executive branch explain their apparent inability to hold the Soviet Union to a standard of commercial reasonableness.

During this month alone some 360,000 tons of cargo are to be shipped under the trade agreement, and, as of this moment, the U.S. merchant marine is not scheduled to carry a single pound. Of the 36.8 million metric tons of grain already shipped to Russia only 22 percent, or less than 7 million tons, has been shipped by the American merchant fleet.

Whatever diplomatic advantage there may be in placating the Soviet Union with respect to this matter is more than outweighed by the penalties which this approach imposes on the American maritime industry. The figures speak for themselves and are stark reminders that it is high time that the Soviets live up to their agreements—or pay the price for breaching them.

My resolution will simply hold the Soviets to the standard of honesty and decency which most other nations find easy to attain. If that standard is impossible for them to attain, then the United States should exercise its right to deal appropriately with a party in breach of a clear agreement by terminating that agreement.

The resolution follows:

RESOLUTION

Whereas in 1972 there was executed the "Agreement Between the Government of the United States of America and the Government of the Union of Soviet Socialist Republics Regarding Certain Maritime Matters", which provides that Soviet vessels have access to forty designated United States ports and also that the national-flag vessels of each country will carry equal and substantial amounts of the ocean-borne commerce between the two countries:

Whereas said agreement was extended and modified and agreed upon again, effective January 1, 1976; and

Whereas the Union of Soviet Socialist Republics has taken full advantage of the access of its national-flag vessels to United States ports, but through various devices is denying the national-flag vessels of the United States their right to carry an equal and substantial share of the ocean-borne commerce between the two countries: Now, therefore, be it

Resolved by the House of Representatives, That unless the President notifies the Congress that the Union of Soviet Socialist Republics has ceased denying the national-flag vessels of the United States their right to carry an equal and substantial share of the ocean-borne commerce between the two countries, the President shall notify the Union of Soviet Socialist Republics of the intention of the United States to terminate the agreement upon ninety days notice, pursuant to the terms of the agreement.

THE HOLY TRINITY LUTHERAN CHURCH IN BELLEROSE

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. WOLFF. Mr. Speaker, the perpetuation of customs and tradition, the teachings of faith and citizenship, are characteristics that must be recognized. Such were the goals of the Holy Trinity Lutheran Church when it was founded. Fifty years hence, the parish hall in Bellerose stands as a shining and guiding light to young and old alike. Today, I ask my colleagues to join with me and the Holy Trinity Lutheran Church congregation in celebration of their 50th anniversary.

Among its services to the community, the church provides inspiration to Boy and Girl Scout troops that congregate within its halls. Sunday school, confirmation classes, adult groups, the youth groups, and the youth ministry group, all under the supervision of the esteemed and devoted Pastor Howard E. Funk, play an important role in perpetuating the tenets of the faith.

It is my privilege to have the opportunity to publicly recognize such a fine organization. The people who will be leading the activities for the coming year are:

ACTIVITIES OF GROUPS AND PEOPLE

WOMEN'S SERVICE GUILD

Mrs. Lillian Myers, president.
Mrs. Jean Maddad, vice president.
Mrs. Helen McElroy, recording secretary.
Mrs. Caroline Darlinger, corresponding secretary.
Mrs. Charlotte Rehorst, financial secretary.
Mrs. Ursula Fraschl, treasurer.

WOMEN'S MISSIONARY GUILD

Mrs. Gertrude Muller, president.
Mrs. Ann Hipwell, vice president.
Mrs. Annette Diekroger, corresponding secretary.

MONS 029966

Mrs. Florence Mayer, recording secretary.
Mrs. Ann Angevine, financial secretary.
Mrs. Katherine Yake, treasurer.

ALTAR GUILD

Mrs. Thelma Meyer, president.
Mrs. Dorothy Corell, vice president.
Mrs. Marjorie Snyder, secretary.
Mrs. Maria McDougall, treasurer.

PUBLICITY COMMITTEE CHAIRMAN

Mr. Walter O'Neill.

The Holy Trinity Lutheran Church in Bellevue deserves recognition for its invaluable service to the social and religious welfare of the community. It is organizations such as this one that are the spiritual and moral backbone of this great country.

DR. LEON KEYSERLING RESPONDS TO CRITICISM OF HAWKINS-HUMPHREY FULL EMPLOYMENT BILL

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. CONYERS. Mr. Speaker, I and many others have been distressed by the distorted treatment of the Hawkins-Humphrey full employment bill in some of the media, and especially by their unwillingness to carry rejoinders to criticisms of the bill. As an example of both, I ask to have inserted in the RECORD an article submitted by Dr. Leon Keyserling on June 14, 1976 to the New Republic in response to criticism of H.R. 50 by Dr. Melvin J. Ulmer published in that journal on June 12. I believe Dr. Keyserling's article contains correct and necessary information about this vital legislation, and the failure of the New Republic to publish it raises questions about whether it is fulfilling its responsibilities to inform in a balanced way its audience on the most pressing issues of the day. I have long valued, and still do, the quality of the New Republic and its essentially liberal thrust, and am sorry to have to note its departure in this instance from what I regard as its usually fair journalistic practice.

The article follows:

A BRIGHTER VIEW OF HUMPHREY-HAWKINS

(By Leon H. Keyserling*)

Dr. Melvin J. Ulmer's article on Humphrey-Hawkins in *The New Republic* of June 12 expresses "a dim view" of the bill. A brighter view is sound and just. My comments apply equally to an article containing similarly erroneous criticisms of the bill by Dr. Charles L. Schultze in the Washington Post of June 7. However, the quotations I cite are from the Ulmer article.

These critics regard the bill as wildly inflationary. Dr. Ulmer implies that wage rates for Government-financed last-resort jobs would be as high as to draw 10 million workers from the private sector. The last-resort jobs would pay the same wages as received by other workers doing the same type of work for the same employer; anything else would be patently unjust and unworkable. But the bill and its Congressional history thus far make it clear that up to three-quarters of the 10-12 million additional jobs needed between end of 1976 and end of 1980 would be conventional private jobs, and that many other new jobs would be high priority private jobs with marginal Federal assistance. The Congressional Budget Office has estimated peak last-resort jobs of less than one million, and the bill contains almost airtight prohibitions against movement from private to last-resort jobs. As these jobs, when started two years after enactment, would be only about one percent of about 95 million total employment, and as most public jobs pay less than comparable private jobs, not more than 100,000 at most of the last-resort jobs would be paid more than comparable private jobs. It is thus fantasy to assert that last-resort jobs would inflate total wages. Besides, the wage lag has been serious. From first quarter 1975 to first quarter 1976, real wages and salaries rose about 2.2 percent, while real G.N.P. rose about 7 percent.

Nor is it true that the bill provides no assurance that public employment would be "carefully directed toward those high priority needs that still remain unfulfilled." The bill mandates that priority programs (preponderantly private and some public) shall be budgeted in accord with economic and social needs, inter alia energy, transportation, food, environmental improvements, health, education and training, day care, and housing.

As the bill proposes fiscal and monetary policies to restrain "inflation when total demand threatens to exceed the nation's capabilities at full employment" (the proper role for such policies), Dr. Ulmer asserts that the bill neglects inflation arising long before full employment. Not so. To deal with such inflation, the bill includes micro-economic measures such as countercyclical, regional and structural, and youth employment. Other creative features, also mainly unmentioned by Dr. Ulmer are: goals to reduce unemployment to 3 percent, instead of permitting Administrations to accept and even contrive rates ranging from 5 to more than 9 percent; provisions to bring the Federal Reserve into line with national goals and needs; more constructive Federal Budget policy; recognition that concern with price trends per se must not blot out primary attention to resource allocation and income distribution; and new mechanisms to substitute coordinated and long-range policies for disjointed and improvised policies.

It is mistaken for Dr. Ulmer to urge that taxes be increased immediately to cover the full cost of any additional public employment. This proposal confuses (a) when fiscal policy should be tightened to curb excessive aggregate demand during full resource use (tightening it when unused resources are now tremendous simply aggravates this condition) and (b) when selective micro-economic policies should be used to combat inflation during a very slack economy.

As to price and wage movements, these (like taxes and monetary policy) are but means to attainment of the ultimate ends of full resource use, attention to priorities, and social justice. The prevalent obsession about inflation, instead of balanced attention to it, has abandoned these ultimate objectives, and also intensified inflation.

Regarding a wide gap between the rate of overall unemployment and the rate among youth, women, and minority groups as a structural cause of inflation, high unemployment widens this gap, and vice versa. For example, during 1961-1968, when overall unemployment averaged 5.1 percent, unemployment among women averaged 5.8 percent. The provisions in this bill for structural programs and against discrimination would reduce these gaps much further.

During stagnation or recession, real wage rate gains sometimes exceed repressed productivity. But the reverse is almost always true during movements toward full employment, thus working against wage-push inflation. From the first quarter 1975 to first quarter 1976, productivity rose 5.2 percent, while real wages and salaries rose only 2.3 percent. And Humphrey-Hawkins, far from encouraging excessive wage increases, would inflate real wage rate gains in accord with productivity gains.

Dr. Ulmer's statement that Humphrey-Hawkins in its present form would "probably stimulate a more spectacular price advance than that of World War II" is almost inexplicable. The inflationary pressures then were not because unemployment was brought so low. They occurred because we were burning up almost half of G.N.P. in fighting the war, and this yielded no civilian goods, while civilian incomes were equal to total G.N.P. No such situation could possibly occur under Humphrey-Hawkins.

There is scant empirical support (and none appears in the Ulmer or Schultze articles) for asserting that fuller employment augments inflation, and that this in turn brings on recession. The Great Depression, several earlier depressions, and the recessions of 1953, 1957, and 1960, were preceded by very moderate price trends. The unusually severe recession of 1973-75 was preceded, during 1970-1972, by average annual price increases of less than 4 percent. It is rather misallocations of resources and incomes that mainly explain the cycle, and at times these have occurred under falling, stable, or rising prices because prices alone are only one factor among many, and relationships among prices and incomes are far more important. Humphrey-Hawkins stresses correcting these misallocations.

Nor does less unemployment usually bring more inflation. During 1947-1952, when I served on the Council of Economic Advisers, unemployment averaged 4.4 and was reduced to 3.2 percent in the last year; inflation averaged low, and was reduced to 0.8 percent in the last year. The low inflation was not primarily due to controls (which were hardly used in late 1952, and not used in 1953). It was because we gave top priority to full employment and production, remedying shortages, and breaking bottlenecks, and integrated planning policies adjusted to quantitative goals. Humphrey-Hawkins stresses these approaches (without controls, because current and foreseeable conditions are not analogous to the Korean war period).

During 1955-1966, including a serious economic recession and with unemployment ranging from 4.4 percent to 6.8 percent, inflation averaged annually several times as high as during the immediately preceding years. From 1958 to 1966, with unemployment reduced to 5.8 percent in the last year, the average annual rate of consumer price inflation was only 1.5 percent.

The quickening of inflation during 1966-1969 was not due to a slight further reduction in unemployment, but to unwise delay in lifting taxes with vast acceleration of the Vietnam war. From 1969 to 1975, unemployment rose from 3.5 percent to 8.8 percent, and inflation rose to 9.1 percent by 1974-1975. Recently, with the severest economic downturn since the Great Depression, double-digit inflation was the highest since the Civil War. Only about half of this was due to Arab oil actions and crop failures; besides, these events would have had only minor effects if the long-range planning and priority programs under a Humphrey-Hawkins had been in effect. Still more recently, a very sharp decline in inflation has accompanied substantial though inadequate reduction of unemployment.

Thus, the thrust of Humphrey-Hawkins toward a full economy is the first and foremost weapon against inflation. Nonetheless, and unmentioned by Drs. Ulmer and

*Chairman, Council of Economic Advisers under President Truman. President, Conference on Economic Progress.

MONS 029967

Schultze, the bill provides numerous other anti-inflationary weapons: action against shortages and bottlenecks, structural improvements, improved anti-trust and pro-competition measures, etc. For reasons already stated, the bill does not now call for price-wage controls. And even those who still cling to the discredited "trade-off" admit that unemployment under the bill would not get low enough to call for controls until at least two years after enactment. It is prudent to adopt a wait-and-see attitude on controls, not saddle the bill prematurely with extremely controversial provisions which would hurt chances of passage.

Finally, it is unwise to disparage the bill as "political." The political process shapes national policies, and it is fortunate that the Democratic Party and its most nominee for President are espousing all basic features of Humphrey-Hawkins—albeit with some improvements which its sponsors are now developing.

BUSINESS SHOWS FAITH IN NEW YORK

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. BINGHAM. Mr. Speaker, on August 6, 1976, the Freeport Minerals Co. announced its determination to maintain its corporate headquarters in New York City. Chairman Benno C. Schmidt, in a brief but eloquent statement, explained why his company has concluded New York is "the finest place in the world . . . to conduct business." I wish to congratulate Mr. Schmidt on his statement and on his company's decision.

Mr. Schmidt's statement follows.

BUSINESS SHOWS FAITH IN NEW YORK

Freeport Minerals Company will continue to maintain its world headquarters in New York City. Freeport has had its head offices in New York City since 1913 and it is our intention to keep them here. We have just signed a new, long-term lease to consolidate all of our top executive offices in one location in the Pan American building. We will have in excess of 200 employees at this headquarters location.

New York City is the finest place in the world, our opinion, to conduct business. The best banks, the best lawyers, the best investment bankers, and the best service facilities of all kinds are available here. It is also, in my opinion, still the best place in the world to live. No other city can match its attractions.

There is no denying that New York City, like many other cities, has its problems. These problems are serious and they must be solved if New York is to retain its preeminence. However, I believe that the fact that New York's problems have surfaced in so vivid a way is an encouraging sign. The problems of New York, like those of many other American cities, are now understood and it is up to the City, with the cooperation of the State and Federal governments to find solutions to these problems. I am convinced that solutions will be found and that New York will remain the great city that we have known. If the first step in the solution of our problems is the recognition, definition and understanding of these problems, then we are already on the road to a better New York.

Freeport is casting its vote on the side of confidence in the ability and determination of New York, with the cooperation of the State and Federal governments, to solve its problems.

SPEAKING WITH TWO VOICES ON SOVIET MILITARY PREPARATIONS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. KEMP. Mr. Speaker, the Honorable Eugene Rostow, Sterling Professor of Law at Yale University and former Under Secretary of State for Political Affairs, stated in the spring 1976 issue of Strategic Review that—

The United States and its allies are in danger, and the danger is increasing with every passing day. The growing imbalance of military forces is one stark measure of the danger. There are others, evident in the climate of politics and the character of events from Lebanon and Angola to the pressure on South Korea.

It is a disturbing political and psychological phenomenon, as the Assembly of the Atlantic Treaty Association noted in Paris last October, that "although the Soviet threat to the Alliance has increased, the perception of it in Western opinion has diminished." We have witnessed no such flight from reality since the thirties, when prevailing opinion throughout the West dithered and hesitated, until it was too late to prevent World War II.

Mr. Speaker, far too much is being done to keep knowledge from the American people that the United States and its Allies are increasingly in peril, and far too little is being done to get the facts out. There seems to be no end of apologists for the Soviet military buildup. It is amazing to hear how some people explain away the facts.

Fortunately, the American apologists for the Soviet military buildup are contradicted by what the Soviets are themselves saying. The Center for Advanced International Studies at the University of Miami, under the leadership of Foy Kohler, former American Ambassador to the U.S.S.R., has published in the August 15 issue of Soviet World Outlook an analysis of the Soviet press which shows that the Soviets openly stress the "building up of Soviet armaments on a huge scale" as well as the massive Soviet civil defense program.

I believe we should all feel indebted to the Center for Advanced International Studies for the energy and courage with which it attempts to get the facts out. I am certain that an informed American public opinion will demand that the United States take the necessary steps to protect our peace and freedom.

I believe the Soviet press is a good antidote to the wishful thinking that has done so much damage to our foreign policy and defense posture. I include the Center's analysis in the RECORD at this time:

SPEAKING WITH TWO VOICES ON SOVIET MILITARY PREPARATIONS

Moscow is attempting to undercut the growing attention being given in the US and Western Europe to the massive Soviet civil defense program, which has been sustained for many years and which has been significantly escalated since SALT I, and to the asymmetry resulting from the Soviet program in respective capabilities of the USSR and the US to survive a nuclear attack. Thus Pravda on July 11, in a rare attempt at humor, gave prominence to an article entitled "Trouble with Moles" which focused on recent hearings of the Joint Congressional Committee on Defense Production on the US-Soviet civil defense situation, characterizing the hearings as "a molehill on Capitol Hill." It charged that "political moles" had quickly emerged to blurt out "some curious things" and to fill the Capitol "with squeaking and squealing" regarding the need for added civil defense efforts by the US.

"Participants," the article said, "stated zealously brandishing the hackneyed bugbear of the 'Soviet threat.' They have been diligently citing the falsifying book of a certain Leon Goure with the indigestible title 'War Survival in Soviet Strategy'." The object, according to the article, was "to intimidate ordinary Americans, drag them back into the holes and bunkers of the cold war and bar the way to detente with molehills." However, the organizers "forget what year it is. They also forget that, in contrast to purblind moles who cannot see present-day realities, Americans are acquiring better and better vision and are striving for peace and light."

(See Soviet World Outlook No. 4, March 1976, p. 12 for a descriptive announcement of the Goure book to which Pravda referred. The book was published by the University of Miami's Center for Advanced International Studies in March of this year. As noted in the announcement, Leon Goure is a Professor and Director of Soviet Studies in the Center who has specialized for some twenty-five years on research and analysis of Soviet civil defense, and is the recognized foremost western authority on this area of Soviet military activity and its place in overall Soviet strategy. The book, which includes a sobering foreword by Ambassador Foy D. Kohler, a co-editor of Soviet World Outlook, is now in a second printing and can be procured from the Center's Director of Publications. The softback price is $6.95).

OPEN STRESS ON WORK CIVIL DEFENSE

In contrast to Soviet disdain of American concern over the civil defense situation, direct open evidence is currently being provided by highly authoritative Soviet spokesmen that civil defense not only continues to occupy a central place in Moscow's strategic preparations but that it is being treated as increasingly crucial in those preparations. Thus, Army General V. Kulikov, Chief of General Staff of the USSR Armed Forces and First Deputy Minister of Defense of the USSR, wrote in the May, 1976 issue of Voennye Znanila:

"Modern war requires a carefully thought through and organized system of measures for insuring the stability of the functioning of the national economy and the reliable protection of the population thrpughout the country's territory. A particular role in the implementation of this task is played by Civil Defense, which now has become a factor of great strategic significance in assuring the visibility of the state."

Backing up the Kulikov generalization, the July 1976 issue of Voennye Znanila contained 18 separate articles on various specific aspects of civil defense enterprises and activities. Similarly, Red Star, Soviet Armed Forces' daily, contained special reports on civil defense exercises in various localities in its issue of July 1, July 2, and July 14. The last, devoted to an exercise at the "Redoleh Production Combine," said that this was "a part of complex exercises held in Nikolaev

MONS 029968

Raion of the Lvov Oblast: In it participated all enterprises and collective farms in the raion, institutions and organizations and educational institutions."

The main journal of the Soviet military establishment, Communist of the Armed Forces, carried major articles emphasizing civil defense in its May, June and July issues. The thrust is indicated by the article in May entitled "The XXV Party Congress Concerning the Strengthening of the Defense Capability of the Country, the Combat Might of the Soviet Armed Forces." In this it was stated: "Together with the army and navy there continues the perfecting of the Armed Forces' Rear Services and of the Civil Defense of the country. They are at the level of the requirements of a modern war."

The newspaper Sovietskii Patriot of July 14, 1976 contained reports on civil defense activities in Rostov-on-the-Don, Leningrad, and Moscow. The report on Leningrad noted that at the Pioneer Camp at "Lada," near the city, shelters and fallout covers have been built for the "training of Pioneers," i.e., eight through fourteen year olds. The same periodical on June 20 examined the complexities of civil defense exercises and training as revealed in the program for Moscheorsk, and on June 9 carried an article, "When the Siren Has Sounded," in which it was reported that: "During the complex enterprise exercises which have been conducted in the Moscow oblast, the personnel of the non-military [civil defense] formations, the majority of the workers and employees have received a firm practical knowledge in conducting rescue and emergency repair and restoration work. This has made possible conducting complex exercises on the scale of cities and raions with the participation of all inhabitants."

The attention currently being given by Red Star to civil defense is far greater than at any time in the past. The substantive motivation is well demonstrated by an article in its July 8 issue entitled "The Director Sets the Tone." Centering on the situation at the Kaluga Electrical Machinery Plant, which was characterized as "first among the raion's enterprises in terms of the standard of organization of civil defense," the article said that "a clear plan of civil defense measures has been elaborated at the plant. Its fulfillment is under the constant control of the directors. Civil defense questions are regularly examined at weekly operation conferences of shop and section leaders." The plant party committee also does a great deal for civil defense and civil defense competitions are held. "The plant director is in constant contact with the enterprise civil defense staff. The work of the director and the civil defense staff is efficient and coordinated. These qualities were displayed in the preparation for the last comprehensive exercise." In this exercise:

"A 'nuclear' strike in the region of the plant produced devastation, obstacles and fires. The immediate liquidation of danger which had arisen began at once. Reconnaissance scouts rushed to the center of the destruction. They were followed by a rescue detachment under the command of the commander, V. Nikashev. He was given first-aid teams and mechanized subunits with bulldozers, mobile cranes, a compressor unit and other equipment. People worked in unison. Some put out flames, others cleared obstacles, others rescued the 'wounded' and administered first aid. . . . All services and formations operated with precision at the comprehensive exercise, to whose preparation and holding the plant director devoted great attention."

An important point to consider is that Soviet views on civil defense activities and their importance is within the context of a prevailing Soviet line that in a nuclear war the Soviet Union will emerge victorious. Indeed, Soviet leaders are the only ones who speak of "victory" in a nuclear war. For example, Brezhnev pledged in 1967 that in the event of a war "the Soviet Union would win a victory worthy of our great people." In 1973, USSR Minister of Defense Grechko asserted that "we are firmly convinced that victory in this war would go to us—to the socialist system," and a year later again claimed that "if the imperialist aggressor risks encroaching on our country, he will be beaten everywhere." In May 1974 Grechko wrote that "the fundamental impact of the military content of Soviet military doctrine consists in ensuring the complete defeat of any aggressor." More recently, other Soviet spokesmen have used similar words, as for example, the Commander of the Transcaucasus Military District, who wrote in February 1975: "Let everybody know that in a clash with any aggressor, the land of the Soviets will achieve victory worthy of our great people." It is also frequently asserted in echo of Grechko that Soviet military doctrine "elaborates" the "conditions and means of insuring victory in a war."

CONTRADICTORY POSTURING ON MILITARY REQUIREMENTS

Meanwhile, it should be emphasized that Moscow speaks with the same two voices regarding its overall military efforts as for its civil defense program.

Continuing to show great sensitivity over sharply increased western estimates of the size and rate of growth of Soviet military expenditures (See Soviet World Outlook, No. 6, June 15, 1976, pp. 7-8) USSR spokesmen liturgically repeat at every opportunity Brezhnev's statement at the June, 1976 Berlin Conference of European Communist Parties that "the Soviet Union is the only great power which does not increase its military spending from year to year."

At the same time, however, Soviet authorities not only stress the recent phenomenal growth and qualitative improvements in USSR military capabilities but also the decisive role which its military gains as against the US is playing in a claimed accelerating shift in its favor in the overall correlation of world forces. Communist, most authoritative of Soviet journals, indicated the sweep of Soviet advances in an article signed by First Deputy Minister of Defense General Kulikov in its May, 1976 issue,

"If one summarized all the changes in the army and navy following the 24th [1971] Congress, then the main fact is that the successes in the development of the socialist economy, science and culture permitted the implementation of basic qualitative changes in all fields of military affairs."

The top journal of the Soviet Navy, Morskoi Sbornik, spoke in more concrete terms in its May issue: "The process of really revolutionary changes in the army and navy continued in recent years. All branches of the armed forces and types of troops received the newest weapons, military equipment for various purposes, automated complexes, and highly effective means for command and control." The article continued with a tick-off of major accomplishments with a particularly of the great weight given to military requirements in close link with Soviet economical planning and activity:

"The current stage of development in military affairs is characterized by the expansion of material expenditures for the production of military equipment and arms, the increase in the requirements for their quality. Only during the last 10-15 years manned and third generations of missiles, radioelectronic systems, naval craft and airplanes were replaced among us and abroad. All this means that for supporting the Armed Forces on a contemporary level a developed industry, advanced science and technology, trained cadres, a significant amount of raw materials and equipment are needed. The Party's economic strategy adopted at the 24th [Party] Congress will permit creating the necessary prerequisites for successfully fulfilling these tasks."

Communist of the Armed Forces for June 1976 developed the same theme:

"The defense power of socialism is a vital necessity. Therefore the [XXV] Congress approved the party line on the strengthening of the defense capability of the country and the perfecting of the Armed Forces. . . . The defense might of the country . . . must be such that the aggressor understands the inevitability of the defeat of his political and military goals in the military actions which he has planned; and that one can foil his criminal intentions at their birth, and, if the armed attack becomes a fact to decisively crush any aggressor. . . ."

An even more revealing account of Soviet military expansion was provided by an editorial article in Communist of the Armed Forces for May 1976:

"One must again emphasize that the problem of strengthening the defense capability of the country is constantly at the center of attention of the Communist Party and its Central Committee. . . . The Party outlines and carries out all necessary measures which ensure the further strengthening of the defense might of the Soviet state, and for raising the combat capabilities and combat readiness of the Armed Forces. As a result of the successes in the development of the socialist economy, the utilization of the achievements of science and technology, there took place serious qualitative changes in all aspects of military affairs."

The article then ticked off details respecting provision of all branches of the Armed Forces with "the most modern weapons and military equipment: The Strategic Military Forces; the Ground Forces; the Air Forces' Rear Services; Civil Defense; the Navy. "The combat capabilities of all," the article said, "have been immeasurably increased." The article continued with a promise of more to come:

"The successful development of the economy will allow the Soviet Union to systematically further strengthen its defense capability. In the solution of this question important significance is attached, as is known, not only to the rapid growth of industrial production, but also to those qualitative changes which are occurring in our industry at the present stage. [In the 10th Five-Year Plan] large measures have been outlined for the further improvement of the structure of industry, the raising of the share in the total volume of production of those sectors which determine technological progress. Thus, the output of machine-building and metal-working equipment will increase in the five-year plan by approximately 1.5 times. In line with this primary progress, growth will occur in the atomic, metallurgical and chemical machine building and also in a number of branches of the electric, electronic, instrument building industries and in instrument building. By these means will be created the base for qualitative changes in the development of all branches of the economy. All this is not only of enormous significance for the economy but also is quite important for defense. . . .

"However, we communists cannot rest on what has been achieved, because to stop means to fall behind. Therefore our achievements in all spheres of military building must be seen only as a step towards the further raising of the combat might of the Armed Forces."

MILITARY GAINS TELT "CORRELATION OF FORCES"

The growth in the military prowess of the USSR. Soviet spokesmen continue tirelessly to contend, has been the prime factor in, as the journal USA put it in July 1976, "changes

MONS 029969

in the correlation of forces in the world arena as a result of the strengthening of the forces of peace and socialism, changes in the military balance between the biggest states belonging to the two systems—the USSR and the US." Red Star asserted on June 10, 1976:

"In our era the correlation of class forces in the world has definitely and irreversibly changed in favor of socialism.

"Imperialism is obliged to consider the new correlation of forces in the international arena and realistic statesmen and politicians in the capitalist countries are obliged to consider this in shaping and pursuing their foreign policy and in elaborating practical measures in the field of detente. . . . Under these conditions the consolidation of the defense capability of the Soviet state is an objective necessity. Our military cadres . . . devote all their knowledge, energy and creative initiative to insure that the readiness [of the forces] to deal a crushing rebuff to an aggressor and to defeat him at any moment are improved and perfected."

Along the same lines, Communist of the Armed Forces of May 1976 said that, "The Party and the Soviet people take into account that in agreeing to negotiations with the Soviet Union and other socialist countries the imperialists were forced to do so first of all by the change in the correlation of forces in the international arena in favor of socialism, which is expressed in the economic and defense might of world socialism and foremost of those if its main link—the Soviet Union."

To the Chinese communists, if not to others who observe the Soviet scene, Soviet affirmations that the USSR does not increase its military spending from year to year raises a dissuit problem in logic in light of Moscow' revelations of "building up of Soviet armaments on a huge scale." Thus, Radio Peking pointed on July 18, 1976:

"One would ask: Has the Soviet Union found any secret method to far surpass Western arms expansion without increasing its national defense expenditure and bring about 'a new balance of forces in the world'?"

LET THE BELLS TOLL

HON. PAUL G. ROGERS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. ROGERS. Mr. Speaker, under the leave to extend my remarks in the RECORD, I include the following: During this Bicentennial Year numerous tributes have been made which have acclaimed this country as the greatest experiment in democracy ever attempted and successfully achieved.

I would like to take this opportunity to acknowledge the writing of one of my constituents, Mr. Jesse I. Fuchs of West Palm Beach, Fla., whose poem entitled, "Let the Bells Toll," reiterates some of the thoughts and ideas felt by all Americans as they celebrate this Nation's Bicentennial. It is my pleasure to include this poem at this point:

LET THE BELLS TOLL

(By Jesse I. Fuchs)

Let the bells toll throughout the land.
Let the bells ring with pride
In memory of the freedom won
With liberty sanctified.

Our Founders struggled with one aim in view,
To build a great and glorious land,
So that we might carry on their wish,
This nation respected and truly grand.

In all the troubles and woes today
Across our land from East to West,
Our country continues to prosper;
It's still the very best.

Though some in high places, in greed have faltered,
We'll not let them hide behind our flag.
Who dare challenge the test of time.
We're still the mightiest nation—liberty's the tag.

ERDA ANNOUNCES PROPOSALS FOR SOLAR ENERGY RESEARCH INSTITUTE

HON. MIKE McCORMACK

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. McCORMACK. Mr. Speaker, the Energy Research and Development Administration — ERDA — has announced that it has received 20 proposals, acceptable for comprehensive evaluation, for a manager-operator for the Solar Energy Research Institute—SERI. I am pleased to inform my colleagues in the House that this Nation's Solar Energy Research, Development and Demonstration and the plans to establish the SERI are moving forward in an orderly manner, and at an accelerated pace. We expect that the difficulties encountered in initiating the Solar Energy Heating and Cooling Demonstration program have been overcome and that the ERDA will reach the goals established by Congress to have 2,000 demonstration units for solar heating on the line by the end of calendar year 1977 and, in addition, 2,000 more combined heating and cooling solar demonstration facilities by the end of 1979, provided that a practical and economically competitive solar energy air conditioning unit is developed in time.

The Solar Energy Research, Development and Demonstration Act of 1974 established the SERI to perform "such research, development, and related functions" in the area of solar energy, as determined necessary by ERDA to support the solar energy program.

The proposals will be evaluated by a Source Evaluation Board made up of ERDA personnel. Dr. Robert C. Seamans, Jr., Administrator of ERDA, is the source selection official who has responsibility for the final selection.

The initial role of SERI will be the performance of analysis, assessment, information dissemination, research activities in specific aspects of the solar energy program, and support of international cooperative programs.

SERI's future role could include increased research, development and related activities in support of ERDA's solar energy program.

ERDA estimates that the cost of the contract for the first year of performance will be between $4 and $8 million.

Through a phased-growth approach both in terms of organizational and site size, SERI could evolve into ERDA's lead solar energy laboratory, subject to several criteria including performance and availability of funds.

The following organizations submitted proposals acceptable for comprehensive evaluation, prior to the deadline of 8 p.m., July 15, 1976. The address of a proposer does not necessarily indicate the location of the proposed site for initial and/or future operation.

Battelle Memorial Institute, teamed with the State of Arizona, 505 King Avenue, Columbus, Ohio 43201.

Corporation for Solar Energy, sponsored by the California Energy Resources, Conservation & Development Commission, 923 University Hall, Berkeley, California 94720.

State of Georgia for Solar Consortium, Georgia Institute of Technology, Atlanta, Georgia 30332.

Goodrich-Bartlett & Associates, 1106 Gardner, Las Cruces, New Mexico 88001.

Icarus Corporation, sponsored by The City Council, City of Wilkes-Barre, City Hall, Room 21, Wilkes-Barre, Pennsylvania 18701.

Purdue University in cooperation with the State of Indiana, West Lafayette, Indiana 47907.

Solar Research Management Corporation, Lockheed Missiles & Space Company, Inc., in cooperation with the State of Florida, Lockheed Palo Alto Research Laboratory, 3251 Hanover Street, Palo Alto, California 94304.

Midwest Research Institute, in cooperation with the State of Colorado, 425 Volker Blvd., Kansas City, Missouri 64110.

Michigan Energy and Resource Association, teamed with Bendix, Lansing, Michigan 48939.

National Solar Energy Research Consortium, Inc. (NSERC, Inc.), 2101 L Street, NW., Suite 901, Washington, D.C. 20037.

National Solar Energy Research Institute, Inc., P. O. Box NSERI 985, Minneapolis, Minnesota 55401.

Nebraska Energy Research Corporation, State Capitol, Lincoln, Nebraska 68509.

State of New Jersey, State House, West State Street, Trenton, New Jersey 08625.

Solar Energy Research Institute, on behalf of The States of Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island & Vermont, 1031 Statler Office Bldg., Park Square, Boston, Massachusetts 02116.

Southwest Research Institue, 8500 Culebra Road, P. O. Drawer 28510, San Antonio, Texas 78284.

Stanford Research Institute, teamed with the State of New Mexico, 333 Ravenswood Avenue, Menlo Park, California 94025.

System Development Corp., teamed with the El Paso Regional Solar Energy Task Group, 2500 Colorado Avenue, Santa Monica, California 90406.

Thermo Electron Solar Huntsville, Corp., P. O. Box 3837, Huntsville, Alabama 35807.

University City Science Institute, 3624 Science Center, Philadelphia, Pennsylvania 19104.

Department of Natural Resources, State of Utah, Salt Lake City, Utah 84112.

DIFFERENT BILLS

HON. HELEN S. MEYNER

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Ms. MEYNER. Mr. Speaker, I have introduced legislation, along with 17 cosponsors, to exempt most farm vehicles from the highway use tax. A similar bill, H.R. 6521, will be considered by the House of Representatives on Tuesday.

There are some important differences between these bills, however. My bill seeks to relieve farmers of the burden of the highway use tax. H.R. 6521 seeks to relieve farm trailer manufacturers of the burden of the Federal excise tax. These

MONS 029970

manufacturers have virtually admitted that they have been absorbing the cost of this tax. There is no guarantee whatsoever that passage of this bill will result in any savings for the purchasers of these trailers. I urge the Members of this body to carefully consider the merits of this bill before going along with this revenue-reducing legislation.

I am pleased to report that Senator RUSSELL LONG, the chairman of the Senate Finance Committee, has promised Senators McGOVERN and DOLE that he will schedule hearings on farm vehicle tax relief this fall. I am hopeful that these hearings will provide the impetus necessary to carry this legislation through to final passage.

SWINE FLU LEGISLATION

HON. JOSEPH L. FISHER

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. FISHER. Mr. Speaker, I am inserting into the CONGRESSIONAL RECORD a statement relating to the swine flu immunization bill which was passed by the House on the day before our recent recess and explaining my vote in support of this legislation.

The statement follows:

STATEMENT ON S. 3537, THE SWINE FLU LIABILITY LEGISLATION

Mr. Speaker, on August 10, the day before the Congressional recess, the House passed by a vote of 250 to 83 a Senate-passed bill (S. 3768) to expedite the swine flu immunization program by giving the Federal government a directed role in the indemnification process for product or professional liability litigation arising out of the program. This action by the House cleared the legislation for approval by the President.

Because of the well-reported differences this program, and because the legislation was passed under an extraordinary legislative procedure, I should like briefly to explain the situation and the reasons for my vote in support of the bill.

Earlier this year the Congress passed legislation authorizing Federal funds to underwrite the costs of manufacturing and distributing a new vaccine to provide public protection in the event of a threatened outbreak of swine flu. Despite some initial delays, the production phase of the program is well advanced and some 100 million units of the vaccine have been produced. In recent weeks, however, a new threat to the program developed when the insurance carriers which normally provide liability coverage for the drug firms refused to extend protection to the companies with respect to this particular program. Their refusal was not based, they said, on any indication that this is a dangerous vaccine, but rather on their fears that such a large-scale program might stimulate a large and costly volume of liability litigation. Without insurance coverage the manufacturers felt they could not continue their program efforts. Hence, with the normal influenza due to begin in September or October, we faced a major program breakdown.

To avoid such a breakdown the Administration submitted new legislation to authorize the Federal government to fill the liability insurance gap on an emergency basis. The bill passed by the Congress differs somewhat from the Administration proposal, but it employs the same approach.

There is far from unanimous agreement in the Congress on the details of the new legislation—or, indeed, on the desirability of having the Federal government fill the insurance coverage gap. Most of us in the Congress concluded, however, that we had to act fast and affirmatively to make sure that the program we had earlier approved would not collapse. That explains the strong vote of support in both the House and the Senate.

It should be clearly understood, however, that this new legislation does not represent a Congressional position on the scientific controversy over what groups in the population should be vaccinated. When the Congress passed the original enabling legislation for this program, we left to the Secretary of HEW and his expert advisors the determination of which groups within the total public should ultimately be inoculated. Whatever differences of scientific opinion there may be on this score, they are not differences which the Congress should resolve. What the Congress decided was that the Federal government should underwrite the costs of producing enough vaccine to implement whatever ultimate coverage is determined to be necessary. I believe we acted wisely then, and I also believe we needed to act again to make sure that this authorization would not be thwarted by the surprising reluctance of the insurance industry to play its customary role in this undertaking.

Although the critical program support legislation has now been passed, I hope there will be further legislative exploration—by one or more congressional committees—as to some of the broader implications of the insurance industry's role in indemnity coverage in the future. Such an exploration should not necessarily be limited to immunization programs, but might well cover other facets of product and professional liability in the health field.

I am not suggesting that the Federal government should take responsibility for the whole field of health liability insurance. Until there is more expert agreement and more actual program experience relating to liability problems I would not like to have any national mandates being issued from Washington. In view of the Federal government's present and expanding responsibilities relating to health services and to the containment of spiralling health costs, however, I doubt that Congress can stay completely out of the picture. My thought is that the Congress might first explore the possibilities of relatively limited supportive or collaborative roles which the Federal government might play to guard against program or system breakdowns while the states are developing and testing more basic approaches to the whole liability insurance problem.

Much of the debate regarding medical liability insurance seems to be focused on pinning the blame on some identifiable villian group—the health professions, the legal profession, the insurance industry, or those consumers of health services who seek risk-free medical miracles. There may well be enough blame for all to share, but I would rather interrupt this debate for a little remedial action, even if the action may at first have to be aimed at selected problems only.

The bill that we passed on August 10 represents this kind of action, but it had to be passed in such a hurry that we did not really have a chance for a careful definition of future Federal roles and policies. That job remains to be done, and I hope it can at least be begun before the end of the present session of Congress.

EIGHTIETH BIRTHDAY OF B'NAI B'RITH MESSENGER

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. WAXMAN. Mr. Speaker, I should like to call to the attention of my colleagues and of the public a noteworthy journalistic event which will take place in my district on September 17, 1976. On that date, publisher-editor Joseph Jonah Cummins will mark the 80th birthday of the B'nai B'rith Messenger by issuing a special Jewish New Year Keepsake Edition. The Keepsake Edition will focus on the history of the Jewish community in southern California from the first settlers in the 19th century up to the present day. This theme is in keeping with the role the Messenger has placed over the years in increasing the information, awareness and pride of the local Jewish community in our historical roots.

Since 1929, Joseph Cummins has been the publisher, editor and driving force behind the B'nai B'rith Messenger. During the past 47 years the Messenger has not only borne the clear mark of Mr. Cummins' journalistic genius but also has reflected every facet of the complex man's commitment to the United States of America, to the State of Israel, and to a diverse and dynamic Los Angeles Jewish community.

Joseph Cummins' concerns with our own community have never reduced his vital interests in the State of Israel. A lifelong Zionist, Cummins dedicated his paper first to the establishment of a Jewish state, and after the founding of Israel in 1948, to the safety and survival of the embattled Jewish nation. His readers came to cherish the B'nai B'rith Messenger as one of the most comprehensive and reliable sources of news in the world not only about events within Israel but also about the Middle East in general and about American and world affairs of consequences to Israel.

In many respects, the B'nai B'rith Messenger has helped Los Angeles Jews exist as a true community rather than a mere population concentration.

With more than a half million souls in the general southern California area, adequate communications could not possibly be maintained by word-of-mouth or organizational newsletters. Certainly, the meager coverage the metropolitan press has seen fit to give Jewish community events could not sustain an authentic community. Rather, community publications such as the Messenger have done the job. It is to the Messenger that every group within the community—Zionist organizations, cultural and fraternal societies, synagogues, temples, educational institutions, charitable and benevolent institutions, political, and recreational groups—have turned for coverage. Readers have long relied heavily on the Messenger not only for news and in-

MONS 029971

formation but also for numerous entertaining features, inspirational columns, and especially, outspoken editorials reflecting Joseph Jonah Cummins' deepest personal commitment as an American, as a Jew and as a journalist.

Among the institutions indebted to the Messenger perhaps none owe more than the Jewish schools of Los Angeles. Without regard to such denominational distinctions as Reform, Conservative, Orthodox or Orthodox Chassidia, Joseph Jonah Cummins has always given news on Jewish education top priority. He has also devoted editorial space, time after time, to praising the local Jewish day-schools and urging citizens to support the schools financially and to give them every consideration as the educational setting for their own children.

Joseph Jonah Cummins during his 47 years stewardship has raised the Messenger to the highest level of ethnic journalism. The Messenger has helped maintain and develop the Jewish community and enhance the unique cultural and religious values on which it rests.

Joseph Jonah Cummins well deserves the praise and good wishes he will be receiving as the B'nai B'rith Messenger marks its 80th anniversary.

POST CARD REGISTRATION

HON. ROY A. TAYLOR

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. TAYLOR of North Carolina. Mr. Speaker, the objective of increasing the number of registered voters is certainly worthwhile and supporters of this legislation are sincere; but I fear that we are not paying enough attention to election procedure problems at the grassroots level.

For 11 years before coming to Congress, I served as a county attorney and was attorney for and worked closely with the county board of elections. We had a problem because there had been many allegations of election fraud and some good citizens were refusing to vote, contending that they did not believe that their vote would ever be counted. We installed voting machines in every precinct to insure a quick and accurate count. Other changes were made so that North Carolina, like many other States, has accomplished unprecedented sophistications in the election process. We now have full-time registration available in all counties on a daily basis throughout every year. The post card type legislation would wreck the permanent loose-leaf system now in effect in every county in my home State.

Every eligible voter is encouraged to register and vote. In addition to the right of any prospective voter to go to the office of the county board of election during normal business hours of any day in the year and register, the registrar and two judges in each precinct are subject to call and must be available to register anyone who requests it. Prospective voters may go to the homes of the registrar or judge at night. Frequent announcements are made when the registrar will be at a schoolbuilding or shopping center or other public location during certain hours. Frequently registrars go from house to house to get people registered.

But with each registration there is a live body and a signature on a master card and a precinct card and a definite address.

When a voter registers in a new precinct, he signs a cancellation card for the old registration so that all country records can be corrected. If the voter moves from one county to another, the same procedure is followed. Or if he moves into our State from another State, a cancellation of registration form for his old registration is sent to the Secretary of State where the voter was last registered.

Without being able to personally question a registrant, it is almost impossible to get and give all information needed to insure the voter's right to one vote. Each county board of elections receives copies of all death certificates for those of voting age and each month names of those who have died are removed from the list of eligible voters and records are kept as current as possible.

The combination of nonnotarized post card registration and absentee ballots appears to be tailored for fraudulent elections. Cards could be filled out with fictitious names and addresses. Pranksters could obtain hundreds of post cards and raise havoc with the registration system. A prankster could change the party affiliation of any Congressman here by merely signing his name on one of the post card forms.

The proposed changes would eliminate the safeguards that have so painstakingly fought for to protect voters from fraud. In an effort to make voting convenient for a few, we are endangering the rights of the many.

Mr. Alex K. Brock, Director of Elections, State of North Carolina, in a letter to me stated,

"We urge you to assist us in putting into proper perspective the real cancer in our election process. The true weakness is apathy, the failure of persons who are registered to exercise their right to vote. We submit that simply registering more people by lottery tactics does nothing to improve the problem. Only after we have attained a continuing turnout of 80-90% of our registered voters should we attempt to go out and pull people out of the woodwork to simply fill up space on the registration books. In North Carolina our priority project is to increase voter participation first, then design programs to flush out other prospective voters."

This spring and summer many States held presidential preferential primaries. I contacted the board of elections in some of these States to determine the percentage of registered voters—not total eligible voters—but registered voters who voted. In New Hampshire, 48.5 percent of the registered Republicans and Democrats voted. In Florida, 56.48 percent of the registered Republicans and Democrats voted. In Massachusetts, the figure was 32.7 per cent. In North Carolina, 35.3 percent of the registered Democrats voted and 34.8 percent of the registered Republicans voted. According to an editorial in the Washington Star, "less than 20 percent of the city's 211,000 registered Democrats either found their way to the polls or thought the exercise was worthwhile." I quoted the figures to point out that the problem is voter apathy and not the difficulty of registration that is causing the low voter turnout.

Since the mechanics of elections must be left in the hands of those who are trained in election laws and who are responsible to the public for seeing that elections are conducted properly, and since this legislation will upset many State laws designed to place more integrity in the election process, I can't help but believe that this post card registration is a step in the wrong direction and one which should not be taken.

JUDGE LaVERNE DIXON HONORED IN RETIREMENT

HON. ROBERT McCLORY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. McCLORY. Mr. Speaker, one of my longtime friends, Judge LaVerne A. Dixon, Circuit Court Judge of the 19th Judicial Circuit of Illinois, has announced his retirement from the bench. Following a long and successful career as an attorney practicing in the State and Federal courts, Judge Dixon has served as Circuit Court Judge of the 19th Judicial Circuit for 14 years during the reform period of the Illinois court system. Until recently he was the Chief Circuit Judge which demanded not only active judicial service, but an overall administration of the courts in the 19th Circuit.

Judge Dixon has been far more than a judicial officer. His service has included many civic and community activities in his home town of Gurnee, Ill., as well as in Lake County. His earlier active participation in Republican politics involved him as a political leader who influenced events and candidacies of many who have served in public office in Lake County and in the State of Illinois.

Mr. Speaker, I should recall also the faithful and devoted work of Judge Dixon's wife, Ruth, who has given steadfast support to his career and who in her own right has been a public and political leader during the years of Judge Dixon's distinguished service.

Mr. Speaker, many public figures, as well as family and personal friends of Judge Dixon, will gather at the Holiday Inn, Gurnee, on Thursday evening, August 26, for a retirement party and tribute to Judge Dixon. While it is my hope that I can be present, I take this occasion nevertheless to recall to you, Mr. Speaker, and all my colleagues in this body the honorable and important service of a leading figure of the Bar and

MONS 029972

Bench of Lake County and the State of Illinois, His Honor, LaVerne A. Dixon, Judge of the 19th Circuit Court of Illinois.

My wife, Doris, joins in extending to Judge Dixon and his devoted wife, Ruth, our heartfelt congratulations and good wishes for many happy and healthy years together.

THE SOUTHWEST SEWER DISTRICT

HON. THOMAS J. DOWNEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. DOWNEY of New York. Mr. Speaker, on June 2, 1976, the Amityville Chamber of Commerce sponsored a public forum to discuss the controversial Southwest Sewer District in Suffolk County, N.Y. This meeting gave the people a much-needed opportunity to express their views and grievances on this important issue.

At this time I would like to share my comments on the Southwest Sewer District with my colleagues. The following is a copy of the written statement I submitted to the meeting.

STATEMENT OF CONGRESSMAN THOMAS J. DOWNEY ON THE SOUTHWEST SEWER DISTRICT

I am sorry that I am not able to be with you tonight as you consider one of the most serious and controversial issues facing the people of my congressional district and all of Suffolk County. Unfortunately, the House of Representatives is in late session all this week and I do not leave Washington when there is a chance that I will miss legislative votes. Indeed, we are considering legislation that would increase Federal funding of sewer projects across the country, including our own District, and I expect passage of the bill in the next few days.

However, I do want to bring you up to date on some of our activities regarding the Southwest Sewer District. I am grateful that the Amityville Chamber of Commerce has provided this opportunity for public consideration of the Sewer issue, and for accepting my written comments.

My office has been working in four areas to make some sense out of the sewer mess and to help ease the unconscionable burden imposed on our taxpayers by this massive project.

First, as one of my initial actions as a Congressman after I was sworn in last year, I introduced legislation that would permit taxpayers subject to such special taxing authorities as the Southwest Sewer District to deduct the amount of their assessments on their income tax. This bill has been referred to the Committee on Ways and Means, and Chairman Al Ullman has assured me that it will be considered when the committee takes up comprehensive tax reform. If passed, this deduction could produce significant tax savings for residents of the sewer district, and could reduce average sewer tax payments as much as 25%.

Second, I have been in close and constant contact with the Governor's office and the State Department of Environmental Conservation about the possibility of obtaining money for the construction of lateral lines. We have been successful in convincing the state of the importance of channeling this federal money to the sewer district, and in the state's priorities, we are now near the top of the list. I am hopeful that the State will be acting within a matter of weeks to release these funds, which will be in the millions of dollars.

Third, I believe that we must make every conceivable effort to determine whether improper or illegal acts have been committed by any of the governmental or private entities with authority over the Sewer District. As your Congressman, I have initiated an investigation by the General Accounting Office of the federal role in the sewer project, which will focus primarily on the action or nonaction by the Federal Environmental Protection Agency, which has the ultimate federal jurisdiction in sewer questions. The GAO will determine whether EPA was negligent in its oversight capacity, and how much responsibility it must bear for the mess we are in today.

Fourth, and finally, I am working very closely with our neighboring Congressman, Jerry Ambro, who, as a member of the House Public Works Committee, is spearheading a comprehensive investigation of the Sewer Project in his Subcommittee on Investigations. The subcommittee is looking into all aspects of the sewer project and has already sent investigators up here, and because of the extensive federal role in the project, a report will be issued detailing what went wrong and where, if anywhere, there has been a misuse or insufficient use of federal dollars.

As your Congressman, I stand ready to take any appropriate action within my power to aid in dealing with the sewer crisis. I welcome any suggestions regarding other proper federal action, from Suffolk County officials and from the general public.

Thank you for including my remarks in your meeting.

DOCTOR FAIL-SAFE

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. VANIK. Mr. Speaker, during the past year, I have had the opportunity of several discussions with Dr. Henry Damm concerning the work of his professional organization, Damm & Associates, in measuring the quality of medical care and helping medical institutions improve their service to the public. Dr. Damm has developed unique standards by which to judge the existence of malpractice and improper procedures. During this time in which we so desperately need to reduce the costs of medical care and malpractice, Damm & Associates are able to offer statistically proven ways of improving care and thus reducing malpractice claims.

Recently the work of Damm & Associates, which is located in my congressional district, was discussed in the July 26 issue of Newsweek. I commend the article to my colleagues, since it indicates that there may, indeed, be some hard answers to the hard questions of medical costs.

The article follows:

DOCTOR FAIL-SAFE

When a manufacturer is plagued by complaints from customers, he can hire a quality-control consultant to inspect his plant and find the glitches on the assembly line that are causing defects in his product. The same kind of troubleshooting is now being used by hospitals to reduce the risk of malpractice suits. For a fee, a highly specialized Cleveland consulting firm will go over a hospital from emergency room to pathology lab to uncover medical accidents that are waiting to happen.

"Malpractice isn't just a matter of incompetence," says Henry C. Damm, 45 founder of Damm & Associates. "Eighty to 90 per cent of the cases arise in the hospital—usually because of a failure to observe fail-safe standards that are on the books." A Ph.D in endocrinology and biostatistics, Damm entered the field of hospital "risk management" after completing a teaching stint at Cleveland's Case Western Reserve University Medical School and writing a classic text on standards for clinical laboratories.

At first, Damm worked for insurance companies and attorneys, reviewing malpractice claims to find out what had gone wrong. From analyzing many cases of this sort, Damm and his colleagues amassed a huge data bank of potential trouble spots in hospitals, and are now using it as the basis for preventing malpractice occurrences. The firm, which employs seventeen full-time specialists in clinical procedures and hospital administration, conducts detailed on-scene surveys of client hospitals, makes recommendations to correct deficiencies and offers periodic return visits to monitor progress. The charge is $20 to $30 a bed for smaller hospitals and up to $60 per bed for larger institutions.

To preserve confidentiality, Damm is understandably cautious about discussing his findings. But one hospital survey recently uncovered 40 "danger spots that Damm considers typical. Among them: improperly functioning temperature controls in a lab refrigerator, which could lead to inaccurate test results; emergency-room personnel who were lax about washing their hands; failure to conduct routine blood typing in the obstetrics ward to detect possible Rh problems; improperly functioning monitors and alarms in the coronary-care unit.

RECORDS

He also discovered that the hospital's committees met informally, if at all, and that the pharmacy committee had no records of adverse drug reactions or improperly filled prescriptions. As a result of Damm's findings, the deficiencies have been cleared up.

In general, the biggest danger spots in the hospital, says Damm, are in the emergency room, the intensive-care unit and the post-surgical recovery room. "The more things you have going on at one time," he says, "the more chance you have of getting into trouble." Large teaching hospitals, where the more complex and sophisticated procedures are carried out, face a higher risk than do the small community institutions.

With family approval, many hospitals post "do not resuscitate" lists of patients who are terminally ill. Damm warns against the practice on the grounds that it may be legally indefensible and that it amounts to euthanasia in the eyes of many courts.

Risk management as a method of preventing malpractice problems is a new concept. But with the rise in malpractice premiums and the record trend for hospitals to join together to underwrite their own malpractice coverage, Damm expects a busy future—and is planning a fivefold increase in his staff.

AID PROGRAM AND REPRESENTATION IN HAITI

HON. LEE H. HAMILTON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. HAMILTON. I would like to bring to the attention of my colleagues some

MONS 029973

correspondence I had recently with the Agency for International Development regarding a Jack Anderson column of August 4, 1976 concerning our economic aid program in Haiti and contrasting the lifestyle of our AID employees with conditions of extreme poverty that exist in that small country.

While AID's response addresses the article's sharp criticisms of the living standards of AID personnel and aspects of our aid effort in Haiti, some questions remain concerning whether or not our aid program is well organized for trying to relieve the severe problems of poverty and unemployment in the rural areas of the country.

Following are copies of the Anderson column, my letter to AID of August 4 and AID's response of August 17:

[From the Washington Post, Aug. 4, 1976]

AMERICAN LUXURY, HAITIAN POVERTY

(By Jack Anderson and Les Whitten)

Nestled high on the hills above Port-Au-Prince are fashionable, walled villas, equipped with sparkling swimming pools and staffed by gracious servants.

This is where the U.S. Agency for International Development officials reside, with their families. They came to Haiti to administer American aid. Their mission is to help develop the impoverished nation and feed its hungry people.

A generous portion of the U.S. offering goes to maintain the AID administrators in the high style they have adopted. They live in luxury; they are waited on by servants; they belong to exclusive private clubs, they attend lavish cocktail and dinner parties.

To relieve it all, they collect extra hardship pay of about 15 per cent for enduring the rigors of Port-Au-Prince. They are also granted two extra weeks of stateside vacation, on top of their normal leave, to recuperate from the hard life.

They draw a generous housing allowance to help pay the rent on their fancy villas. They make biweekly flights to Guantanamo Bay to pick up inexpensive American food from the U.S. commissary. They can claim a generous "educational allowance," too, to help with their children's education.

After hundreds of thousands of dollars have been squeezed out of the AID bonanza for the care and comfort of the administrators, the rest of the money is usually turned over to the Haitian government to distribute. Additional amounts are diverted into the pockets of Haitian officials. Grain intended for the poor, for example, has been stolen and sold by corrupt customs officials.

To find out for ourself, Earl Berntzen, an Haiti to find out whether any of the aid reaches the people it was intended for. With a knapsack on his back, he traveled to the most desolate, drought-stricken region of the tiny Caribbean country. He lived for more than a week with the people in a remote village.

He saw naked children too weak from hunger to play, their bellies bloated by malnutrition. The villagers subsisted largely on mangoes. But the last mango would soon be devoured. The people didn't know what they would eat after that.

The American AID officials are usually too busy planning and partying in Port-Au-Prince to visit the villagers. Those who do usually drive through on jeeps. Most are too tied up with paperwork to leave their desks.

During the fiscal year that ended on June 30, the American taxpayers donated nearly $16 million in foreign aid to Haiti. A tiny fraction of that money has reached the remote village that Berntzen visited.

In the past, Americans aid has also helped to build hospitals, construct roads, tap water and distribute food. This has saved lives and alleviated suffering. But it's the AID officials who are the most comforted, the Haitian officials who are enriched.

Berntzen inspected a road construction project, that is partially financed with U.S. development funds. He found 240 peasants slowly building a road to their village, which was located on top of a high mountain plateau. With picks, shovels and wheelbarrows, they moved the road ahead.

The men were gaunt, lean and angry. For more than two months they had toiled without a penny in pay. The Haitian government had promised them 50 cents a day. But the money had never made it through the sticky fingers of the Haitian officials.

The ragged workers gathered around Berntzen. In broken Creole French, they pleaded: "We have almost nothing left to eat now. We have only one meal a day of cornmeal. Get us help."

Not only Haitian but American officials are depriving the hungry workers. The great need in the Haitian hinterland is for jobs. But American officials have stipulated that most of a $5 million road construction loan must be spent on heavy machinery purchased from United States firms.

The road experts told Berntzen that the new machines will soon join other bulldozers and tractors littering the Haitian countryside. The best way to build roads in Haiti, no matter how inefficient it may seem, is with manpower. And the people desperately need the work.

Berntzen spent some time in an impoverished village where the people had no jobs and little land that could be cultivated. Each day, they would scale the steep hillside in search of wood that could be burned into charcoal. After they laboriously produced a few sacks of charcoal, they would trek 10 miles to the nearest market to exchange the charcoal for mangoes.

But they couldn't produce enough charcoal to buy the food they needed. Their children, weak from hunger, sat around listlessly. It was an agonizing contrast to the villas in the Port-Au-Prince hills.

COMMITTEE ON INTERNATIONAL RELATIONS, HOUSE OF REPRESENTATIVES,
Washington, D.C., August 4, 1976.

HON. DANIEL PARKER,
Administrator, Agency for International Development, Department of State, Washington, D.C.

DEAR MR. PARKER: I enclose a copy of the Jack Anderson column of August 4, 1976 commenting on aspects of our AID mission's activities and programs in Haiti.

I would like a detailed response by the agency to the charges made in the article.

I appreciate your consideration of this matter.

With best regards.

Sincerely yours,

LEE H. HAMILTON,
Chairman, Special Subcommittee on Investigations.

DEPARTMENT OF STATE, AGENCY FOR INTERNATIONAL DEVELOPMENT,
Washington, D.C., August 17, 1976.

HON. LEE H. HAMILTON,
Chairman, Special Subcommittee on Investigation, Committee on International Relations, House of Representatives, Washington, D.C.

DEAR MR. CHAIRMAN: Your letter of August 4 requests a detailed response to the charges made in the Jack Anderson column which appeared in the Washington Post that day. Dan Parker has asked me to provide that response and to express his thanks for the opportunity to respond to the statements and to provide further information about the U.S. Government assistance program in Haiti.

Anderson: ". . . fashionable, walled villas, equipped with sparkling swimming pools and staffed by gracious servants . . . where the U.S. Agency for International Development officials reside, with their families."

Comment: The living standards of A.I.D. personnel in Haiti are comparable to those of employees of other U.S. Government agencies, international organizations and the official representatives of other nations. In Haiti, as in developing countries throughout the world, there is a very small middle class. Most of the population live in poverty. As a result, there is almost no housing available for rent in Haiti that is comparable to middle class housing in the United States. U.S. Government employees in Haiti receive a housing allowance as they do in other countries. They make individual arrangements to rent their accommodations. For 15% of the employees in Port-au-Prince, the housing allowance currently covers their housing costs. For the remaining 85%, the allowance falls short of their costs by 10% or more. Currently, allowances range from $4,800 to $6,900 per year.

Most houses available for rent to U.S. personnel in Port-au-Prince have walls at the edges of the property, as is the case in many countries. Those employees who have swimming pools pay personally for their operation and maintenance.

Americans living in Haiti usually employ servants. Inadequate kitchen and laundry facilities, lack of U.S. style foods and lack of child care facilities are some of the factors that make the use of servants necessary to maintain living standards similar to those in the U.S. The cost of servants is borne by individual employees, except for the A.I.D. Director who receives partial reimbursement for costs of operating his official residence.

Anderson: "A generous portion of the U.S. offering goes to maintain the A.I.D. administrators in the high style they have adopted."

Comment: The cost of salaries and benefits (including housing allowances) for all A.I.D. employees in Haiti amounts to about 3% of the cost of our assistance program there. The word "offering" is misleading as applied to our assistance. The program is described later.

Anderson: "[A.I.D. employees] belong to exclusive private clubs . . ."

Comment: There are no public swimming pools in Haiti, no public tennis courts and no public golf courses. Americans in Haiti who want to participate in these popular American activities must either provide their own facilities or join private clubs. The clubs available to A.I.D. employees are those available to Haitians and to other foreigners living in Haiti.

Anderson: "[A.I.D. employees] attend lavish cocktail and dinner parties. . . ."

Comment: Key A.I.D. officials do attend receptions and dinners given by the representatives of other countries and international agencies. Partly because of the lack of recreational facilities, Americans in Haiti tend to do a good deal of entertaining in their own homes. Except for an occasional official function, they entertain at their own expense and do so as lavishly, or as simply, as they might in the U.S.

Anderson: "[A.I.D. employees] collect hardship pay of about 15 percent. . . ."

Comment: The U.S. Government, along with other governments, international agencies and private businesses, offers "hardship allowances" in certain overseas posts. One hundred forty-four posts in the world are considered in determining allowances for any given post. In Port-au-Prince the allowance is 15% of salary. It is subject to U.S. income tax as ordinary earned income. The most important consideration in determining this allowance for Haiti is the prevalence of a variety of communicable diseases not found in the U.S. and the inadequate facilities available in Haiti for their treatment. Service in Haiti exposes all employees and their families to several diseases endemic to Haiti.

MONS 029974

including malaria and dengue fever. Among the 40 employees of A.I.D., the State Department and the U.S. Information Agency in Haiti, four have been evacuated in the last three months for emergency medical treatment. Two of these have dengue fever. Other recent evacuees have suffered hepatitis and pneumonia.

Anderson: "[A.I.D. employees] are also granted two extra weeks of stateside vacation, on top of their normal leave. . . ."

Comment: A.I.D. employees in Haiti do not receive any leave beyond that earned by all U.S. Foreign Service career employees. While serving abroad, such employees earn one month of home leave at the end of a two year tour of duty.

Anderson: "[A.I.D. employees] make biweekly flights to Guantanamo Bay to pick up inexpensive food from the U.S. commissary.

Comment: There is a U.S. military flight between Guantanamo Bay and Port-au-Prince every other week. During the past six months A.I.D. employees and dependents made a total of 1,000 trips on this flight. Over half of these were for medical appointments with U.S. doctors at Guantanamo. When space is available, some employees and dependents travel to Guantanamo to obtain U.S. goods unavailable at reasonable prices in Haiti. In addition, a cooperative commissary organized by U.S. Government employees in Port-au-Prince obtains its supplies via the Guantanamo flight. Passengers who are physically fit load and unload the plane. The cooperative stocks about 300 grocery items (compared to the 10,000 items in a typical U.S. supermarket) and sells them to its members at prices slightly above those prevailing in the U.S. One result of this self-financed activity is that no cost-of-living allowance is required for Port-au-Prince.

Anderson: "[A.I.D. employees] can claim a generous 'educational allowance'. . . ."

Comment: Education allowances are provided for all foreign service employees abroad with children of kindergarten age through high school age. The amount of the allowance is determined by the tuition cost at a school that provides the approximate equivalent of U.S. public education. Extra costs, including some supplies, are borne by the parents. The result is that the foreign service family abroad incurs about the same cost per child for education through high school as it would in the U.S.

Anderson: "After hundreds of thousands of dollars have been squeezed out of the A.I.D. budget for the care and comfort of the administrators, the rest of the money is usually turned over to the Haitian Government to distribute. Additional amounts are diverted into the pockets of Haitian officials."

Comment: The 2% of U.S. assistance which is allotted to employee salaries and benefits is not "squeezed out" of the development funds in A.I.D.'s budget. It is separately appropriated by Congress in addition to the program funds made available. No funds are turned over to the Haitian Government to distribute, nor to any individual Haitian official. A.I.D. funds are normally vouchered and paid directly by A.I.D. to the suppliers of goods and services (mostly in the U.S.) or are reimbursed to the Government of Haiti on the submission of detailed vouchers after it has spent its funds for stipulated purposes. Moreover, A.I.D. uses careful procedures for audit. During the past year the Haiti program has been the subject of an A.I.D. audit, two State Department inspections and an audit by the General Accounting Office of the Congress. None of these has found any evidence of misappropriation of U.S. Government funds.

Anderson: "Grain intended for the poor . . . has been stolen and sold by corrupt customs officials."

Comment: Although there have been food losses experienced in the past in the Food for Peace programs administered by U.S. voluntary agencies, recent expanded use of containerized shipments has reduced these losses in Haiti to about 1 percent, a level below those at most ports. Contrary to the impression provided in the column, there has been no evidence of dishonest diversion of A.I.D. relief food by customs officials. Recently, when drought in Haiti made some of the food supplied by non-U.S. donors was stolen from customs, the Haitian Government reacted promptly with an investigation of the Customs Service. Some employees were imprisoned and others dismissed. Much of the food which had been stolen was subsequently recovered and distributed to the intended recipients.

Anderson: "The American A.I.D. officials are usually too busy planning and partying in Port-au-Prince to visit the villages."

Comment: Key A.I.D. staff are regularly in the countryside visiting and monitoring each A.I.D.-supported project. About half the American-funded by A.I.D. in Haiti are permanently stationed at project sites outside Port-au-Prince.

Anderson: "During the fiscal year that ended on June 30, the American taxpayers donated nearly $18 million in foreign aid to Haiti."

Comment: For the year ended June 30, 1976, U.S. assistance to Haiti included $4.2 million in grant-funded technical assistance, primarily for improving public health and increasing small farm production. A loan of $5 million, repayable in dollars, was made to assist in building unpaved all-weather roads to isolated farming areas throughout Haiti. An estimated rural population of 349,000 will benefit from this loan. $4.1 million of food was donated, all of which was distributed in Haiti by three U.S. voluntary agencies: CARE, Church World Service and Catholic Relief Services. Over $1 million of this food was used to avert starvation among the families hardest by a drought which lasted more than 9 months. During the year, over 250,000 hungry Haitians received food aid in A.I.D.'s continuing programs, in addition to the 146,000 who received emergency food supplements during the drought. A loan of $6.3 million, also repayable in dollars, was made for the purchase of wheat. Thus, the total of grants (donations) was $8.3 million and the total of loans was $10.2 million.

Anderson: "Bernton inspected a road construction project that is partially financed with U.S. development funds. He found 240 peasants slowly building a road to their village . . . For more than two months they had toiled without a penny in pay."

Comment: No A.I.D. funds were involved in the project cited. Concerning the alleged failure of the Haitian Government to pay peasants constructing a road to their village, delays in paying workers in certain districts unfortunately do occur. Eventually, however, they usually receive their money as, in fact, they did on this project.

Anderson: "The great need in the Haitian hinterland is for jobs. But American officials have stipulated that most of a $5 million road construction loan must be spent on road machinery purchased from United States firms."

Comment: The issue of human labor versus machines for road construction is misrepresented in the column. A.I.D. recently signed a $5 million loan as part of an $11 million project to help Haiti reconstruct 568 miles of rural secondary roads. The project was carefully designed to provide for the maximum feasible use of hand labor for road construction. The $3 million in heavy construction equipment to be ordered will be utilized for such work as moving large quantities of heavy, embedded shale rock. The loan also finances a pilot study to improve efficiency of existing labor intensive maintenance and construction techniques with the objective of providing a model for labor intensive programs throughout Haiti at the village level.

Such loans are included in the program of assistance the United States provides to Haiti as part of an international effort. The program has been developed in response to requests from the Government of Haiti and in close collaboration with the World Bank, Inter-American Development Bank, the Organization of American States, Canada and other donors.

A.I.D.'s program focuses on assisting the rural poor through projects in agriculture, maternal and child care, nutrition, family planning, and a malaria control program that has benefitted more than 1.8 million Haitians. A.I.D. also helps to finance voluntary agencies such as CARE, Catholic Relief Services and Church World Service. These provide U.S.-supplied food to school lunch programs, maternal and child health programs and a variety of food-for-work projects.

Thank you for this opportunity to provide information on one of our A.I.D. programs.

Sincerely yours,

DENIS M. NEILL,
Assistant Administrator,
for Legislative Affairs.

AFL-CIO JOINS FIGHT AGAINST THE ARAB BOYCOTT

HON. BENJAMIN S. ROSENTHAL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. ROSENTHAL. Mr. Speaker, on July 19, the executive board of the AFL-CIO issued a statement calling upon the Congress and the administration to "move swiftly to enact legislation and to take such other measures as necessary" to end the—

Imposition of (the Arab) boycott on Americans, American-owned businesses, or on any transactions occurring on American territory.

I applaud this action which reaffirms the AFL-CIO's traditional commitment to the principle of open competition. Several businesses with extensive dealings with the Arabs have supported cooperation with the boycott on the ground that it preserves jobs. I daresay that no institution is more concerned with saving jobs than the AFL-CIO. Yet they have now joined the dozens of major corporations, political spokesmen of every persuasion and numerous of our colleagues in urging an end to this affront to American ideals and sound business practice.

The House International Relations Committee, of which I am a member, will consider shortly an extension of the Export Administration Act which expires on September 30. Together with several colleagues, I will be offering an amendment outlawing all U.S. cooperation with the Arab boycott.

In remarks before the committee—reproduced in the RECORD at E3240, June 10, 1976—I discussed my belief that strong U.S. action against the boycott

MONS 029975

would not cause a severe or long-term disruption of American/Arab trade. Briefly, I cited the following evidence: Commercial relations between the United States and the Arabs have survived other political vicissitudes, that is, Iraqi anti-Americanism; numerous Arab businessmen have expressed private misgivings about the boycott as their need for sophisticated U.S. equipment and services grows; recent Commerce Department regulations prohibiting U.S. firms from complying with Arab demands involving religious, racial or sex discrimination have had no discernible adverse affect upon our Mideast trade.

Not surprisingly, the Commerce Department and industry groups doing business with the Arabs are the most vigorous protestors of the risk to American jobs of a strong antiboycott stance. Since 1965, the Commerce Department has been under a statutory mandate to oppose compliance with the boycott. During this period, the number of firms reporting cooperation with the boycott has soared. In the last 2 years, 637 U.S. exporters sold at least $352.9 million and as much as $781.5 million in compliance with boycott conditions. Until last year, the Commerce Department actively promoted among U.S. businesses contract offers requiring boycott cooperation. Had the Commerce Department done its job of enforcing the 11-year-old U.S. policy against the boycott, the strong action now required might have been unnecessary.

The opposition of certain industry groups is even easier to understand. Edwin L. Jones testified on behalf of the Associated General Contractors of America that opposition to the Arab boycott could cost hundreds of thousands of U.S. jobs. Mr. Jones' company has $400 million in contracts with Arab firms. He is naturally reluctant to support legislation that could pose even a minimal risk to some of this business. Moreover, the end of the boycott would mean the elimination of the artificial schism among U.S. competitors where some can trade with the Arab world and at least 1,500 others, those on the Arab blacklist, cannot. Some American businessmen may not be pleased about this prospect which could mean more vigorous domestic competition for lucrative Arab contracts.

I hope my colleagues on the International Relations Committee will give some thought to these wider implications of the AFL–CIO Executive Board's statement. The text of the statement follows:

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON THE ARAB BOYCOTT, JULY 19, 1976, WASHINGTON, D.C.

The Arab boycott raises issues which go far beyond those of Israel's rights as a free nation. By imposing secondary and tertiary boycotts, the Arabs have put at issue America's willingness to defend its own principles and sovereignty. Not only do the Arab nations refuse to deal commercially with Israel, they also demand that American firms which wish to do business with them refrain from transactions with Israel. They demand that American firms practice religious discrimination in hiring, promotion, job assignment, selection of corporate officers and in dealing with other American firms.

The boycott attempts to impose upon the American people practices of racial and religious bigotry which violate American belief and law, and to make American firms the agents of hostile acts against a friendly nation. This constitutes a repugnant intrusion into American domestic life, and an unacceptable effort to coerce American foreign policy. The American people will not tolerate this dictation.

The Executive Council believes that the imposition of this boycott on Americans, American-owned businesses, or on any transactions occurring on American territory must end now. We call upon the Congress and the Administration to move swiftly to enact legislation and to take such other measures as necessary to achieve this goal.

THE HELSINKI ACCORD 1 YEAR LATER—OPPRESSION CONTINUES IN CZECHOSLOVAKIA

HON. FRANK ANNUNZIO

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. ANNUNZIO. Mr. Speaker, I rise to bring the attention of my colleagues to a statement published by the Council of Free Czechoslovakia on the Communist failure to implement the final act of the Conference on Security and Cooperation in Europe.

Personally, I was opposed to the signing of this act by the United States, because I felt that our Nation should not give official recognition to the conquests of the illegal and immoral Communist dictatorships in Eastern Europe.

However, the bill I cosponsored to establish a Commission on Security and Cooperation in Europe to monitor compliance with the act is now public law, and I am hopeful that this Commission, along with systematic public exposure of the record, will encourage all participating states, especially the Communist states, to take seriously the pledges they have made by signing this document.

The statement follows:

FIRST ANNIVERSARY OF THE HELSINKI CONFERENCE STRUGGLE FOR THE MEANING OF THE FINAL ACT

The communists make no secret about the necessity to suppress any criticism of the party and socialism (*Rude Pravo*, 8 June 1976).

The first anniversary of the signing of the Helsinki declaration offers us an opportunity to draw a partial balance sheet of what has been achieved and, more importantly, of what kind of atmosphere the Final Act helped to create on the international scene.

There seems to be a general consensus that the existing detente has produced more liabilities than assets. Europe, and West Germany in particular, feel the increased international tension more than the United States. East European leaders and mass media, of course, blame the West for this state of affairs and Czechoslovakia leads the way. The Czechoslovak press and mass media have staged a concerted campaign which may be briefly characterized as a "struggle for the meaning of the 'Helsinki Declaration.'" The purpose is obvious: to mount an offensive against the West in preparation for the conference to be held in Belgrade next year to evaluate the impact of the Helsinki meeting.

The strategy of the Czechoslovak mass media is to blame the West for placing too much emphasis on the so-called Third Basket and neglecting the other provisions of the Final Act. Instead, the Czechoslovak press is stressing the significance of the first two sections of the Helsinki declaration, namely, the section on the preservation of the status quo of the existing borders and its change by peaceful means only, and the section concerning the expansion of scientific, technological and economic cooperation.

The truth is that, contrary to communist assertions, the West has always honored the first two sections of the Final Act. Nobody here in the West wants to change the European territorial status quo by force. And as far as cooperation in various fields is concerned, the Czechoslovak press itself admits that the Prague government was able to enter into a number of international agreements regulating scientific, technological, and economic cooperation after the Helsinki meeting. Indeed, East-West trade has expanded rapidly and the sagging economy of the communist bloc has been kept alive by huge Western credits surpassing 30 billion dollars.

Czechoslovakia alone runs a trade deficit with the West of more than a billion dollars. Rightly, Western governments and bankers are questioning whether their credits have not been over extended and whether the communist states will ever be able to repay their debts. It is becoming increasingly evident that the communist call for detente is nothing more than a desperate attempt to avoid an economic collapse of the very system which not long ago had promised to "bury" the West.

But ideology, not the well-being of the people, comes first in the communist countries. Any move toward ideological detente is regarded by the communist governments as subversive and directed against the 'socialist system.' Contrary to the Western view—which is shared by most of the people in Central and Eastern Europe—that an international detente would improve the lot of the common man, the Prague regime calls for government-controlled exchanges and cooperation within the fields of arts and science, and government-controlled contacts between citizens of East and West. Those points in the Third Basket which benefit human rights without governmental interference are considered by the Czechoslovak rulers as unimportant or plainly subversive.

And so we find that nothing has changed in the life of the Czechs and Slovaks. Oppression and political tension have not subsided. The antireligious campaign continues despite Prague's signature of the Final Act.

The Czechoslovak government continues to persecute scientific and cultural workers who refused to be 'normalized' and 'consolidated.' University professors, writers, artists, journalists, scientists and priests dismissed from their professional positions continue to work in menial jobs, if they are lucky to find one. Nothing has been done to implement the provisions of the Third Basket. Permission for the reunification of families was granted in just a few cases. Bureaucratic red tape impedes visits of relatives to and from Czechoslovakia, exactly as before the Helsinki conference.

One of the most recent illustrations of Prague's unwillingness to implement the exchange of information as stipulated in the Third Basket has been the attitude of the Czechoslovak press toward the European Communist Conference in East Berlin. In reporting the speeches of Tito, Berlinguer, Marchais and Carillo, Czech and Slovak newspapers carefully omitted all their demands for independence for their parties from Moscow's domination, all their calls for a pluralistic system of government, and their emphasis on the need for their individual roads to socialism. The East Berlin con-

MONS 029976

ference was pictured in the Czechoslovak media as a model of unity under the leadership of Moscow.

If the Czechoslovak government is unwilling to tell the truth about developments in the international communist movement how can one expect that the Czechoslovak communists will be ready to facilitate an exchange of information between the countries of the West and the East?

All well-intentioned statements in an international declaration concerning human rights are meaningless when confronted with the oppressive laws in the communist countries. This is the true lesson of the Helsinki Declaration.

The struggle for the meaning of the Helsinki Declaration will continue and will intensify as we approach the time of the Belgrade conference. Consequently, it is necessary for the West to be prepared to counter false accusations and have material ready to prove that it was the Soviet Union and its satellites which have not altered their repressive policies since the declaration was signed. For this reason the Council of Free Czechoslovakia welcomes the creation of a Congressional watch-dog committee whose purpose is to supervise the implementation of the Final Act.

Below are excerpts from the Czechoslovak press illustrating the situation we have just described:

. . . one has always to bear in mind the fact that the defense of socialism is, in the nature of its law, a collective concern, and that the defense of the Central European area must be organized in a complex form which, among other things, is predetermined by a future war if the imperialists should wage it. In other words, it means that the defense of the socialist world is not just a concern of the individual countries, but is an international obligation of the entire socialist community. The unprecedented development of warfare in the period following World War II, especially its destructiveness and totality, has created completely different conditions and different criteria for military actions in a potential war. What in the past was possible within the framework of a single country must today be organized within the framework of an entire coalition. . . . Socialist states as a group will not tolerate any country of the socialist system being threatened by direct or indirect aggression or subversion. The resolute action undertaken by the socialist countries in 1968 and their assistance rendered to the Czechoslovak people is the best example. . . . (*Slovenasky Prehled*, No 5, 1975.)

The document adopted in Helsinki generated a whole set of unjustifiable illusions about relations between capitalism and socialism within the ideological sphere. As expected, such illusions have offered a welcome opportunity for Western propaganda centers and individual publicists to circulate once again the already discredited appeals for "ideological coexistence," "reconciliation of ideologies" and "de-ideologized" cultural contacts between capitalist and socialist countries. The main interest of the Western writers has concentrated on the so-called Third Basket of the Helsinki Declaration, namely, the provisions on the exchange of information and cultural contacts between East and West. Bourgeois propagandists are divorcing these provisions from the rest of the Final Act. They demand a free flow of information on the one hand but a suppression of the ideological content of information on the other, depending on whether such information comes from the West or the East. . . . (*Nove Slovo*, No 38, 1976.)

Even before the ink dried on the signatures of the Final Act the Western press began to publish articles arguing that the Helsinki Declaration was worth less than the paper on which it was written. Western journalists asserted that the signature was an act which did not possess the character and validity of an international agreement and that, consequently, it did not bind anybody and anything.

But the bourgeois press quickly abandoned this line and went over to another extreme, namely, it put itself into the role of an interpreter of the Final Act and narrowed the defense of the Helsinki principles to a single topic: problems related to international cooperation in humanitarian and related areas . . . to problems known as the Third Basket which can be put into effect . . . only in the atmosphere of peaceful coexistence and mutual understanding when we all manage to establish the rule of noninterference in the domestic affairs of other countries.

Western media intentionally disregard such a goal and argue that the socialist countries owe something to the "democratic society of the West" because they do not facilitate a "free exchange of people, ideas and information."

We are realists and we know that agreements are one thing and their implementation another . . . The socialist community is powerful enough . . . to put into effect the provisions of the Helsinki Declaration even in spite of the attempts of certain "liquidators" who distort the ideas of the Third Basket. (*Tribuna*, No. 32, 1976.)

An exchange of ideas should not be understood as their harmonious coexistence or their mechanical acceptance by both systems. Our dialogue will have the character of an ideological struggle and may sometime be very sharp. But both sides must not use inadmissible forms, that is, denunciation and disinformation. The Soviet Union and other socialist countries observe this rule whereas the Western countries are far from doing so . . .

The events of recent months have clearly proved that the bourgeoisie is extremely alarmed by the social consequences of the process of detente. . . . The Western countries come forward therefore with theories that peaceful coexistence should mean some kind of a social status quo, a "ban" on the revolutionary aspirations and the struggle of nations against imperialism, against the rule of the monopolistic capital . . . The influence of the socialist countries on the development of world events is steadily increasing . . . and will grow further in the future . . . Our fraternal parties in the capitalist countries . . . are learning the Leninist art of applying . . . the principles of communism to the problems peculiar to their countries and their special conditions . . . The logic of a merciless class struggle against a powerful adversary teaches them to appreciate unity and international solidarity . . . (*Rude Pravo*, 20 March 1976.)

Comrade Gustav Husak declared in Moscow in June 1969: "Because of Marxist-Leninist principles the Czechoslovak Communist Party regards the Soviet Union and its Communist Party as the main pillars of the socialist camp and of the international communist movement . . . The attitude towards the Soviet Union has been and always will remain the main criterion for distinguishing progressive forces from reactionary ones, a determining factor of the proletarian internationalism. The history of Czechoslovak-Soviet relations has proved that those who do not understand and do not wish to understand the historical role and significance of the Soviet Union, or even deny it, are perforce against not only Marxism-Leninism and the interests of the working class, but also against the highest national interests of their own country . . . The renewal of our national and state independence, the very existence of the Czechoslovak state, the whole past period of building socialism in our country, have proved the unrefutable truth that no freedom, no independence, no socialism can exist for the nations of Czechoslovakia without the closest fraternal union with the Soviet Union." (*Spolocenske Vedy ve Svete*, No. 4, 1975.)

SOVIET BUSTED THOUGH FEW HAVE NOTICED

HON. LARRY McDONALD

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. McDONALD. Mr. Speaker, it was painfully apparent when East-West trade started busting out all over late in President Johnson's last term that eventually, it was all going to have to be very limited, due to the eternal hard currency shortage of the Soviet Union. Lacking a convertible currency, the Soviet Union has to sell gold to make purchases, or as they sometimes do now, sell Eurodollars, but even this has limits. Basically the problem is that the Soviets need to buy so much more than they have to sell and on top of this have come the continual grain shortages requiring additional funds. Neither of these problems is liable to go away. This is not to say that the Soviets have not taken measures to correct the situation. They are frantically digging out their gold and such fields as Kolyma are the center of constant attention by the Red bureaucracy, but this measure has been blunted by weakening world gold prices. Increased capital investment has been poured into Soviet agriculture, but the stubborness of the peasantry, shortages of machinery, and uncooperative weather have blunted these efforts.

Elliot Janeway, in an article which appeared in the Washington Star on August 8, 1976, now points out that the Soviets are in serious difficulty as regards its balance of payments and is becoming known as "slow money" in the world financial market. Moreover, if one takes into account inflation, the real increase in East-West trade is largely an illusion, the propaganda from our Departments of State and Commerce, notwithstanding.

The article follows:

SOVIET BUSTED, THOUGH FEW HAVE NOTICED

(By Elliot Janeway)

Revolution by repudiation is a novel possibility—still too novel to have been stated as a formal political concept. The textbook alternatives to this threat of capitalist collapse are limited to the various apocalyptic projections of Marx, Lenin, and Stalin. Their warnings range from defeat in war to collapse into depression.

The standard Communist ideology regards capitalism as on the wane and Communism as on the rise. It assumes that the eventual outcome is a foregone conclusion; only the timing and the circumstances of the revolution are admitted to be open to question. It is an article of faith that the inherent weakness and progressive disintegration of capitalism is responsible for its vulnerability to Communist takeover.

The Communist prophets never suspected that the shoe might wind up on the other foot; that is, that a serious threat to the very

MONS 029977

foundations of the capitalist structure might develop as a result of the acute weakness of the Communist system. Yet this is the very trick which financial history is now playing on political philosophy.

The fact is that during this decade, Moscow has engineered a worldwide cover-up to conceal this weakness. It began exactly three years before it surfaced at the time of the great Moscow grain steal of 1972. Since then its very conspicuousness has protected the cover-up; the obvious is always obscure until the economics of crisis forces recognition. While the process of recognition has begun, it is far from complete. Russia's food shortages and gold sales are making headlines, but few people understand their significance: Russia is busted—and no one has really noticed.

Familiarity with the history of Communist theology sharpens the contrast between Marxist expectations and admissions. Of the "big three", Marx himself was the most realistic; partly because he was the only one of them who had the benefit of an education and often communicated a cutting sneer. Marx envisioned the revolution beginning with the insurrection of the proletariat in an advanced industrial country—most probably Germany. He misse l his mark by little more than a generation, which is not too bad for a millenial thiql r.

Marx's famous failure to foresee that Russia would be the first important country to go Communist is offset by one of his less publicized insights. As I showed in my *Economics of Crisis*, Marx himself originated the theory of "American exceptionalism," which Stalin later declared to be heretical and punishable by death. Marx based the exemption he gave America on his recognition that this was a new world enjoying a fresh start. To paraphrase the send-off given the Bolshevik Revolution by John Reed, the idealistic American reporter whose epitaph is embedded in the Kremlin Wall, Marx had seen the future, and it worked. He foresaw the rise of American agripower as the key to world power that it is now.

Marx's political judgments have actually stood the test of time better than his economic pronouncements. His politics were his own; but his economics—by his own admission—were borrowed from the classical English economists, whose models were limited to the relationships between industrial employers and their workers. While the work of Ricardo and his fellow pioneers offers a remarkable preview of the spectacle of Russia selling gold reserves to finance emergency purchases of corn, the problems and the potential of modern agriculture were beyond their ken. This a major limitation of Marx's work as well.

Lenin, the second of the "big three," mobilized the Bolshevik Revolution behind a three-ply slogan: "Bread, land and peace." Apologists for Lenin have intellectualized about this appeal as offering something to all the downtrodden: the proletariat, the peasants, the peasants as producers and the military as victims. *On surviving*, however, this three-pronged appeal breaks down into demagogic camouflage and fiasco on the peasants. Bread could come only from what the peasants produced; land was offered to them as an inducement to produce more grain; and they served as cannon-fodder in the Russian army.

The original *Soviets* were officially designated as councils of workmen and peasants. When Stalin took over, he projected a grandiose scheme for "proletarianizing" the peasantry. His other gamble was on "socialism in one country." Those both assumed that Russia could both feed herself and find the processed tools needed to develop a modern agricultural system, especially in a cold modern climate.

Stalin himself was too ignorant to grasp the interrelated ramifications of food and fuel technology. In his primitive view, the way to produce food was to produce tractors. He had no conception of the magnitude of the investment in fuel, chemistry and transportation necessary to develop farm productivity from tractor availability. Today Russia is helplessly behind in her food production—but when all the tractors she needs Stalin's slogan of "socialism in one country" would be perfectly workable if Russia could depend on America to underwrite her glaring deficiencies in grains, gas transportation, technology and, above all, dollars.

It is the financial squeeze on Russia which has earned her the title of "Typhoid Mary" in the world's credit markets. Only yesterday Moscow was basking in the glory of financial respect. Her most carefully guarded secret was the size of the Kremlin's gold reserve. He most self-serving fantasy was of finally cashing in gold chips at the expense of the American investing public. Her most impressive boasts were that import bills were paid promptly, that her credit rating was top notch, and that she never needed to borrow. Her most imaginative achievement had been the move which created the Eurodollar market.

Now Russia has worn out her welcome there. Until 1970, she loomed as the modern equivalent of a merchant prince in Europe's financial markets. In a few years since, even the most indulgent bankers have discovered that she is a pauper, and are treating her accordingly. The major New York bank with the biggest portfolio of dubious overseas loans has just decided that Russia is no longer entitled to advances—this with Russia still exploiting her shadowy role behind the more rambunctious members of the oil cartel, and squeezing more profit out of the present oil price structure than any of them.

The figures on Russia's borrowings are horrendous. Combined with the forced borrowings of her European satellites, they amounted to $25-27 billion by the end of last year, as opposed to only $2 billion in 1970. The only reason why 1976 may not prove to be Russia's biggest borrowing year yet is that the lenders are running out of both confidence and money, while she is running out of plausibility. At 7 percent, just the annual interest bill on $40 billion (a very conservative estimate for 1976's total of Russian and satellite country borrowings) would approximate the entire principal outstanding in 1970.

Russia is no longer making any bones about pressing her distress on to her satellites. She is forcing them to overborrow so that she can step up her bleeding of them. For example, in in 1970 Poland owed only $770 million to Western creditors; but by the end of 1975, her floating debt to capitalist banks was up to $2.8 billion. The comparable figures for East Germany are $900 million and $2.7 billion.

The plight of Hungary is equally symptomatic of the gathering crisis. Russia had been shipping oil to Hungary for 40 percent under the cartel price. She has just rescinded the discount and stepped up her food requisitions. Historically, Hungary has been the granary of Central Europe; now it is washing with fiscal mobs.

Suddenly, "debt rescheduling" is an issue whose time has come. Until Moscow ran out of willing lenders, only the over-borrowed debtors of the Third World have been pressing for a moratorium in one form or another. Now it is beginning to fear it may be necessary.

The sparring between the Third World prodigals and their capitalist angels is an ominous reminder of the pragmatic definition of bankruptcy: "when you can no longer borrow the interest." In the climactic preliminaries to the formalization of bankruptcy, when lenders are under pressure to engineer a credit Watergate and borrowers have nothing to lose by resorting to blackmail, forced borrowing is accelerated. But none of the cash generated by borrowing flows through the system of the sick borrower. The frightened lender needs all of it recycled into interest payments to protect the credit cover-up.

Russia's distress is genuine. There's no doubt that she wants to fight a rear-guard action against the increasing inevitability of debt rescheduling. But there's no way that Russia can tide herself or her creditors over the brewing crisis without admitting that her bullying will not save her from bankruptcy, that her squandering of resources on armaments will not save her from austerity, and that her distress gold selling won't begin to pay her interest—let alone raise new money. It has taken this trip to the brink of bankruptcy to force the Kremlin to recognize, however grudgingly, the common interest which now binds Communist mendicants to capitalist benefactors.

"Kto kuo"—who will conquer whom?—was Lenin's most menacing battle cry. The Kremlin is now too far gone to revive it. Russia has dissipated the sinews of war; but while she is not about to conquer any one she can still drive her creditors to the brink with fear. This means that the contributions Russia and the satellites have been making to worldwide business activity with their borrowings is in for a drastic shrinkage.

Gradually, the calamitous implications of a forced rescheduling of Russian and satellite debts are recalling the meaning of the moratorium that triggered the last Depression. But America has the means to save the world financial structure from Russia's weakness. Hopefully, the presidential campaign will focus on the strategy of strength needed to buy the time and sell the resources America has been wasting.

VOTING RECORD OF HON. MARTHA KEYS

HON. MARTHA KEYS

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mrs. KEYS. Mr. Speaker, because I think it is important that voters be aware of the actions taken by their elected officials, I am committed to making my positions on proposals before the Congress readily available to all of my constituents. I therefore have compiled a list of all the votes taken during the 94th Congress up through the recess for the Republican Convention and have indicated how I voted on each of these.

The votes are categorized by date in chronological order. Following a brief description of each vote is recorded its outcome, an (X) or an (O) denoting passage or failure, respectively. On those few votes for which I was unavoidably absent I have recorded the position I asserted into the CONGRESSIONAL RECORD following the absence. Such votes are indicated by an *.

The voting record follows:

MONS 029978

Proposal	My vote
JAN. 14, 1975	
Election of the Speaker of the House. (Albert won)	Albert.
H. Res. 5. On ordering the previous question on the resolution, then ending debate. [R]	Yea.
H. Res. 5. On passage of the Rules of the House for the 94th Congress. [R]	Yea.
FEB. 4, 1975	
H.R. 1589. On passage of a bill to prohibit the implementation of Ford Administration food stamp regulations. [R]	Aye.
FEB. 5, 1975	
H.R. 1767. On passage of a bill to suspend for 90 days the President's authority to increase oil import fees. [R]	Aye.
H.R. 2634. On passage of a bill to increase the temporary debt ceiling, pursuant to a Treasury Department request, to $531 billion through June 30, 1975. [R]	Yea.
FEB. 19, 1975	
H.R. 2861. On passage of a bill authorizing assistance to essentially troubled railroads in the Northeast and Midwest. [R]	Nay.
H. Res. 206. On an amendment to give 60th parties 5 seats on the committee. [D]	No.
H. Res. 138. On passage of a resolution to establish a Select Committee on Intelligence. [R]	Yea.
FEB. 20, 1975	
H.J. Res. 210. On an amendment deleting the appropriation for the renovation and maintenance of an old FBI building for use as additional House office space. [D]	No.
H.J. Res. 210. On passage of supplemental appropriations providing assistance to Northeast and Midwest railroads and money for additional House office space. [R]	Yea.
FEB. 25, 1975	
H.J. Res. 219. On passage of a resolution extending until Mar. 31, 1975 the continuing resolution under which foreign assistance programs are funded and until June 30, 1975 the funding for certain health and Community Services Administration programs. [D]	Yea.
H.R. 3200. On an amendment which would have disapproved the President's proposed resolution of $350 million for the Hill-Burton hospital construction program. [D]	No.
H.R. 3200. On an amendment approving the resolution request of $123 million for the procurement of 12 Air Force F-111 fighter bombers. [R]	Aye.
H.R. 3200. On passage of a bill to approve $243 million in Naval 1975 budget resissions. [R]	Yea.
FEB. 27, 1975	
H.R. 2166. On ordering the previous question on the rule, then ending debate. [R]	Yea.
H.R. 2166. On agreeing to the rule under which the bill would be considered. [R]	Yea.
H.R. 2166. On an amendment which would have retained the depletion allowance on natural gas regulated by the Federal Government. [D]	No.
H.R. 2166. On an amendment which would have retained the depletion allowance for the first 1,000 barrels of oil, or 10 mcf of natural gas, produced daily by an independent producer. [D]	No.
H.R. 2166. On an amendment which would have retained a 15 percent depletion allowance until 1980 on oil produced from the Northern Slope oil fields of Alaska. [D]	No.
H.R. 2166. On an amendment repealing the 22 percent oil and gas depletion allowance, effective Jan. 1, 1975. [R]	Aye.
H.R. 2166. On an amendment which would have cut taxes by $12.1 billion instead of $10.2 billion. [D]	Aye.
H.R. 2166. On passage of a bill cutting individual and business income taxes and repealing the oil and gas depletion allowance. [R]	Aye.
MAR. 4, 1975	
H. Con. Res. 133. On passage of a resolution expressing the sense of the Congress that the Federal Reserve should conduct monetary policy in the first half of 1975 so as to lower long-term interest rates. [R]	Yea.
MAR. 10, 1975	
H.R. 4075. On an amendment which would have approved a proposed budget resission for 25 projects in the Department of HEW. [D]	No.
H.R. 4075. On passage of a bill rescinding $16.8 million in fiscal 1975 appropriations for several federal agencies. [R]	Yea.
MAR. 11, 1975	
H.R. 1767. On a motion to refer to the Ways and Means Committee President Ford's veto message on a bill suspending for 90 days the President's authority to increase oil import fees. [R]	Yea.

Proposal	My vote
MAR. 12, 1975	
H.R. 4481. On a motion to recommit the bill with instructions to the Appropriations Committee. [D]	No.
H.R. 4481. On passage of a bill making supplemental appropriations in fiscal 1975 to stimulate employment. [R]	Yea.
MAR. 13, 1975	
H.R. 4592. On passage of a bill making appropriations in fiscal 1975 for foreign military and economic aid. [R]	Nay.
MAR. 14, 1975	
H.R. 25. On agreeing to the rule under which the bill would be considered. [D]	Yea.
H.R. 25. On an amendment to require the Director of the Office of Surface Mining Reclamation and Enforcement to report directly to the Assistant Secretary of the Interior for Land and Water Resources rather than to the Assistant Secretary for Mineral Resources. [R]	Aye.
H.R. 25. On an amendment which would have transferred the responsibility for administering strip mining regulations from the Department of the Interior to the Environmental Protection Agency. [D]	Aye.*
MAR. 17, 1975	
H.R. 25. On an amendment which would have abolished the reclamation fee on coal and instead financed the reclamation of abandoned strip mined lands with $200 million per year from Outer Continental Shelf leasing revenues. [D]	No.
H.R. 25. On an amendment which would have prohibited strip mining on slopes over 20°. [D]	Aye.
MAR. 18, 1975	
H.J. Res. 258. On passage of a resolution designating Mar. 31, 1975 as Cesar Chavez Day. [D]	Yea.
H.R. 25. On an amendment which would have prohibited strip mining in national grasslands. [D]	Aye.
H.R. 25. On an amendment which would have deleted the section in the bill exempting anthracite coal mines from coverage under the new law if they were already covered by state environmental standards. [D]	No.
H.R. 25. On passage of a bill to set minimum Federal standards for the regulation of surface mining and for the reclamation of strip mined lands. [R]	Yea.
H.R. 4296. On agreeing to the rule under which the bill would be considered. [R]	Yea.
MAR. 19, 1975	
H. Res. 314. On confirming the nomination of Neil O. Staebler for appointment to the Federal Election Commission. [R]	Yea.
H.R. 4296. On an amendment which would have lowered the cotton target price from 45 to 38 cents per pound and the loan rate from 40 to 30 cents per pound. [D]	Aye.
H.R. 4296. On an amendment lowering the cotton target price from 45 to 45 cents per pound and the loan rate from 40 to 38 cents per pound. [R]	Aye.
H.R. 4296. On an amendment which would have retained 1974 target prices for 1975 crops of cotton, corn, and wheat with adjustments to reflect increased production costs, and retained the loan rate for corn from $1.37 to $1.34 per bushel and for wheat from $2.50 to $1.67 per bushel. [D]	No.
MAR. 20, 1975	
H.R. 4296. On an amendment to keep the existing dairy support price of 80 percent of parity, but reducing a provision in the bill for quarterly cost-of-living adjustments. [D]	Aye.
H.R. 4296. On an amendment which would have raised the dairy support price from 80 percent to 82 percent of parity beginning with the third quarter of 1975. [D]	No.
H.R. 4296. On a motion to recommit the bill with instructions to the Agriculture Committee. [D]	Nay.
H.R. 4296. On passage of a bill adjusting the target prices and loan rates for 1975 crops of wheat, corn, cotton and feed grains, and setting dairy prices supports at 80 percent of parity. [R]	Yea.
H.R. 4485. On ordering the previous question on the rule, then ending debate. [R]	Aye.
MAR. 21, 1975	
H. Res. 297. On a motion to recommit the resolution with instructions to the House Administration Committee. [D]	Nay.
H. Res. 190. On an amendment which would have reduced from $30,000 to $8,000 the amount authorized for travel. [D]	Nay.
H.R. 4485. On an amendment which would have increased the value of homes eligible for subsidy assistance from $42,875 to $48,250 in 11 metropolitan areas. [D]	No.
H.R. 4485. On an amendment which would have allocated 50 percent of the bill's subsidy assistance for the purchase of new housing and 50 percent for preexisting homes. [D]	No.
H.R. 4485. On an amendment which would have required that anyone receiving a 5 percent interest mortgage subsidy must assume 25 percent of their income toward mortgage payments, taxes, and insurance. [D]	No.

Proposal	My vote
H.R. 4485. On an amendment in the nature of a substitute bill which sought to expand the existing Home Purchase Assistance Act of 1974 by providing for the Government National Mortgage Association (GNMA) to purchase mortgages and by increasing the amount of mortgages the GNMA can hold at one time. [D]	Nay
H.R. 4485. On passage of a bill providing temporary emergency assistance to subsidize mortgages on housing purchases by middle income persons. [R]	Yea.
MAR. 22, 1975	
H.R. 2166. On a motion to request a conference committee with the Senate. [R]	Yea.
MAR. 24, 1975	
H.R. 4592. On agreeing to the rule under which the conference report on the bill would be considered. [R]	Nay.*
H.R. 4592. On agreeing to the conference report on a bill making appropriations in fiscal 1975 for foreign economic and military aid. [R]	Nay.*
H. Con. Res. 133. On agreeing to the conference report on a concurrent resolution expressing the sense of the Congress that the Federal Reserve should conduct monetary policy in the first half of 1975 so as to lower long-term interest rates. [R]	Yea.
H.R. 4222. On agreeing to the rule under which the bill would be considered. [R]	Yea.
MAR. 25, 1975	
H.R. 3260. On agreeing to the conference report on a bill approving $243 million in fiscal 1975 budget resissions. [R]	Yea.
H.R. 4222. On an amendment to delete a provision in the bill providing a subsidy for the difference between 35 cents and the actual cost of the meal. [R]	Aye.
H.R. 4222. On a motion that the committee rise, the effect of which would have been to postpone further consideration of the bill until after the Easter recess. [R]	Aye
MAR. 26, 1975	
H.R. 2166. On agreeing to the rule under which the conference report on the bill would be considered. [R]	Aye.
H.R. 2166. On a motion to recommit the conference report to the conference committee. [D]	Nay.
H.R. 2166. On agreeing to the conference report on a bill cutting individual and business income taxes and repealing the oil and gas depletion allowance. [R]	Yea.
S. Con. Res. 27. On agreeing to the resolution providing for congressional adjournment of the House and Senate from Mar. 25 to Apr. 7, 1975. [R]	Aye.
APR. 8, 1975	
H.R. 3922. On passage of a bill authorizing appropriations in fiscal 1976–79 for programs assisting the elderly under the Older Americans Act and for senior volunteer programs run by ACTION. [R]	Yea.
H.J. Res. 148. On passage of a resolution to designate Apr. 24, 1975 as "National Day of Remembrance of Man's Inhumanity to Man." [D]	Yea.
APR. 9, 1975	
H.R. 4700. On passage of a bill authorizing appropriations in fiscal 1976 and the transition quarter for the National Aeronautics and Space Administration. [R]	Yea.
H.R. 4723. On an amendment which would have required specific Congressional approval of funding for promotion and marketing of any NSF curriculum programs. [D]	Yea.
H.R. 4723. On an amendment which would have required local school boards to hold public hearings on the use of NSF-funded courses. [D]	No.
H.R. 4723. On an amendment requiring the NSF to submit to Congress every 30 days a list of all proposed grants and allowing either House of Congress 30 days to disapprove any of the grants. [R]	Yea.
H.R. 4723. On passage of a bill authorizing appropriations in fiscal 1976 for the National Science Foundation. [R]	Yea.
S. 1310. On passage of a bill authorizing appropriations to extend special summer head start programs for children through Sept. 30, 1975. [R]	Yea.
H.R. 37. On passage of a bill authorizing appropriations in fiscal 1976 to administer the standard reference data system. [R]	Yea.
APR. 10, 1975	
H.R. 4005. On passage of a bill authorizing appropriations in fiscal 1976–77 for Federal programs for the developmentally disabled. [R]	Yea.
APR. 14, 1975	
H.R. 5398. On passage of a bill authorizing appropriations for temporary mortgage assistance for unemployed homeowners facing foreclosure. [R]	Yea.

MONS 029979

Proposal	My vote
APR. 15, 1975	
H.J. Res. 375. On passage of a resolution providing additional fiscal 1975 appropriations for Veterans' Administration programs. [E]	Yes.
H.R. 5899. On passage of a bill making supplemental fiscal 1975 appropriations to several Federal departments and agencies. [E]	Yes.
APR. 16, 1975	
H. Res. 66. On passage of a resolution amending the Code of Official Conduct of the House to provide that any Member who has pleaded guilty to, or has been convicted of a crime carrying a sentence of 2 or more years should refrain from voting on the floor or in committee. [E]	Yes.
H.R. 3981. On an amendment which would have lifted funding for only 4 instead of 13 programs. [E]	No.
H.R. 3981. On an amendment increasing funding for 13 abatement programs. [E]	Aye.
H.R. 3981. On an amendment to prohibit the Department of HUD from issuing regulations to require integration by sex in physical education classes, fraternities, and service organizations. [E]	Yes.
APR. 17, 1975	
H.R. 46. On an amendment in the nature of a substitute which would have narrowed the definition of health and pediatric grants in the States to those having their own camp safety standards. [D]	No.
H.R. 46. On passage of a bill authorizing appropriations in States to encourage and supplementing youth camp safety standards. [E]	Aye.
APR. 21, 1975	
H.R. 3787. On passage of a bill making environmental impact statements prepared by States acceptable for federal highway projects in New York, Vermont, and Connecticut, if adopted by Federal officials. [E]	Nay.
H.R. 3138. On passage of a bill making environmental impact statements prepared by States acceptable if a Federal official participated in the preparation of the statement. [E]	Yes.
APR. 22, 1975	
H.R. 3841. On passage of a bill allowing Federal agencies to modify or cancel fixed-price contracts with small businesses where unanticipated cost increases have severely impacted them. [E]	Yes.
H.R. 4296. On agreeing to the conference report on a bill raising target prices and loan rates for 1975 crops of wheat, corn, cotton, and feed grains, and setting dairy price supports at 80 percent of parity. [E]	Aye.
H.R. 4296. On agreeing to the rule under which the bill would be considered. [E]	Yes.
APR. 23, 1975	
H.R. 3926. On a procedural motion, the defeat of which was to delay consideration of the bill. [D]	Nay.
H.R. 3926. On a motion to recommit to the Committee of the Whole for consideration of the bill. [D]	Yes.
H.R. 3926. On an amendment to prohibit the use of funds to aid the Democratic Republic of Vietnam or the Provisional Revolutionary Government. [E]	No.
H.R. 3926. On an amendment which would have added an additional $150 million for military aid to South Vietnam. [E]	Yes.
H.R. 3926. On an amendment to add language stating that nothing would be done by this Congress in violation of the Paris Peace Agreement by the North Vietnamese and the Viet Cong. [E]	Yes.
H.R. 3926. On an amendment to clarify the intent of the bill and Congress' war powers. [E]	Yes.
H.R. 3926. On an amendment which would have restricted to 30 days the evacuation of United States and foreign personnel from South Vietnam. [E]	No.
H.R. 3926. On an amendment which would have authorized transportation aid funds to South Vietnam, wherever possible, through the United Nations, international organizations, and private voluntary agencies. [E]	Yes.
H.R. 3926. On a motion that the committee rise, the intent of which was to delay further consideration of the bill. [D]	No.
H.R. 3926. On an amendment which would have delayed a provision waiving prohibitions on a specific loan against the U.S. Armed Forces to Cambodia. [D]	Aye.
H.R. 3926. On an amendment which would have limited to 10 days the use of American forces to accomplish the evacuation. [D]	Aye.
APR. 24, 1975	
H.R. 3926. On an amendment which would have set a ceiling limit on evacuation, provided $150 million for humanitarian assistance to South Vietnam, and required that the assistance be distributed through international agencies. [D]	Aye.
H.R. 6096. On an amendment adding language stating "this Act was made necessary by the flagrant violations of the Paris Peace Agreement by the North Vietnamese and Viet Cong." [E]	No.
H.R. 6096. On an amendment to prohibit the use of funds to aid the Democratic Republic of Vietnam or the Provisional Revolutionary Government [E]	No.
H.R. 6096. On an amendment which would have limited assistance to areas of South Vietnam not controlled by the Communists. [E]	Aye.
H.R. 6096. On passage of a bill authorizing humanitarian assistance and evacuation programs in South Vietnam. [E]	No.
H.R. 4111. On passage of a bill to modify and strengthen the regulatory powers of the Securities and Exchange Commission. [E]	Yes.
H.R. 4975. On an amendment which would have deleted a provision increasing the maximum salary of the Amtrak president. [D]	Aye.
H.R. 4975. On passage of a bill authorizing appropriations in fiscal 1977 for Amtrak. [E]	Yes.
APR. 28, 1975	
H.R. 4222. On an amendment to provide a supplemental 5 cent subsidy in fiscal 1976 for each school lunch sold at the regular price. [E]	Aye.
H.R. 4222. On an amendment that would have required the Secretary of Agriculture to make grants to agencies that States determined were capable of administering supplemental feeding programs for pregnant women, infants, and children. [E]	Aye.
H.R. 4222. On a motion to recommit the bill with instructions to the Education and Labor Committee. [D]	Nay.
H.R. 4222. On passage of a bill authorizing appropriations in fiscal 1976 for the Federal school lunch and breakfast programs, and expanding the supplemental feeding program for the WIC program. [E]	Aye.
MAY 1, 1975	
H.R. 6096. On a procedural motion, the defeat of which would have delayed consideration of the conference report on the bill. [D]	Yes.
H.R. 6096. On agreeing to the conference report on a bill authorizing humanitarian assistance and evacuation programs in South Vietnam. [E]	Nay.
H. Con. Res. 218. On an amendment to set budget outlays at $363 billion. [E]	No.
H. Con. Res. 218. On an amendment to allow certain tax deductions, thus raising Federal revenues by $3 billion. [E]	Aye.
H. Con. Res. 218. On an amendment which would have set budget outlays at $298.5 billion. [D]	No.
H. Con. Res. 218. On an amendment which would have set budget outlays at $288 billion. [E]	Yes.
H. Con. Res. 218. On an amendment setting budget outlays at $288 billion. [E]	Aye.
H. Con. Res. 218. On passage of a resolution setting forth fiscal 1976 budget targets of $368.7 billion in outlays and $298.1 billion in revenues. [E]	Nay.
MAY 5, 1975	
H.R. 5272. On passage of a bill authorizing appropriations in fiscal 1976-7 for the Environmental Protection Agency's noise control programs. [E]	Nay.
H.R. 1244. On passage of a bill establishing procedures and regulations for certain protective services provided by the Secret Service. [E]	Yes.
H.R. 5168. On passage of a bill authorizing payments to the former Ambassador and Consulate at Bihac, Yugoslavia, which was used by the United States as a rescue base and safe haven in 1945. [E]	Yes.
S. 326. On passage of a bill authorizing appropriations in fiscal 1976 for the U.S. Trust Territory of the Pacific Islands, including funds under the Marianas Islands to change to commonwealth status. [E]	Nay.
MAY 6, 1975	
H.R. 4510. On passage of a bill authorizing funds for the disposal of old and the purchase of new properties in the United Arab Republic. [E]	Yes.
H.R. 9018. On passage of a bill authorizing funds in fiscal 1976-77 for the construction, acquisition, operation and maintenance of buildings for the State Department, USIA, and other agencies. [E]	Yes.
S. 1236. On passage of a bill amending the Emergency Livestock Credit Act of 1974 until Dec. 31, 1976, increasing Federal loan guarantees from 80 percent to 90 percent, and increasing the loan repayment time from 5 to 7 years. [E]	Yes.
MAY 7, 1975	
S. Con Res. 23. On a motion to recommit the resolution to the House Administration Committee. [D]	Nay.
S. Con. Res. 23. On passage of a resolution authorizing the printing of 20,000 additional copies of "Congressional Program of Economic Recovery and Energy Independence." [E]	No.
H.R. 25. On agreeing to the conference report on a bill setting minimum Federal standards for the reclamation of surface mining and the reclamation of strip-mined lands. [E]	Yes.
H.R. 4111. On agreeing to the rule under which the bill would be considered. [E]	Yes.
H.R. 4314. On passage of a bill authorizing appropriations for the remainder of fiscal 1975 and in fiscal 1976 for the National Health Service Corps. [E]	Yes.
H.R. 4115. On passage of a bill authorizing appropriations in fiscal 1976-78 for Federal programs to assist nursing schools and nursing students. [E]	Yes.
MAY 8, 1975	
H.R. 4209. On agreeing to the rule under which the bill would be considered. [E]	Yes.
H.R. 6209. On an amendment which would have allowed Federal savings and loan associations to offer variable rate mortgages for an experimental period in States which already permit the offering of such loans. [D]	No.
H.R. 6209. On an amendment which would have ended the prohibition on variable rate mortgages on June 30, 1977. [D]	No.
H.R. 6209. On passage of a bill to prohibit the Federal Home Loan Bank Board from allowing Federal savings and loan associations from offering variable rate mortgages on 1 to 4 family dwelling units. [E]	Yes.
MAY 12, 1975	
H.R. 6573. On passage of a bill approving $17.9 million in budget rescissions. [E]	Yes.
H.R. 3902. On agreeing to the rule under which the bill would be considered. [E]	Yes.
H.R. 3902. On passage of a bill authorizing appropriations in fiscal 1976 for shipbuilding and other Maritime Administration programs. [E]	Nay.
MAY 13, 1975	
H.R. 4296. On overriding the President's veto of a bill raising target prices and loan rates for 1976 crops of wheat, corn, cotton, and feed grains, and setting dairy price supports at 80 percent of parity. [E]	Yes.
H.R. 5357. On passage of a bill authorizing appropriations in fiscal 1976-79 to promote tourism in the United States through programs of the Department of Commerce. [E]	Yes.
MAY 14, 1975	
H.R. 6755. On agreeing to the rule under which the bill would be considered. [E]	Yes.
H. Con. Res. 218. On agreeing to the conference report on a resolution setting fiscal 1976 budget targets of $367 billion in outlays and $298.2 billion in revenues. [E]	Yes.
H.R. 6755. On an amendment which would have required the President to report to Congress every 30 days on the progress of the refugee program. [D]	Aye.
H.R. 6755. On an amendment which would have imposed domestic relief standards on the Indochina refugee assistance programs. [D]	No.
H.R. 6755. On an amendment which would have authorized the use of funds for educational assistance after Sept. 30, 1977. [D]	Aye.
H.R. 6756. On an amendment to substitute a $907 million authorization for an open-ended authorization. [D]	Aye.
H.R. 6756. On passage of a bill authorizing appropriations through fiscal 1977 for support and resettlement of Vietnamese and Cambodian refugees in the United States. [E]	Yes.
H.R. 4481. On agreeing to the conference report on a bill making appropriations of fiscal 1975 funds to stimulate employment. [E]	Yes.
H.R. 4481. On an amendment to a Senate amendment to the conference report that would have appropriated funds for the restoration of railroads. [D]	Aye.
MAY 15, 1975	
H.R. 6674. On agreeing to the rule under which the bill would be considered. [E]	Yes.
MAY 19, 1975	
H.R. 4073. On passage of a bill authorizing appropriations for highway and roadsafety programs under the Appalachian Regional Development Act. [E]	Yes.
H.R. 12. On passage of a bill increasing the size of the Executive Protective Service. [E]	Yes.
H.R. 5710. On passage of a bill authorizing appropriations in fiscal 1976 and the transitional quarter to regulate ocean dumping and establish marine sanctuaries. [E]	Yes.
H.R. 6674. On an amendment which would have deleted $200.3 million for the AWACS command and control aircraft. [D]	Aye.
H.R. 6674. On an amendment which would have deleted $46 million for the Civil Reserve Air Fleet. [D]	Aye.
H.R. 6674. On an amendment which would have deleted $108 million for procurement of the B-1 bomber. [D]	Aye.

MONS 029980

Proposal	How vote
MAY 20, 1976	
H.R. 9247. On agreeing to the rule under which the bill would be considered. [X]	Yea.
H.R. 9247. On passage of a bill authorizing appropriations for local public works projects. [X]	Yea.
H.R. 9861. On an amendment which would have prohibited the flight testing of maneuverable reentry vehicles (MARV) on ballistic missile systems. [O]	Aye.
H.R. 9674. On an amendment which would have reduced the number of U.S. troops stationed overseas by 70,000. [O]	Aye.
H.R. 9674. On an amendment which would have provided 3,000 additional civilian personnel for the Department of Defense. [O]	No.
H.R. 9674. On an amendment to the following amendment which would have substituted language directing the Secretary of Defense to instead study the feasibility of establishing a separate academy to train women for careers in the Armed Forces. [O]	No.
H.R. 9674. On an amendment to permit women to enter the U.S. Army, Air Force, and Naval Academies on the same basis as men. [X]	Aye.
H.R. 9673. On an amendment which would have reduced the ceiling on the authorization for procurement and R. & D. for weapons delivery systems from $26.54 billion to $24.54 billion. [O]	Aye.
H.R. 9674. On an amendment which would have required the Secretary of Defense to submit to Congress every 30 days a list of defense contracts, subcontracts and grants. [O]	Aye.
H.R. 9674. On passage of a bill authorizing appropriations in fiscal 1976 and the transition quarter for Department of Defense weapons procurement and research and development programs. [X]	No.
MAY 21, 1976	
H.R. 35. On a motion to postpone consideration of the President's veto of the bill. [X]	Yea.
H.R. 8619. On an amendment which would have prohibited the use of funds in the bill to pay for increases in Members' allowances approved by the House Administration Committee on May 20, 1975. [O]	No.
H.R. 8619. On an amendment which would have limited the authority of the House Administration Committee to increase Members' allowances in fiscal 1976. [O]	No.
H.R. 5727. On passage of a bill restructuring the U.S. Postal Service and the U.S. Postal Rate Commission within the Postal Department. [X]	Yea.
H.R. 6800. On passage of a bill extending veterans' educational benefits to unemployed persons who had exhausted regular benefits or who were previously ineligible. [X]	Yea.
MAY 22, 1976	
H.R. 9869. On agreeing to the conference report on a bill making supplemental fiscal 1975 appropriations. [X]	Yea.
H.R. 5805. On a motion that the House concur in a Senate amendment reaffirming congressional consent to construction of a locks and dam project on the Mississippi River at Alton, Ill. [O]	Nay.
H.R. 5805. On a motion that the House concur in a Senate amendment appropriating funds to repair railroad facilities. [O]	Nay.
S. Res. Res. 42. On a resolution providing for the operational adjournment of Congress from May 22 to June 2, 1976. [X]	Yea.
JUNE 2, 1976	
H.R. 5805. On an amendment to a Senate amendment to the conference report appropriating 25 million of the funds in the bill for administrative planning of railroad assistance programs...[X]	Yea.
JUNE 3, 1976	
H.R. 6219. On an amendment which would have applied coverage of the Voting Rights Act only to jurisdictions where minorities comprise more than 5 percent of the voting population and where less than 50 percent of minority voters voted in the general election. [X]	No.
H.R. 6219. On an amendment which would have exempted from coverage of the Act states and political subdivisions where (1) 60 percent of minority voters voted in the previous federal election; (2) the jurisdiction is making affirmative action to encourage participation of minority voters; and (3) the jurisdiction was free of voting rights violations for the previous 5 years. [O]	No.
H.R. 6219. On an amendment which would have repealed provisions of the Voting Rights Act under which a state in violation of the act must obtain federal approval of election law changes from the Department of Justice. [O]	No.
H.R. 6219. On an amendment which would have provided a 10-year extension of the ban on literacy tests rather than a permanent ban. [O]	No.
H.R. 6219. On an amendment which would have deleted Title II, which expands protections to cover Spanish Americans, Asian Americans, American Indians and Alaskan Natives. [O]	No.
H.R. 6219. On an amendment which would have deleted Alaskan Natives from the definition of language minorities. [O]	No.

Proposal	How vote
JUNE 4, 1976	
H.R. 4481. On overriding the President's veto of a bill making appropriations in fiscal 1975 to stimulate employment. [O]	Yea.
H.R. 6219. On an amendment which would have excluded persons whose dominant language is English from "language minorities" included in the special remedies of the Voting Rights Act. [O]	No.
H.R. 6219. On an amendment to substitute the word "citizens" for "persons" in language outlining conditions subject to longer coverage under the Voting Rights Act. [X]	No.
H.R. 6219. On an amendment which would have expanded the definition of language minority to all persons where principal spoken language is other than English. [O]	No.
H.R. 6219. On passage of a bill to extend the Voting Rights Act through 1985. [X]	Aye.
JUNE 9, 1976	
H.R. 4485. On agreeing to the conference report on a bill providing temporary emergency assistance to subsidize mortgages on housing purchases by middle income persons. [X]	Yea.
H.R. 4035. On an amendment which would have allowed the Emergency Petroleum Allocation Act to expire on Aug. 31, 1975, instead of extending it until Jan. 31, 1975. [O]	No.
H.R. 4035. On passage of a bill to extend from Aug. 31, 1975 to Dec. 31, 1975 the expiration date of the Emergency Petroleum Allocation Act. [X]	Yea.
H.R. 4035. On a motion to recommit the bill to the Committee on Interstate and Foreign Commerce. [O]	Nay.
JUNE 9, 1976	
H.R. 5899. On a motion that the House disagree with a Senate amendment to the conference report that appropriates $175 million for a rail rehabilitation program. Specifically, a House amendment appropriating $5 million for administrative planning of rail assistance programs. [X]	Yea*.
H.R. 6860. On ordering the previous question on the rule, thus ending debate [X]	Yea*.
S. 918. On passage of a bill to authorize funds for the U.S. share of expenses of United Nations peacekeeping forces in the Middle East. [X]	Yea.
JUNE 10, 1976	
H.R. 25. On overriding the President's veto of a bill setting minimum Federal standards for the regulation of surface mining and the reclamation of strip mined lands. [O]	Yea.
H. J. Res. 472. On passage of a resolution making appropriations in fiscal 1976 for summer youth employment programs. [X]	Yea.
H.R. 5805. On an amendment which would have made the Federal Government the sole purchasing authority for imported oil. [O]	Aye.
H.R. 5805. On an amendment to delete a provision empowering the government to start a voluntary program of foreign oil purchases to stabilize prices and supplies. [O]	No.
H.R. 5805. On an amendment which would have doled a provision establishing oil import quotas of 8 million barrels a day in 1975 and 1976, 8.5 million in 1977, 9 million in 1978, and 9.5 million in 1979 and thereafter. [O]	No.
JUNE 11, 1976	
H.R. 5805. On an amendment to increase oil import quotas in 1979 from 8.5 million to 9 million barrels a day, and in 1980 and thereafter from 8.5 million to 9.5 million barrels a day. [O]	No.
H.R. 5805. On an amendment which would have required that petroleum import quotas be raised by amounts determined by the Federal Power Commission to be necessary to compensate for natural gas curtailments. [O]	No.
H.R. 5805. On an amendment to delete the additional 7 cents per gallon tax of up to 20 cents per gallon. [X]	Aye.
H.R. 5805. On an amendment to delete the additional gasoline tax of 3 cents per gallon in 1976 to raise revenues for an energy development trust fund. [X]	No.
JUNE 12, 1976	
H.R. 6860. On an amendment which would have imposed a gas guzzler tax on fuel inefficient autos beginning in model year 1977. [O]	Aye.
H.R. 6860. On an amendment which would have provided for the repurchase or modification of autos which fail to meet Federal fuel efficiency standards. [O]	Aye.
H.R. 6860. On an amendment which would have imposed a fine on manufacturers of cars which fail to meet Federal fuel efficiency standards. [O]	Aye.
H.R. 6860. On an amendment to impose fines on automobile manufacturers or importers if fleet-wide auto efficiency standards were not met. [O]	Aye.
H.R. 6860. On an amendment which would have phased out the excise tax on radial tires by 1980, instead of repealing it immediately. [O]	No.
H.R. 6860. On an amendment which would have deleted the credits for installation of insulation in one's permanent residence [O]	No.

Proposal	How vote
JUNE 13, 1976	
H.R. 6860. On an amendment to increase the tax credit for installation of residential solar energy equipment. [X]	No.
H.R. 6860. On an amendment which would have reduced the funds earmarked for an energy conservation and development trust fund by the cost in revenue of the tax incentives in the bill. [O]	No.
H.R. 6860. On an amendment which would have required that at least 25 percent of the energy trust fund be allocated for research and demonstration projects in local and regional transportation systems. [O]	No.
JUNE 16, 1976	
H.R. 1867. On passage of a bill to provide newspapers with an exemption, equivalent to that provided to radio and television stations, from laws prohibiting the publication of lottery information. [X]	Yea*.
H.R. 7222. On passage of a bill to increase from one-third to one-half the Federal Government's contribution to the cost of employee group life insurance. [O]	Yea.
H.R. 7767. On passage of a bill increasing the rates of disability compensation for disabled veterans and the rates of dependency and indemnity compensation. [X]	Yea.
On announcing the resignation of Representative Lucien N. Nedzi (Democrat of Michigan) as chairman of the House Select Committee on Intelligence. [O]	—
H.R. 7545. On agreeing to the rule under which the bill would be considered. [X]	Yea.
H.R. 7641. On an amendment which would have made the increase in the debt limit permanent rather than temporary. [O]	No.
H.R. 7545. On an amendment to increase the debt ceiling to $599.9 billion instead of to $595.1 billion. [X]	Aye.
H.R. 7543. On passage of a bill increasing the temporary debt ceiling, pursuant to a Treasury Department request, to $599.9 billion through Mar. 31, 1976. [O]	Nay.
JUNE 17, 1976	
H.R. 4723. On a motion to instruct House conferees to insist on a House amendment to provide for congressional review of all NSF grants. [O]	Nay.
H.J. Res. 499. On passage of a resolution to make continuing appropriations in fiscal 1976 funds for various departments and agencies. [X]	Yea.
H.R. 6860. On an amendment which would have deleted language establishing the Energy Conservation and Conversion Trust Fund. [O]	No.
JUNE 18, 1976	
H.R. 6790. On an amendment to give the prosecutor rather than a judicial officer the authority to determine whether a witness or a witness' counsel should be issued, thus conferring the right to warrant praction. [X]	No.
H.R. 6799. On an amendment which would have deleted the provision that would require the prosecutor to reveal to the defendant before trial the names and addresses of Government witnesses. [O]	No.
JUNE 19, 1976	
H.R. 7950. On an amendment which would have reduced the amount of the authorization for the Federal Election Commission from $7.2 million to $2.5 million, and the term of the administration from 18 months to 6 months. [O]	Nay.
H.R. 6860. On an amendment which would have made investments in solar energy manufacturing facilities eligible for rapid 5-year tax depreciation schedules. [O]	No.
H.R. 6860. On an amendment to delete a section providing a 10-percent investment tax credit for the purchase of recyclable materials and recycling equipment. [X]	Aye.
H.R. 6860. On a motion to recommit the bill to the Ways and Means and Interstate and Foreign Commerce Committees. [O]	Nay.
H.R. 6860. On passage of a bill to promote energy conservation through tax incentives, establish oil import quotas, and create an energy conservation trust fund. [X]	Yea.
On a motion that the House meet at 10 a.m. on June 20, 1975, instead of at noon. [X]	Yea.
JUNE 20, 1976	
H.R. 3474. On an amendment which would have doleted $92 million in funding for long leadtime items for the Clinch River breeder reactor demonstration project and to limit the authorization for the reactor to 1 year. [O]	Aye.
H.R. 3474. On an amendment which would have deleted $904 million for nuclear warhead production and testing. [O]	Aye.
H.R. 3474. On passage of a bill to authorize appropriations in fiscal 1976 and the transition quarter for the Energy Research and Development Administration. [X]	Yea.

MONS 029981

Proposal	How voted
JUNE 29, 1976—Continued	
H.R. 7091. On agreeing to the rule under which the bill would be considered. [X]	Yea.
H.R. 7061. On an amendment which would have prohibited the export of nuclear fuel or nuclear technology to countries not signers of the nuclear nonproliferation treaty or which do not place their nuclear facilities under international nuclear safeguards. [O]	Yea.
H.R. 7061. On an amendment which would have prohibited the transportation of plutonium by air until the Nuclear Regulatory Commission certified to Congress that a rupture proof container had been developed. [X]	Yea.
H.R. 7021. On passage of a bill authorizing appropriations in fiscal 1976 and the transition quarter for the Nuclear Regulatory Commission. [X]	Yea.*
JUNE 23, 1976	
H.R. 6799. On passage of a bill revising the rules governing federal criminal cases. [X]	Yea.
H.J. Res. 878. On agreeing to the rule under which the bill would be considered. [X]	Aye.
H.R. 6878. On passage of a bill to require the Federal Reserve Board to obtain periodic reports from a sample of the Nation's 200 largest federally insured banks on the amount of funds they used lending. [O]	Yea.
H.R. 5900. On passage of a bill authorizing appropriations in fiscal 1976 and the transition quarter to implement the Federal Railroad Safety Act and the Hazardous Materials Transportation Act. [X]	Yea.
H.R. 7009. On passage of a bill authorizing appropriations in fiscal 1976 for the Department of State. [X]	Yea.
H.R. 5496. On passage of a bill authorizing appropriations in fiscal 1976 and the transition quarter for the Peace Corps. [X]	Yea.
JUNE 24, 1976	
H.R. 6870. On an amendment which would have deleted all funding for the sec. 8 rent subsidy. [O]	Na.
H.R. 6870. On an amendment which would have reduced federal subsidies for sec. 8 housing. [O]	No.
H.R. 6876. On passage of a bill making appropriations in fiscal 1976 and the transition quarter for the Department of Housing and Urban Development and independent agencies. [X]	Yea.
H.R. 6930. On passage of a bill increasing the temporary debt ceiling, pursuant to a Treasury Department request, to $577 billion through Dec. 15, 1976. [X]	Yea.
H.R. 6127. On an amendment which would have deleted $1 billion appropriated to the Energy Research and Development Administration for nuclear warhead development. [O]	Aye.
H.R. 6121. On an amendment which would have increased the appropriation for solar energy research and development. [O]	Aye.
H.R. 6121. On an amendment which would have deleted the $1.45 million appropriated for the Dickey-Lincoln School hydroelectric project in Maine. [O]	Aye.
H.R. 6121. On an amendment which would have prohibited the use of funds for the Trinity River project in Texas. [O]	Aye.
H.R. 6121. On passage of a bill making appropriations in fiscal 1976 and the transition quarter for public works, water and power development, and energy research and development. [X]	Aye.
JUNE 25, 1976	
H.R. 4485. On overriding the President's veto of a bill to provide temporary emergency assistance to subsidize housing purchases by middle income persons. [X]	Yea.
H.R. 6950. On an amendment which would have prohibited the use of funds by the Occupational Safety and Health Administration to issue penalties for 1st violations of Federal job safety rules for employing 25 or fewer employees. [O]	Na.
H.R. 6950. On an amendment increasing the appropriation for maternal and child health programs. [O]	Aye.
H.R. 6950. On passage of a bill making appropriations in fiscal 1976 and the transition quarter for the Departments of Labor, HEW, and related agencies. [X]	Yea.
JUNE 26, 1976	
H.R. 6121. On agreeing to the rule under which the bill would be considered. [X]	Yea.
H.R. 6121. On an amendment to prohibit the use of funds in the bill to negotiate the relinquishment of any U.S. rights in the Panama Canal Zone. [X]	Aye.
H.R. 6121. On an amendment to increase the appropriation for the Justice Department's Antitrust Division. [X]	Aye.
H.R. 6121. On an amendment which would have increased the appropriation for the Immigration and Naturalization Service. [O]	Aye.
H.R. 6121. On passage of a bill making appropriations in fiscal 1976 and the transition quarter for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies. [X]	Yea*
JULY 8, 1976	
H.R. 5628. On passage of a bill to extend the Wetlands Loan Act through fiscal 1982. [X]	Yea.
H.R. 48. On an amendment which would have retained military control at the naval petroleum reserves and the oil produced therefrom for military use. [O]	No.
H.R. 49. On passage of a bill to transfer control of naval petroleum reserves to the Interior Department and create a national petroleum reserve on lands owned by the Federal Government. [X]	Yea.
JULY 9, 1976	
H.R. 6786. On agreeing to the rule under which the bill would be considered. [X]	Yea.
S. 555. On passage of a bill to extend the program of emergency loans for farmers, ranchers, and certain other victims of natural disasters. [X]	Yea.
H.R. 7567. On passage of a bill authorizing appropriations in fiscal 1976–77 to fund operations of the Arms Control and Disarmament Agency. [X]	Yea.
H.R. 5864. On passage of a bill authorizing appropriations in fiscal 1976–77 for the Council on International Economic Policy. [X]	Nay.
H.R. 6708. On an amendment which would have maintained the number of high level White House staff jobs at 64 instead of increasing the number to 95. [O]	Aye.
H.R. 6708. On an amendment which would have provided for consultation over the size of White House staff through the Congressional appropriations process instead of establishing statutory limits on the numbers the President may employ. [O]	No.
JULY 10, 1976	
H.R. 8363. On an amendment which would have prohibited the use of funds for operations of reconnaissance aircraft within the United States. [O]	Aye.
H.R. 8363. On passage of a bill making appropriations in fiscal 1976 and the transition quarter for the Department of Transportation and related agencies. [X]	Aye.
H.R. 7102. On passage of a bill authorizing appropriations in fiscal 1976 and the transition quarter for the research and development programs of the Environmental Protection Agency. [X]	Yea.
JULY 11, 1976	
H.R. 5546. On agreeing to the rule under which the bill would be considered. [X]	Yea.
H.R. 5546. On an amendment to require health professions schools either to repay the Federal Government the amounts the school received on their behalf, or practice in a medically underserved area for 2 years for each dollar the schools received assistance on their behalf. [O]	Aye.
H.R. 5546. On an amendment to delete the provision that would have limited the number of residency positions to 125 percent of the number of U.S. medical school graduates, establish a mechanism to distribute residencies geographically, and encourage residencies in the primary care specialties. [O]	No.
H.R. 5546. On passage of a bill authorizing appropriations in fiscal 1976–78 for Federal health manpower, public health, and allied health programs. [X]	Yea.
JULY 14, 1976	
H.R. 8561. On an amendment to increase by $250 million the appropriation for the Farmers Home Administration revolving loan fund to help small farmers meet federal water pollution control standards. [X]	Aye.
H.R. 8561. On an amendment which would have deleted $3 million for Cotton, Inc., an organization to promote cotton sales and research activities. [O]	Aye.
H.R. 8561. On a motion to recommit the bill to the Agriculture Committee. [O]	Nay.
H.R. 8561. On passage of a bill making appropriations in fiscal 1976 and the transition quarter for the Department of Agriculture and related agencies. [X]	Yea.
JULY 15, 1976	
H.R. 7014. On agreeing to the rule under which the bill would be considered. [X]	Yea.*
JULY 16, 1976	
H. Res. 591. On an amendment which would have abolished the House Select Intelligence Committee. [O]	No.
H. Res. 591. On an amendment which would have abolished the House Select Intelligence Committee and create a permanent House-Senate Joint Committee on Intelligence. [O]	No.
H. Res. 591. On a motion that the committee rise. [X]	Aye.
H.R. 5901. On agreeing to the conference report on a bill making appropriations in fiscal 1976 and the transition quarter for various education programs. [X]	Yea.
H.R. 9861. On a motion that the House insist on House language prohibiting the Department of HEW from issuing regulations requiring integration by sex in physical education classes, fraternities, and service organizations. [X]	Nay.
H.R. 8597. On an amendment to delete the section which would have prohibited the Internal Revenue Service from denying tax-exempt status to schools and organizations who had not proved that their policies were nondiscriminatory. [X]	Aye.
JULY 17, 1976	
H.R. 8587. On an amendment which would have reduced the funds for the Council on Wage and Price Stability from $1.5 million to $500,000. [O]	Aye.
H.R. 8597. On an amendment which would have prohibited the use of White House funds to pay employees detailed from Government agencies to the White House for full-time service. [O]	Aye.
H.R. 8597. On passage of a bill making appropriations in fiscal 1976 and the transition quarter for the Treasury Department, U.S. Postal Service, the Executive Office of the President, and certain independent agencies. [X]	Yea.
H. Res. 591. On an amendment which would have reduced the size of the new Select Committee from 13 members to 7. [O]	No.
H. Res. 591. On an amendment which would have allowed Members presently belonging to the House Select Intelligence Committee created on Feb. 19, to become members of the new committee authorized by this resolution if they so choose. [O]	Aye.
H.R. 4035. On agreeing to the conference report on a bill extending to Dec. 31, 1975, the expiration of the Emergency Petroleum Allocation Act. [X]	Yea.
JULY 18, 1976	
H.R. 5901. On a motion that the House agree to the Senate deletion of a House amendment to prohibit the Department of HEW from issuing regulations to require integration by sex in physical education classes, fraternities, and service organizations. [X]	Yea.
H.R. 7014. On an amendment which would have provided that contingency plans for gasoline rationing and energy conservation would become effective if neither House of Congress disapproved them within 60 days. [O]	Aye.
JULY 21, 1976	
H.R. 8971. On passage of a bill to repeal federal antitrust law exemptions which allowed States to require certain minimum prices for milk. [O]	Yea.
H.R. 8240. On passage of a bill to allow the Veterans' Administration to increase the salaries to its doctors and dentists above the basic pay ceiling. [X]	Yea.
H.R. 9598. On passage of a bill to modify the program scheduled to go into effect Aug. 1, 1976, for the collection of child support payments from parents who deserted their families. [X]	Yea.
JULY 22, 1976	
S.J. Res. 23. On passage of a bill to posthumously restore the full rights of citizenship to Gen. Robert E. Lee. [X, R]	Yea.
H.R. 6950. On agreeing to the conference report on a bill making appropriations in fiscal 1976 and the transition quarter for operations of the legislative branch, the Library of Congress, and related agencies controlled by Congress. [X]	Yea.
H. Res. 695. On a resolution disapproving the proposed plan of President Ford to phase out price controls on domestic oil. [X]	Yea.
H.R. 7014. On an amendment which would have provided a gradual decontrol of domestic oil prices, with a price ceiling of $11.28 a barrel on new oil. [O]	No.
JULY 23, 1976	
H.R. 8773. On an amendment to increase funding for the acquisition of wetlands as a habitat for migratory birds. [X]	Aye.
H.R. 8773. On passage of a bill making appropriations in fiscal 1976 and the transition quarter for the Department of the Interior and related agencies. [X]	Yea.
H.R. 7014. On an amendment which would have rewarded the windfall profits tax condition for the decontrol program. [X]	No.
H.R. 7014. On an amendment which would have decontrolled the price of domestic oil by 1980, contingent upon the enactment of a windfall profits tax. [O]	No.
H.R. 7014. On a motion to limit debate on the following amendment. [X]	No.
H.R. 7014. On an amendment to delete the oil pricing provisions which would have rolled back the price of new domestic oil to $7.39 per barrel, and slightly increased the price of old oil. [X]	No*.

MONS 029982

Proposal	My vote
JULY 24, 1975	
H.R. 8714. On passage of a bill to increase unemployment and medical benefits for railroad workers. [R]	Yes.
S. 846. On agreeing to the rule under which the bill would be considered. [R]	Yes.
S. 846. On passage of a bill to partially lift the embargo on the shipment of United States arms to Turkey. [R]	Nay.
H.R. 5900. On agreeing to the rule under which the bill would be considered. [D]	Yes.
JULY 29, 1975	
S. 355. On agreeing to the conference report on a bill to extend the program of emergency loans for farmers, ranchers, and certain other victims of natural disasters. [R]	Yes.
H.R. 5900. On an amendment which would have exempted union and nonunion employers not primarily engaged in the construction industry from the common site picketing allowed by the bill. [D]	No.
H.R. 5900. On an amendment to disallow common site picketing where State laws require direct and separate contracts on State or municipal projects. [R]	Aye*.
H.R. 5900. On an amendment which would have prohibited common site picketing on all direct and nonspecial contracts. [D]	No*.
H.R. 5900. On an amendment to prohibit common site picketing designed to force a boycott of products used on a site. [R]	Aye.
H.R. 5900. On an amendment which would have exempted residential structures of three stories or less without an elevator from common site picketing provisions. [D]	No.*
H.R. 5900. On passage of a bill to amend the National Labor Relations Act to make it legal for a construction union with a grievance against its contractor to picket at the construction site. [R]	Yes*.
JULY 28, 1975	
S. Con. Res. 39. On a resolution expressing congressional approval of a bilateral agreement giving Romania most-favored-nation trade status. [R]	Yes.
H.R. 6219. On a Senate amendment to the Voting Rights Act to extend the ban for 7 years instead of 10 years. [R]	Yes.
S. Con. Res. 94. On a resolution providing for a conditional adjournment of Congress from Aug. 1 to Sept. 2, 1975. [R]	Yes.
H.R. 5210. On an amendment to delete $662,800 for construction facilities at Pine Bluff, Ark., to produce binary nerve gas munitions. [R]	Aye.
H.R. 5210. On an amendment which would have deleted $95 million for construction at the military medical school at Bethesda, Md. [D]	Aye.
H.R. 5210. On passage of a bill authorizing appropriations in fiscal 1976 and the transition quarter for military construction and family housing. [R]	Yes.
H.R. 6844. On agreeing to the rule under which the bill would be considered. [R]	Yes.
JULY 29, 1975	
S. 50. On overriding the President's veto of a bill to authorize appropriations in fiscal 1976-78 for health revenue sharing and health services, the National Health Service Corps, and nurse training. [R]	Yes.
H.R. 7130. On agreeing to the conference report on a bill to clarify Federal and State roles in the preparation of environmental impact statements and making such statements required by State officials legal under certain conditions. [R]	Yes.
H.R. 7217. On an amendment which would have reduced the level of funding by changing the formula for distributing grants to the States for the construction of handicapped children. [D]	Nay.
H.R. 7217. On passage of a bill providing educational assistance to all handicapped children. [R]	Yes.
H.R. 5272. On passage of a bill authorizing appropriations in fiscal 1976, the transition quarter, and fiscal 1977 for ocean coastal programs administered by the Environmental Protection Agency. [R]	Yes.
H.R. 6844. On an amendment which would have allowed the Consumer Product Safety Commission to regulate defensive firearms and ammunition. [D]	Aye.
JULY 30, 1975	
H.R. 8674. On agreeing to the conference report on a bill authorizing appropriations in fiscal 1976 and the transition quarter for Department of Defense research, development and research and development programs. [R]	Nay.
H.R. 8687. On agreeing to the conference report on a bill making appropriations in fiscal 1976 and the transition quarter for the Department of the Treasury, the U.S. Postal Service, and the Executive Office of the President. [R]	Yes.
H.R. 8687. On agreeing to a Senate amendment to the conference report that appropriates $9 million to the Postal Service for the Universal Postal Union which is used for payments to U.S. air carriers who cannot collect their foreign airport-country taxes owed them for carrying mail pursuant to international agreements. [R]	Nay.

Proposal	My vote
H. Res. 653. On agreeing to consider the resolution. [R]	Nay.
H. Res. 653. On agreeing to a resolution that the House agree to Senate amendments to H.R. 2560 (to bill authorizing a work-safety program for postal workers) providing for an automobile cost-of-living pay increase for Members of Congress and top officials of the executive and judicial branches. [R]	Nay.
H.R. 6798. On a motion to recommit the conference report on the bill with instructions to the conferees committee. [D]	Yes.
H.R. 7014. On a resolution making it in order for the House to consider an amendment containing the President's oil decontrol plan. [R]	Nay.
H.R. 7014. On an amendment in the form of a substitute to the subsequent amendment to set ceiling prices at $5.25 a barrel for old oil, $7.50 for most new oil, and $10 a barrel for high-cost oil. [R]	Aye.
H.R. 7014. On an amendment, as modified by the previous amendment, that would not ceiling prices on the cost of oil. [D]	Aye.
H. Res. 641. On a resolution disapproving President Ford's plan for the gradual decontrol of the price of domestic oil over a 39-month period. [D]	Yes.
JULY 31, 1975	
S. 1849. On passage of a bill to extend from Aug. 31 until Mar. 1, 1976, the Emergency Petroleum Allocation Act, thus continuing the authority of the Government to control the price of "old" domestic oil. [R]	Yes.
H. Con. Res. 196. On agreeing to a concurrent resolution opposing the opposition of Congress to any change in the present method of providing financial support for military commissaries through appropriations to meet their payroll costs. [R]	Yes.
H.R. 8731. On an amendment which would have deleted provisions giving the Council power to subpoena business records and required periodic reports. [R]	Aye.
H.R. 8731. On passage of a bill extending the authority of the Council on Wage and Price Stability through Sept. 30, 1977. [R]	Yes.
H.R. 7014. On an amendment which would have prohibited joint ventures by major oil companies in developing oil, natural gas, coal, or oil shale resources on federal lands. [D]	Aye.
H.R. 7014. On an amendment which would have prohibited the leasing of Federal mineral lands other than those where oil is located—to vertically integrated oil companies and the leasing of oil lands to such companies if they own or control interests in competing energy sources. [D]	Aye.
H.R. 7014. On an amendment which would have suspended until May 1, 1976 all lease sales in frontier waters of the Outer Continental Shelf. [D]	Aye.
S. 2230. On a motion that the House adjourn and thus prevent consideration of the bill. [D]	Yes.
S. 2230. On a motion that the House adjourn. [D] ----	Yes.
S. 2230. On a motion that the House adjourn. [D] ----	Yes.*
S. 2230. On a motion that the House adjourn. [D] ----	Yes.*
S. 2230. On a motion that the House adjourn. [D] ----	Yes.*
S. 2230. On a motion that the House adjourn. [D] ----	Yes.*
AUG. 1, 1975	
H.R. 4722. On agreeing to the rule under which the conference report on the bill would be considered. [R]	Yes.
H.R. 4722. On agreeing to the conference report on a bill authorizing appropriations in fiscal 1976 for the National Science Foundation. [R]	Yes.
H.R. 7014. On a motion that the House resolve itself into the Committee of the Whole for consideration of the bill. [R]	Yes.
H.R. 7014. On a motion to limit debate on the following amendment. [R]	Aye.
H.R. 7014. On an amendment to provide that oil price costs be equitably distributed among refined petroleum products. [D]	Aye.
H.R. 7014. On a motion to strike the enabling clause from the bill. [D]	No.
H.R. 7014. On an amendment which would have struck the provision exempting small refiners from the requirements of the entitlements program. [D]	No.
SEPT. 3, 1975	
H.R. 4415. On an amendment to delete the extension of the authorization for the Federal Government to pay some of the cost of programs to strengthen State and local government personnel systems. [D]	No.
H.R. 4415. On an amendment which would have deleted the section which authorized grants to public employee unions under certain conditions. [D]	No.
SEPT. 4, 1975	
H.R. 9884. On agreeing to the rule under which the bill would be considered. [R]	Yes.
H.R. 9884. On passage of a bill to establish new procedures for the designation and termination of national emergencies. [R]	Yes.

Proposal	My vote
SEPT. 5, 1975	
H.R. 8674. On agreeing to the rule under which the bill would be considered. [R]	Yes.
H.R. 8908. On passage of a bill authorizing appropriations in fiscal 1976-80 for an electric vehicle research and demonstration project. [R]	Yes.
H.R. 8674. On passage of a bill declaring a national policy that the United States convert to the metric system of weights and measures on a voluntary basis. [R]	Yes.
SEPT. 8, 1975	
H.R. 6673. On agreeing to the rule under which the bill would be considered. [R]	Yes.
H.R. 8650. On passage of a bill to assist low-income persons in winterizing their dwellings and to encourage states to adopt conservation standards for new buildings. [R]	Yes.
H.R. 6673. On passage of a bill authorizing appropriations in fiscal 1976-8 to create an American Folklife Center in the Library of Congress. [R]	Yes.
SEPT. 9, 1975	
H.R. 5901. On overriding the President's veto of a bill making appropriations in fiscal 1976 and the transition quarter for various education programs. [R]	Yes.
S. 331. On passage of a bill to return the commemoration of Veterans' Day to Nov. 11, effective in 1978. [R]	Yes.
SEPT. 10, 1975	
H.R. 9005. On agreeing to the rule under which the bill would be considered. [R]	Yes.
H.R. 9005. On an amendment to deny aid to countries that consistently engage in "gross violations of the internationally recognized human rights" of their citizens. [R]	Aye.
H.R. 9005. On passage of a bill authorizing appropriations in fiscal 1976, the transition quarter, and fiscal 1977 for foreign economic development, disaster relief, and food aid. [R]	Yes.
SEPT. 11, 1975	
H. Res. 335. On passage of a resolution to establish a House select committee to investigate U.S. servicemen missing in action in Indochina. [R]	Yes.*
H.R. 8150. On an amendment which would have deleted provisions extending the life of the Special Action Office for Drug Abuse Prevention. [D]	Nay.
H.R. 8150. On passage of a bill authorizing appropriations in fiscal 1976-8 for various drug abuse prevention programs. [R]	Yes.
SEPT. 17, 1975	
H.R. 7014. On an amendment which would have deleted the oil price control provisions setting price ceilings at $5.25, $7.60, and $10 per barrel on old, new and high-cost oil, respectively. [R]	No.
H.R. 7014. On an amendment which would have deleted the sections requiring the President to restrict and allocate domestic gasoline supplies. [D]	No.
H.R. 7014. On an amendment to delete the requirement that industrial energy consumers comply with energy saving guidelines established by the Federal Energy Administrator. [D]	No.
H.R. 7014. On an amendment which would have deleted a provision authorizing the President to act as the exclusive purchasing agent for all imported into the United States. [D]	No.
H.R. 7014. On an amendment which would have deleted the requirement that each automobile must obtain a 28 miles per gallon fleetwide average by 1980. [D]	No.
H.R. 7014. On an amendment which would have required that Government owned or leased vehicles use, where feasible, fuels that were a blend of gasoline and gasoline substitutes. [D]	Aye.
SEPT. 18, 1975	
H.R. 6222. On agreeing to the conference report on a bill to expand school lunch and breakfast nutritional programs and to extend the special supplemental food program for pregnant women, infants, and children. [R]	Yes.
H.R. 7014. On an amendment to designate the Federal Trade Commission, rather than the Department of Commerce, as the agency to establish automobile energy efficiency standards and labeling requirements for appliances. [R]	Aye.
H.R. 7014. On an amendment which would have deleted provisions requiring mandatory standards for appliance energy efficiency. [D]	No.
H.R. 7014. On an amendment which would have deleted the provisions granting the Federal Energy Administrator the authority to prohibit power plants from using natural gas as a boiler fuel. [D]	Aye.
H.R. 7014. On an amendment which would have provided $700 million a year for loans to companies to begin the liquefaction and gasification of coal. [D]	No.

MONS 029983

Proposal	My vote
SEPT. 19, 1975	
H.R. 6277. On agreeing to the rule under which the bill would be considered. [X]	Yes.
H.R. 5397. On agreeing to the rule under which the bill would be considered. [X]	Yes.
H.R. 5650. On passage of a bill increasing the authorization for the construction of new mint facilities in Denver. [X]	Yes.
SEPT. 23, 1975	
H.R. 7014. On an amendment to authorize the General Accounting Office to conduct verification audits of energy information reported by oil and gas producers to Federal agencies. [X]	Aye.
H.R. 7014. On an amendment to prohibit the use of gasoline or diesel fuel to transport schoolchildren, other than one's own, to a school other than the public school closest to the student's home. [X]	Nay.
H.R. 7014. On a motion to recommit the bill to the Interstate and Foreign Commerce Committee. [O]	Nay.
H.R. 7014. On passage of a bill extending price controls on domestic oil, establishing a mandatory gasoline allocation program, setting fuel efficiency standards for domestic automobiles, and preparing for national emergencies. [X]	Yes.
SEPT. 24, 1975	
H.R. 8121. On a motion to recommit the conference report with instructions to the conference committee. [O]	Nay.
H.R. 8121. On a motion that the House agree to Senate language (replacing a House restriction on the use of funds to repudiate the relinquishment of U.S. rights in the Panama Canal Zone) stating that in negotiating a new canal treaty the vital interests of the United States must be protected. [O]	Yes.
H.R. 6844. On an amendment to prohibit the Consumer Product Safety Commission from instituting product safety plans as part of mandatory product safety standards. [X]	Aye.
SEPT. 25, 1975	
H.R. 7297. On an amendment which would have included products containing chromium in any ban on the prohibition on importation of steel and products containing Rhodesian chrome. [O]	No.
H.R. 7297. On passage of a bill to repeal the United Nations Participation Act of 1945 and bring the United States into accordance with the U.N.-sponsored boycott of Rhodesia. [O]	Yes.
SEPT. 26, 1975	
H.R. 6844. On a motion that the committee rise. [X]	Aye.
H.R. 6844. On agreeing to the rule under which the bill would be considered. [X]	Yes.
H.R. 6334. On passage of a bill extending the Emergency Petroleum Allocation Act to Nov. 15, 1975. [X]	Yes.
H.R. 6844. On a motion that the House resolve itself into the Committee of the Whole. [X]	Yes.
H.R. 6844. On a motion that the committee rise. [X]	Aye.
On agreeing to a motion that the House adjourn. [X]	Yes.
SEPT. 29, 1975	
H.R. 6860. On agreeing to the rule under which the bill would be considered. [X]	Yes.
H.R. 6860. On an amendment to require the Postal Service to go before Congress each year for authorization and appropriations of its total budget. [X]	Aye.
SEPT. 30, 1975	
H.R. 9861. On agreeing to the rule under which the bill would be considered. [X]	Yes.
H.R. 9861. On an amendment which would have increased funding for Army recruiting counseling by $2 million. [X]	No.
H.R. 9861. On an amendment which would have restored $19.6 million for Army recruiting activities. [O]	No.
OCT. 1, 1975	
H. Res. 686. On a motion to table (and thus kill) a motion which would have discharged the Committee on Post Office and Civil Service from further consideration of a resolution disapproving the President's proposed 5 percent pay increase for federal employees. [X]	Nay.
H.R. 9862. On an amendment which would have required passage of funds appropriated for activities of the Central Intelligence Agency. [O]	Aye.
H.R. 9861. On a motion to limit debate on the following amendment. [O]	No.
H.R. 9861. On an amendment which would have doubled funds for research and development of the Navy 7-62 Sphinx aircraft. [X]	No.
H.R. 9861. On an amendment to prohibit the use of funds in the bill to relocate the National Oceanographic Office. [X]	Aye.

Proposal	My vote
OCT. 2, 1975	
H.R. 9861. On an amendment which would have prohibited the use of funds in the bill to close any military installation named in the amendment. [O]	Aye.
H.R. 9861. On an amendment which would have prohibited the use of funds in the bill to relocate the National Oceanographic Office. [O]	Yes.
H.R. 9861. On passage of a bill making appropriations in fiscal 1976 and the transition quarter for the Department of Defense. [X]	Yes.
H.R. 7588. On passage of a bill to allow cattle producers to establish, finance, and administer a program of beef research and promotion of beef products. [X]	Yes.
S. 2230. On an amendment which would have limited United States arms shipments to Turkey to the amount contracted to Turkey before the arms embargo took effect and as long as the President certified that progress had been made regarding the plight of refugees on Cyprus. [X]	Aye.
S. 2230. On an amendment which would have provided that 60 days after the President reported to Congress on the Cyprus situation as required in the bill Congress could, by nonreviewable resolution, terminate the arms sales authorized in the bill. [O]	Aye.
S. 2230. On passage of a bill to partially lift the embargo on U.S. arms shipments to Turkey. [X]	Yes.
OCT. 3, 1975	
H.R. 8070. On agreeing to the conference report on a bill making appropriations in fiscal 1976 and the transition quarter for the Department of Housing and Urban Development and several independent agencies. [X]	Yes.
H.R. 8070. On a motion to accept to a Senate amendment to require that 90 percent of the contract authority for the soc. 8 rental subsidy program be used for new construction. [X]	Yes.
H.R. 8070. On a motion to concur in a Senate amendment to prohibit the Environmental Protection Agency from implementing proposals to tax, limit, or regulate parking. [X]	Yes.
H.R. 8841. On an amendment which would have given the Secretary of Agriculture veto power over EPA decisions to ban or restrict the use of a pesticide. [O]	No.*
H.R. 8841. On an amendment which would have extended the pesticide amendment (on Federal Insecticide, Fungicide, and Rodenticide Act through fiscal 1976. [O]	No.*
OCT. 6, 1975	
H.R. 9576. On passage of a bill terminating veterans education benefits for persons entering the military after Dec. 31, 1975. [X]	Nay.
H.R. 9968. On passage of a bill to grant tax-exempt status to industrial development bonds to construct dams used substantially for irrigation purposes. [X]	Yes.
OCT. 7, 1975	
H.R. 4222. On overriding the President's veto of a bill extending the school lunch and breakfast nutritional programs and extending the special supplemental food program for pregnant women, infants, and children. [X]	Yes.
H.R. 5122. On agreeing to compromise language in the conference report regarding the Panama Canal Zone. [X]	Yes.
H.R. 220. On agreeing to the rule under which the bill would be considered. [X]	Yes.
H.R. 9680. On passage of a bill establishing within the Department of Labor a committee composed of labor and contractor representatives to assist in negotiating new contracts in the construction industry. [X]	Yes.
OCT. 8, 1975	
H.R. 10029. On agreeing to the rule under which the bill would be considered. [X]	Yes.
H. Con. Res. 471. On passage of a rule providing for the continued adjournment of Congress from Oct. 9 to Oct. 20, 1975. [X]	Yes.
H.R. 10029. On an amendment which would have added $14.9 million for construction of a military medical school at Bethesda, Md. [O]	Aye.
H.R. 10029. On passage of a bill making appropriations in fiscal 1976 and the transition quarter for military construction and family housing for military personnel. [X]	Yes.
H.J. Res. 683. On an amendment which would have limited to 2 years the President's authority to commit U.S. servicemen to the Sinai early warning stations. [X]	Aye.
H.J. Res. 683. On passage of a resolution to provide for the assignment of up to 200 American civilian technicians to man the Sinai early warning stations. [X]	Nay.
OCT. 9, 1975	
H.R. 7768. On agreeing to the conference report on a bill to remove the duty on typewriter ribbons, graphite, to delay the removal of sterling standards for industrially treated dry non-coniers, and to make capital the confidentiality of records of alcoholism and drug addicts covered by the Social Security Act. [X]	Yes.

Proposal	My vote
H.R. 8841. On an amendment which would have required concurrence of the Department of Agriculture for major Environmental Protection Agency regulations relating to pesticide control. [X]	No.
H.R. 8841. On an amendment to permit the Environmental Protection Agency to require completion of a training program by private applicators of restricted use pesticides. [X]	Yes.
H.R. 8841. On passage of a bill to extend the Federal Insecticide, Fungicide, and Rodenticide Act through Sept. 30, 1976. [X]	Yes.
H.R. 200. On an amendment which would have permitted the President to suspend the enforcement provisions if it is deemed in the national interest. [O]	Aye.
H.R. 200. On passage of a bill to extend the U.S. fishing limit from 12 to 200 miles. [X]	Yes.
OCT. 20, 1975	
H.R. 9924. On passage of a bill authorizing funds to organize and convene a National Women's Conference in 1976. [O]	Yes.
H. Res. 780. On passage of a resolution to disapprove a proposed regulation of the Federal Election Commission that would have required House and Senate candidates to file campaign finance reports first with the FEC rather than with the Clerk of the House or the Secretary of the Senate. [O]	Nay.
H.R. 7968. On passage of a bill making appropriations in fiscal 1976-77 for heart, lung, and blood research programs. [X]	Yes.
S. 586. On a motion to recommit the bill to the Post Office and Civil Service Committee. [O]	Nay.
OCT. 21, 1975	
H.R. 8617. On an amendment which would have permitted federal employees to seek election or engage in political activities only on the local and State level. [O]	Yes.
H.R. 8617. On a motion to recommit the bill with instructions to the Post Office and Civil Service Committee. [O]	Nay.
H.R. 8617. On passage of a bill to give Federal employees the right to participate in partisan political campaigns and to run for local, State, or Federal office, and to suspend such employees from improper political solicitations. [X]	Yes.
H.R. 7222. On passage of a bill to increase from one-third to one-half the Federal Government's contribution to the cost of employee group life insurance. [O]	Yes.
OCT. 22, 1975	
H. Res. 780. On agreeing to the rule under which the resolution would be considered. [X]	Yes.
H. Res. 780. On passage of a resolution to disapprove a proposed regulation of the Federal Election Commission that would have required House and Senate candidates to file campaign finance reports first with the FEC rather than with the Clerk of the House or the Secretary of the Senate. [O]	Nay.
H.R. 6844. On an amendment which would have defined a private person to authorize the Consumer Product Safety Commission to impose, on a case-by-case basis, which of the 4 major laws it administers is to be in regulating a product. [O]	No.
H.R. 6844. On an amendment to allow the House or the Senate to disapprove within 30 days any rule or regulation promulgated by the Consumer Product Safety Commission. [X]	No.
H.R. 6844. On an amendment which would have allowed private parties to bring civil suits against the Commission. [O]	Yes.
H.R. 6844. On a motion requesting a roll of the House. [X]	Yes.
H.R. 6844. On an amendment to delete a provision of the bill authorizing the Consumer Product Safety Commission to conduct its own administrative investigations, rather than using Justice Department attorneys. [X]	Nay.
H.R. 6844. On a motion to recommit the bill with instructions to the Committee on Interstate and Foreign Commerce. [O]	Nay.
H.R. 6844. On passage of a bill authorizing appropriations in fiscal 1976-8 for the Consumer Product Safety Commission. [X]	Yes.
OCT. 23, 1975	
H.R. 8672. On agreeing to the rule under which the bill would be considered. [X]	Yes.
H.R. 8672. On passage of a bill authorizing appropriations to provide unemployed railroad workers with jobs repairing and rehabilitating railroad roadbeds and facilities. [X]	Yes.
OCT. 30, 1975	
H.R. 6227. On passage of a bill to allow Federal civilian employees under investigation for misconduct which could lead to their suspension, removal, or reduction in pay, the right to have representatives of their choice during questioning. [X]	Yes.
H.R. 9681. On passage of a bill to require consumer leasing consumer goods to disclose fully the terms and costs of the lease. [X]	Yes.

MONS 029984

Proposal	My vote
OCT. 28, 1975—Continued	
S. 2199. On passage of a bill to establish a National Center for Productivity and Quality of Working Life. [X]	Nay.
OCT. 29, 1975	
H.R. 10000. On agreeing to the rule under which the bill would be considered. [X]	Yea.
H.R. 10869. On passage of a bill increasing the temporary debt ceiling, pursuant to a Treasury Department request, to $597 billion through Mar. 31, 1976. [O]	Nay.
OCT. 30, 1975	
H.R. 9685. On an amendment which would have deleted a previously adopted amendment requiring the Postal Service to go before Congress each year for authorization and appropriation, and instead requires annual congressional authorization only when the existing automatic authorization is increased. [O]	No.
H.R. 9865. On an amendment which would have repealed the statutes which grant the Postal Service a monopoly on processing first-class mail. [O]	No.
H.R. 9865. On a motion to recommit the bill with instructions to the Post Office and Civil Service Committee. [O]	Nay
H.R. 9865. On passage of a bill to require the U.S. Postal Service to go before Congress each year for authorization and appropriation of its total budget, and to reduce the proposed first-class rate from 13 cents to 12 cents. [X]	Yea.
OCT. 31, 1975	
H.R. 10824. On an amendment to delete provisions that would have allowed negotiable order of withdrawal accounts to be offered nationwide. [X]	No.
H.R. 10824. On an amendment which would have deleted provisions requiring lenders in metropolitan areas to disclose the number of mortgages loans made and the amount of mortgage lent. [O]	No.
H.R. 10824. On an amendment which would have applied the mortgage disclosure requirements to 28 metropolitan areas selected by the Federal Reserve Board, instead of from every standard metropolitan area. [O]	No.
H.R. 10824. On passage of a bill to extend until Dec. 31, 1977, the authority of Federal bank regulatory agencies to set ceilings on the amount of interest paid on savings accounts, and to require lenders in metropolitan areas to disclose the number of mortgage loans made and amount of money lent. [X]	Yea.
NOV. 3, 1975	
H.R. 9910. On passage of a bill to make minor technical revisions in the Federal Rules of Evidence and Federal Rules of Criminal Procedure. [X]	Yea.
S. 1. On passage of a bill to implement the provisions of the Patent Cooperation Treaty. [X]	Yea.
NOV. 4, 1975	
H. Res. 732. On passage of a resolution to authorize the voluntary withholding of state income taxes for members of Congress and congressional employees. [X]	Yea.
H.R. 10339. On passage of a bill authorizing appropriations for a program to be administered by the Department of Agriculture to encourage direct marketing of agricultural products from farmers to consumers. [X]	Yea.
H.R. 10285. On passage of a bill to provide an 8 percent increase in veterans' and survivors' pension rates. [X]	Yea.
NOV. 5, 1975	
H.R. 7575. On an amendment to exempt businesses with less than $1 million in net assets or 25 or fewer employees from the requirement to answer interrogation issued by the Agency. [X]	Aye.
NOV. 6, 1975	
H.R. 7575. On an amendment to transfer to the Agency for Consumer Protection programs and activities of each Federal agency which would be duplicative of or performed more appropriately by the Agency. [X]	No.
H.R. 7575. On an amendment which would have deleted provisions exempting from the Agency persons regulated under the Morris-Laudrum Act, proceedings before the National Labor Relations Board, and assistance in the negotiation of labor agreements by the Federal Mediation and Conciliation Service. [O]	No.
H.R. 7575. On passage of a bill to create an independent Agency for Consumer Protection to coordinate Federal consumer protection activities and represent consumer interests before other Federal agencies and the courts. [X]	Nay.
H.R. 10230. On passage of a bill to establish an Office of Science and Technology Policy in the Executive Office of the President. [X]	Yea.
H.R. 8346. On agreeing to the rule under which the bill would be considered. [X]	Yea*.

Proposal	My vote
NOV. 7, 1975	
H.R. 9019. On a motion that the House resolve itself into the Committee of the Whole for consideration of the bill. [X]	Yea.
H.R. 9019. On passage of a bill to extend the health maintenance organization program through 1980 and to ease the requirements which HMO's must meet in order to be eligible for Federal assistance. [X]	Yea.
H.R. 1753. On passage of a bill to authorize the Secretary of Commerce to provide a tabulation of population statistics, upon request, for use by individual States to facilitate the apportionment of State legislatures. [X]	Yea.
H.R. 6346. On passage of a bill to extend through Sept. 30, 1977 the authority of the Secretary of Agriculture to conduct title V rural development and small farm research and development programs. [X]	Yea.
NOV. 10, 1975	
H.R. 10935. On passage of a bill to establish an annual judicial conference to improve the operation of the justice system in the District of Columbia. [X]	Yea.
H.R. 4267. On passage of a bill authorizing funds for an additional law clerk for each of the 9 judges of the D.C. Court of Appeals. [X]	Yea.
H.R. 9583. On passage of a bill to authorize the transfer of certain Federal property in the District of Columbia to the D.C. Redevelopment Land Agency. [X]	Yea.
H.R. 11221. On an amendment to retain the federal enclave within the District of Columbia and to empower the President to appoint a National Capital Service Area director. [X]	Nay.
H.R. 5461. On passage of a bill authorizing appropriations in fiscal 1976-80 for the Corporation for Public Broadcasting. [X]	Yea.
NOV. 11, 1975	
H.R. 3365. On a motion to recommit the conference report with instructions to the conference committee. [X]	Nay.
H.R. 3365. On a motion to agree to a Senate amendment limiting obligations for certain highway construction programs to $9 billion in fiscal 1976 and the transition quarter. [X]	Yea.
H. Res. 858. On passage of a resolution condemning the United Nation's approval of a resolution which equated Zionism with racism. [X]	Yea.
NOV. 12, 1975	
H. Con. Res. 466. On an amendment which would have set outlays at $301.8 billion. [O]	No.
H. Con. Res. 466. On an amendment to set outlays at $373.9 billion. [X]	Yea.
H. Con. Res. 466. On an amendment which would have set outlays at $368.3 billion. [O]	No.
H. Con. Res. 466. On passage of a budget resolution setting outlays in fiscal 1976 at $374.9 billion in outlays and a floor of $301.8 billion in revenues. [X]	No.
H.R. 10868. On ordering the previous question on the rule. [X]	Yea.
H.R. 10595. On agreeing to the rule under which the bill would be considered. [X]	Yea.
NOV. 13, 1975	
H.R. 10865. On passage of a bill increasing the temporary debt ceiling, pursuant to a Treasury Department request, to $595 billion through Mar. 15, 1976. [X]	Yea.
H.R. 10647. On an amendment which would have prohibited food stamps for individuals and families whose gross income exceeded the official poverty level. [O]	No.
H.R. 10647. On passage of a bill making appropriations in fiscal 1976 and the transition quarter for various federal departments and agencies. [X]	Yea.
NOV. 14, 1975	
H.R. 5512. On passage of a bill to require that the National Wildlife Refuge System be administered through the U.S. Fish and Wildlife Service. [X]	Yea.*
H.R. 10591. On passage of a bill to extend the Defense Production Act for 2 years. [X]	Yea.*
NOV. 17, 1975	
S. 2327. On passage of a bill to modify provisions of the Real Estate Settlement Procedures Act of 1974, specifically repealing provisions requiring disclosure of closing costs to home buyers. [X]	Yea.
H.R. 10961. On passage of a bill to prohibit lenders from imposing surcharges made with credit cards, and to strike out the 4-percent limitation on discounts for paying cash. [X]	Yea.
H.R. 9883. On passage of a bill to make certain disability retirement determinations by the Secretaries of the military departments subject to review by the Secretary of Defense. [X]	Yea.

Proposal	My vote
S. 2114. On passage of a bill to extend until June 30, 1976, the authority to pay bonuses to medically-qualified officers in the Navy and to extend entitlement to special pay to optometrists and veterinarians in the uniformed services. [X]	Yea
H.R. 8089. On passage of a bill to increase from $25 to $35 per day the maximum amount authorized for per diem expenses for members of the military traveling on official business. [X]	Nay.
H.R. 9573. On passage of a bill to limit to 60 days the total cumulative entitlement to payment for unused accrued leave for the military services. [X]	Yea
NOV. 18, 1975	
H.R. 10029. On agreeing to the conference report on a bill making appropriations in fiscal 1976 and the transition quarter for military construction and family housing for military personnel. [X]	Yea.
S. 1517. On agreeing to the conference report on a bill authorizing appropriations in fiscal 1976 for the Department of State, the foreign buildings program, and the Arms Control and Disarmament Agency. [X]	Yea
S. 6. On agreeing to the conference report on a bill to provide educational assistance to all handicapped children. [X]	Yea *
H.R. 8841. On agreeing to the conference report on a bill authorizing appropriations through Mar. 31, 1977, to implement the Federal Insecticide, Fungicide, and Rodenticide Act. [X]	Yea.
H.R. 30. On passage of a bill to establish the Hells Canyon National Recreation Area in Oregon, Idaho, and Washington, and to deauthorize the construction of a dam. [X]	Yea
NOV. 19, 1975	
H.R. 8578. On passage of bill to increase the Federal share of funding for community action agencies serving the poor to 90 percent through fiscal 1977. [X]	Yea.
H.R. 3897. On agreeing to the conference report on a bill authorizing appropriations through fiscal 1979 for programs assisting the elderly under the Older Americans Act and for senior volunteer programs run by ACTION. [X]	Yea
DEC. 1, 1975	
H.R. 10727. On passage of a bill to revise procedures for holding hearings on previously denied applications for benefits under severe' social security programs. [X]	Yea.*
H.R. 7782. On passage of a bill to allow the Federal Government to insure foreign air routes and artifacts while on display in the United States. [X]	Yea.*
S. 267. On passage of a bill to designate 235,230 acres in Colorado as national forests. [X]	Yea *
DEC. 2, 1975	
H. Res. 864. On passage of a resolution expressing the sense of the House of the United States should continue its nonrecognition of the annexation of Estonia, Latvia, and Lithuania by the Soviet Union. [X]	Yea.
H.R. 10481. On agreeing to the rule under which the bill would be considered. [X]	Yea.
H.R. 10481. On passage of a bill authorizing Federal loans to help New York City avert default. [X]	Nay.
DEC. 3, 1975	
S. 1597. On agreeing to the conference report on a bill extending the Defense Production Act through fiscal 1977. [X]	Yea.
H.R. 10612. On ordering the previous question on the rule. [X]	Yea.
DEC. 4, 1975	
H.R. 10612. On an amendment deleting the provision permitting individuals with capital losses in excess of $30,000 in any year starting in 1978 to carry them back to offset taxes paid on capital gains in 3 previous years. [X]	Aye.
H.R. 10612. On a motion to strike the enacting clause. [O]	No.
H.R. 10612. On an amendment which would have applied the limitation on artificial losses rule on real estate on a property-by-property basis so that artificial losses from 1 real estate venture could not be used to reduce income from another real estate venture. [O]	Aye.
H.R. 10612. On an amendment strengthening the minimum tax by increasing the number of tax preference items subject to the minimum tax and by eliminating completely a deduction for 50 percent of regular Federal income taxes. [X]	Aye.
H.R. 10612. On an amendment which would have established a minimum taxable income schedule instead of the limitation on artificial losses and minimum tax provisions in the bill. [O]	No.
H.R. 10612. On an amendment to delete provisions eliminating the existing 50 percent withholding tax on dividends and interest earned by foreign portfolio investments in the United States. [X]	Aye.

MONS 029985

Proposal	My vote
DEC. 4, 1975—Continued	
H.R. 10612. On an amendment which would have shortened from 5 years to 3 years the grace period provided in provisions limiting the amount of export income of a domestic international sales corporation eligible for deferral of Federal taxes. [X]	Aye.
H.R. 10612. On a motion to recommit the bill with instructions to the Ways and Means Committee. [X]	Nay.
H.R. 10612. On passage of a bill cutting individual and business income taxes, establishing a limitation on artificial losses, strengthening the existing minimum tax, and closing other tax loopholes. [X]	Yea.
H.R. 8069. On a motion to recommit the conference report to the conference committee. [X]	Nay.
H.R. 8069. On agreeing to the conference report on a bill making appropriations in fiscal 1976 and the transition quarter for the Departments of Labor, HEW, and related agencies. [X]	Yea.
H.R. 8069. On a motion which would have amended a Senate amendment to the conference report so as to prohibit the transportation of any student to a school other than the nearest or next nearest to the student's home. [X]	Yea.
H.R. 8069. On agreeing to the Senate amendment to the conference report to prohibit the Department of HEW from using funds in the bill to require school districts to transport students beyond the school closest to their homes for the purpose of school integration. [X]	No.
DEC. 8, 1975	
H.R. 861. On an amendment which would have removed the $560 million limitation on the liability of the nuclear power industry for damages resulting from a nuclear power accident. [X]	Aye.
H.R. 8531. On an amendment which would have given the public the right to challenge the constitutionality of the $560 million liability limit in court. [X]	Aye.
H.R. 8531. On passage of a bill to extend for 10 years the Federal program to pay claims arising from a nuclear accident, up to $560 million, and limiting the liability of the nuclear power industry to that amount in event of accident. [X]	Nay.
H.R. 9721. On agreeing to the rule under which the bill would be considered. [X]	Yea.
DEC. 9, 1975	
H.R. 9721. On a motion to recommit the bill to the Banking, Housing and Currency Committee. [X]	Nay.
H.R. 9721. On passage of a bill authorizing funds for U.S. shares in various funds of the Inter-American Development Bank and a U.S. contribution to the African Development Fund. [X]	Yea.
H.R. 9486. On agreeing to the conference report on a bill authorizing appropriations through fiscal 1977 for foreign economic development, disaster relief, and food aid. [X]	Yea.
H.R. 10868. On an amendment which would have retained present bankruptcy provisions with regard to cities of less than 1 million persons. [X]	No.
H.R. 10868. On passage of a bill establishing a procedure for Federal court supervision of readjustment and adjustment of debts between a municipality and its creditors. [X]	Yea.
DEC. 10, 1975	
H.R. 9924. On agreeing to the rule under which the bill would be considered. [X]	Yea.
S. 66. On agreeing to the rule under which the bill would be considered. [X]	Yea.
H.R. 9924. On passage of a bill authorizing funds to be expended to commemorate a National Women's Conference in 1976. [X]	Yea.
S. 24. On passage of a bill to secure American citizens abroad the right to vote in Federal elections. [X]	Yea.
DEC. 11, 1975	
H.R. 9869. On agreeing to the conference report on a bill to make it legal for a construction union with a grievance against its contractor to picket at the construction site. (The report included the provisions of H.R. 8400, which provides a framework within which labor and management in the construction industry could work to resolve jurisdictional disputes.) [X]	Yea.
H.R. 9972. On agreeing to the conference report on a bill making appropriations in fiscal 1976 and the transition quarter for the Department of the Interior and related agencies. [X]	Yea.
H.R. 3474. On a motion to delete from the conference report the authorization of up to $6 billion in Federal loan guarantees for the construction of synthetic demonstration facilities for synthetic fuels. [X]	Aye.
H.R. 3474. On a motion to delete from the conference report language authorizing the Energy Research and Development Administration to select a tract of public land and conduct an underground oil shale demonstration project there in cooperation with a private company [X].	Yea.

Proposal	My vote
DEC. 12, 1975	
H.Con.Res. 466. On agreeing to the conference report on a resolution setting a budget ceiling for fiscal 1976 of $378.8 billion in outlays and a floor of $309.8 billion in revenues. [X]	Yea.
H.R. 8122. On agreeing to the conference report on a bill making appropriations in fiscal 1976 and the transition quarter for public works projects. [X]	Yea.*
H.R. 9861. On agreeing to the conference report on a bill making appropriations in fiscal 1976 and the transition quarter for the Department of Defense. [X]	Yea.*
DEC. 15, 1975	
H.R. 11016. On passage of a bill to extend through June 30, 1976, the authorities for the Renegotiation Board. [X]	Yea.
H.R. 3025. On passage of a bill to require the payment of interest on certain funds of the United States held in deposit in commercial banks. [X]	Yea.
H.R. 11070. On passage of a bill to make permanent the 1973 ban on television blackouts of certain professional sports events it sold out 72 hours in advance of game time. [X]	Yea.
H.R. 10647. On a motion to recommit the conference report with instructions to the conference committee. [X]	Nay.
H.R. 10647. On agreeing to the conference report on a bill making supplemental appropriations in fiscal 1976 and the transition quarter for several Federal departments and agencies. [X]	Yea.
S. 622. On a motion to delete from the conference report on authorization of $130 million for advanced automobile technology. [X]	Yea.
S. 622. On adopting the previous question on the conference report. [X]	Yea.
S. 622. On agreeing to the conference report on the Energy Conservation and Oil Policy Act. [X]	Yea.
H.R. 7656. On a motion to recommit the conference report on the bill. [X]	Yea.
DEC. 16, 1975	
H.R. 8529. On an amendment which sought to continue acreage allotments for rice production, delete the target price concept, and authorize a loan level of 60 percent of parity or $8 per cwt, whichever is higher. [X]	No.
H.R. 8529. On a motion to recommit the bill to the Agriculture Committee. [X]	Nay.
H.R. 8529. On passage of a bill to suspend marketing quotas for the 1976 and 1977 crop years, remove restrictions on production by rice producers, and establish an $8 per cwt target price and a $6 per cwt loan level for rice. [X]	Yea.
H.R. 5560. On agreeing to the conference report on a bill extending 1975 tax cuts through June 30, 1976. [X]	Yea.
DEC. 17, 1975	
H.R. 5559. On ordering the previous question on the rule under which the bill would be considered. [X]	Yea.
H.R. 10979. On an amendment which would have deleted provisions creating an Office of Rail Public Counsel in the Interstate Commerce Commission. [X]	No.
H.R. 10979. On an amendment to delete provisions allowing freight forwarders who specialize in less than carload shipments to contract with railroads. [X]	Aye.
H.R. 10979. On a motion to limit debate. [X]	No.
H.R. 10979. On an amendment which would have cut Federal subsidies to commuter rail services from 75 to 50 percent. [X]	No.
S.J. Res. 121. On agreeing to the conference report on a resolution to increase the dairy price support for a period of parity with quarterly adjustments. [X]	Yea.
H.R. 6461. On agreeing to the conference report on a bill authorizing appropriations in fiscal 1976-80 for the Corporation for Public Broadcasting. [X]	Yea.
DEC. 18, 1975	
H.R. 9869. On overriding the President's veto of a bill extending 1975 tax cuts through June 30, 1976. [X]	Yea.
H.R. 9235. On an amendment which would have deleted the $750 million discretionary fund to be used by the Secretary of Transportation to complete gaps in the Interstate Highway system. [X]	No.
H.R. 9235. On an amendment which would have required that the cost of highway projects rejected for mass transit be based on 1972 estimates, the highway withdrawn from one State's highway system be available to another, and right-of-way sales proceeds be returned to the Government. [X]	No.
H.R. 9235. On an amendment which would have reduced the maximum allowable weight for trucks on Interstate highways from 80,000 to 73,280. [X]	No.
H.R. 9235. On an amendment which would have permitted local officials in urban areas to submit plans directly to the U.S. Department of Transportation under certain conditions. [X]	Aye.

Proposal	My vote
H.R. 8235. On passage of a bill authorizing appropriations in fiscal 1977-78 for Federal aid highway programs and for construction of interstate highways. [X]	Yea.
H.R. 9771. On an amendment to limit the use of funds for development of airport terminals. [X]	No.
H.R. 9771. On an amendment to prohibit for 6 months the lending of supersonic aircraft to federally funded airports. [X]	Aye.
H.R. 9771. On passage of a bill authorizing appropriations in fiscal 1976-80 from the Airport and Airway Trust fund for airport development and other aviation activities. [X]	Yea.
DEC. 19, 1975	
H.R. 10284. On a resolution to agree to a Senate amendment to the bill, but deleting a Senate provision which would have allowed persons aged 65 to 64 to "buy in" to the medicare program. [X]	Yea.
H.R. 10727. On a resolution to agree to Senate amendments to the bill which revises procedures for holding hearings on previously denied applications for benefits under several social security programs. [X]	Yea.
H.R. 8069. On a motion to postpone consideration of the President's veto of the bill. [X]	Yea.
H. Res. 938. On a resolution making it in order by simple majority vote to consider reports from the Rules Committee on the same day the reports are ordered reported for the remainder of the 1st sess. of the 94th Cong. [X]	Yea.
H. Res. 945. On a resolution providing that for the remainder of the 1st sess. of the 94th Cong. the House would meet only on Tuesdays and Fridays of each week. [X]	Yea.
H.R. 9968. On agreeing to Senate amendments to a previously passed House bill to provide for a 5-month extension of 1975 tax cuts. [X]	Yea.
S. 2719. On agreeing to the conference report on a bill authorizing financial assistance to the Nation's railroads. [X]	Yea.
JAN. 19, 1976	
H.R. 7897. On an amendment to provide that school districts would only be reimbursed for the actual costs which they have incurred in providing the necessary supplementary educational services for Indochina refugee children. [X]	Aye.
H.R. 7897. On passage of a bill to authorize funds for assistance to local educational agencies for the education of Cambodian and Vietnamese refugees. [X]	Yea.
JAN. 20, 1976	
H.R. 10533. On passage of a bill authorizing appropriations for the construction of 2 irrigation projects in Wyoming and South Dakota and modification of the spillway of 2 existing dams in North Dakota and Oregon. [X]	Nay.
H.R. 3710. On passage of a bill authorizing the 101st Airborne Division Association to erect a memorial in the District of Columbia or its environs. [X]	Yea.
H. Con. Res. 527. On passage of a resolution vacating previous House and Senate action on the conference report on S. 2719 and recommitting the bill to the conference committee. [X]	Yea.
JAN. 21, 1976	
H.R. 6721. On agreeing to the rule under which the bill would be considered. [X]	Yea.
H.R. 6721. On an amendment prohibiting coal mining in any area of the National Park System, the National Wildlife Refuge System, the National Wilderness Preservation System, the National System of Trails, and the Wild and Scenic Rivers System. [X]	Aye.
H.R. 6721. On an amendment which would have eliminated the provision requiring that a lessee must be licensed to mine 25,000 acres. [X]	No.*
H.R. 6721. On a motion to recommit the bill to the Committee on Interior and Insular Affairs. [X]	Nay.
H.R. 6721. On passage of a bill to amend the Mineral Leasing Act to revise procedures governing the leasing and development of coal deposits on Federal lands. [X]	Yea.
JAN. 22, 1976	
H.R. 10907. On agreeing to the rule under which the bill would be considered. [X]	Yea.
H.R. 10907. On passage of a bill authorizing appropriations through fiscal 1977 to establish and enforce certain Federal auto standards. [X]	Yea.
JAN. 27, 1976	
HR. 8069. On overriding the President's veto of a bill making appropriations in fiscal 1976 and the transition quarter for the Departments of Labor, HEW, and related agencies. [X]	Yea.
H.R. 9861. On a motion to concur in a Senate amendment to the conference report to prohibit any of any funds under the bill for direct or indirect military aid to any of the factions fighting in the Angola civil war. [X]	Yea.

MONS 029986

Proposal	My vote
JAN. 28, 1976	
S. 2710. On agreeing to the conference report on a bill authorizing financial assistance to the Nation's railroads. [X]	Yes.
JAN. 29, 1976	
H.R. 5247. On a motion to strike Title II from the conference report on the bill. (Title II provides aid to states and local governments to maintain basic services during high unemployment). [O]	Nay.
H.R. 5247. On agreeing to the conference report on a bill authorizing appropriations for public works projects. [X]	Aye.
H.R. 10680. On an amendment which would have extended the Renegotiation Board for 5 years rather than making it permanent, and would have struck all other parts of the bill. [TR]	No.
H Res. 982. On an amendment to provide that if the final report of the Select Committee on Intelligence contained classified information it must be released as a classified document unless the President gave prior certification that it would not be damaging to U.S. intelligence activities. [X]	Nay.
FEB. 3, 1976	
H.R. 9464. On agreeing to the rule under which the bill would be considered. [X]	No.
FEB. 4, 1976	
H.R. 9464. On an amendment deleting provisions that cost Federal Power Commission authority to reduce price ceilings on gas still under Federal regulation. [X]	Aye.
H.R. 9464. On an amendment which would have allowed the FPC to set varying 3-year ceilings instead of a single national ceiling on prices for offshore natural gas. [O]	Aye.
FEB. 5, 1976	
S. Con. Res. 92. On passage of a resolution providing for a conditional adjournment of the House from Feb. 11 to Feb. 16 and of the Senate from Feb. 6 to Feb. 10. [X]	Yes.
H.R. 9464. On an amendment which would have included industrial users that needed natural gas in the manufacturing process in the first order of priority along with agricultural users. [O]	No.
H.R. 9464. On an amendment in the nature of a substitute to deregulate prices of all independent gas producers with sales of less than 100 million mcf per year, while continuing controls on sales by major producers but with a more flexible and price-oriented FPC pricing formula. [X]	Aye.
H.R. 9464. On a vote affirming the previous vote. [X]	Aye.
H.R. 9464. On a motion to recommit the bill to the Interstate and Foreign Commerce Committee. [O]	Nay.
H.R. 9464. On passage of a bill to deregulate the prices of all independent gas producers with sales of less than 100 million mcf per year while continuing controls on sales by major producers. [X]	Yes.
FEB. 9, 1976	
H.R. 9880. On agreeing to the rule under which the bill would be considered. [X]	Yes.
H.R. 9805. On an amendment which would have made violations of the bill subject only to State criminal enforcement. [O]	No.
H.R. 9805. On an amendment to prohibit the use of interstate facilities for the purpose of gambling. [X]	Yes.
H.R. 9805. On passage of a bill establishing new protections for animals during shipment and prohibit the use of interstate facilities to promote dog and cockfights. [X]	Yes.
FEB. 10, 1976	
H.R. 11463. On an amendment which would have approved the President's proposed import adjustment and rejected others. [O]	Nay.
H.R. 11463. On agreeing to the rule under which the bill would be considered. [X]	Yes.
H.R. 11463. On an amendment which would have struck language in the bill and restored continuation of existing funding levels Title IV of the Comprehensive Employment and Training Act through fiscal 1977. [X]	No.
H.R. 11463. On an amendment which would have changed the formula for distribution of the 8 funds to a 50-50 formula under which 50 percent of the funds would be allocated in areas of highest unemployment and the remainder to prime sponsor areas with over 6% persons unemployed. [X]	Yes.
H.R. 11463. On passage of a bill authorizing funds to maintain public service jobs through the end of fiscal 1977. [X]	Yes.
FEB. 17, 1976	
H.R. 11233. On passage of a bill extending the authorization for the Library Services and Construction Act for 5 years. [X]	Yes.
H.R. 11466. On passage of a bill authorizing appropriations for the acquisition of an additional 1,540 acres for the Indiana Dunes National Lakeshore. [X]	Yes.

Proposal	My vote
H.R. 11466. On passage of a bill authorizing additional appropriations for the completion of the Library of Congress Madison Memorial Building. [X]	Yes.
FEB. 18, 1976	
H.J. Res. 801. On passage of supplemental appropriations providing the U.S. Railway Association to purchase Conrail debentures and preferred stock over a 4-year period. [X]	Yes.
FEB. 19, 1976	
H.R. 5247. On overriding the President's veto of a bill authorizing appropriations for public works projects [X]	Yes.
H. Res. 1042. On a motion to refer the resolution to the Rules Committee. [O]	Yes.
H. Res. 1042. On passage of a resolution directing the Committee on Standards of Official Conduct to investigate publication of parts of the final report of the Select Committee on Intelligence. [X]	Nay.
FEB. 24, 1976	
H.J. Res. 811. On passage of a resolution appropriating additional funds for completion of the Library of Congress Madison building. [X]	Yes.
FEB. 25, 1976	
H.R. 11893. On agreeing to the rule under which the bill would be considered. [X]	Yes.*
H.R. 11893. On passage of a bill increasing the temporary debt ceiling, pursuant to a Treasury Department request, to $627 billion through June 30, 1976. [X]	Yes.
FEB. 26, 1976	
H. Res. 968. On passage of a resolution amending House rules to provide that no committee report, bill, resolution, or conference report may be considered on the floor of the House unless copies of such have been available to Members at least 2 hours prior to consideration. [X]	Yes.
MAR. 1, 1976	
H.R. 11700. On passage of a bill providing that the actions of the New York City pension plans in purchasing city obligations under the agreement of Nov. 27, 1975, would not be considered violations of the exclusive benefit rule or the prohibited transaction rules of the Internal Revenue Code. [X]	Yes.
MAR. 2, 1976	
H.R. 10760. On agreeing to the rule under which the bill would be considered. [X]	Yes.
H.R. 10760. On an amendment which would have deleted a provision which permitted survivors of miners killed in mine accidents prior to 1971 to receive black lung benefits. [O]	No.
H.R. 10760. On passage of a bill providing black lung benefits for miners (and their widows and dependents). [X]	Nay.
MAR. 3, 1976	
H. Res. 1094. On ordering the previous question on the resolution. [X]	Nay.
H. Res. 1094. On passage of a resolution giving to the Committee on Standards of Official Conduct subpoena power in its investigation of the publication of the final report of the Select Committee on Intelligence. [X]	Nay.
H.R. 11963. On an amendment which would have outlawed the committee prohibition on arms sales to Chile to sustain Government-backed cash arms sales and commercial arms sales. [O]	Aye.
H.R. 11963. On an amendment which would have struck the section of the bill permitting trade with North and South Vietnam. [O]	No.
H.R. 11963. On passage of a bill authorizing international military assistance in fiscal 1976. [X]	Nay.
MAR. 4, 1976	
H.R. 12203. On agreeing to the rule under which the bill would be considered. [X]	Nay.
H.R. 12203. On an amendment which would have restored a reduced cut in funds to be used to assist voluntary organizations in remedying programs and stopping economic overseas. [O]	Aye.
H.R. 12203. On an amendment which would have deleted funding in the bill for the United Nations Development Program. [O]	No.
H.R. 12203. On an amendment to prohibit the use of any funds in the bill for planning or carrying out of assassinations, or direct or indirect financing or influencing any foreign election in peacetime. [X]	Aye.
H.R. 12203. On an amendment which would have reduced the $1.5 billion ceiling on foreign military credit sales of arms to Israel to $1.3 billion. [O]	Aye.
H.R. 12203. On an amendment to prohibit aid under the bill to any nation in defiance of an aid cutoff in the United States for over a year, if the date had not been disputed prior to enactment of the prohibition. [X]	Aye.

Proposal	My vote
H.R. 12203. On passage of a bill making appropriations for foreign economic and military assistance programs in fiscal 1976 and the transition quarter. [X]	Nay.
MAR. 9, 1976	
H.R. 6516. On agreeing to the conference report on a bill amending the Equal Credit Act adding age, race, color, religion and national origin to sex and marital status as categories under which no creditor may discriminate against an applicant for credit. [X]	Yes.
H.R. 11124. On agreeing to the rule under which the bill would be considered. [X]	Yes.
S. Con. Res. 98. On passage of a resolution which would have provided for a 25-Member congressional delegation to travel to England to pick up a copy of the Magna Carta for display in the Capitol. [O]	Nay.
H.R. 11124. On passage of a bill requiring the Secretary of HEW, with the assistance of medical and scientific specialists, to classify all medical devices intended for human use into regulatory categories. [X]	Yes.
MAR. 11, 1976	
H.R. 3981. On passage of a bill authorizing funds for a coastal energy activity program that would assist coastal States experiencing adverse impacts as a result of Outer Continental Shelf activity and energy facility siting. [X]	Yes.
H.R. 11461. On an amendment which would have increased the cadet student subsidy at the 6 State maritime academies from $600 to $1,200 per year. [O]	No.
H.R. 11461. On passage of a bill authorizing appropriations for maritime programs conducted by the Maritime Administration within the Department of Commerce. [X]	Yes.
	Yes.
MAR. 15, 1976	
H.R. 12198. On passage of a bill making technical and conforming changes in the Community Services Act of 1974. [X]	Yes.
H.R. 7743. On passage of a bill authorizing appropriations through fiscal 1978 for the implementation of the Pennsylvania Avenue Corporation development plan. [O]	Nay.
MAR. 16, 1976	
H.R. 12455. On passage of a bill to allow all elderly persons, regardless of income, to continue to receive services at Federal senior citizens centers. [X]	Yes.
H.J. Res. 957. On passage of a bill making continuing appropriations in fiscal 1976 for various departments for which regular appropriations bills had not yet been enacted. [X]	Yes.
H.J. Res. 780. On agreeing to the rule under which the resolution would be considered. [X]	Yes.
MAR. 17, 1976	
H. Con. Res. 580. On an amendment which would have reduced the size of the proposed delegation from 25 to 5, and place a limit of $10,000 on the expenses of the delegation. [O]	Nay.
S. Con. Res. 98. On a motion to strike all the language in the resolution and substitute the language contained in H. Con. Res. 588. [X]	Nay.
MAR. 18, 1976	
H.R. 9532. On an amendment which would have limited Food class recovery to those instances in which there was an agreement to fix prices as willful violation of the antitrust law. [X]	No.
H.R. 9532. On an amendment which would have allowed private attorneys to be reimbursed for on a contingency fee basis by State attorneys general. [O]	Aye.
H.R. 9532. On a motion to recommit the bill to the Judiciary Committee. [O]	No.
MAR. 22, 1976	
H.R. 12226. On passage of a bill authorizing appropriations in fiscal 1977 for the Peace Corps. [X]	Yes.
H.R. 12046. On passage of a bill authorizing appropriations for earthquake disaster relief and rehabilitation activities in Guatemala. [X]	Yes.
H.R. 12453. On passage of a bill authorizing appropriations in fiscal 1977 for NASA. [X]	Nay.
MAR. 23, 1976	
H.R. 9883. On agreeing to the rule under which the bill would be considered. [X]	Yes.
H.R. 9883. On a motion to recommit the conference report with instructions to the conference committee. [O]	Nay.
H.R. 9883. On agreeing to the conference report on a bill postponing until July 1, 1976, the effective date of the requirement that day care centers meet Federal staffing standards. [X]	Yes.

MONS 029987

Proposal	My vote
MAR. 23, 1976—Continued	
H.J. Res. 280. On an amendment that would immediately provide the District of Columbia with 1 elected representative in the House of Representatives and allow further representation in the House or Senate subject to majority vote of the Congress. [X]	Aye.
H.J. Res. 280. On an amendment which would have provided voting representation for the District of Columbia in the House of Representatives only. [X]	No.
H.J. Res. 280. On passage of a resolution to amend the Constitution to provide for representation of the District of Columbia in Congress. [X]	Yea.
H.R. 10789. On agreeing to the rule under which the bill would be considered. [X]	Yea.
MAR. 24, 1976	
H.R. 10790. On passage of a bill permitting the Legal Services Corporation to use part of its annual appropriation for contracting for research and training, technical assistance, and clearinghouse activities. [X]	Yea.
H.R. 11788. On passage of a bill authorizing appropriations in fiscal 1976 and the transition quarter for the U.S. Information Agency. [X]	Yea.
MAR. 25, 1976	
H.J. Res. 861. On agreeing to the conference report on a resolution providing supplemental appropriations in fiscal 1976 including the U.S. Railway Association to purchase Conrail securities. [X]	Yea.*
H.R. 12565. On an amendment which would have required the Director of the National Science Foundation to respond to written requests for information from Members of Congress within 15 days. [X]	No.*
H.R. 12565. On an amendment which would have shifted funds from precollege curriculum programs to summer training programs for elementary and secondary school science teachers. [X]	No.*
H.R. 12565. On passage of a bill authorizing appropriations in fiscal 1977 for the National Science Foundation. [X]	Yea.*
MAR. 29, 1976	
H. Res. 1097. On a motion to recommit the resolution with instructions to the Committee on House Administration. [X]	Nay.
H. Res. 1098. On passage of a resolution providing funds for the Committee on Standards of Official Conduct for the investigation of the publication of the final report of the Select Committee on Intelligence. [X]	Nay.
H.R. 12850. On passage of a bill authorizing appropriations for the Board of International Broadcasting in fiscal 1977. [X]	Yea.
MAR. 30, 1976	
H.R. 9617. On agreeing to the conference report on a bill giving Federal employees the right to participate and run in local, State, and Federal election campaigns. [X]	Yea.
H.R. 763. On agreeing to the conference report on a bill extending the U.S. fishing limit from 12 to 200 miles. [X]	Yea.
H.R. 12485. On agreeing to the rule under which the bill would be considered. [X]	Yea.
MAR. 31, 1976	
H.R. 12406. On an amendment which would have struck the section of the bill requiring that all Federal Election Commission advisory opinions become regulations which are subject to the approval of Congress. [X]	No.
H.R. 12406. On an amendment to restore the requirement that candidates and committees file duplicate reports with secretaries of state. [X]	Aye.
H.R. 48. On agreeing to the conference report on a bill establishing a National Petroleum Reserve in Alaska under the jurisdiction of the Secretary of the Interior. [X]	Yea.
APR. 1, 1976	
H.R. 12406. On an amendment which would have required labor unions and corporations to report all funds spent on internal communications with their members or executives concerning the election or defeat of a candidate for Federal office. [X]	No.
H.R. 12406. On an amendment to strike the provision which would have allowed either the House or the Senate to terminate the authority of the Federal Election Commission after Mar. 31, 1977. [X]	Aye.
H.R. 12406. On a motion to limit debate on the following amendment. [X]	No.
H.R. 12406. On an amendment which would have provided for public financing of congressional elections on a matching fund basis beginning in 1978. [X]	Aye.
H.R. 12406. On a motion to recommit the bill with instructions to the House Administration Committee. [X]	No.
H.R. 12406. On passage of a bill reconstituting the Federal Election Commission, limiting the size of political contributions, and strengthening congressional control of the FEC. [X]	Yea.
H.J. Res. 566. On agreeing to the rule under which the resolution would be considered. [X]	Yea.
APR. 2, 1976	
H.R. 12572. On agreeing to the rule under which the bill would be considered. [X]	Yea.
H.R. 12572. On an amendment which would have required the federalization of the grain inspection system of export points. [X]	Aye.
H.R. 12572. On passage of a bill requiring the U.S. Department of Agriculture to inspect and weigh grain at export locations. [X]	Yea.
APR. 5, 1976	
H.R. 11722. On passage of a bill expanding Federal jurisdiction to prohibit all Government supervisors from threatening employees with dismissal if they do not contribute to a political party. [X]	Yea.
H.R. 11140. On passage of a bill authorizing the establishment of a national cemetery at the Marine Corps base in Quantico, Va. [X]	Yea.
H.J. Res. 670. On passage of a resolution designating Apr. 13, 1976, as Thomas Jefferson Day. [X]	Yea.
S.J. Res. 35. On passage of a resolution authorizing the President to declare the 2d week in March, 1977, as "National Employ the Older Worker Week." [X]	Yea.
S.J. Res. 101. On passage of a resolution authorizing the President to issue a proclamation designating the week in November which includes Thanksgiving Day as "National Family Week." [X]	Yea.
H.R. 5048. On passage of a bill implementing the 1972 Convention on the International Regulations for Preventing Collisions at Sea. [X]	Aye.
H.R. 11670. On passage of a bill authorizing appropriations for the procurement of Coast Guard vessels and aircraft and construction of facilities. [X]	Yea.
H.J. Res. 890. On passage of a resolution providing an emergency supplemental appropriation for a nationwide influenza immunization program. [X]	Yea.
APR. 6, 1976	
H.R. 12368. On passage of a bill authorizing appropriations in fiscal 1976 and the transition quarter for the Energy Research and Development Administration's weapons research and development testing. [X]	Nay.
H.R. 3081. On an amendment which would have redefined the boundaries of the wilderness areas so as to exclude 6,270 acres known as East Meadow Creek. [X]	No.
S. 1161. On agreeing to the conference report on a bill establishing new protections for animals during shipment and prohibiting the use of interstate facilities to promote dog and cockfights. [X]	Yea.
APR. 7, 1976	
H.R. 10885. On passage of a bill providing for the transfer of decennial census population records to the National Archives no later than 50 years after the census date. [X]	Yea.
H.R. 11337. On an amendment providing for a mid-decade population census and for the removal of penalties for refusing to answer census questions. [X]	No.
H.R. 12870. On a motion to recommit the bill with instructions to the Committee on Interstate and Foreign Commerce. [X]	Nay.
APR. 8, 1976	
H.R. 12438. On an amendment which would have placed in escrow $800.5 million in procurement funds for 9 B-1 bombers until Feb. 1, 1977. [X]	Aye.
H.R. 12438. On an amendment which would have deferred any expenditure of funds for a new nuclear aircraft carrier pending completion of a congressional study of future carrier needs. [X]	Aye.
APR. 9, 1976	
H.R. 12438. On an amendment which would have prohibited the overland testing of terminal-guidance, high-accuracy MARV nuclear warheads. [X]	Aye.
H.R. 12438. On an amendment which would have reduced the number of U.S. active forces stationed overseas by 47,000 persons. [X]	Aye.
H.R. 12438. On an amendment which would have required a 3-year notice for base closings if such closings would reduce operations at the installation or facility by over 50 percent from the level which existed as of Mar. 15, 1976. [X]	Aye.
H.R. 12438. On passage of a bill authorizing appropriations in fiscal 1977 for the procurement of weapons systems and research and development on new weapons systems. [X]	Aye.
APR. 12, 1976	
H.R. 12132. On passage of a bill to extend for 1 year the District of Columbia Medical and Dental Manpower Act of 1970 to assist private nonprofit medical and dental schools. [X]	Yea.
H. Res. 1032. On passage of a resolution disapproving President Ford's proposed deferral of funds appropriated for the Soil Conservation Service's emergency watershed repair work. [X]	Yea.
H.R. 7980. On agreeing to the conference report on a bill authorizing appropriations in fiscal 1976-77 for prevention and control of beach and bay diseases. [X]	Yea.
APR. 19, 1976	
H.R. 13172. On an amendment providing additional appropriations for education for the handicapped and for grants to students under the basic educational opportunity grant programs. [X]	Aye.
H.R. 13172. On passage of a bill providing supplemental appropriations for fiscal 1976 and the transition quarter for various departments and agencies. [X]	Yea.
H. Res. 1135. On passage of a resolution to disapprove the President's exemption of residual fuel oil from price and allocation controls. [X]	Yea.
S. 644. On a motion to recommit the conference report to the conference committee. [X]	Nay.
APR. 26, 1976	
H.R. 12838. On passage of a bill authorizing appropriations through fiscal 1980 for the Arts and Humanities Endowments. [X]	Yea.
APR. 28, 1976	
S. 2662. On a motion to recommit the conference report to the conference committee. [X]	Yea.
S. 2662. On agreeing to the conference report on a bill authorizing appropriations in fiscal 1976 and the transition quarter for the International Security Assistance and Arms Export Control Act. [X]	Nay.
H. Con. Res. 611. On an amendment increasing the veterans function target ceiling to cover a possible extension of the expiration date for the utilization of educational benefits under the GI bill. [X]	Aye.
H. Con. Res. 611. On an amendment increasing the veterans function target ceiling to cover increases in veterans' entitlement programs indexed to the cost of living by law. [X]	Aye.
H. Con. Res. 611. On an amendment which would have reduced the defense spending target. [X]	Aye.
APR. 29, 1976	
H.R. 9617. On overriding the President's veto of a bill permitting Federal employees to participate and run in local, State, and Federal election campaigns. [X]	Yea.
H. Con. Res. 611. On an amendment which would have reduced the defense spending target and redistributed the budget authority between various domestic programs. [X]	Aye.
H. Con. Res. 611. On an amendment which would have deleted from the resolution's targets starting funds for the Humphrey-Hawkins full employment bill and national health insurance legislation. [X]	No.
H. Con. Res. 611. On an amendment which would have deleted from the resolution's targets starting funds for the Humphrey-Hawkins full employment bill. [X]	No.
H. Con. Res. 611. On an amendment which would have reduced the budget target for the food stamp program. [X]	No.
H. Con. Res. 611. On an amendment which would have set outlays at $309.9 billion. [X]	No.
H. Con. Res. 611. On an amendment which would have set outlays at $363 billion. [X]	No.
H. Con. Res. 611. On passage of a resolution setting fiscal 1977 budget targets of $415.4 billion in outlays and $363 billion in revenues. [X]	Nay.
APR. 30, 1976	
H.R. 12967. On an amendment which would have earmarked 1 percent of the funds under Title IV for public service jobs for unemployed or underemployed artists. [X]	Yea*.
H.R. 12967. On passage of a bill authorizing appropriations in fiscal 1976 and the transition quarter to maintain public service jobs. [X]	Yea*.
H.R. 366. On an amendment which would have required that all payments in the bill must be paid through general revenue sharing funds. [X]	Nay*.
H.R. 366. On passage of a bill providing a $50,000 payment by the Law Enforcement Assistance Administration to the spouses or eligible dependents of law enforcement personnel who die as a result of injury sustained in the performance of duty. [X]	Aye*.
H.R. 365. On passage of a bill providing a $50,000 payment by the Law Enforcement Assistance Administration to the spouses or eligible dependents of firefighting personnel who die as a result of injury sustained in the performance of duty. [X]	Yea.*
MAY 3, 1976	
S. 2965. On agreeing to the conference report on a bill reconstituting the Federal Election Commission and placing limitations on political contributions. [X]	Yea.

MONS 029988

Proposal	By vote
MAY 3, 1976—Continued	
H.R. 7656. On agreeing to the conference report on a bill allowing cotton producers to establish, finance, and administer a program of beef research and product promotion. [X]	Yea.
H.R. 9522. On passage of a bill establishing uniform standards for the interconnect of fish and wildlife laws under the jurisdiction of the Departments of Interior and Commerce. [X]	Yea.
H.R. 11495. On passage of a bill authorizing appropriations in fiscal 1977 for the Environmental Protection Agency's ocean dumping regulation programs and to the National Oceanic and Atmospheric Administration. [X]	Yea.
H.R. 12382. On passage of a bill extending for 1 year the air-carrier program. [X]	Yea.
H.R. 11959. On passage of a bill closing the loophole by which wealthy individuals join together to diversify their stock holdings and multiply their stock market risks while continuing to postpone tax on the accrued gains on the stock they own together. [X]	Yea.
H.R. 12166. On passage of a bill authorizing appropriations through fiscal 1977 for the Office of Pipeline Safety Operations. [X]	Yea.
MAY 4, 1976	
H.R. 9883. On overriding the President's veto of a bill postponing until July 1, 1976, the effective date of the requirement that dry cow centers meet new Federal staffing standards. [X]	Yea.
H.R. 12216. On passage of a bill extending the authorization for the Domestic Volunteer Service Act through fiscal 1978. [X]	Yea.
H.R. 10790. On an amendment providing that negotiations presently underway by the Environmental Protection Agency Act be subject to congressional disapproval. [X]	No.
H.R. 12764. On passage of a bill authorizing appropriations for the research and development programs of the Environmental Protection Agency. [X]	Yea.
MAY 5, 1976	
H.R. 12236. On an amendment which would have reduced the authorization in the bill. [O]	No.
H.R. 12234. On an amendment which would have decreased the level at which the bill's required state matching funds would be triggered. [O]	No.
H.R. 12234. On an amendment to strike from the bill a provision allowing fund moneys to be used for shelters for swimming pools and ice skating rinks. [X]	No.
H.R. 12234. On passage of a bill increasing the authorization level of the land and water conservation fund. [O]	Yea.
H.R. 9410. On agreeing to the rule under which the bill would be considered. [X]	Yea.
MAY 6, 1976	
H.R. 12304. On agreeing to the rule under which the bill would be considered. [X]	Yea.
H.R. 9043. On an amendment striking from the bill the requirement that all Federal agencies establish a flexible or compressed work schedule for employees. [X]	No.
H.R. 9043. On an amendment would have required that for workers represented by unions the waiver or agreement of workers in the case of a flexible work schedule must be part of the collective labor agreement between the union and the Federal agency. [X]	No.*
MAY 7, 1976	
H.R. 12294. On an amendment which would have changed the criterion for requiring Department of Defense certification in connection with any proposed closing or transfer affecting military bases. [X] (A vote with wrong vote)	Aye.
H.R. 12294. On an amendment which would have extended the wage protections of the Davis-Bacon Act to certain non-advertised military construction contracts. [X]	No.
H.R. 12294. On passage of a bill authorizing appropriations for military construction projects and for family housing for military personnel. [X]	Yea.
MAY 10, 1976	
H.R. 10481. On agreeing to the resolution under which the bill would be considered. [X]	Yea.
H.R. 10481. On passage of a bill increasing the pay incentives available to Navy to enable it to attract and retain qualified officers to serve on submarines. [X]	Nay.
H.R. 12267. On passage of a bill authorizing appropriations in fiscal 1977 for the Nuclear Regulatory Commission. [X]	Yea.
H.R. 12000. On agreeing to the rule under which the bill would be considered. [X]	Yea.
H.R. 12285. On passage of a bill making the terms of the Chairman and Vice Chairman of the Federal Reserve Board coterminous with that of the President of the United States and requiring the nomination of the Board of Governors of the Federal Banks. [X]	Yea.
H.R. 12001. On agreeing to the rule under which the bill would be considered. [X]	Yea.
MAY 11, 1976	
H.R. 12835. On passage of a bill extending the authorization for the Vocational Education Act of 1963. [X]	Yea.
MAY 12, 1976	
H.R. 12851. On an amendment which would have deleted a provision requiring that when appropriations for student aid exceed $2.5 billion, an amount equal to the excess would have to be earmarked for community services, continuing education and facilities. [O]	No.
H.R. 12851. On an amendment to prohibit the use of funds for the teaching of "secular humanism". [X]	No.
H.R. 12851. On an amendment which would have exempted professional fraternities and sororities from Title IX provisions. [O]	No.
H.R. 12851. On passage of a bill extending for 1 year the expiring provisions of the Higher Education Act including the student assistance programs and Title VI of the National Defense Education Act. [X]	Yea.
MAY 13, 1976	
S. Con. Res. 109. On agreeing to the conference report on a resolution setting forth a fiscal 1977 budget ceiling of $413.3 billion in outlays and a floor of $362.1 billion in revenues. [X]	Nay.
S. 2498. On agreeing to the conference report on a bill easing funding for the acquisition of pollution control equipment by small business and liberalizing provisions of the Small Business Investment Act. [X]	Yea.
H.R. 12972. On passage of a bill authorizing appropriations through the end of fiscal 1977 for grants to State and local governments for local public works projects. [X]	Yea.
MAY 17, 1976	
S. 2679. On passage of a bill establishing a Commission on Security and Cooperation in Europe. [X]	Yea.*
H.R. 10216. On agreeing to the rule under which the bill would be considered. [O]	Yea.*
MAY 18, 1976	
H.R. 13368. On passage of a bill extending until May 7, 1977, the authority of the Secretary of Transportation to issue aviation war risk insurance to air carriers that have contracts with the Defense or State Departments. [X]	Yea.
H.R. 13724. On passage of a bill increasing the maximum direct Federal housing loan to veterans and the Federal share of mobile home loan guarantees. [X]	Yea.
H.R. 13172. On agreeing to the conference report on a bill providing supplemental funds for fiscal 1976 and the transition quarter for various departments and agencies. [X]	Yea.
MAY 19, 1976	
H.R. 13358. On an amendment which would have reduced funds for solar energy. [O]	No.
H.R. 13358. On an amendment to the subsequent amendment which redistributes solar energy funds between solar heating and cooling programs and other solar energy programs. [O]	Aye.
H.R. 13358. On an amendment (to be amended by the previous amendment) distributing solar energy funds in the bill between various solar research projects. [O]	Aye.
H.R. 13358. On agreeing to the rule under which the bill would be considered. [X]	Yea.
MAY 20, 1976	
H.R. 9721. On agreeing to the conference report on a bill authorizing increased U.S. participation in the Inter-American Development Bank. [X]	Yea.
H.R. 13368. On an amendment which would have delayed funds for nuclear weapons activities from the bill. [O]	Aye.
H.R. 13358. On an amendment which would have required that funds in the Clinch River breeder reactor joint venture pay certain percentages of cost overruns. [O]	Aye.
H.R. 13358. On an amendment to require that the Nuclear Regulatory Commission make a determination to assure public health and safety during construction of the Clinch River nuclear plant, but not after it is built. [O]	No.
H.R. 13358. On passage of a bill authorizing appropriations in fiscal 1977 for the Energy Research and Development Administration. [X]	Nay.
MAY 21, 1976	
H.R. 12453. On passage of a bill authorizing appropriations in fiscal 1977 for NASA. [X]	Nay.
H.R. 13577. On agreeing to the rule under which the bill would be considered. [X]	Yea.
H.R. 13577. On passage of a bill authorizing appropriations for the transition quarter and fiscal years 1977-79 for the Federal effort to meet the problems of inflation. [X]	Yea.
H.R. 13679. On a motion to recommit the bill with instructions to the Committee on Interstate and Foreign Commerce. [X]	Nay.
H.R. 12979. On passage of a bill authorizing appropriations in the transition quarter and fiscal years 1977-79 for the National Center for Health Services Research, the National Center for Health Statistics, and the National Library of Medicine. [X]	Yea.
MAY 24, 1976	
H.R. 13121. On passage of a bill directing the Law Revision Counsel of the House to prepare and publish the District of Columbia Code. [X]	Yea.
H.R. 11009. On passage of a bill providing that the Comptroller General enter into contracts for design and implementation of financial planning, reporting, and budget control systems for the District of Columbia government. [X]	Yea.
H.R. 5810. On agreeing to the rule under which the bill would be considered. [X]	Yea.
H.R. 5810. On passage of a bill providing for an additional Assistant Secretary of Commerce for Congressional Affairs. [O]	Yea.
MAY 25, 1976	
H.R. 10138. On passage of a bill creating the Young Adult Conservation Corps on a year-round component to the existing summer-only Youth Conservations Corps. [X]	Yea.
H.R. 12965. On agreeing to the rule under which the bill would be considered. [X]	Yea.
MAY 26, 1976	
H.R. 13965. On passage of a bill making appropriations in fiscal 1976 and the transition quarter for the District of Columbia. [X]	Yea.
H.R. 12965. On an amendment to strike from the bill set-asides for new construction, publicly owned housing projects, and modernization of public housing, and instead allow the Department of HUD to use the moneys as it sees fit. [X]	Aye.
H.R. 12965. On an amendment to provide that rent reports based on increased incomes after May 1976, would not be included in the computation of income of tenants in public housing. [X]	Aye.
H.R. 12965. On an amendment which would have created a new direct housing loan program to make mortgage loans directed at middle-income home buyers. [O]	No.
H.R. 12965. On passage of a bill extending and amending existing housing and community development programs. [X]	Aye.
MAY 27, 1976	
H.R. 12169. On agreeing to the rule under which the bill would be considered. [X]	Nay.
JUNE 1, 1976	
H.R. 12169. On an amendment to delete funding for the Office of Conservation and the Environment. [X]	No.
H.R. 12169. On an amendment to provide that whenever the FEA submits a disapproval submission, the decontrol of allocations and distribution of petroleum products would be delayed. [O]	Aye.
H.R. 12169. On an amendment providing for congressional review of new rules or regulations that are likely to have a substantial impact on the economy. [X]	Aye.
H.R. 12169. On an amendment that provides for an 18-month extension of the FEA. [X]	Aye.
H.R. 12169. On an amendment requiring that hearings regarding complaints about any rules or regulations be conducted in the geographic area where the complaint originated. [X]	No.
H.R. 12169. On passage of a bill authorizing appropriations in fiscal 1977 for the Federal Energy Administration. [X]	Nay.
JUNE 2, 1976	
H.R. 13680. On an amendment to strike language that blocked security purchases to South Korea to $298 million for fiscal years 1976-77. [O]	No.
H.R. 13680. On passage of a bill authorizing appropriations for foreign military and security assistance in fiscal 1976-77. [X]	Nay.
JUNE 3, 1976	
H.R. 13695. On an amendment to provide that funds for fiscal 1977-81 be authorized in the annual authorizations for the Energy Research and Development Administration for those years. [O]	MAY.
H.R. 10958. On passage of a bill terminating government funding for the [illegible] and permitting increased producer assessments for cotton promotion. [X]	Yea.
H.R. 9960. On an amendment limiting dredging and fill material permit regulation to navigable waters and adjacent wetlands and exempting normal farming operations from regulation. [X]	Aye.
H.R. 9960. On passage of a bill authorizing appropriations for water pollution control programs. [X]	Aye.
JUNE 4, 1976	
H.R. 8218. On agreeing to the rule under which the bill would be considered. [X]	Yea.

MONS 029989

Proposal	Sly vote
JUNE 7, 1976	
H.R. 12967. On passage of a bill providing for a number of changes in programs administered by the Small Business Administration. [X]	Yea.
JUNE 8, 1976	
H.R. 5621. On passage of a bill authorizing appropriations for the establishment of the Valley Forge National Historical Park in Pennsylvania. [X]	Yea.
H.R. 7177. On passage of a bill exempting from duty certain aircraft components and materials installed in the United States in aircraft previously exported from the United States and reimported without having been advanced in value or improved in condition while abroad. [X]	Yea.
H.R. 13500. On passage of a bill permitting charitable organizations exempt from federal income taxation to replace the "substantial part of activities" test with specific expenditure limits for efforts to influence legislation. [X]	Yea.
H.R. 9591. On passage of a bill providing for the establishment of the Old Ninety-Six Star Fort National Battlefield in South Carolina. [X]	Yea.
JUNE 9, 1976	
H.R. 13367. On agreeing to the rule under which the bill would be considered. [X]	Yea.
H.R. 13367. On a motion that the House resolve itself into the Committee of the Whole for consideration of the bill. [X]	Yea.
H.R. 13179. On agreeing to the rule under which the bill would be considered. [X]	Yea.
H. Res. 1274. On passage of a resolution authorizing the testimony and presentation of evidence by officials of the House before the Federal grand jury regarding the investigation of the Representative Wayne Hays' case. [X]	Yea
H.R. 13569. On agreeing to the rule under which the bill would be considered. [X]	Yea.
H.R. 13498. On agreeing to the rule under which the bill would be considered. [X]	Yea.
H.R. 13685. On agreeing to the rule under which the bill would be considered. [X]	Yea.
H.R. 11504. On agreeing to the rule under which the bill would be considered. [X]	Yea.
JUNE 10, 1976	
H. Res. 1298. On agreeing to the rule under which the resolution would be considered. [X]	Yea.
H. Res. 1298. On passage of a resolution amending the Rules of the House to allow all expenses of the Committee on Standards of Official Conduct to be obtained directly from the contingent fund of the House. [X]	Yea.
H.R. 13367. On an amendment that strikes out provisions for supplemental fiscal assistance, reauthorization of State and local governments, and the provisions applying the Davis-Bacon prevailing wage rates to State and local government construction projects. [X]	Aye.
H.R. 13367. On an amendment which would have corrected 70 percent of the revenue sharing funds for local property tax relief. [X]	No.
H.R. 13367. On an amendment which would have provided that when localities were identical in terms of their power and duties they would be treated identically under the formula. [X]	Aye.
H.R. 13367. On an amendment which would have extended the entitlements provisions for 2 years and then make a one-time sharing payment to annual appropriations after fiscal 1978 on a forward-funding basis. [X]	"Aye.
H.R. 13367. On an amendment which would have extended Davis-Bacon prevailing wage rates to all construction projects using any revenue sharing funds. [X]	No.
H.R. 13367. On passage of a bill extending the general revenue sharing program through Sept. 30, 1980. [X]	Aye.
JUNE 11, 1976	
H.R. 11504. On a motion to resolve into the Committee of the Whole for consideration of the bill. [X]	Yea.
H.R. 11504. On an amendment which would have authorized the Secretary of Transportation to use penalty fees for railroad safety improvements. [X]	Aye.
H.R. 11504. On passage of a bill authorizing appropriations in fiscal 1977-78 for the Federal Railroad Safety program. [X]	Yea.
H.R. 12435. On passage of a bill authorizing appropriations for the construction of facilities for the 1980 Winter Olympic Games at Lake Placid, N.Y. [X]	Nay.*
H.R. 9591. On agreeing to the rule under which the bill would be considered. [X]	Yea.*
JUNE 14, 1976	
H.R. 14261. On an amendment which would have prohibited the Internal Revenue Service from using funds for its informer program. [O]	No.
H.R. 14261. On an amendment which would have mandated an unspecified 5 percent cut in total new budget authority in the bill. [O]	Nay.
H.R. 14261. On an amendment which would have prohibited funds appropriated to the IRS from being used for the compilation and making public of records of contacts made by a Member of Congress with regard to matters pending before the IRS. [O]	Yea.
H.R. 14261. On passage of a bill making appropriations in fiscal 1977 for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and various independent agencies. [X]	Yea.
H.R. 14114. On agreeing to the rule under which the bill would be considered. [X]	Yea.
H.R. 14114. On passage of a bill increasing the temporary debt ceiling, pursuant to a Treasury Department request, to $700 billion through Sept. 30, 1977. [X]	Nay.
H.R. 6218. On 3 amendments en bloc, all technical in nature. [O]	No.
H.R. 6218. On an amendment which would have deleted language unconditionally requiring the Secretary of the Interior, before issuing a tract of the Outer Continental Shelf, to give the Attorney General and the FTC the information they need to determine whether the leasing was inconsistent with antitrust laws. [O]	No.
H.R. 6218. On an amendment which would have revised the procedure by which Outer Continental Shelf lands are leased. [O]	No.
JUNE 15, 1976	
H.R. 14236. On agreeing to the rule under which the bill would be considered. [X]	Yea.
H.R. 14236. On an amendment which would have deleted funding for the next major feature of the Garrison diversion irrigation project in North Dakota. [O]	Aye.
H.R. 14236. On an amendment which would have mandated an unspecified 5 percent cut in new budget authority in the bill. [O]	No.
H.R. 13936. On passage of a bill making appropriations in fiscal 1977 for water and power development, the Energy Research and Development Administration, and independent power agencies. [X]	Yea.
JUNE 16, 1976	
H.R. 14237. On an amendment which would have limited the peanut subsidy program for the 1977 crop to no more than $50 million. [O]	Aye.
H.R. 14237. On an amendment which would have restored funds to the food stamp program. [O]	No.
H.R. 14237. On a motion to recommit the bill with instructions to the Appropriations Committee. [O]	Nay.
H.R. 14237. On passage of a bill making appropriations in fiscal 1977 to the Department of Agriculture and related agencies. [X]	Yea.
H.R. 12384. On agreeing to the conference report on a bill authorizing appropriations in fiscal 1977 for military construction projects and family housing for military personnel. [X]	Yea.
H.R. 14235. On an amendment which would have mandated an unspecified 5 percent cut in total new budget authority in the bill. [O]	No.
H.R. 14235. On passage of a bill making appropriations in fiscal 1977 for military construction and family housing for military personnel. [X]	Yea.
JUNE 17, 1976	
H.R. 14262. On agreeing to the rule under which the bill would be considered. [X]	Yea.*
H.R. 14262. On an amendment restoring funds in the Army budget and deleting funds from the Navy budget so that the Defense Department could proceed with plans to procure undergraduate helicopter pilot training. [X]	Aye.
H.R. 14262. On an amendment deleting funds for the 1 percent add-on to retirement pay for military personnel. [X]	Aye.
H.R. 14262. On an amendment which would have deleted funds for long leadtime procurement for a new Nimitz-class attack carrier. [X]	Aye.
H.R. 14262. On an amendment which would have deleted $441 Feb. 1, 1977, $948 million for the production of 3 B-1 bombers. [X]	Aye.
H.R. 14262. On passage of a bill making appropriations in fiscal 1977 for the Department of Defense. [X]	Yea.
JUNE 18, 1976	
H.R. 13179. On an amendment which would have inserted language more strongly asserting a desire to maintain the exclusive use of the rights of sovereignty to the Panama Canal Zone. [O]	No.
H.R. 13179. On an amendment to the motion of a substitute to the aforesaid amendment that specifies that any new Panama Canal treaty must protect the vital interests of the United States in the Panama Canal Zone. [O]	Aye.
H.R. 13179. On an amendment as amended by the previous amendment. [O]	Aye.
H.R. 13179. On passage of a bill authorizing appropriations for the Department of State in fiscal 1977. [X]	Yea.
H.R. 13500. On passage of a bill authorizing appropriations in fiscal 1977 for the United States Information Agency. [X]	Yea.
H.R. 14239. On agreeing to the rule under which the bill would be considered. [X]	Yea.
H.R. 14239. On an amendment which would have increased funding for the Law Enforcement Assistance Administration. [X]	Aye.*
H.R. 14239. On a motion to recommit the bill with instructions to the Committee on Appropriations. [O]	Nay.*
H.R. 14239 On passage of a bill making appropriations in fiscal 1977 for the Departments of State, Justice and Commerce, the Judiciary, and related agencies. [X]	Yea.*
JUNE 21, 1976	
S.J. Res. 202. On passage of a resolution extending the guaranteed student loan programs and the Emergency Insured Student Loan Act through 1977. [X]	Yea.
H.R. 14299. On passage of a bill increasing the rates of disability compensation for service-connected disabled veterans and the rates of dependency and indemnity compensation for widows and children. [X]	Yea.
H.R. 14298. On passage of a bill extending the "interim" 8 percent increase in pension benefits to veterans and survivors through the end of 1976. [X]	Yea
S.J. Res. 49. On passage of a resolution clarifying certain provisions of the flag code as to the proper use and display of the U.S. flag. [X]	Yea.
H.R. 9580. On passage of a bill permitting translator broadcast stations to originate limited amounts of local programming, and authorizing FM radio translator stations to operate unattended. [X]	Yea.
H.R. 13711. On passage of a bill making permanent the authorization for the Horse Protection Act of 1970. [X]	Yea
JUNE 22, 1976	
H.R. 8125. On passage of a bill eliminating the present bracket system of taxing large cigars on the basis of the intended retail price and replacing it with a flat tax on the wholesale price. [O]	Nay
H.R. 10051. On passage of a bill preventing the imposition of a special tax on amounts inadvertently distributed by a life insurance company from the policyholders' surplus account, provided that the amount distributed is returned to the company no later than the time prescribed by law for filing the company's return for the taxable year in which the distribution was made. [X]	Yea.
H.R. 12758. On passage of a bill extending the suspension of duty on certain bicycle parts from Dec. 31, 1976 to June 30, 1978. [X]	Yea.
H. Res. 1216. On passage of a resolution expressing the sense of the House that the U.S. Postal Service shall not close or suspend the operation of any post office, unless there is a clear and compelling need to do so. [X]	Yea.
H.R. 13955. On passage of a bill amending the Bretton Woods Agreement providing for floating exchange rates and abolishing the fixed price of gold. [O]	Yea.
S. 2853. On passage of a bill increasing the accountability of food stamp vendors. [X]	Yea.
H.R. 14394. On passage of a bill extending the Federal Energy Administration until Sept. 30, 1976. [X]	Yea.
H.R. 13955. On a motion to recommit the conference report with instructions to the conference committee. [O]	Nay
H.R. 13680. On agreeing to the conference report on a bill authorizing appropriations for foreign military and security assistance in fiscal 1976-77. [X]	Nay.
H.R. 14233. On agreeing to the rule under which the bill would be considered. [X]	Yea.
H.R. 14233. On a motion to recommit the bill with instructions to the Appropriations Committee. [O]	Nay.
H.R. 14233. On passage of a bill making appropriations for the Department of Housing and Urban Development and independent agencies in fiscal 1977. [X]	Yea.
On a motion that the House meet at noon on Wednesday, June 23. [X]	Yea.
JUNE 23, 1976	
H. Res. 1344. On passage of a resolution electing Representative Thompson as chairman of the House Administration Committee. [X]	Yea.
S. 3201. On agreeing to the rule under which the conference report on the bill would be considered. [X]	Yea.
S. 3201. On a motion to delete Title II of the conference report, which authorizes cyclical grants for local public works projects for State and local governments. [O]	Nay.
S. 3201. On agreeing to the conference report on a bill authorizing appropriations through the end of fiscal 1977 for grants to State and local governments for public works projects. [X]	Yea.
H.R. 14232. On an amendment increasing funds for the summer youth employment and training assistance program. [X]	Aye.
H.R. 14232. On a motion that the committee rise. [X]	Aye.

MONS 029990

Proposal	Rly vote

JUNE 24, 1976

H.R. 14232. On a motion to limit debate. [X]..... No.
H.R. 14232. On an amendment to the following amendment which would have prohibited the penalizing of any farming operation of five or less employees for violations of sec. 17 of the Occupational Safety and Health Act, unless the violation is willful, repeated, or serious. [O] No.
H.R.14232. On an amendment exempting farm operations employing 10 or less individuals from the regulations of the Occupational Safety and Health Administration (OSHA). [X] Aye.
H.R. 14232. On an amendment prohibiting funds to carry out the issuance of first instance citations for OSHA violations against small business firms employing ten or fewer persons. [X] Aye.
H.R. 14232. On an amendment which would have increased funding for Development and population research within the National Institute of Child Health and Human Development. [O] Aye.
H.R. 14232. On an amendment increasing funding for new community health center startups and mental health research. [X] Aye.
H.R. 14232. On an amendment increasing the appropriation for multipurpose center utilizer centers. [X] Aye.
H.R. 14232. On an amendment prohibiting funds in the bill to be used for abortions or to promote or encourage abortions. [X] No.
H.R. 14232. On an amendment to the following amendment which would have insured that the proposed cut would not reduce funding for any item below fiscal 1976 levels or the amount requested by the administration for fiscal 1977, whichever is higher. [O] No.
H.R. 14232. On an amendment which would have mandated an unspecified 5 percent cut in total new budget authority in the bill. [O] No.
H.R. 14232. On an amendment increasing the appropriation for summer youth employment and training assistance programs. [X] Yea.
H.R. 14232. On an amendment prohibiting funds in the bill from being used to pay for abortions or to promote or encourage abortions. [X] Nay.
H.R. 14260. On agreeing to the rule under which the bill would be considered [X] Yea.*

JUNE 25, 1976

H.R. 14231. On agreeing to the rule under which the bill would be considered. [X] Yea.*
H.R. 14931. On an amendment increasing funding for energy conservation programs in the Energy Research and Development Administration. [X] Aye.*
H.R. 14233. On a motion to recommit the bill with instructions to the Appropriations Committee. [O] Nay.*
H.R. 14231. On passage of a bill making appropriations in fiscal 1977 for the Department of Interior and related agencies. [X] Yea.*

JUNE 28, 1976

H.R. 14234. On agreeing to the rule under which the bill would be considered. [X] Yea.
H.R. 14234. On an amendment which would have permitted commercial flights of supersonic aircraft to U.S. airports that do not meet established noise standards. [O] Aye.
H.R. 14234. On an amendment which would have prohibited commercial flights of supersonic aircraft to the John F. Kennedy International Airport in New York unless such flights can comply with established noise standards. [O] Aye.
H.R. 14234. On an amendment striking the obligation ceiling of $7.2 billion on the Federal-aid highway and related mass transit programs. [X] Aye.
H.R. 14234. On passage of a bill making appropriations in fiscal 1977 for the activities of the Department of Transportation and related agencies. [X] Yea.
H.R. 12203. On agreeing to the conference report on a bill making appropriations in fiscal 1976 and the transition quarter for foreign economic and military aid. [X] Nay.

JUNE 29, 1976

H.R. 14236. On agreeing to the conference report on a bill making appropriations in fiscal 1977 for public works projects and energy research and development. [X] Yea.
S. 3184. On agreeing to the conference report on a bill authorizing appropriations in the transition quarter and fiscal 1977-79 for the Federal effort to assist the problems of alcoholism. [X] Yea.
H.R. 14237. On agreeing to the conference report on a bill making appropriations for the Department of Agriculture and related agencies in fiscal 1977. [X] Yea.
H.R. 14260. On an amendment which would have reduced the funding for the International Development Association in fiscal 1977. [O] No.
H.R. 14260. On an amendment which would have mandated an unspecified 5 percent cut in total new budget authority in the bill. [O] No.

Proposal	Rly vote
H.R. 14260. On an amendment which would have prohibited funds from being used by any international financial institution for the purpose of extending loans for the production of palm oil to be exported to the United States. [O]	No.
H.R. 14260. On passage of a bill making appropriations for foreign economic and military assistance programs in fiscal 1977. [X]	Nay.
S. 3168. On agreeing to the conference report on a bill authorizing appropriations for the Department of State, the U.S. Information Agency, and the Board for International Broadcasting, in fiscal 1977. [X]	Yea.
S. 268. On agreeing to the conference report on a bill designating the Eagle Nest Wilderness, Aragon and White River National Forests in the State of Colorado. [X]	Yea.
H.R. 13555. On agreeing to the rule under which the bill would be considered. [X]	Yea.

JUNE 30, 1976

S. 3625. On agreeing to the rule under which the bill would be considered. [X]	Yea.
H.R. 12438. On agreeing to the rule under which the conference report on the bill would be considered. [X]	Yea.
S. 3625. On passage of a bill extending the Federal Energy Administration until July 30, 1976. [X]	Nay.
S. 3295. On a motion to recommit the conference report on the bill to the conference committee. [O]	Nay.
S. 3295. On agreeing to the conference report on a bill extending and amending existing housing and community development legislation. [X]	Yea.
H.R. 14261. On agreeing to the conference report on a bill making appropriations in fiscal 1977 for the Treasury Department, the U.S. Postal Service, the Executive Office of the President, and certain independent agencies. [X]	Yea.
H.R. 14261. On a motion to recede and concur in a Senate amendment to the conference report that restricts the authority of the General Services Administration to purchase passenger steel motor vehicles from a nondomestic supplier. [X]	Nay.
H.R. 9771. On agreeing to the conference report on a bill authorizing appropriations in fiscal 1976-80 from the airport and airway trust fund for airport development and other aviation activities. [X]	Yea.
H.R. 12438. On a motion to recommit the conference report on the bill to the conference committee. [O]	Yea.
H.R. 12438. On agreeing to the conference report on a bill authorizing appropriations in fiscal 1977 for the procurement of new weapons and research and development of new weapons systems. [X]	Yea.
S. 586. On agreeing to the conference report on a bill authorizing appropriations for a coastal energy activity program that would assist coastal states experiencing adverse impacts as a result of Outer Continental Shelf activity. [X]	Yea.
H.R. 14239. On agreeing to the conference report on a bill making appropriations in fiscal 1977 to the Departments of State, Justice and Commerce, the Judiciary, and related agencies. [X]	Yea.
H. Res. 1362. On a motion to discharge from the Interstate and Foreign Commerce Committee (thus giving the full House a chance to vote on) a resolution disapproving the proposed exemption of No. 2 heating and No. 2 5-9 diesel fuel from the mandatory petroleum allocation and price regulations. [O]	Yea.

JULY 1, 1976

H. Res. 1366. On a motion to recommit the resolution with instructions to the Committee on Rules. [O]	No.
H. Res. 1368. On passage of a resolution establishing a Commission on Administrative Review in the House of Representatives. [X]	Yea.
H. Res. 1372. On agreeing to the rule under which the resolution would be considered. [X]	Yea.
H. Res. 1372. On a motion to recommit the resolution with instructions to the House Administration Committee. [O]	Nay.
H. Res. 1372. On passage of a resolution requiring the full House to approve House Administration Committee decisions to fix and adjust allowances. [X]	Yea.
H.R. 14235. On agreeing to the conference report on a bill making appropriations in fiscal 1977 for military construction and housing for military personnel. [X]	Yea.
H.R. 12455. On agreeing to the rule under which the conference report on the bill would be considered. [X]	Yea.
H.R. 12455. On a motion to recede from disagreement and concur in a Senate amendment to the conference report on a bill extending the maximum period during which certain social security recipients can defer implementation of Federal day care standards. [X]	Yea.

JULY 19, 1976

H.R. 12939. On passage of a bill making technical changes in the Coast Guard law. [X]	Yea.
H.R. 13826. On passage of a bill extending until Nov. 1, 1983, the existing exemption of the steamboat Delta Queen from certain fire regulations. [X]	Yea.

Proposal	Rly vote
H.R. 13218. On passage of a bill permitting the U.S. United States to be used as a floating hotel on navigable waters in the United States. [X]	Yea.
H.R. 13726. On passage of a bill amending the Consumer Protection Act to regulate debt collection practices. [O]	Yea.
H.R. 10710. On agreeing to the rule under which the bill would be considered. [X]	Yea.

JULY 20, 1976

H.R. 14361. On passage of a bill reducing the interest payment which the Panama Canal Company annually pays to the U.S. Treasury. [X]	Nay.
H.R. 12224. On passage of a bill amending the Internal Revenue Code to provide that gain or loss on closing transactions shall be treated as capital gain or loss. [X]	Yea.
S. 2447. On passage of a bill making it clear that Members of Congress may not, for purposes of State income tax law, be treated as residents of any State other than the State from which they were elected. [X]	Yea.
H.R. 14291. On passage of a bill authorizing a plebiscite in which the voters of American Samoa will vote on the question of whether they want an elected Governor and Lieutenant Governor. [X]	Yea.
H.R. 14231. On ordering the previous question on a motion to recede and concur in Senate Amendment No. 54 to the conference report. [X]	Nay.
H.R. 10210. On an amendment that would have deleted language which removes coverage of State and local government employees. [O]	No.
H.R. 10710. On an amendment reducing the taxable wage base to $6,000. [X]	Aye.
H.R. 10210. On an amendment that would have added language requiring States to pay a weekly benefit equal to 50 percent of the claimant's weekly wage, up to at least two-thirds of the statewide average weekly wage in covered employment. [O]	No.
H.R. 10210. On passage of a bill to extend coverage under the permanent Federal-State Unemployment Compensation Law, increase employer-paid unemployment compensation taxes, modify the trigger mechanism for the Federal extended benefit program, and establish a National Commission on Unemployment Compensation. [X]	Yea.

JULY 21, 1976

H.R. 6218. On an amendment that would have made it optional for the Coast Guard to mark for navigation oil and drilling rights in the Outer Continental Shelf. [O]	No.
H.R. 6218. On an amendment to the following amendment which would have permitted suspension of leasing activities only after all interested parties had had an opportunity to correct the claimed errors and had an opportunity for a hearing. [O]	No.
H.R. 6218. On an amendment allowing a 5-year suspension period prior to the cancellation of any lease or permit. [X]	Aye.
H.R. 6218. On an amendment that would have left the authority for issuing safety regulations applying to the construction and operation of offshore oil rigs to the Coast Guard. [O]	No.
H.R. 6218. On a motion to recommit the bill with instructions to the Interior Select Committee on the Outer Continental Shelf. [O]	Nay.
H.R. 6218. On passage of a bill amending the Outer Continental Shelf Lands Act of 1953 to provide specific statutory guidelines, standards, and procedures for the development of OCS oil and gas. [X]	Yea.

JULY 22, 1976

S. 3201. On overriding the President's veto of a bill authorizing appropriations through the end of fiscal 1977 for grants to State and local governments for local public works projects. [X]	Yea.
H.R. 12384. On overriding the President's veto of a bill authorizing appropriations for military construction projects and for family housing for military personnel. [X]	Yea.
H.R. 13777. On agreeing to the rule under which the bill would be considered. [X]	Yea
H.R. 13777. On an amendment which would have given Congress review and possible veto of any Dixon land withdrawals exceeding 25,000 acres. [O]	Aye.
H.R. 13777. On a motion to recommit the bill with instructions to the Committee on Interior and Insular Affairs. [O]	Nay.
H.R. 13777. On passage of a bill providing a legislative charter for the Bureau of Land Management and the Department of Agriculture's Forest Service to manage public lands on a multiple use and sustained yield basis. [X]	Nay.

JULY 26, 1976

H.R. 7743. On an amendment which would have terminated the Pennsylvania Avenue Development Corporation in one year. [O]	Aye.
H.R. 7743. On passage of a bill authorizing appropriations for the operation and administration of the Pennsylvania Avenue Development Corporation in fiscal 1976-78 and its plan to redevelop part of Pennsylvania Avenue. [X]	Nay.

MONS 029991

Proposal	By vote
MAY 25, 1976—Continued	
H.R. 11710. On passage of a bill providing for an additional Assistant Secretary of Agriculture to coordinate and disseminate information related to agricultural research and establishing a 22-member National Agricultural Research Advisory Board. [E]	Yea.
H.R. 10133. On an amendment that would have separated the positions of Administrator, Food and Nutrition Service. [E]	Aye
H.R. 10133. On passage of a bill upgrading and establishing certain top-level administrative positions in the U.S. Department of Agriculture. [E]	Yea.
H.R. 7999. On agreeing to the rule under which the bill would be considered. [E]	Yea.
JULY 27, 1976	
H.R. 13955. On a motion to resolve into the Committee of the Whole for consideration of the bill. [E]	Yea.
H.R. 13955. On passage of a bill amending the Section 8 Housing Assistance program for housing assistance rates in cases of flood and mortgage rates and raising the flood prices of gold. [E]	Yea.
H.R. 14232. On agreeing to the conference report on a bill making appropriations in fiscal 1977 to the Departments of Housing and Urban Development and independent agencies. [E]	Yea.
H.R. 10710. On agreeing to the rule under which the bill will be considered. [E]	Yea
H.R. 13750. On passage of a bill amending the Consumer Credit Protection Act to regulate debt collection practices. [E]	Yea.
H.R. 13955. On an amendment which would have retained the functions of the Mining Enforcement and Safety Administration within the Department of the Interior. [E]	No*,
JULY 29, 1976	
H.R. 13955. On an amendment which would have included independent contractors within the definition of "miner" as defined for the purposes of this bill. [E]	No.
H.R. 13955. On passage of a bill transferring administration of both coal and mineral health and safety from the Department of Interior to the Department of Labor and authorizing a variety of health safeguards and prevention programs. [E]	Yea.
H.R. 13955. On agreeing to the rule under which the bill would be considered. [E]	Yea.
H.R. 13955. On an amendment requiring that reasonable and discretionary authority be set forth when an inspector is authorized to close a mine. [E]	Aye.
H.R. 11864. On an amendment clarifying the definition of meeting to include only those meetings called for the purpose of discussing agency business. [E]	No.
H.R. 11864. On an amendment deleting the verbatim transcript requirement and replacing it with a requirement that minutes be recorded and retained by the agency. [E]	No.
H.R. 11864. On an amendment which would have deleted the language providing that any person may bring suit against any agency for violations of the provisions of the bill. [E]	No.
H.R. 11864. On an amendment clarifying the provisions of the bill and the other open meeting statute criteria of the Freedom of Information Act. [E]	No.
H.R. 11864. On passage of a bill requiring that meetings of federal regulatory and other agencies be open to the public. [E]	Yea.
JULY 29, 1976	
H.R. 7477. On agreeing to a resolution instructing conferees on the bill, H.R. 7. [E]	Aye.
H.R. 14434. On an amendment in the nature of a substitute that would have enabled California to obtain its fiscal claims cash-out status without any limitation on the amount. [E]	No
H.R. 14614. On passage of a bill permitting a state to retain fiscal claims cash-out status under the supplemental security income program if the state meets certain conditions. [E]	Yea.
H.R. 13955. On a motion to recommit the bill with instructions to the Committee on Banking, Currency and Housing. [E]	No.
H.R. 13955. On an amendment which would have delayed temporarily authorizing the Federal Reserve Board to require the terminating of committee balances of foreign banks after a 15-year "grandfather" period. [E]	No.
H. Res. 1368. On passage of a resolution establishing a Select Committee on Narcotics Abuse and Control. [E]	Yea.
JULY 30, 1976	
H.R. 8401. On an amendment that strikes those sections which provide for ERDA-private industry program reimbursement contracts. [E]	Aye.*
H.R. 8401. On agreeing to the rule under which the bill would be considered. [E]	Yea.*
H.R. 13955. On passage of a bill reauthorizing the Federal responsibility for the care and treatment of the mentally disabled by improving the services and facilities of Federal Indian health programs. [E]	Yea.*

Proposal	By vote
AUG. 2, 1976	
H.R. 12992. On passage of a bill eliminating dual payment of annuities and salaries to civil service retirees during the period that they are reemployed as judges or justices. [E]	Yea.
H.R. 13646. On passage of a bill authorizing additional funds for the acquisition of lands in the Boundary Waters Canoe Area in northeastern Minnesota. [E]	Yea.
H.R. 14966. On passage of a bill providing for a national research and education program and appropriate to Tropicana peach growers and establishing a National Tropicana Peach Research and Education Board. [E]	Nay.
H.R. 14368. On passage of a bill authorizing funds for the repair and reconstruction of the maps caused by numerous water leaks within the John F. Kennedy Center for the Performing Arts. [E]	Yea.
H.R. 13482. On passage of a bill providing the Antitrust Division of the Justice Department with additional authorities during investigations of possible civil violations of the Federal antitrust laws. [E]	Yea.
H.R. 14580. On passage of a bill establishing premerger notification and waiting requirements for corporations planning very large mergers or acquisitions. [E]	Yea.
H.R. 3800. On passage of a bill reducing the excise tax on beer produced by small breweries. [E]	No.
H.R. 13965. On passage of a bill authorizing special and incentive pay to physicians and dentists of the Veterans' Administration through fiscal 1977. [E]	Yea.
H.R. 14676. On passage of a bill creating a new Energy Extension Service Office within the Energy Research and Development Administration and providing for the positions of Director and Deputy Director to administer the new Federal-State program. [E]	Yea.
AUG. 3, 1976	
H.R. 14434. On agreeing to the conference report on a bill making appropriations in fiscal 1977 for the Department of Transportation and related agencies. [E]	Yea.
H.R. 14434. On a motion to recede and concur with the Senate amendment to the conference report which establishes a $7.2 billion guarantee ceiling on Federal highway programs. [E]	Nay.
H.R. 11989. On agreeing to the rule under which the bill would be considered. [E]	Yea.
H.R. 11989. On an amendment striking out all of the bill except language authorizing appropriations for the Commission in fiscal 1977. [E]	Aye.
H.R. 11989. On passage of a bill authorizing appropriations for the Federal Election Commission in fiscal 1977. [E]	Yea.
H.R. 12944. On passage of a bill extending the authorization for the Federal Investment, Foreign, and Roadside Act from Mar. 31, 1977 to Sept. 3, 1977. [E]	Yea.
AUG. 4, 1976	
H.R. 8401. On an amendment which would have deleted those sections which provide for ERDA-private industry uranium enrichment contracts. [E]	Aye.
H.R. 8401. On passage of a bill permitting the Energy Research and Development Administration to enter into agreements with private industry to encourage the development of competitive private uranium enrichment plants. [E]	Nay.
H.R. 6634. On agreeing to the rule under which the bill would be considered. [E]	Yea.
H.R. 16420. On agreeing to the rule under which the bill would be considered. [E]	Yea.
H.R. 6634. On passage of a bill establishing an average worldwide 24 hours for Federal firefighters and providing payment of 25-percent premium pay for developing proficiency at 56-hour workweek. [E]	Nay.
S. 391. On overriding the President's veto of a bill revising the procedures governing the banking and development of most deposits on Federal lands. [E]	Yea.
AUG. 5, 1976	
H.R. 9710. On agreeing to the rule under which the bill would be considered. [E]	Yea.
H.R. 9712. On a motion that the House resolve itself into the Committee of the Whole for consideration of the bill. [E]	Yea.
H.R. 9712. On an amendment which would have deleted language in the national park system from section 3 of the bill. [E]	Yea.
H.R. 9710. On an amendment which would have deleted land within the national park system in "national land" for the purposes of the bill. [E]	Yea.
H.R. 9710. On an amendment that exempts Federal payments for lands conveyed to the United States which were previously exempt from State taxes. [E]	Yea.
H.R. 9710. On passage of a bill providing for annual payments to units of local government to compensate for tax losses resulting from the acquisition of certain Indian lands within their jurisdictions. [E]	Yea.
H.R. 11592. On agreeing to the rule under which the bill would be considered. [E]	Yea.

Proposal	By vote
AUG. 9, 1976	
H.R. 11592. On an amendment to the following amendment which would have delayed the implementation date until Jan. 3, 1977. [E]	No.
H.R. 11592. On an amendment eliminating the House from the approval mechanism for administrators, providing for one deputy administrator rather than two, and providing for immediate implementation of the act under the Federal Election Commission until such times as the administrators are nominated and confirmed. [E]	Aye.
H.R. 11592. On an amendment which would have exempted elections for national nominating convention delegates. [E]	No.
H.R. 11592. On an amendment to the following amendment making technical and perfecting changes. [E]	Aye.
H.R. 11592. On an amendment to eliminate the mass mailing of postcard registration forms. [E]	Aye.
H.R. 11592. On an amendment in the nature of a substitute which would have authorized funds for States to implement their own methods to improve voter registration systems. [E]	No.
H.R. 11592. On passage of a bill establishing within the Federal Election Commission a Voter Registration Administration for the purpose of administering a voter registration program through the Postal Service. [E]	Yea.
H.R. 13373. On agreeing to the rule under which the bill would be considered. [E]	Yea.
H.R. 13372. On a motion that the House resolve itself into the Committee of the Whole. [E]	Yea.
AUG. 10, 1976	
H.R. 12100. On agreeing to the rule under which the conference report on the bill would be considered. [E]	Yea.
H.R. 12100. On agreeing to the conference report on a bill extending the authorization for the Federal Energy Administration for 18 months. [E]	Nay.
H.R. 13972. On passage of a bill designating the New River in North Carolina as a part of the National Wild and Scenic Rivers System. [E]	Yea.
H.R. 14232. On agreeing to the conference report on a bill making appropriations in fiscal 1977 for the Departments of Labor, HEW, and related agencies. [E]	Yea.
H.R. 14232. On a motion to recede from disagreement with a Senate amendment to the conference report which deleted language prohibiting the use of funds for abortions or to promote or encourage abortions. [E]	Aye.
S. 3735. On a motion to consider the rule under which the bill would be considered. [E]	Yea.
S. 3735. On agreeing to the rule under which the bill would be considered. [E]	Yea.
S. 3735. On passage of a bill authorizing the establishment and implementation of an emergency national swine flu immunization program. [E]	Yea.

ELIZABETH DREW

HON. PETER W. RODINO, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. RODINO. Mr. Speaker, on May 17, Yale University conferred upon journalist Elizabeth Brenner Drew the honorary degree of doctor of humane letters. The citation reads:

ELIZABETH BRENNER DREW, DOCTOR OF HUMANE LETTERS

Almost alone among political commentators, you have avoided being pitched into hyperbolic rhetoric by the rude jolts and wild careening of our battered ship of state. Your exposition of people, issues and events has a literary quality not often found in public journals. Your broadcasts have shunned the oversimplification which is television's most dangerous temptation. Whatever the medium, it does not seem to get in the way of your message. Understanding remains your goal, undistracted by dramatic cleverness, conditioned by concessions to the popular. Yale honors a theophrast and literate journalist as it confers upon you the degree of Doctor of Humane Letters.

MONS 029992

Mr. Speaker, Elizabeth Drew possesses a quality rare among journalists of any age: an abiding faith in the ability of her readers to draw intelligent conclusions when presented with the dispassionate facts.

To that end she depicts events honestly and fairly. Her observations and opinions never intrude upon the reality that she strives so hard to present. She pictures people as human beings, with flaws and virtues.

There is nothing really unique in any of this—it is the journalist's stock in trade. Yet few at any time have seriously attempted it and fewer still have mastered it. Elizabeth Drew is one of them.

She deserves the respect of both her profession and her readers.

LET'S STAND UP FOR AMERICA

HON. LINDY BOGGS

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mrs. BOGGS. Mr. Speaker, it is a great pleasure to rise today to salute the Honorable J. William Middendorf II, the Secretary of the U.S. Navy. Ordinarily we would honor the Secretary for his fine accomplishments in administering the Navy; but today I would like to call your attention to Secretary Middendorf's talents as a songwriter.

Mr. Middendorf is a composer of music. He has written a number of symphonies and marches, one named the "Holland Symphony," written for Queen Juliana of the Netherlands and played over Dutch National Television. His marches include those written for the Navy, the Marine Corps and the Bicentennial band after he became Under Secretary and then Secretary of the Navy.

To commemorate our Nation's 200th anniversary, Secretary Middendorf has written a special Bicentennial song, entitled "Let's Stand Up for America". The lyrics are easily recited and when combined with the music the Secretary composed to go along with them, they make a beautiful patriotic song which inspires the listener with love for this great Nation. The Members of the House of Representatives were honored by the Secretary when he conducted the playing of this Bicentennial song during our ceremonies commemorating Thomas Jefferson's birthday.

With the Secretary's permission I am pleased to include the lyrics of the song for the benefit of those Members and the public who may be interested:

LET'S STAND UP FOR AMERICA

Let's stand up for America,
America, America,
Let's stand up for America,
It's the land of Liberty.

Believe in her, praise God for her,
and shout for all your worth,
Let's stand up for America,
It's the greatest land on earth!

J. William Middendorf II, was born in Baltimore, Md., on September 22, 1924. He received a bachelor of naval science degree from Holy Cross College, Worcester, Mass., in 1945, and a bachelor of arts degree from Harvard University in 1947. In 1954, he received an MBA from New York University Graduate School of Business Administration.

Mr. Middendorf is the 62d Secretary of the Navy. He is the first to hold a naval science degree. His college education was interrupted in 1943 by his enlistment in the U.S. Navy's V-12 program at Harvard. He transferred to the NROTC program at Holy Cross College in 1944 and was commissioned an ensign in 1945. He served in the Pacific on board a landing craft—LCS–53—from 1945 to 1946 as an engineering and communications officer, and then returned to Harvard.

In 1969, Mr. Middendorf left an investment banking career as one of America's leading financial specialists in insurance stocks—he serves on the Insurance Hall of Fame Selection Committee—to become the U.S. Ambassador to the Netherlands. In this capacity, he conducted an active balance of payments program, promoting American exports of industrial, military and agricultural goods. He received the Superior Honor Award from the State Department for these efforts. At the same time, he maintained an active interest in programs and issues where American interests were affected by NATO and European Common Market decisions.

He was appointed Under Secretary of the Navy in 1973 and was sworn into office on August 3, 1973 by Secretary of Defense Schlesinger. He became Acting Secretary of the Navy on April 6, 1974, and on May 15 was nominated by the President to be the Secretary of the Navy. He was confirmed by the Senate on June 6 and assumed office on June 10, 1974. In December 1975 he received the Department of Defense Distinguished Public Service Award for his work as Under Secretary and then Secretary of the Navy.

One of Secretary Middendorf's direct ancestors, Captain William Stone, was one of America's first naval officers, commanding the original *Hornet*, which is believed to be the first ship of the Continental Navy to put to sea—February 1776.

Secretary Middendorf is an honorary member of the Society of the Cincinnati and Honorary Companion of the Military Order of the Loyal Legion. He is a member of the Society of Sons of the Revolution in the State of Maryland, the Sons of the Revolution in New York, the Sons of the Revolution in the District of Columbia, the Company of Military Historians, the Salmagundi Club, and the Olympic Committee for Field Hockey. He is a member of the Board of Governors, National Symphony Orchestra, the Corcoran Gallery, and the Hoover Institution for War and Peace. He has an honorary doctor of letters degree from the School of the Ozarks.

Secretary Middendorf is Chairman of the Board, Wolf Trap Foundation, a private, nonprofit foundation in charge of all selection and presentation of programs given at Wolf Trap Farm Park for the Performing Arts, the Nation's first and only national park dedicated to the performing arts.

Mr. Middendorf is married to the former Isabelle Paine, of Newton, Mass. They have five children: Frances, Martha, Amy, John W. IV, and Ralph Henry.

THE WORLD WATCHES AMIN'S REIGN OF TERROR

HON. ROBERT F. DRINAN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. DRINAN. Mr. Speaker, an excellent article by the last U.S. Ambassador to Uganda, Thomas Patrick Melady, appeared in the Philadelphia Inquirer on July 22, 1976.

Dr. Melady, now executive vice president of St. Joseph's College in Philadelphia, portrays the tragedy of Uganda from firsthand experience and points out the incredible racism and brutality of the President of Uganda, Idi Amin.

The article follows:

THE WORLD WATCHES AMIN'S REIGN OF TERROR

(By Dr. Thomas Patrick Melady)

The long week of terror and tension that began on June 27 for the Air France passengers when their plane was taken over by pro-Palestinian hijackers ended with their rescue by the Israelis in Uganda on July 3.

The safe return of the 102 hostages was a pleasant comparison to the loss of the one hostage, a 78-year-old Mrs. Dora Bloch, who unfortunately was not rescued. There are reports that she was tortured and murdered.

This, in my opinion, would have been the fate of all the hostages if they had not been rescued by the Israelis. President Amin of Uganda is a fanatic anti-Semite. He knew that a good number of the hostages were Jewish.

I followed the events very closely, as I was the last U.S. ambassador to Uganda. As one of the few Americans who had to negotiate with Amin, I feared the worst for the hostages. Amin's record since coming to power has been that of murder, torture and other crimes.

Since 1971, Idi Amin has by all accounts presided over the liquidation of at least 80,000 of his own people. Such bodies as the International Commission of Jurists have testified to the horror. Many estimate that the number is higher.

The arrests, tortures and killings are still going on.

Amin has turned the "pearl of Africa" into a chamber of horror.

In August, 1972, shortly after I arrived in Kampala, as the U.S. ambassador, Amin initiated a racist program to drive all Asians out of the country. He thus began the brutalization of a helpless minority group. I lived there throughout the 90 days when over 80,000 Asians, including many who were considered Ugandan citizens, were expelled in circumstances of mass suffering and cruelty.

Despite world-wide protests, Amin persisted in carrying out his racist program against brown Ugandans. At no time has he ever apologized for this grave violation of human rights.

Several months before I arrived in Kampala, Amin turned against Israeli aid technicians and their families. Later in 1972, Amin sent a telegram to U.N. Secretary General Kurt Waldheim in which he endorsed Hitler's genocide policy against the Jews.

The anti-Semitic mania of Amin continues to grow.

MONS 029993

Several months after his telegram to Waldheim, Amin remarked, "People all over the world now agree with me that the Israelis are criminals" and that Hitler had been "right to burn six million Jews during the Second World War."

More recently, in April 1976, Radio Uganda announced that Amin would erect a monument to Adolf Hitler at the site of a supposed battle between the British and the Germans.

What can the community of nations and world bodies do in the fact of such conduct? It certainly does not bestow honors upon him. It should not consider censuring Israel for its heroic action to save the lives of the hostages who faced certain torture and death.

Have we not learned one single lesson from dealing with brutal tyrants like Hitler, Duvalier, Stalin and Amin? Pleasing confirmed despots never solved any problems. Rather, the despots became more cruel.

The late Secretary General U Thant said, "The promotion and protection of human rights form the very essence and provide the deepest meaning and motivation of the U.N. as an international organization." The United Nations charter refers to human rights in its preamble and in six different articles. The Charter, adopted in 1945, was reinforced in its human rights mandate by the Universal Declaration of Human Rights.

The U.N. played a significant role in aiding the people of the Third World in obtaining their freedoms. It is continuing to do so in the attention it gives southern Africa. Furthermore, the U.N. is now highlighting the dehumanizing effects of the triple curse of poverty, illiteracy and disease.

Just a handful of heads of state and a few governments have had the courage and conviction to speak out against President Amin's actions.

In 1978, the U.S. withdrew its diplomatic mission to Uganda. I strongly recommend this as an action for all states. Does any state wish to dignify Amin by accrediting their ambassador to him?

If nothing is done, the tyrant will continue to torture and murder his own people and others living in Uganda.

PROTECTING THE PUBLIC FROM TOXIC SUBSTANCES

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. HEINZ. Mr. Speaker, 5 years ago the Council on Environmental Quality warned that the public was inadequately protected from the dangers of toxic chemicals. Despite that warning, Americans are still exposed to the hazards of manmade poisons. Today we have an opportunity to help correct this intolerable situation by passing H.R. 14032, the Toxic Substances Control Act.

The need for this legislation has been well documented both by scientific study and by tragic experience. The catalog of these tragedies is increasingly familiar. The hazards of asbestos were not known until that substance killed hundreds of workers who came into daily contact with it. We did not know that vinyl chloride was carcinogenic until it had already become widely used. Nearly 400,000 tons of polychlorinated biphenyls had been released into the environment before PCB's were recognized as a long-term poison.

The American people are rightfully concerned about persistent threats to their health and welfare from the proliferation and misuse of harmful chemicals. They have a right to be safeguarded from exposure to toxic substances that endanger their lives. On their behalf, we must act to insure that effective steps are taken to avoid unnecessary and unreasonable risks to the public health from uncontrolled toxins.

THE B-1: THE ONLY ALTERNATIVE

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. CHARLES H. WILSON of California. Mr. Speaker, the Air Force's B-1 bomber program will meet a final challenge this week in its fight for congressional approval of fiscal year 1977 production funds. As a ranking member of the House Armed Service Committee and one who has worked steadfastly for a strong but efficient national defense, I wholeheartedly support this vital bomber system.

In another attempt to make clear its urgent necessity, I am submitting for the record an excellent article published Sunday by the Los Angeles Times. Francis P. Hoeber makes a powerful case for the B-1 by proving that this plane is the only alternative, deployable in the near future, which would insure the American capabilities of retaliation against dispersed targets and of flexible response to limited threats. It is the only weapons system with the ability to maintain a credible strategic deterrence and a place of real equivalence with the Soviet Union.

These objectives become even more important when viewed against a background of improving Soviet air defenses and the overall escalation of their security efforts, and in the light of incidents such as the recent outbreak of hostilities on the Korean peninsula. Détente obviously has an unclear and perilous path to travel, filled with torturous roadblocks. We must not allow Presidential stumping to reduce the B-1, and the very survival of this Nation, to the often irrational depths of partisan politics.

I highly commend the Los Angeles Times and Mr. Hoeber for presenting the compelling story of the B-1 in the article which follows:

B-1 DELAY COSTLY IN MONEY AND U.S. STRENGTH

(By Francis P. Hoeber)

The massive lobbying effort against the B-1 strategic bomber will resume this week as Congress ends its recess and a House-Senate conference committee prepares to take up the question. Led by the National Campaign to Stop the B-1, a coalition of 57 groups opposing various defense appropriations, the lobby wants Congress to delay funding the bomber until "the next President" can make that important decision.

Such a postponement would be expensive, even if the President decides promptly in February to order production of the first three planes (the first of 241 to be built over the next eight years). Three prototype B-1's already are flying, and contracts have been let for the three production models. Further delay, even for a few months, will cost an estimated $500 million because existing subcontracts will have to be canceled and work forces disbanded, requiring new contracts, hiring and training if the program is resumed. Inflation in the meanwhile could make the figure larger.

Still, those who press for delay sound reasonable and temperate. The truth, however, is that they want the program delayed forever.

The basic argument of the anti-B-1 lobby is that the bomber represents overkill: We have more than enough missiles to destroy all the Soviet cities, and bombers would only come along later and "bounce the rubble," in Winston Churchill's vivid phrase. The missiles' potential for accomplishing the "assured destruction" of Soviet population and industry is seen as sufficient to make war impossible.

Assured destruction, however, never was an adequate concept of deterrence, and it is rapidly becoming infeasible because the Russians have implemented an aggressive war-fighting, war-winning, war-surviving doctrine. For example, a massive Soviet civil-defense effort, accelerated in the early 1970s, includes training the population for evacuation of cities, building shelters, dispersing industrial plants and making them blast-resistant. Making no secret of this program, they publish detailed "how to" manuals on civil defense. According to Russian claims, their losses from a U.S. mass attack would be only 5 to 8% of their urban population and essential production would survive.

Even if they do only half that well, we could still not achieve the level of assured destruction that has long been considered necessary to deter the Russians from attacking us: obliterating 20 to 25% of the population and 50 to 67% of their industrial capacity.

Meanwhile, the Russians are rapidly approaching strategic superiority. Taking full advantage of concessions they received under the SALT I interim agreement on offensive arms signed in 1972, they are building more and larger missiles. Three new Soviet ICBMs are larger and each is equipped with several individual nuclear warheads.

In addition to this, they are developing a "new generation" of ICBMs. The Russians have tested a land-mobile missile that can be moved around to evade our weapons. They are deploying a new 4,000-nautical mile submarine-launched missile and a new class of submarine (years before our 4,000-mile Trident I missile, which is still in development), and they are deploying a new supersonic bomber, the Backfire, capable of reaching the United States.

In the early 1980s they will have more strategic nuclear power than the United States and will be capable of partially disarming us while withholding enough forces to make it suicidal for us to retaliate.

This growth in Soviet capabilities makes it imperative that the United States take action to maintain its policy objectives of (1) "credible deterrence," meaning the Russians will be convinced we are as strong as we say we are; (2) "assured retaliation" against dispersed military, economic and political targets; (3) flexibility to respond to less than all-out threats or attacks; and (4) "equivalence"—that is, denying the Russians the advantages they would obtain militarily and psychologically if they achieved actual and apparent superiority.

Modernization of our bomber force is one of the keys to achieving these policy objectives:

Credible deterrence: Is it credible for us

MONS 029994

to threaten, when faced with Soviet provocation or attack, to push the button that irrevocably sends massive numbers of U.S. missiles to the Soviet Union? The Russians and many of our allies think not. Only the bomber offers the President a rational alternative that retains America's credibility. He can launch all or some of his bombers and keep them subject to recall, gaining several hours in which to negotiate. Because the bomber is recallable, its very slowness is a virtue.

Assured retaliation: Far from being able to merely "launch and forget," a manned bomber—with a pilot responsible for assessing the success of an attack and switching targets if necessary—could carry out the much more difficult task of seeking out the many dispersed targets which, if destroyed, would deny the Russians victory in war and survival as a superpower.

American ICBMs still may be able to do this job, but that may not be true much longer because they are becoming increasingly vulnerable. The new, large Soviet missiles are more accurate than our ICBMs and by the 1980s will be able to knock out many of our Minuteman and Titan missiles unless we "launch on warning"—that is, unless we fire our own missiles in fear of losing them by not using them.

Similarly, our submarine-launched missiles conceivably could do the job, but their warheads are both smaller and less accurate than those of either the ICBMs or our strategic bombers. Moreover, the Russians have increasing antisubmarine capability to sink our submarines—not all at once, perhaps, but certainly one at a time. Would we want to bomb Soviet cities—thus risking the loss of our own—all because they torpedoed a few U.S. submarines?

Beyond that, communications with submarines are inherently difficult: Only very large, low-frequency transmitters can reach subs beneath the water, and if the Russians were to knock these out, our subs would be beyond our control.

Flexible options: The bomber would also provide a special, flexible capability for limited attacks. Using bombers instead of missiles for early, small responses would create less psychological incentive for escalation.

Equivalence: Given the small size and number of U.S. missiles relative to the Russians, the bombers, with their large payloads, contribute immensely to both real and perceived equivalence.

For these reasons, it is important to continue to have an effective bomber component in our strategic forces. However, even if this point is granted, foes of the B-1 argue that it is the wrong bomber; in their view, cruise missiles are a better alternative since the B-1 is not the ultimate bomber and is too costly.

B-1 opponents propose that a cheaper, better substitute for the B-1 would be the new cruise missile, launched from outside the Soviet airspace from a wide-bodied aircraft like the Boeing 747. The problem is that the time required to design, test and produce both the longer-range cruise missiles and a new transport would mean that the system would not be ready until the late 1980s at best. We need new forces by the early to mid-80s; and the B-1 would be ready.

Moreover, there are serious doubts whether the cruise missile could perform all the necessary missions, whether the 747-type carrier would survive and whether the combined system would be cheaper, let alone as effective as the B-1.

Cruise missiles that can be built in the next 6 to 12 years could not carry the "penetration aid" used by the B-1 to ensure that most of the bombers will get through Soviet defenses—for example, electronic devices to fool enemy radar and missiles. Nor does the cruise missile have the bomber's ability to perceive that a given target has already been hit and to select another target.

The United States is certain to lose equivalence in the early 1980s if we do not push on with existing plans while preparing new initiatives in both force modernization and arms control proposals. The only new systems we can deploy by that date are those now under way: not only the B-1 but also the Trident subs and their missiles.

The B-1 clearly is the best bomber for its purposes *that can be built now*. If we start over and develop a new strategic bomber—even one that takes advantage of new technological developments—we might come up with a bomber for the 1990s, but our delay would assure the Russians' reaching superiority in the preceding decade.

In any event, we are told that the B-1 "would be the most expensive weapons system in history" and would be a drag on the economy. The opposite is true: production would stimulate the economy, not that is not the reason we need the B-1. Furthermore, the $93 billion figure for 244 B-1s which has been bandied about is blown up by a series of accounting tricks. It includes 30 years of operating costs; it includes predictions of inflation; it includes new taxation which will be built for other purposes and at most shared by the B-1, and it includes improved weapons that will be built for the B-1s if there is no B-1.

In reality, the 244 B-1s will cost about $1 billion a year in 1976 dollars, if they are used for 30 years, or 1% of the defense budget—far less than the amount that has customarily been allocated to strategic bombers.

At this reasonable cost, the B-1 has a far better chance to maintain our capability for assured retaliation and flexible options against improving Soviet air defenses than the far less capable B-52, which would require an estimated $40 million per plane—three-quarters of the cost of a B-1—for modernization and rebuilding so that it could keep flying for one-half of the life of the B-1.

For all these reasons, Congress should decide to get on with B-1 production—not because the Air Force pilots want it, not because it would provide jobs, but because it is a plane that can do what is required in time to help met the mushrooming Soviet threat and to help provide the essential strength from which the United States can try to negotiate acceptable arms-control agreements.

PRESIDENT FORD AND THE VETO

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. RANGEL. Mr. Speaker, I am pleased to have the opportunity to place in today's RECORD an article by the distinguished political writer, Mr. Gus Tyler. Mr. Tyler has served the International Ladies Garment Workers Union for many years as political director and political analyst and is a frequent contributor to the AFL-CIO News from which the following editorial is taken.

In this piece which follows, Mr. Tyler cogently discusses Mr. Ford's power to veto and his misuse of that power during the 94th Congress. His statement speaks strongly for the need to elect a Democratic administration in November. Only then can the social legislation for which the people of this Nation desperately yearn, be enacted.

STALEMATED GOVERNMENT—FORD'S ABUSE OF VETO POWER STIRS CONSTITUTIONAL QUESTIONS

(By Gus Tyler)

Is the use of the presidential veto constitutional?

The question sounds ridiculous, but between now and November there will be more and more talk about this matter as Democrats assail Ford's use of the power to say "no" to Congress.

Ford is getting some kind of a record in the use of the veto, a record that is causing his political critics and some commentators to question the propriety of the way in which he has been using the executive power in the legislative process.

In his two years in office, Ford has issued 58 vetoes. Before his term ends, the total will be even higher. The pace is enough to have caused Congressional Quarterly to note that "Ford has risen in rank among the most veto-prone Presidents."

In one distinctive way, Ford outpaces others. CQ notes that "up to 1969, Presidents usually vetoed more private than public bills . . . But Presidents Nixon and Ford reversed the picture." Two thirds of Truman's vetoes, for instance, were applied to "private" bills; Ford vetoed only three such proposals.

As a consequence, Ford vetoes affect big chunks of the population, often the most sensitive and exposed. He has vetoed bills for public works and to curb strip mining, for day care centers and health programs, for aid to jobless homeowners and for tax cuts, for school lunches, nurses training, educational benefits for Vietnam and Korean veterans. In the campaign, Ford proudly proclaims: "I will veto them again and again and again."

In frustration, leaders of Congress have begun to denounce the President's acts as an abuse of the veto power. And to beat up their arguments, they have begun to do some homework, re-reading the Federalist papers, to see what the Founding Fathers had in mind when they granted the Executive the means to interfere in the legislative process.

The real reason for granting the veto was to give the President a weapon to protect his office against the trespass of the legislature.

As Hamilton put it in the Federalist Paper No. 66, the veto was "an indispensable barrier against the encroachments of the latter (Congress) upon the former (the President)."

In Paper No. 73, Hamilton is clearer: "The primary inducement to conferring the power upon the President is to enable him to defend himself; the secondary one is to increase the chances in favor of the community against the passing of bad laws through haste, inadvertence or design." Under Ford, the "secondary" rationale has become the prime—virtually the sole—reason for the use of the veto.

In any event, the Founding Fathers assumed that the veto was a power that would be used sparingly. Argued Hamilton: "If a magistrate so powerful and well fortified as a British monarch would have scruples about the exercise of the power under consideration, how much greater caution may reasonably be expected in a President of the United States."

However the constitutional debate turns out, one point will be made: the danger of a stalemated government when a veto-prone President of one party is confronted by an action-prone Congress of the opposite party.

MONS 029995

APPRAISING COMMUNICATIONS POLICYMAKING

HON. TIMOTHY E. WIRTH

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. WIRTH. Mr. Speaker, the Aspen Institute for Humanistic Studies has sponsored a wondrefull variety of distinguished projects over its 25-year history. Recently, under the able direction of Mr. S. Douglass Cater, the institute spawned a new project entitled "Program on Communications and Society." Underway for 3 years, this communications program has initiated a series of seminars and publications in the field of communications.

Now under the direction of Mr. Roland Homet, the program on Communications and Society has undertaken a project to appraise policymaking in communications. The following paper outlines this project.

I urge my colleagues in the Congress to read this short outline, because it summarizes some of the potential in the field of communications, and begins the necessary analysis of some of the institutional constraints to broad progress in communications in this country and throughout the world.

We in the Congress should be particularly concerned about the future of communications, since it touches so many thorny issues which we face, such as electronics in the banking industry, and alternatives to our present postal system. I believe the following description of "A Project To Appraise Communications Policymaking" at the Aspen Institute provides a good basis for beginning to think about some of the future communications issues facing us in the Congress and in the country.

A PROJECT TO APPRAISE COMMUNICATIONS POLICYMAKING

Social revolutions can take place dramatically or quietly, suddenly or by degrees. We remark the Atomic Era, for example, by its explosive advent. It provoked immediate and wide-ranging concern, and led to the formation of fresh and responsive political structures aimed at governing unleashed forces: an AEC and Joint Committee of Congress in this country, a Euratom and International Atomic Energy Agency abroad. Such galvanic institutional reactions are less likely to occur when technology is born by quietly accelerating evolution: here the concern is that Society will be disarmed into relying on existing and no longer adequate systems of governance to contain the cumulative revolutionary impact of the new forces.

There are insistent signs that just such concern is now demanded in the field of communications. From Gutenberg to Marconi took several centuries; from radio to the satellite, several decades; and every few years we now witness quantum leaps in capacity and reductions in cost of electronic computing. We have already become, without knowing it, an "Information Society": More than half of our GNP and more than half of our employment is today attributable to the production, storage, distribution or use of information. This implies a radical shift in patterns of activity and forces refocussed attention on our computer-communications infrastructure. Yet the social and economic implications of the Information Society, and the host of complex public-policy issues it presents, have largely escaped the notice of all but a relative handful of experts.

The institutions established to deal with national communications policy have changed little since the Communications Act of 1934. The values impacted by new communications technology and services are essentially unchanged: the free play of facts and ideas, the protection of personal privacy, the attainment of economic justice and efficiency, the pursuit of national and international harmony. But the peculiar strains to which established values and old institutions are today subjected represent, both in kind and in intensity, a new challenge to which a fresh and timely response is required. Otherwise, the accelerating pace of change could well outstrip the governing process and leave us with an Information Society that is neither efficient nor harmonious nor free.

It is the basic thesis of this Project that the issues clustered within the communications revolution are too important to be left to the experts, and too important also to be left to the inertial resultant of stresses within and among the interested industries. Both groups must, of course, be fully heard from, along with government officials and other representatives of the public; but an effort must be made to frame judgments from a larger, value-oriented perspective that serves the interests of society as a whole.

Consider the following sampling of issues as illustrative of the value stresses and institutional drawbacks we face in this new era:

FREE SPEECH VS. CONTENT CONTROLS

The justification for curtailments of editorial freedom in broadcasting—Fairness Doctrine, family hour, the whole notion of "public trusteeship"—has been compounded equally of spectrum-scarcity considerations and of regard for the intrusive, unbidden nature of much broadcast-program reception. Yet it is widely believed that such content controls have served more to deter any controversial programming on issues of public importance than they have to elicit it. Other debates, newly competitive services such as pay cable television and video discs have now arisen to challenge the foundation for content restrictions as applied, at least, to them. These services operate free of appreciable frequency interference difficulties, and they give the home viewer a degree of control over program selection that is not found in broadcasting. As yet, however, the competitive video services are available to a negligible number of viewers whereas broadcasting reaches about 99 percent of all homes. Several questions arise: Will content controls be extended uncritically to the new technology services, in an effort to maintain some kind of regulatory and economic parity? If new video services are made to apply to video discs played and "communicated" entirely within the home? If not, and if the result is an escape from regulatorily induced program blandness, will the vivacity of the new services cause viewers to shift away from broadcast programming at a faster rate than they would under a scheme of content-control parity? If controls are largely removed over all competing media, will we witness a "race against taste" such as has taken place on the magazine racks of the drug store? Comparably insistent questions could be asked about the relationship of new video technology to the search for "access"—that is, programming opportunities—by groups in our society who feel their perspectives are not represented in mass-audience programming. But despite periodic suggestions by the Supreme Court and others that the 1934 Communications Act fails to address these questions, the Congress thus far has not responded. What appears to be needed is adequate time and resources for forward-looking policy development bent on something more than mediation between competing industry claims.

INTRUSIONS ON PRIVACY

The electronic technologies used by both government and private enterprise to snoop upon and harass American citizens are growing in capacity and pervasiveness. There is at present no statutory prohibition against "tapping" into communications with or between computers. Nor is there any rule to restrain the monitoring of personal viewing preferences on cable television systems with two-way capability. Similarly, the threats to individual privacy posed by remote access to commercial credit institutions and other private data banks are only now being considered by a Privacy Commission—which itself co-exists with a Privacy Committee, a Committee for Reduction of Paperwork, an Electronic Funds Transfer Commission, and several other federally chartered ad hoc groups working with the same general field. Coherent and comprehensive policy formulation may require the integration into one Executive department or agency of all such concerns.

CONVERGENCE OF COMMUNICATIONS MODES

The 1934 Communications Act establishes separate schemes of regulation for "common carriers" (telephone and telegraph) on the one hand and for broadcasters on the other. Since 1934, however, there has been a steadily growing stream of new or newly deployed technology—microwave, coaxial cable, satellite, fiber optic—whose service capacities have increasingly converged to confound the clear distinctions drawn in the Act. Cable television, for example, can compete both with the over-the-air transmission of broadcast signals and with telephonic delivery of data communications. A satellite earth station can receive or transmit both individual messages and public entertainment. "Teletext" information is being offered for display on home television screens. The day is not distant when all electronic communications may be deliverable via a single, all-purpose, local communications "pipe" to business and home "information centers" with two-way voice, video, data and facsimile capabilities. In the course of such developments a series of complex investment and regulatory choices will have to be made in order to integrate and harmonize potentially redundant systems. The 1934 Act offers little if any guidance to the Federal Communications Commission, the various affected industries, or the general public about how the impending changes are to be accommodated. Indeed, no single existing federal institution appears to be concerned with all aspects of this challenge. The question is how to stimulate the necessary integrative thinking through institutional reforms.

CONVERGENCE WITH NON-ELECTRONIC COMMUNICATIONS

The volume of mail carried by the U.S. Postal Service is beginning to decline, just as unit costs of labor and of transportation for mail delivery are soaring—because business firms are starting to avail themselves of swifter and more efficient forms of electronic message distribution. This highly attractive alternative to conventional mail can be expected, if not checked, to garner increasing percentages of intra-institutional message transfers, then reach for inter-institutional mail, and later perhaps capture a dominant share of billing and other business transactions between institutions and the home. The effects on postal delivery—the only commanding communications service mentioned in the Constitution—and on the public could be severe. Postal rates could rise dramatically during the period of transition, and could become prohibitive for households beyond the economic reach of electronic distribu-

MONS 029996

tion. If conventional mail is to escape the fate of message telegraph service, the Postal Service may either have to (a) enter the electronic communications business itself, competing on a basis of technological parity with other carriers; (b) seek to retain a monopoly over whatever physical deliveries may be necessary to and from electronic message centers (e.g., by invoking the private express statutes); or (c) aim for some kind of tacit understanding with the major electronic carriers. Each of these courses is fraught with serious legal, economic and social complications, not least of which is who will preside over the terms of the confrontation. The FCC, and its oversight committees in the Congress for that matter, have no jurisdiction to interpret or modify the Postal Reorganization Act or the private express statutes, just as the Postal Rates Commission and the postal subcommittees have no jurisdiction over electronic common carriers. The prospects for full public accountability of decision-making in this field are accordingly not bright, and will remain so until and unless ways are found to surmount jurisdictional parochialism.

NON-COMMERCIAL PUBLIC SERVICE OPPORTUNITIES

Each technological addition to the speed or convenience of pervasiveness of communications is usually appropriated in the first instance by private enterpreneurs whose incentives are supplied by the market. Reliance on market forces does tend to produce efficiencies and to promote innovation, but it may also leave unfulfilled certain public-service needs or opportunities. This raises new challenges for the organization and financing of communications technology and service offerings. To take one example, a non-profit Public Service Satellite Consortium has recently been formed with start-up funding from HEW to aggregate a marketplace for health-care and educational uses of high-powered satellites and other comparable "broadband" technology. As another example, sporadic support has been given to "New Rural Society" experiments aimed at deploying the new communications to relieve and disperse population stresses. Concern for such matters—to the extent it exists—is currently diffused among several federal agencies and Congressional committees, the FCC, and State governments—with no coherent guiding hand or philosophy. Greater emphasis seems needed on the various non-regulatory means by which government can contribute to the social opportunities for use of communications technologies.

INTERNATIONAL COOPERATION

In forum after forum, among traditional friends as well as others, the United States has gained the opprobrious designation of a "cultural imperialist." In part this is a backhanded tribute to the mass appeal and marketing skill underlying our news services, our magazines, our films, and our television programs. In part, however, it reflects concern about the growing pervasiveness of the information society and the technological trend start that positions the United States to be a leader in exploiting it. U.S. strengths carry with them a vulnerability—to nationalistic interruption or jamming of cross-boundary electronic links, and more broadly to a refusal of cooperation on matters of multilateral import. This country has already lost its former domination of Intelsat, and is now confronted with demands for aeronautical and maritime satellite arrangements affording an even lesser U.S. role. The International Telecommunication Union, a technical body concerned with frequency allocations, has been taking on an increasingly political and sometimes acrimonious tone. Even the OECD, whose member nations make up the advanced, post-industrial societies of the world, has consistently declined to take up a U.S. proposal for creation of a multilateral Committee on Computers, Communications, and Information Policy. These setbacks appear to reflect a basic lack of appreciation for the harmonizing as well as divisive potential of information in today's world. They also stem, however, from a lack of foresight and of policy coordination among the several U.S. agencies charged with international communications responsibility (a failing that has also inhibited policymaking with respect to U.S. international industry structure). The roles, functioning, and relationships of these agencies need a fresh assessment that is responsive to the over-all national interest.

The foregoing range of examples should serve to illustrate the likelihood that large and significant policy issues will not be adequately identified, let alone dealt with, by the institutional arrangements now in place. The FCC's statutory mandate has essentially not been revisited since 1934. The Commission lacks relevant decision-making criteria, and may lack some of the needed tools, for resolution of today's thorny issues of intermodal convergence and competition, public access and free press.

Some of the major issues are not "regulatory" in the usual sense at all, and should be dealt with by the Executive branch. The White House Office of Telecommunications Policy has, however, in its brief five-year history oscillated between misuse and neglect; it has no firm statutory basis and currently lacks the resources to coordinate policy-making among the various interested departments and agencies. There is, moreover, a growing tendency to create ad hoc commissions for resolution of particular policy questions—resulting, almost inevitably, in jurisdictional overlaps and a failure to articulate bridging themes.

As for the Congress, its various concerned Subcommittees—of Commerce, Operations, and Appropriations—are as a rule fully occupied trying to keep abreast of current piece-meal controversies. Their jurisdictions and staffs are typically small in relation to the policy dimensions of new and emergent issues. Further resources, along with a recognition of heightened priority, and the development of jurisdictional bridging mechanisms, might better equip the Congress to review and formulate forward-looking policy guidance.

By and large, both the Congress and the Executive branch today seek to affect policy by influencing specific decisions of the FCC, which in some cases can raise questions about the purported independence of regulation. So can the process of judicial review, nominally restricted to a narrow compass: Some have observed a trend towards greater activism by the courts in reviewing communications policy decisions, especially in the field of broadcasting. Yet the courts do not normally accept responsibility for broad or consistent policy formulation in the communications field.

All of these trends need examination against a backdrop of the major policy-making requirements of our era.

SHIPBUILDING IS KEY TO MEDITERRANEAN

HON. CHARLES E. BENNETT
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. BENNETT. Mr. Speaker, I recently read an interesting article in the August 2, 1976, Navy Times which I would like to share with other Members of Congress. It was written by Brig. Gen. J. D. Hittle, U.S. Marine Corps (retired), as a result of his visit to the Mediterranean in the recent past. I include his comments as follows:

SHIPBUILDING IS KEY TO MEDITERRANEAN
(By Brig. Gen. J. D. Hittle, U.S. Marine Corp (retired))

There was a time when the Mediterranean was a U.S. lake. But those strategically comfortable days are gone. And gone forever.

I have just returned from a visit to the Naples area and to the 6th Fleet at sea. One doesn't have to do a Ph. D. study to realize what has happened to this vital sea area that is the southern flank of NATO Europe.

As press reports indicated, the Russians have been building up their naval strength to a high point, both in terms of total navy ships and combat ships in the Mediterranean. Longtime Russia-watchers note that when a result of the recent buildup, the Kremlin's ship count in the Mediterranean is far greater than ours.

This Soviet naval buildup has profoundly affected the strategic balance in the entire Mediterranean area. Its effects are so far reaching that they extend beyond the usual strategic considerations. For instance, at the time of my visit to the fleet, a large carrier had been at sea about 50 days, with only two days in port. One of the reasons there had been so little liberty in such a long time at sea is a direct result of the deteriorating U.S. position in the Mediterranean.

Many 6th Fleet veterans will remember, on previous deployments, visits to the fabled ports of the Eastern Mediterranean. U.S. servicemen were assured a welcome at such places as Izmir, Istanbul, Salonica, Athens and Rhodes.

But not today. From the practical standpoint, there isn't a sure U.S. liberty port in the Eastern Mediterranean.

U.S.-Turkish relations have been badly bruised by the restrictions on military aid to Turkey. This has played right into the hopes of Turkish left-wing troublemakers. The Kremlin, of course, is chuckling with delight at how our relations with Turkey, the stalwart ally and friend, have turned sour.

When you can't put a U.S. liberty party ashore in a country, it tells more about conditions than a college lecture course.

Greece, unfortunately, is not the solution to liberty in the Eastern Mediterranean.

Example: Some four weeks ago, the carrier America was scheduled for a two-day port call and liberty at the Greek island of Rhodes. Arrangements for the visit had been made according to long standing procedures. Sources close to NATO told me that the carrier's visit to Rhodes had been cleared at the Greek Ministry of Defense level. Remembering the friendly way Rhodes has welcomed U.S. crews in the past, plus the fact that it was estimated that a long time at sea had put at least a million dollars in the pockets of our crewmen to spend in Rhodes, a reasonably trouble-free visit was expected.

But what was expected and what happened were two different things. I was told that, as the shore patrol boat approached the dock at Rhodes, a mob started throwing stones at the boat. The result was that the shore patrol couldn't even get ashore.

One of the junior officers I talked with said, "If I wrote home and said I got "stoned" in Rhodes, my wife would never believe. I didn't get drunk!" At least the U.S. serviceman still has his sense of humor. The way things are going in the Mediterranean, he needs it.

The sad situation at Rhodes didn't get any better. The leftists were making the most of it. High U.S. officers who were conferring

MONS 029997

with Greek officials in the government building discovered they were practically under siege. One of the Greek political leaders decoyed the mob with a speech so that the U.S. officers could make a quick getaway.

It got so bad the Greek government sent a top official to Rhodes to arrange for the liberty parties to get ashore. It wasn't long before he announced that, since safety for U.S. personnel couldn't be guaranteed, the visit was off.

While the Rhodes incident reflects how the U.S. position has changed from the recent times on certain Greek welcome to the U.S. Navy, there are still spots of hospitality and cooperation. Occasionally, I was told, a liberty party gets to Athens. And when a ship goes to Suda Bay for repairs or upkeep, there is no trouble for U.S. personnel.

But, unfortunately, there is far more to the squeeze-out than loss of shore leave and routine port facilities in the Eastern Mediterranean.

What is involved is a very basic and, from the strategic standpoint, alarming development. The eastern Mediterranean is becoming a Russian lake. Not, completely, of course, but the clear trend is there.

Such things don't happen overnight. It is the result of several factors. Some, like cutting off Turkish military assistance, could have been avoided. But, whatever, the contributing reasons, one fundamental Russian policy is basic to our problems in the Mediterranean area.

It is the rise of Soviet sea power. This has been accompanied by our failure, as a nation, to maintain even a reasonable degree of our one-time huge margin of seapower superiority over the Soviet Union.

The Kremlin, in the post World War II period, was smart enough to know that penetration of the Mediterranean area was dependent on a fleet that could challenge U.S. control of that vital sea. And so, the Soviet Union began the vigorous, well-planned construction of a new Russian Navy.

The things that have happened in the Mediterranean area since Russia became a major sea power are dividends for the Kremlin, and strategic setbacks for NATO. And that includes the United States. Greece is militarily out of NATO. Thus, the Thracian Neck, the western land link with Turkey is exposed. Turkey, the eastern anchor of NATO, is isolated. Israel is in jeopardy. Lebanon is in ruins. Algeria is developing into a potential Russian staging area on the northern rim of Africa. NATO is in dire danger of being outflanked on the South by Russian seapower in the Mediterranean.

This is not to claim that the new Soviet Navy by itself did all these things. But these things would not have happened without the existence of a powerful, modern and growing Russian Navy.

Doubters should think about this: Only a few years back, in 1957, Communist influence tried to topple the pro-western government of Lebanon. But it wasn't toppled. Why? Because the U.S. fleet had full control of the eastern Mediterranean. The fleet moved in. The Marine landing force moved ashore. The airfield was secured and a major U.S. military buildup by sea and air began. Lebanon was protected, and the eastern littoral of the Mediterranean was stabilized.

Since then, the Kremlin has gotten itself a fleet. We didn't, as a nation, want to make the financial sacrifice to stay far enough ahead of the Russians at sea. But, fortunately we still do have a margin of naval superiority over the Russian fleet. The Kremlin may, as European sources close to NATO say, have more cruisers and subs in the Mediterranean than we do.

On balance, though, we have a margin over them in two categories. We are superior in aircraft carriers and amphibious forces. We may have only a narrow margin over the Soviet fleet, but it could be decisive. There's no reason, though, for complacency, for the margin is narrowing.

In spite of all the claims of some so-called experts in past years that the aircraft carrier is outdated, that we shouldn't build big ones any more, that since the Russians didn't have any we shouldn't either, the Russians have gone into a surprisingly large aircraft carrier construction program. In addition to the early and smaller anti-sub helicopter carriers, the Russians have just completed the first of a series of 40,000-ton carriers. This is about the tonnage of the U.S. Hancock-class carriers. Once they get to this size, they have, from the practical standpoint, a navy with aircraft carriers. The Kremlin is also placing emphasis on an amphibious capability.

Obviously, Kremlin naval planners know where our margin of seapower superiority is. And they have decided to do something about it.

Another thing about the Russian Navy is that the Kremlin uses it as a prime instrument of national policy.

Example: In June as the Lebanon war intensified, and the effect of Russian-equipped guerrillas and Syrian troops became more alarming, the Russian fleet was still flooding into the Mediterranean. At that critical time, the Russian fleet conducted major maneuvers. To spotlight the presence of the fleet and to emphasize its importance and strength, the Commander-in-Chief of the Soviet Union's Navy, Admiral of the Fleet Sergei Gorshkov, entered the Mediterranean and flew his flag from the soviet cruiser Sverdlov. Selected ships passed in review of the naval commander.

It's hard to believe that the Soviet fleet buildup, complete with major maneuvers and a naval review by Gorshkov in the Mediterranean, at the same time that Lebanon was exploding, was a pure coincidence. The timing was just too good for it to be accidental.

That Soviet fleet buildup was a signal from the Kremlin to us not to try to do this time what we did before in Lebanon. The U.S. did conduct a skillful and timely evacuation of U.S. citizens from Beirut. But it wasn't the kind of naval intervention with which we straightened out the Lebanese crisis in 1957 when we had unchallenged seapower control of the Mediterranean.

There is a lesson in what is going on in the Mediterranean: We had better realize what margin of naval superiority we have, and the vital necessity of preserving it. That means to keep on building more big carriers, and maintaining a modern amphibious force.

Someday a Russian naval boss will fly his flag from a carrier in the Mediterranean. If we don't have more and bigger and better ones than they do, it will also be a flag signaling Soviet dominance of the Mediterranean and the decline of NATO out-flanked on the sea.

A CONGRESSIONAL SALUTE TO FATHER BAGA, EXECUTIVE DIRECTOR, AND THE FACULTY OF THE INDUSTRIAL AND FARM-WORKER DEPARTMENT OF THE CATHOLIC UNIVERSITY OF CHILE FOR PROVIDING VOCATIONAL EDUCATION TO COMBAT UNEMPLOYMENT

HON. ROBERT A. ROE

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. ROE. Mr. Speaker, as chairman of the Subcommittee on Economic Development of the House Public Works and Transportation Committee, I am particularly interested in programs to increase employment and advance economic growth both at home and abroad because economic productivity is truly the cornerstone of the free enterprise system. Therefore, I applaud the efforts of DUOC, the Industrial and Farm Worker Department of the Catholic University of Chile, under the guidance of Father Juan Baga, executive director, to develop the human potential of the Chilean worker through self-help and through vocational education. Such training enhances and improves the individual's skills and is one of the key elements in solving the problem of high unemployment.

The DUOC program is a splendid example of a university at the service of the whole society.

Surely much of the success of the program is due to strong local participation. Parochial and public school classrooms are borrowed for the adult educational activities after regular school hours in an exemplary use of existing facilities.

This is a low cost, self-help program in large measure for students seeking gainful employment. Local costs are financed from minimal tuition and registration fees and the only need for funds is to purchase imported tools and equipment required for the technical courses.

Developing nations must have technically trained workers to contribute to national economic growth and to the formation of an industrial base. DUOC is hastening to supply them for Chile.

Also praiseworthy is the fact that the Inter-American Foundation, established in 1969 by the Congress of the United States and funded under the Foreign Assistance Act as an experimental organization to advance social change in the other Americas by support of projects which meet human needs and make visible impact on the daily lives of people, has recognized the fact that the DUOC organization has accurately perceived the needs of the Chilean people as reflected in its programs. In the past year or so the IAF has contributed to DUOC a total of $196,565 to provide training to organizations of small farmers. The sums are not large, but the social and economic impact is enormous.

To better enable me to bring information on these noteworthy programs in adult vocational education to the attention of my colleagues, I am including a translation of an article which appeared in Ercilla magazine in December of last year, as follows:

A CHALLENGE IS MET

Juan Baga, Executive Director of the Industrial and Farm Worker Department of the Catholic University (DUOC) analyses seven years of effort.

85,000 students from all over the country study everything from plumbing to electronics. $800,000 are needed to purchase equipment for the technical courses.

Twenty-five percent of the eligible Chilean students—fifteen thousand of them—took the Academic Aptitude Test for 1974. The high school graduates discussed in this article are those who have selected the DUOC programs (Industrial and Farm Worker Department of the Catholic University which is operated by a Foundation) as an educa-

MONS 029998

tional alternative to the University. It is interesting to note that this year DUOC received as many or more graduates from the high school level program than did the University of Chile or all the private universities put together.

Information taken from the report submitted by the Center for Research and Educational Development (CIDE) on the activities and qualifications of the student body of DUOC indicates that seventy-seven percent of the students are pleased to have found what they were seeking educationally, that seventeen percent express reasonable satisfaction with their courses, and only two percent mention definite deficiencies.

Thus, DUOC is definitely responding to a need for instruction and apprenticeship by Chilean adults and its growth has been explosive in its seven years of existence—from a single location in Santiago with only 475 students it has grown to 103 educational units from Arica to Magallanes with 80,016 students.

DIPLOMAS AND CERTIFICATES

The Spanish priest Juan Bage Ballus (45 years of age with seventeen spent in Chile) is the Executive Director and was not offended when ENCILLA asked the difference between his organization and other academies and institutes that operate in the country. "If they exist, it is because a need exists. The people want to learn something more than they find in the traditional educational system. We are not looking for profits and besides we are answering the concrete needs of the people with limited funding, but with highly dedicated personnel and quality."

DUOC, says Bage, wants to be the arm of the social conscience of the University and it wants to develop a program to aid those having the least education.

The educational program brings together the professional with the future worker and the technician he will meet later on during the course of his professional career. Some seventy percent of the twelve hundred teachers in the department are studying or have obtained their university degrees. They are paid roughly one dollar per hour, but only for the hours devoted to teaching.

This relationship between professionals and technicians is fundamental according to the Executive Director of DUOC. "In Chile we have excellent professionals capable of constructing splendid, sturdy buildings which can withstand earthquakes, but continually people complain that the faucets drip or that the tiles become loose." To generate this brotherhood and complementary effort is one of the proposed goals.

SECRETARIES AND COMPUTERS

DUOC started out with only night-school basic education courses and now offers 148 different courses. This is not a fixed figure because the courses offered vary according to the needs of each area and the requirements and aspirations of the adult students. Thus, for example, a course in industrial hygiene for the dairy industry, will be offered in Osorno, but in Talca the Secretarial School was closed because the demand for secretaries had been satisfied. A zealous university Department of Planning using official statistics ascertains the needs to be fulfilled and also decides when the mission has been accomplished.

There are courses of varying duration and diverse subject matter that run from a minimum of twenty-four class hours to learn to make a shirt or a pair of trousers to those for middle-level management requiring five semesters of four-teen class hours per week for computer programmers. There are also personal advancement courses. For example, if a secretary with a knowledge of typing and shorthand wants to become a bi-lingual secretary, there are ways she can do so within the wide range of courses offered by DUOC. Although some professionals complain at times that "it is a shame that the Catholic University teaches hairdressing and plumbing", the administration hastens to make clear that the Foundation operates on a different level from the main University and that, therefore, they should not be worried about such regional activities.

oooo,ooo ARE NEEDED

"DUOC", says Father Juan Bage, "wants to serve the established community. I do not argue with the people about the problems that are presented to me, nor do I recommend or give solutions, but only try to satisfy their needs as outlined." And so it is in tens of villages the length of the entire country between three and five o'clock in the afternoon (despite the television serials), dining rooms are converted into improvised classrooms where the women study dressmaking, handicrafts, first aid or elemental principles of nutrition which permit them to prepare a more healthful menu commensurate with their income. By carefully applying their learnings and by taking full advantage of purchasing opportunities, it is calculated that family budgets in the great majority of cases can be stretched approximately fifteen percent.

Special programs in Chiloe, in the Santiago Municipal Jail where the chapel is converted into a classroom, and in various industries structure the educational panorama of DUOC. But wherever they go, new course requirements are submitted. A course must be prepared academically, organized and its development carefully nurtured. For instance, the expanding cactus leaf handicrafts in Til-Til required help from DUOC. Instructors teach the fundamentals of molding and esthetics to the artisans who work with the raw material.

Sixty percent of the funding of DUOC is provided from the income it generates, that is to say from the registration fees that the students pay (for example about a dollar and a half monthly for a course in radio and television repair). The remaining forty percent comes from financial contributions to public education made by the Ministry of Education. What problems are faced? There is only one and it is an important one, the lack of equipment especially for the technical branches. "With 6000,000 we would be completely equipped," said Father Bage. And they hope to find it.

With continued dedication and assiduous effort, operating in most cases from homes or classrooms that they use free of charge after regular hours (recently they have acquired seven headquarter locations of their own), the personnel of the department works enthusiastically with great confidence in the future. The Director, Juan Bage, emphasized this communion of effort when he presented the annual report of the DUOC Foundation to the Catholic University officials.

Thus the tasks of another year are concluded and preparations begin immediately for the next. However, next year a problem includes the operation that for many would prove of great concern. The proposed reduction in class size by the universities will force many more high school graduates to look to DUOC. But Father Bage is prepared. "Let them come. We can absorb them. We can expand at least eighty percent more. The idea is that DUOC must expand according to the needs of the people. Of course it will be necessary to work harder, arrange to borrow more classrooms and improve the efficiency of the organization. There is no trace of conceit in my reply, but rather a willingness to accept a challenge," he concluded.

GUN CONTROL

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. PAUL. Mr. Speaker, an article appeared in the June-July 1976 issue of the Civil Liberties Review, a bimonthly magazine published by the American Civil Liberties Union Foundation of New York City, which discusses the reasons why a civil libertarian opposes gun control. Authored by Prof. Don B. Kates, Jr. of the St. Louis University School of Law, the article presents a forceful argument for the right to keep and bear arms, a right guaranteed by the second amendment to the Constitution. I suggest that the question with which he begins the article is the most important question that can be raised about the issue of gun control: "How can a civil libertarian trust the military and the police with a monopoly on arms with the power to determine which civilians may have them?" I insert the article at this point in the RECORD so that other Members may benefit from its insights:

WHY A CIVIL LIBERTARIAN OPPOSES GUN CONTROL

(By Don B. Kates, Jr.)

I am frequently asked: how can a civil libertarian oppose gun control? My reply is: how can a civil libertarian trust the military and the police with a monopoly on arms and with the power to determine which civilians may have them? I consider self-defense a human right—and one that is particularly vital for women who choose to live without "male protectors" in an increasingly violent society. I also fear that enforcement of even a partial prohibition on handguns would take an immense toll in human liberty and bring about a sharp increase in repugnant police practices as well as hundreds of thousands of jail sentences.

If as both British and American studies assure us, gun prohibition has no ascertainable effect upon violence, then it seems that its rationale is revulsion against the handgun as a symbol and antagonism toward the conservative but generally law-abiding people who value that symbol. Such a rationale, however, is no more acceptable than the conservative's argument against homosexuality: "I don't do it and I don't like people who do—so it ought to be illegal."

Advocacy of controversial political or social views frequently provokes violent antagonisms. Although they are usually unwilling or politically unable to overtly suppress those views, officials can covertly withdraw police protection, leaving the job to such groups as the Ku Klux Klan, the White Citizens Council, the Storm Troopers, the Cherry Society, and the Black Hand.

What might have happened to civil rights workers if there had been strict gun control in the South is exemplified in the 1969 machine-gunning of several hundred marchers by right-wing extremists in Mexico City. Both the possession of automatic weapons and the act of murder are as strictly forbidden by law in Mexico as they are in the U.S. Nevertheless, the police made no arrests—either on the scene or when the attackers later invaded hospitals to finish off the wounded.

Even assuming that gun prohibition would be enforced against right-wing extremists

MONS 029999

also, the effect is to render dissenters defenseless without meaningfully preventing lethal attacks upon them. A group of Klansmen or other neo-fascists will hesitate to attack someone they know to be armed or to fire-bomb his house, because they don't want their members to risk injury or death. Even though they may be unarmed, they will not hesitate to attack if they know that their intended victim is also unarmed and that the police will not defend him. No one had gone in the hostile mob which burned the headquarters of the Marxist W. E. B. DuBois Club in 1966 while New York City police looked on. But the DuBois Club member who had to pull a pistol on the mob in order to get out of the burning clubhouse was immediately arrested for gun possession. Needless to say, no members of the mob were arrested.

During the civil rights turmoil in the South, Klan violence was bad enough; it might have been worse with gun control. It was only because black neighborhoods were full of people who had guns and could fight back that the Klan didn't shoot up civil rights meetings or terrorize blacks by shooting at random from cars.

Moreover, civil rights workers' access to firearms for self-defense often caused southern police to preserve the peace as they would not have done if only the Ku Kluxers had been armed. I remember how Klansmen broke up a series of marches in a Louisiana town with hideous violence and head-bashing while the police looked on in benevolent neutrality. The unarmed marchers' appeals to the governor for state police protection were in vain. After many weeks of heavy injuries to the marchers, a black man shot one of several Klansmen who attacked him with clubs. The state police arrived the next day, and there was no further violence.

Contrast an incident that occurred in Madrid on November 6, 1975. A meeting of opposition reform parties was broken up and its participants severely beaten by right-wing gunmen. The victims could offer no resistance, since Spanish law strictly forbids civilian possession of handguns (except by right-wing thugs with permits). Falangist policy follows the gun laws of Nazi Germany and fascist Italy, under which Jews and political opponents were disarmed and left helpless against mob violence in the early 1930s. As Hermann Göring said in 1938, "Certainly I shall use the police—and most ruthlessly—whenever the German people are hurt; but I refuse the notion that the police are protective troops for Jewish stores. The police protect whoever comes into Germany legitimately, but not Jewish usurers."

Not only political and racial minorities but also women would be handicapped by gun restrictions. Throughout history women's status has been fixed, and their self-determination curtailed, by male authority figures to whom they had to look for protection. Today, as women increasingly choose lifestyles independent of male protection, their ability to protect themselves in a violent society becomes more important. Obviously, in most situations it is futile and perhaps dangerous for a woman to resist a male attacker. Armed defense is even more dangerous, since a rapist will invariably get a gun away from a woman and use it on her—or so most movie and television scripts tell us. It seems that a woman who doesn't have a male to protect her had better just "lie back and enjoy it" and hope her attacker doesn't intend to murder or mutilate her afterward.

Men—even police chiefs—who voice such opinions, however, are usually surprisingly short on specific examples. I have researched the subject in detail and have found no case in which a rapist was able to disarm his victim. Those who are familiar with the martial arts know how extraordinary dangerous it is to attempt to disarm anyone—even an untrained person. Police training emphasizes that this maneuver should be avoided, unless the alternative is immediate death.

If women defend themselves with firearms less frequently than they could, it is only because they have been brainwashed by the steady stream of propaganda generated by males. The Eisenhower Commission Firearms Task Force Report, for example, contemptuously dismisses women in a single sentence: They are "less knowledgeable than men about guns and generally are less capable of self-defense." (To make certain they stay that way, the commission recommends banning handguns.) Having trained women to handle guns and having studied police training for women, I know that they are at least as capable of combat shooting as are men. In a mechanical age which has largely rendered irrelevant male-female differences in strength, the concept that women are incapable of using firearms is an anachronism. I have investigated over 150 cases in which women rejected this notion. It is noteworthy that in 80% of the cases studied, women chose to defend themselves with handguns. Such weapons are infinitely preferable to long guns because they are more portable and maneuverable and far less lethal. Here are some abbreviated examples:

California, 1969: A Los Angeles woman shot and seriously wounded an attempted rapist who broke into her house. Police later charged him with two other rapes.

California, 1970: An armed Modesto woman storekeeper who had wounded armed robbers on two other occasions captured a third.

Maryland, 1970: Knocked to the street by punches in the face and stomach by a mugger who told her, "You know what I want," a Baltimore woman drew her pistol and gave him a bullet in the neck instead.

Maryland, 1971: A Baltimore woman shot to death a man who had raped her and threatened to kill her children if she called the police.

Tennessee, 1972: When a Chattanooga woman drew a pistol, the man who was preparing to rape her left in too great a hurry to collect the clothes he had just taken off. He was later traced and apprehended through identification found in his abandoned clothing.

Florida, 1973: Although she was seriously wounded by a burglar who stabbed her several times, a Barstow woman shot him to death.

Kansas, 1974: Commenting, "I don't think you want to do that," a Wichita storeowner's wife drew a pistol on two armed robbers. They departed in haste.

West Virginia, 1975: A retired schoolteacher awakened to find an armed burglar in her bedroom. Exacking his gun away, she seized her own pistol and shot him to death.

Gun prohibitionists deny the value of civilian possession of firearms in combatting crime. They cite the Eisenhower Commission's conclusion that "the gun is rarely an effective means of protecting the home against either the burglar or the robber: the former avoids confrontation, the latter confronts too swiftly." But the report, unlike many people who cite it, makes clear that this conclusion applies only to householders, and specifically to those householders who do not have firearms immediately at hand because a criminal attack is completely unexpected. Robbers do not "confront too swiftly" for armed storekeepers, who, the report admits, foil appreciable numbers of them each year. And, although it offers no figures on the success rate of citizens who carry arms for self-defense, the report admits that this practice (which it deplores) does allow for some resistance to street crime.

Like much gun control propaganda, the report does not discuss the utility of guns in defending householders against political or other criminal attacks which they have reason to expect. But among over one hundred people murdered by Ku Kluxers in the 1920–60 era, I can recall only one who was armed. While his gun did not prevent that civil rights worker's death, it did lay down covering fire which allowed his wife and children to escape the Klansmen who surrounded their burning house. The shots also disabled a Klan car through which the FBI was able to trace, catch, and convict the murderers.

The Eisenhower Commission report admits that there are no comprehensive statistics on the number of lives saved by armed citizens. Its negative conclusion on the ability of armed householders to defend themselves is based on a limited study, conducted in only two cities and over two short periods of time, of the number of criminals *killed* by armed householders. My own study, which is national in scope and covers hundreds of incidents, shows that householders and others against whom crimes are committed injure far more criminals than they kill, and capture without shooting far more criminals than they wound. Moreover, at least half of the incidents I studied were not cases of self-defense but a householders coming to the aid of their neighbors—an issue which the Eisenhower Commission report ignores.

The hundreds of incidents reported by the national gun magazines, culled by readers from their local newspapers, represent only the tip of an immense iceberg. The local newspapers do not publish every case of civilian self-defense reported to police, and certainly the gun magazines' readers do not check every newspaper or clip every item they see. Far more importantly, the vast majority of such instances are never reported to the police—because the near victim cannot provide an adequate description of the criminal and/or because the citizen possessed or carried his gun illegally.

One rough indication of the frequency of such incidents is the fact that hundreds of thousands of felony arrests are made each year by off-duty police. A trained officer doubtlessly is more capable of pursuing and arresting a robber or a rapist than is an ordinary person who is armed. But an off-duty officer is no more likely to encounter such a situation. Perhaps a better indicator is the apparent success of civilian firearms defense training. In 1968, after Orlando, Florida conducted a highly publicized shooting course for over 6,000 women, it became the only city with a population over 100,000 which showed a decrease in crime. Rapes aggravated assault, and burglary were reduced by 90%, 28%, and 24% respectively. After a similiarly publicized program for retail merchants in Highland Park, Michigan, armed robberies dropped from a total of 90 in a four-month period to zero in the succeeding four months. In Detroit, after police had received firearms training and shot seven robbers, the number of armed robberies dropped by almost 90%.

The Eisenhower Commission's view that crime will cease when its victims are deprived of the means of self-defense reflects the commission's privileged white intellectual membership and their elitist disregard for those who cannot afford to move to "safe" neighborhoods or the high-security apartment buildings. This constitutes the easy pacifism of those who may never need a gun for self-defense because they can obtain armed security services or special police protection whenever they need it.

A very different view is taken by underprivileged and/or minority people who lack the wealth to flee the areas in which the police have given up on crime control. They know that the only real protection they have is that which they provide themselves. Studies and surveys have repeatedly established

MONS 030000

that blacks are the most frequent victims of crime, are most afraid of crime, and are most likely to keep and carry guns for self-defense regardless of the law. Indeed, the only in-depth study of the question concludes that even the high rate of firearms prosecution against blacks will not stop them from carrying guns for self-defense so long as ghetto areas continue to be plagued by violence.

Selectively misleading American statistics and misrepresentations of British experience have led many people in this country to believe that banning handguns would reduce violence. Guns make an easy scapegoat for problems which would otherwise be insoluble short of radically reshaping the mores and institutions which produce violent people. Demands for gun prohibition allow us to ignore our own unwillingness either to make the necessary fundamental changes or to accept and live with a violent society. Criminological studies both in the U.S. and in England overwhelmingly demonstrate that peaceful societies do not need handgun prohibition and violent society will not benefit from it.

Handguns were banned in England in 1920. The only indepth study of that prohibition, conducted at Cambridge University in 1970, concluded that it has had no ascertainable effect on violence. The prohibition was obeyed only because England was so peaceful in the 1920s that firearms were not necessary for self-defense. The Cambridge study reports that Britain has remained peaceful despite the fact "that 50 years of very strict controls on pistols has left a vast pool of illegal weapons." The study notes that although New York City's firearms controls are more stringent than England's, New York has far more violence. On the other hand, Switzerland's firearms violence rate is negligible even though it has the world's highest rate of gun possession among civilians.

A 1976 study at the University of Wisconsin concluded that "gun control laws have no individual or collective effect in reducing the rate of violent crime." This study involved a computerized comparison between each state's gun control laws and its crime data. It took into account demographic, economic, racial, and other variables relating to gun control effectiveness which could be quantified statistically.

Gun control propagandists have evaded the same conclusions of many previous studies by arguing that violence persists only because existing state prohibitions just have not been able to get rid of enough pistols. To test this theory, the Wisconsin study examined handgun ownership statistics and found no correlation between high civilian pistol ownership and violence.

Without the societal changes necessary to diminish violence, an effective handgun ban would drive people to the far more lethal long guns for self-defense or for criminal purposes. Those who wish to carry their weapons could, working for a few minutes with a hacksaw, reduce long guns to handgun size. Such a gun ban would make the shootings in our violent society as deadly as they are in England without reducing their incidence.

However erroneously, millions of Americans feel that they have the constitutional right to own guns or that guns are necessary for their personal security. The sign frequently displayed in their homes and stores, "They'll get my gun when they pry it from my cold, dead fingers," undoubtedly exaggerates the degree of their resistance to gun prohibition. But experience with the far more enforceable prohibitions on liquor and marijuana indicates that millions of people would be alienated by what they deem a tyrannical law, and that those who believe they can get away with it will disobey the law. British police, unhampered by the Fourth Amendment, have nevertheless been unable to stem illegal arms traffic—even with the special search and other powers which successive gun prohibition bills have given them. The British army has been unable to enforce gun laws in Northern Ireland, even with mass street searches and random raids in homes.

In this country, even partial enforcement of a handgun prohibition would result in large numbers of snoopers and informers, "stop and frisk" laws, no knock" searches, and other repugnant police practices. The result of such invasions of privacy would probably be the jailing of hundreds of thousands of otherwise law-abiding citizens who would react to gun prohibition with the same self-righteous spirit against tyranny that greeted liquor and marijuana prohibitions. In a free society, those who would enforce the people bear the burden of proving probable benefit. The proof would not need to be great in order to ban that which few people value deeply. But mere speculation—against the weight of the evidence—cannot justify banning that which is valued as deeply as some 40 million Americans value their handguns.

Such a band is not desirable in itself. It would be virtually unenforceable, and would not be worth the enormous costs in civil liberties of even partial enforcement. As the Wisconsin study concludes: "If the law cannot control such highly visible criminal activity as drug traffic, gambling, and prostitution, with their continuing sales of commodities and services to the general public, then it seems unlikely that it could control the one-time sale of an item that can last for generations. The basic question is, then, are we willing to make sociological and economic investments of such a tremendous nature in a social experiment for which there is no empirical support?"

WHY HAS INDIA ESCAPED SERIOUS CRITICISM?

HON. PATRICIA SCHROEDER

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mrs. SCHROEDER. Mr. Speaker, August 10, I inserted in the RECORD an article on political repression in India written by Ved Nanda, professor of international law at the University of Denver. Today I insert another article by Mr. Nanda that focuses on the West's inattentiveness to this problem:

[From the Rocky Mountain News, Apr. 4, 1976]

WHY HAS INDIA ESCAPED SERIOUS CRITICISM?

(By Ved Nanda)

Why has the story of India under Indira Gandhi's dictatorship received inadequate attention in the U.S. media? Why has there been so little criticism abroad?

The future historian, writing about India, will likely be puzzled by the lack of in-depth reporting, coverage, and analysis in the Western media of events in India since the "emergency" was declared on June 26, 1975. Was it primarily due to an understandable preoccupation with events closer to home, or was it perhaps, at least in part, due to lack of proper concern with violation of civil liberties and human rights in a distant land? Was the task difficult because of the stringent press censorship in India which has completely muzzled the once lively Indian press?

All of these reasons sound fairly convincing. But they do not seem to tell the whole truth. Perhaps there are other, albeit subtle, reasons why Indira Gandhi's dictatorship has escaped serious criticism at the hands of those whose task it is to provide fair and accurate reporting and analysis of significant happenings around the world.

For one, the liberal U.S. media was disappointed and disheartened at the spectacle of India as a hapless giant. The government in New Delhi seemed to be falling into disarray and with each succeeding year drifting into a "functional anarchy" as John Kenneth Galbraith aptly described it.

Disenchanted with what it considered "democracy in action" in India, the U.S. media has apparently concluded that democracy as the West knew it was not suited to the conditions in India—masses of illiterate people, facing formidable economic and social problems. In the aftermath of the Vietnam debacle many questions were still unanswered and even those who firmly believed in freedom and democracy had second thoughts about its application to alien lands in Asia and Africa.

And then there was the freshly discovered Peoples Republic of China, presenting a model which was attracting increasing attention and admiration in the United States. Observers kept saying that it was hard to ignore the marked contrast between rampant corruption and mounting disorder in India, and the disciplined and orderly progress in China.

As a skillful manipulator, Indira Gandhi used this situation to her utmost advantage. As Nehru's daughter and with Gandhi's name (she is no relation to India's independence leader Mohandas Gandhi), she projected the image of the protector of democracy who was "forced to destroy it in order eventually to save it." These disciplinary measures were absolutely necessary, she claimed, for the survival of India, and the impression she often gave was that they would be of limited duration.

This in part explains why the liberal U.S. media have been soft on Indira Gandhi. Since democracy had apparently failed to solve India's problems, or so the media concluded, it felt obliged to give her totalitarian measures a chance. Otherwise, given the penchant U.S. correspondents have for investigative journalism and the disregard they have consistently shown for their personal safety and security in gathering news (witness their risky ventures in the Vietnam war), there is no reason to believe they would not have exposed Indira Gandhi's ruthless suppression of the political opposition in India.

After all, India's jails are full of political prisoners whose number is reportedly between 100,000 and 200,000. In police stations and jails, prisoners have been tortured and treated inhumanely, occurrences which I personally verified during my recent visit to India last December.

The second reason has to do with what the U.S. media consider the absence of a viable opposition to Mrs. Gandhi's ruling Congress party. Only a few opposition leaders enjoy any visibility or credibility in Western eyes; none of the opposition parties have, according to most Western observers, shown a track record or even a promise of providing a fair alternative to the Congress party.

Why criticize Indira Gandhi's regime, if there is no viable alternative, would be the argument.

And finally, in a country as large and varied as India, where masses have been traditionally apathetic and the opposition was shocked and stunned by Indira Gandhi's action, the Western media found less than vocal opposition to the "emergency." Hence it did not consider events such as mass arrests newsworthy. Similarly, since protests by the opposition, and their civil disobedience and passive resistance movement were nonviolent (the underground in India has rejected the demand by some to resort to violent measures to overthrow the government) there was not much to report.

MONS 030001

Are these reasons valid? Maybe in part, but not really.

It was not democracy that failed in India; what failed is the leadership of the ruling Congress party that has been continuously in power ever since India became independent in 1947, and Indira Gandhi and her cronies who have had a majority, often an overwhelming majority, in the parliament of India for over a decade. The leadership failed and betrayed India, and democracy did not have a chance.

To set the record straight, India has a rich tradition of democracy that goes back centuries in the form of village Panchayats. Democracy, civil liberties and human rights on the one hand, and the solution of economic and social problems which will eventually lead to an orderly society based on human dignity, are not mutually exclusive.

Also, the criticism of the political opposition in India is valid, but only up to a point. It is true that until recently the political scene in India presented a confused picture of a large number of political parties—both on the right and left of the Congress party—constantly bickering among themselves and united only in their desire to dislodge from power the Congress party.

The situation was, however, dramatically changed with the emergence of the 72-year-old leader Jayaprakash Narain, a widely revered leader and a follower and former colleague of Mohandas Gandhi. Narain brought unity to the ranks of all the centrist elements which are presently waging a united struggle against the "emergency" rule.

The non-left opposition parties including the Janata parties and the Jan Sangh have decided to form a single political party. They have already prepared a platform for the new party. Their blueprint offers a viable alternative to the program of the Congress party. The leftist parties in India which range from Naxalites who believe in violent uprisings by labor and peasants, the Peking wing of Marxist groups, and Trotskyites, to the Moscow wing, have only a limited following and are no threat to this centrist coalition.

Finally, it is a sad commentary if the events considered worthy of reporting are only terrorists and violent acts and if nonviolent and passive resistance movements are ignored because they are not sensational.

Also, why is the U.S. government silent? Should it not speak up against the violation of human rights?

The U.S. is left with very little political leverage in India. Even its aid program is at present no longer of great significance. Also, it is weary of hearing the accusation of intervention in internal affairs of foreign countries.

Is it possible that the Department of State feels more comfortable in dealing with a strong regime? As U.S. relations with the colonels in Greece, Franco's Spain and Latin American dictatorships provide some clues, it seems that the department prefers a strong dictatorship to a weak democracy because the former lends certainty and predictability to U.S. foreign relations.

Meanwhile, there are several unanswered nagging questions such as: Why did Indira Gandhi resort to such unprecedented means of political repression? What was the extent, if any, of direct or indirect Soviet participation and counsel at various stages of Mrs. Gandhi's decision making, beginning with the imposition of the "emergency" rule? Why was the opposition so easily squelched?

There are other, speculative questions. For example: What would have happened if the opposition political parties were not caught woefully unprepared for the emergency? What would have been the outcome if Indira Gandhi had resigned in response to the mounting pressure from the opposition?

Only the verdict of history will provide authentic answers to these questions.

The current situation in India calls for wider discussion of the violation of human rights. The newly formed World Committee for Human Rights in India is giving final touches to a petition which it expects to present to the U.N. Commission on Human Rights this summer. Indira Gandhi's government is sensitive to world pressures and therein lies the hope for political detainees and prisoners in India's jails.

THE FED: EXERCISE IN SELF-CONTROL

HON. STEPHEN L. NEAL

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. NEAL. Mr. Speaker, the 12 Federal Reserve banks conduct the public's business in a variety of areas, including monetary policy, bank mergers, bank holding company activities and consumer credit. Yet, most people are only dimly aware that the boards of directors of the 12 Federal Reserve district banks are dominated by banking and big business interest.

As Chairman HENRY S. REUSS of the House Committee on Banking, Currency and Housing points out in an article in the Washington Post of August 15, 1976, other groups such as consumers, farmers, or small businessmen who have a vital stake in monetary policy and other Federal Reserve operations are barely represented. The article by Chairman REUSS, which follows, is extremely informative and I commend it to my colleagues:

THE FED: EXERCISE IN SELF-CONTROL

(By HENRY S. REUSS)

Next month, a vitally important and little-noticed election process will get under way in this country. You and I will not participate in this process. Instead, some 6,000 commercial banks that are members of the Federal Reserve System will make the determination. They will decide, by the end of 1976, who controls the nine-member boards of directors of each of the 12 Federal Reserve banks throughout the country.

When we go to the polls in November and select our next President, our new congressmen and senators and our state and local officials, each of us hopes to have some effect on the forces that rule our lives. But even if we vote, that other election process—the Federal Reserve's—will be almost complete.

And it, too, will involve policies of profound importance for each one of us.

How can this happen? It happens because the Federal Reserve banks exercise regulatory power over commercial banks—examinations, holding companies, mergers, because they are, through their membership on the Federal Open Market Committee, governmental power over the money supply and interest rates—and, through them jobs, prices and production; and, because they are the official agents for channeling through to Washington, in Chairman Arthur Burns' phrase, economic intelligence from the "grass roots".

The Federal Reserve System consists of three major divisions: (1) the Board of Governors, seated in Washington, having seven members appointed by the President, with the advice and consent of the Senate, for 14-year terms; (2) the Federal Open Market Committee, consisting of the seven governors and five of the 12 district bank presidents (each district bank president is selected by the directors of that bank, with Board of Governors' approval, for a five-year term); (3) the 12 Federal Reserve banks, and their branches, in 37 cities across the country.

SPECIAL INTERESTS

The "independence" of the Federal Reserve is an article of faith. Most Americans agree that the Fed should have a measure of independence—secured by long terms of office—from the President. But is it too much to ask that the Federal Reserve System enjoy as well independence from special interest groups, specifically banking and big business?

Yet it is precisely these two groups which have an unhealthy dominance within the Fed's structure. As the staff report of the House Committee on Banking, Currency and Housing, "Federal Reserve Directors: A Study of Corporate and Banking Influence," makes clear the Federal Reserve System has a built-in conflict of interest by reason of the extremely narrow spectrum of America which is represented on the boards of directors of the twelve regional banks.

[The report is scheduled for release today. It has not been officially adopted by the committee.]

In a nutshell, says the staff report, the Fed's boards of directors are dominated by banking and big business. Each of the 12 banks has nine directors, three from each of the following classes:

Class A, elected by the member banks, and consisting of bankers. Following the provision of the Federal Reserve Act that Class A directors be representative of the various areas of banks, large, medium and small banks—perfectly reasonably—share the representation. But diversity of interest may be more apparent than real, because 30 of the 36 Class A directors have been in leadership positions in state and national bankers associations. These trade associations by their nature tend to take a monolithic position on bank issues. Banking association politics also surface in the present custom, in five of the 12 reserve districts, of making the state bankers association a sort of informal nominating committee for Federal Reserve bank directors. In these regions, the banking associations make the nominations, and all directors now sitting have apparently been nominated without dissent.

Class B, also elected by member banks, representing the borrowers—in the language of the Federal Reserve Act, those "actively engaged in commerce, agriculture, or some other industrial pursuit." Small businessmen and owners of family-size farms are among the more wistful borrowers in our society, but not one of the present 36 directors fits either description. The three Class B directors of the Boston Federal Reserve Bank, for example, are the president of Textron ($2.1 billion in annual sales), the chairman of Filene's Department Store (a subsidiary of Federated Department Stores, which has annual sales of $3.27 billion) and the president of Southern New England Telephone Co. ($438 million annual sales). The New York Fed's Class B directors are the chairman of Texaco ($23.3 billion annual sales), the president of Union Carbide ($6.2 billion annual sales) and the president of J. C. Penney ($6.9 billion annual sales). The San Francisco Fed's directors are the president of Boeing ($8.78 billion annual sales), the president of Crown Zellerbach ($1.7 billion annual sales) and the chairman of C. L. Peck Contractor ($126 million sales). And so on.

Class C, the "public" directors, named by the Board of Governors. Excluded are "officers, directors, employees or stockholders of any bank," but in practice, the Federal Reserve Board's appointments reflect the same narrow concentration as the Class A and B categories. Twenty-nine of the 36 Class C directors are executives or directors of corpora-

MONS 030002

tions, mostly large. Moreover, nine were formerly directors of banks. And one of the New York Bank's Class C directors is a partner in the New York law firm that represents First National City Corp., the nation's largest multi-bank holding company.

MINORITY VOICING

As unsettling as the banking and big business concentration among the 108 Reserve bank directors is the absence, virtual or absolute, of representation of groups that ought to be included.

There are no women directors among the 108; indeed, a woman has not filled one of the 1,048 positions available since the system was set up in 1913. Family-size farms are not represented. Small business is barely visible. Only two directors are members of minority groups.

Former Federal Reserve Governor Andrew Brimmer has testified that the responsibility of the bank directors is to "foster high employment and economic growth." Yet, the 108 directors charged with the responsibility for assuring "high employment" include not one single representative of organized labor.

Chairman Burns at a hearing last March praised the directors for their detailed knowledge of "consumer psychology." And the Reserve banks enforce consumer protection laws such as truth-in-lending, equal credit opportunity and fair credit billing. Yet, not a single representative of consumer groups sits on the 12 boards.

The Federal Reserve banks exercise in the first instance the system's regulatory authority, particularly over holding companies. Yet 36 of the 108 directors serve now or formerly served as officers or directors of bank holding companies. At the Minneapolis Federal Reserve Bank, all three of the Class C "public" directors were formerly directors of First Bank System, Inc., the nation's 12th largest multi-bank holding company, or one of its affiliates.

The banking-big business domination of the Fed produces the clearest conflict of interest of all in the Federal Open Market Committee. Five of the committee's 12 members are Reserve bank presidents who must be approved for reappointment every five years by their bank-dominated directors. Yet to Washington they go every month, there to participate in the nation's vital monetary decisions.

In monetary policy, as in fiscal policy, what's good for General Motors and the banks is not necessarily good for the country. Tight money for three years, and then easy money in the year of a presidential election—the Fed's record for the last eight years—can be a formula for both inflation and recession.

Letting the Reserve bank presidents make governmental monetary policy is not only unwise, it is probably unconstitutional. The Supreme Court earlier this year held the Federal Election Commission unconstitutional because the commissioners exercised governmental power without being, under Article II, Section 2 of the Constitution, "officers of the United States" appointed by the President and confirmed by the Senate. The five Reserve bank presidents, lacking presidential appointment and senatorial confirmation, have no more right to make decisions on money and interest rates than the federal election commissioners had to make decisions on campaign finances.

A PLAN FOR REFORM

Concentration of financial power in the United States has gone too far. The nation would be better served by making the Federal Reserve System truly independent of big business and banking, freed of its built-in conflicts of interest and more open in its activities.

Voting membership on the Federal Open Market Committee should be restricted to officers appointed by the President and confirmed by the Senate.

The three Class A Reserve bank "banker" directors should be prohibited from participating in decisions on bank regulatory matters.

The Class B "borrower" directors should include representation of small business, family-size farms and other non-giant borrowers. Moreover, the publicly appointed Federal Reserve Board of Governors, rather than the banker-dominated Reserve bank boards of directors, ought to appoint the Class B directors.

The Class C "public" director category should be expanded from three to six members, and the overemphasis on big business and banking lessened, by representation for women, minorities, consumers and labor. A provision to achieve this is contained in the Federal Reserve Reform Act, which passed the House last May and has been favorably reported by the Senate Banking Committee.

WOMEN'S EQUALITY DAY

HON. BELLA S. ABZUG

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Ms. ABZUG. Mr. Speaker, this year, as in the past few years, the President has proclaimed August 26, 1976, Women's Equality Day. This action was taken before the Congress acted on my resolution: H. Res. 996 which called for a joint resolution of Congress to designate Women's Equality Day. I would like to submit a list of Representatives who joined in cosponsoring my resolution.

For the past 6 years, August 26, the anniversary of the ratification of the 19th amendment, which gave women the right to vote, has been a day of celebration and commemoration for women all over America. On this day women have joined together to evaluate their progress and formulate their goals for the coming year. It is also a day when both men and women can learn more about the problems facing women in our society.

In our Bicentennial Year, when the historical consciousness of our Nation has become increasingly emphasized, it is especially important for the contributions of women in all areas to be recognized. This chapter of our Nation's history is conspicuously missing from our textbooks. The achievements and the sacrifices American women have made throughout our history have too long been ignored. We must hold up women of distinction as examples to be emulated rather than quietly forgotten.

We fully recognize that the mere declaration of a commemorative day has little practical impact on the situation facing women today. Though there has been much progress, there are still many problems of pressing importance which must be resolved. Women remain the object of job discrimination, which has resulted in the high unemployment rate among women. There is still a lack of adequate child-care facilities for working mothers and women continue to be discriminated against in the areas of credit availability and professional recognition. These are only a few of the areas where our struggle must continue. But we must especially strive to obliterate those attitudes within our society which have allowed and perpetuated the inequitable situation that exists today. This is truly our greatest challenge.

The purpose of Women's Equality Day is to set aside a day in the year on which we recognize and celebrate the progress American women have made toward social and political equality. But it is also a day when we can reconfirm our national commitment to full and true equality for all women throughout our society.

I applaud President Ford for his proclamation of Women's Equality Day this year. However, I hope in the future Women's Equality Day will become a national holiday. It will then become a permanent part of our calendar and so will demonstrate our continual dedication to achieving complete equality for women.

The following Members are cosponsoring my resolution:

WOMEN'S EQUALITY DAY COSPONSORS

Abzug, Allen, Ashley, AuCoin, Badillo, Baldus, Beard, Bedell, Bell, Bergland, Bingham, Blanchard Blouin, Boggs, Boland, Brademas,

Brodhead, Brown, Calif., Buchanan, Burke, Calif., Burke, Mass., Burton, Phillip, Chisholm, Clay, Cleveland, Cohen, Collins, Ill., Conte, Conyers, Corman, Cotter, Daniels, N.J.,

Dellums, Diggs, Dodd, Downey, N.Y., Drinan, du Pont, Edwards, Calif., Eilberg, Fascell, Fenwick, Flood, Ford, Tenn., Fraser, Frenzel, Gibbons, Green, Gude, Hamilton, Hannaford, Harrington, Harris, Hawkins, Heckler, Mass.

Heinz, Helstoski, Hicks, Hinshaw, Holtzman, Horton, Howard, Hughes, Jeffords, Jones, N.C., Jordan, Kastenmeier, Kemp, Krebs, Keys, Koch, Leggett, Lehman, Long, Md., McClory, McCormack, McFall, McHugh, Madden, Mann, Matsunaga, Mazzoli, Meeds, Meicher, Metcalfe

Meyner, Mikva, Miller, Calif., Mineta, Mink, Mitchell, Md., Moakley, Moffett, Moorhead, Pa., Moss, Murphy, Ill., Murphy, N.Y., Nix, Nowak, O'Neill, Patten, N.J., Patterson, Calif., Pattison, N.Y., Pepper, Pettis, Peyser, Pickle, Preyer, Rangel, Rees, Richmond,

Riegle, Rodino, Roe, Roncalio, Rooney, Rose, Rosenthal, Roybal, Ruppe, Sarbanes, Scheuer, Schroder, Selberling, Simon, Smith, Iowa, Solarz, Spellman, Stanton, James V., Stark, Steelman, Stokes, Stratton, Symington, Teague, Udall, Vander Veen, Walsh, Waxman, White, Wilson, C. H., Wilson, Tex., Wirth, Wolff, Yates, Yatron, Zeferetti.

TERRORISM OF PLO—EQUATING ZIONISM WITH RACISM

HON. LESTER L. WOLFF

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. WOLFF. Mr. Speaker, there recently came to my attention an article, written by Ms. Lorraine Nicholas, which discusses the United Nations failure to condemn the terrorism of the PLO, while at the same time it adopts a resolution equating Zionism with racism. The article represents the views of a Chris-

MONS 030003

tion who lived for a time in Israel. I found it extremely worthwhile, and I would like to share Ms. Nicholas' article with my colleagues:

TERRORISM OF PLO—EQUATING ZIONISM WITH RACISM

(By Lorraine Nicholas)

As a Christian who has lived and studied in Israel I can no longer remain silent concerning recent actions taken by the United Nations. These vicious attempts to degrade a constructive movement and dirty Israel in the eyes of the world are not even worthy of an attempt on my part to defend any actions taken by Israel of Zionism. I rather seek to enlighten others as to the other side of the coin which cannot be ignored, Arab actions.

During October, 1974 terrorists suddenly became respectable and worthy of diplomatic honors. The PLO is directly responsible for the loss of several American lives including U.S. Ambassador Cleo Noel. The ultimate objective of the PLO is the destruction of a member state of the United Nations through violence and armed force. The self-conferred title of "Liberation Organization" is misleading. Liberation movements use violence against military and political targets and operate solely within the territory they seek to liberate. The PLO does neither but chooses innocent women and children as its victims such as in the terrible massacres at Maalot and Qiryat Shemonah in 1974. Most PLO activities are conducted outside Israel. In 1972 eleven Israeli athletes were murdered at the Olympic Games in Munich. In 1970 a Swissair jet exploded in midair and killed forty seven—a fete proudly claimed by the PLO. Other massacres have occurred in Roman and Greek airports.

This new prestige given international murderers was only the beginning of a series of poisonous resolutions and attacks aimed at Israel. A few months later UNESCO voted to withhold funds from Israel because of alleged negligence concerning historical sites. Where was UNESCO or an arm of the UN during the years before 1967 when half of Jerusalem was under Jordanian occupation? At Al-Hamariya Jewish tombstones were used to construct barracks for the Jordanian army. The centuries old Jewish Quarter was nearly destroyed and only years of hard, painstaking work promises its restoration.

In November, 1975 the UN General Assembly approved a resolution equating Zionism with racism, the logic of which eludes me completely. Racism is discrimination or persecution based on radialism, a feeling of racial antagonism, due to beliefs of racial superiority or purity. Zionism is the movement of the Jewish people to return to their ancient homeland and rebuild the Jewish state of Israel. There is no connection between the two whatsoever. If Zionism is a racism then any state born of nationalism is also racist, including the Palestinian state Arafat hope for in what is now Israel. It is only my understanding of the fact that this evil resolution was pushed through the Assembly by the Arab-Soviet bloc that I can understand how it was passed.

Last month (June, 1976) the UN Human Settlements Conference reaffirmed this resolution. But how easily the world forgets! The typical low grade Arab propaganda constantly reminds us of the state of Palestinian refugees. This situation is deplorable, a condition to which any Israeli would readily admit. But who reminds the world of the 600,000 Jews in Arab lands who were forced to flee with the birth of the State in light of impending persecution at the hands of Arab governments? I must not neglect to mention the active support and open collaboration given Hiter by the Grand Mufti of Jerusalem, Haj el Amin Husseini, in the "final solution."

On his return from exile in Algeria, Black Panther Eldridge Cleaver named Moslems as among the world's worst racists. History verifies this. In February, 1970 Muammer Qaddafi of Libya confiscated all Jewish property and forced homeless Jews into special camps. The outbreak of the Six Day War in June, 1967 resulted in mass arrests of Jews in Egypt as well as confiscation of their property. It was only the direct intercession of Spain, Italy and France which prompted the release of 110 of them. In June, 1969, Iraq publicly hung nineteen Jews in a Baghdad square. Public radio called upon the population to witness the event. Almost a half million appeared to chant "Death to Israel" and dance past the scaffold. The world's outcry to the spectacle was brushed aside as "the barking of dogs" by President Bakr.

Arab racism is by no means limited to Jews. The majority of the Italian population of Libya was killed in 1969 in an effort to purge the land of "infidels." In 1963 Syria forcibly removed its Kurdish population from the Jezrieh region. Half were stripped of their citizenship. Persecution is still continued by Iraq who repeatedly attacks Kurdish villages despite government guarantees of autonomy. Since 1956 approximately 500,000 Black Sudanese have been murdered by their fellow Moslem Sudanese to the North. The Sudan closed the South to the outside world and refused foreign reporters. Portunately, several hundred thousand of the oppressed were able to flee to neighboring countries.

Most recently, the Organization of African Unity had the audacity to charge Israel's rescue operation at Entebbe Airport as a "flagrant violation of Uganda's sovereignty." This came despite the mounting evidence showing Act Amin's lack of action in freeing the hostages and his possible open collaboration with the terrorists. Luckily, these charges had but feeble support along with a U.S.-British sponsored resolution condemning airline hijackings. Perhaps only when more countries are affected in the same manner, through random violence, murder and terror by obscure nationalist movements will such a resolution pass. By then it may be too late.

I am not surprised by the UN's lack of action. It seems to be quite apparent is well known as in the cases of Vietnam, Ireland, the Spanish Sahara and Cyprus. So why does the rest of the world not speak out against terrorism and the like? Could it be the pressure of Arab oil and petrodollars which causes us to be silent? The present Civil War in Lebanon has taken the lives of thousands of Christians and Moslems. Recent reports tell of the financing of a world wide terrorist ring by Libyan President Muammer Qaddafi. Why does our international peace keeping body, the "last, best hope of man" not speak out on these events instead of passing judgments on Jewish ideologies and Israeli policies?

MUNICIPAL SECURITIES DISCLOSURE

HON. JOHN M. MURPHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. MURPHY of New York. Mr. Speaker, I am today introducing a bill to amend the Securities Exchange Act of 1934 to upgrade the quality and uniformity of financial and other information concerning State and local issuers.

Since 1933 municipal securities have been exempt from the disclosure requirement applicable under the Federal securities laws to other publically held securities. The reasons for this original exemption are not clear, but presumably they are related to the relatively few instances of misrepresentation or fraud on behalf of municipalities. In addition, at the time the Securities Act of 1933 was enacted, most investors in municipal securities were sophisticated institutions who were able to fend for themselves.

Today, of course, the original reasons for the exemption have become less valid. The financial condition of many of our municipalities has become weakened, through a number of causes such as the erosion of the tax base and fiscal mismanagement. This fact, coupled with the increasingly large proportion of municipal debt that has been sold to individuals of small and moderate means, requires some action on the part of Congress to require full disclosure of the financial condition of municipal issuers in order to protect public investors and to rekindle their confidence in the integrity of this most important sector of our Nation's securities markets.

Briefly, the bill I am introducing today would not require registration under the 1933 act for any State or municipal issue, but, rather would require that any State or municipality with aggregate outstanding securities exceeding $50,000,000: First, file annual reports with the Commission, containing, among other things, certified financial statements, pursuant to accounting standards to be established by the Commission; and second, disseminate with each offer of securities exceeding $5,000,000 a distribution statement containing, to the extent possible, the kind of information to be required in the annual report.

This bill, I recognize, may not resolve all of the difficult questions which will be raised during the deliberative process. However, I am confident that it will serve as a vehicle for the development of legislation which will ultimately insure full and fair disclosure of municipal offerings, on terms and conditions acceptable to the issuer, the underwriter, and the investor.

A copy of the bill to which I refer follows:

H.R. 13906

A bill to amend the Securities Exchange Act of 1934 to require the preparation of annual reports and distribution statements by issuers of municipal securities, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Municipal Securities Full Disclosure Act of 1976".

SEC. 2. (a) Section 3(a)(12) of the Securities Exchange Act of 1934 is amended by inserting "13A," immediately after the phrase "for the purposes of sections".

(b) Section 3(a)(10) of such Act is amended by inserting "guarantee of," immediately after "receipt for,".

(c) Section 12(h) of such Act is amended by inserting "13A," immediately after "section 13,".

(d) Section 15B(d)(1) of such Act is amended by striking out "Neither the Commission nor the Board is" and inserting in lieu thereof "The Board is not", and by striking out "with the Commission or the Board" and inserting in lieu thereof "with the Board".

(e) Such Act is further amended by in-

MONS 030004

serting after section 13 the following new section:

"MUNICIPAL SECURITIES DISCLOSURE

"SEC. 13A. (a)(1) Any issuer of municipal securities which has outstanding during any portion of a fiscal year an aggregate principal amount of municipal securities exceeding $50,000,000 shall prepare for such fiscal year an annual report and reports of events of default in accordance with such rules and regulations as the Commission may prescribe as being necessary or appropriate in the public interest or for the protection of investors.

"(2) The annual report required by paragraph (1) shall contain the following information, if applicable:

"(A) An identification and description of the issuer of the securities outstanding;

"(B) A description of any legal limitation on the incurrence of indebtedness by the issuer or the taxing authority of the issuer;

"(C) A description of the issuer's debt structure, including information with respect to amounts of authorized and outstanding funded debt; estimated amount of short term debt, character of amortization provisions of funded debt, sinking fund requirements, security for debt, nature and extent of guaranteed debt, and debt service requirements;

"(D) A description of the nature and extent of other material contingent liabilities or commitments of the issuer;

"(E) If any payment of principal or interest on any security of the issuer or any predecessor thereof has been defaulted on, or has been postponed or delayed, within the past five-year years, a description of the date, amounts and circumstances of such event and of the terms of any succeeding arrangements thereof;

"(F) A description of the issuer's tax authority and structure over the past five years including the nature of taxes levied, (ad valem, property level and personal) valuation and assessment procedures, amounts of property valuations and assessments, amounts of tax levies, amounts of tax collections and delinquent tax procedures and experience;

"(G) A description of the issuer's major taxpayers;

"(H) A description of the principal governmental and other services provided or performed by the issuer, the extent to which similar or differing services are performed by other governmental entities which serve the same geographic area and any major changes in such services in the last ten years;

"(I) A description of the nature and extent of Federal or other assistance programs available to the issuer; and

"(J) Financial statements of the issuer in such detail and form and for such periods beginning not earlier than the fifth previous fiscal year as the Commission may prescribe, which statements for any fiscal year commencing on or after December 31, 1978, shall be audited and reported on by an independent public or certified accountant in such manner as the Commission may prescribe.

"(3) The reports of events of default referred to in paragraph (1) shall contain such of the information required by paragraph (2) as the Commission may by rule or regulation prescribe.

"(4) The reports required by paragraph (1) shall, in addition, contain such other material and specific information as the Commission may by rule or regulation prescribe as being necessary or appropriate in the public interest or for the protection of investors.

"(b)(1) Except as provided in subsection (c), any issuer that offers or sells an issue of municipal securities, the aggregate principal amount of which exceeds $1,000,000, by or through a municipal securities broker, municipal securities dealer, or bank acting as agent, shall, prior to such offer or sale, prepare a distribution statement in accordance with such rules and regulations as the Commission may prescribe as being necessary or appropriate in the public interest or for the protection of investors.

"(2) The distribution statement required by paragraph (1) shall contain such of the information pertaining to the issuer required by subsection (a)(2) as the Commission may by rule or regulation prescribe, and the following:

"(A) A description of the offering, including amount to be offered, price, plan of distribution, and underwriting arrangements and compensation;

"(B) A description of the security to be offered, including provisions as to security, events of default, payment of principal and interest, sinking fund, redemption, debt reserve funds, priority, legality and authorization for issue and rights of security holders to bring suit against issuer;

"(C) A description of any project or enterprise of the issuer to be financed from the proceeds of revenue or special assessment securities, and any engineering or financial feasibility reports or studies on the construction and operations of the project or enterprise;

"(D) A description of the intended use of the proceeds of the offering;

"(E) A statement of counsel's opinion as to the legality of the issuance of the securities to be offered;

"(F) A statement of the availability of the reports required by this section; and

"(G) Such other similar and specific information as the Commission may by rules or regulations require as necessary or appropriate in the public interest or for the protection of investors;

except that, prior to any sale, the information specified in subparagraphs (A), (B), and (E) may be set forth in preliminary form.

"(c) The provisions of subsection (b) shall not apply to an issuer solely by reason of an offer or sale of municipal securities—

"(1) the disclosure with respect to which has been approved, after hearing, as adequate for the protection of investors by a State governmental authority (other than the issuer) expressly authorized by law to grant such approval, or

"(2) which would meet the criteria set forth in sections 3(a)(8), 3(a)(10), 4(1), 4(2), 4(3), or 4(4) of the Securities Act of 1933 if such offer or sale were not within the scope of section 3(a)(3) thereof.

"(d) The Commission may from time to time by its rules and regulations, and subject to such terms and conditions as may be prescribed therein, change the minimum amounts set forth in subsections (a)(1) and (b)(1) if, giving due regard to such factors as general economic conditions, costs involved, and the nature of the distribution system for municipal securities, such change is deemed to be appropriate in the public interest.

"(e) The Commission may prescribe, in regard to reports and distribution statements made pursuant to this section, the form or forms in which the required information, including the financial statements, shall be set forth, and the accounting methods to be followed in the preparation of financial statements.

"(f)(1) The issuer shall make the reports required by subsection (a)(1) of this section available upon request to security holders at the issuer's expense and to others at their expense and shall give appropriate public notice of such availability.

"(2) The issuer shall make the distribution statement required by subsection (b)(1) of this section available to municipal securities brokers, municipal securities dealers, and banks acting as agent for delivery to prospective purchasers in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

"(3) The reports and distribution statements required by this section shall also be maintained by the issuer at a designated location for examination by the public in accordance with such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors. The Commission may also contract to establish a central repository which shall receive and maintain such reports, and may require the contractor to adhere to such rules and regulations as the Commission may prescribe in furtherance of the purposes of this section. Each person subject to the requirements of this section shall, upon the establishment of any such repository, thereafter file copies of reports and distribution statements required to be prepared by this section with the repository in accordance with such rules and regulations as the Commission finds are necessary or appropriate in the public interest.

"(g) In no event shall any underwriter of an issue of municipal securities (unless such underwriter shall have knowingly received from the issuer for acting as an underwriter some benefit, directly or indirectly, in which all other underwriters similarly situated did not share in proportion to their respective interests in the underwriting) be liable in, or as a consequence of, any suit for damages in excess of the total price at which the issue was sold by it to the public.".

SEC. 2. The amendments made by section 2 take effect on January 1, 1977.

SUPPLEMENTAL SECURITY INCOME PASS THROUGH

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. FRASER. Mr. Speaker, the gentleman from Massachusetts (Mr. O'NEILL) and I plan to offer an amendment to H.R. 8911, the Supplemental Security Income Amendments of 1976, expected to reach the House floor on Wednesday of this week.

Our amendment will insure that nearly 1 million elderly, blind, and disabled recipients of Supplemental Security Income (SSI), who have been denied cost-of-living increases in the past, will receive those increases in the future.

Our amendment, known as the pass through amendment, affects those recipients who receive a State supplemental payment in addition to their SSI benefit. This year, because a majority of the States chose to reduce the size of their State supplement payments by the amount of the increase in Federal payments, close to 1 million SSI recipients received no increase in benefits at all. Those poor enough to require a supplement to SSI benefits were kept at the same level, not compensated for the escalating cost of living around them.

Mr. Speaker, our amendment corrects this flaw in the SSI law. The proposal requires States to pass cost-of-living in-

MONS 030005

creases through their supplement programs and onto recipients. We do not obligate States to spend more for their supplement programs and we protect them against increased expenditures that could potentially be incurred from a pass through. Our amendment simply prevents States from saving Federal cost-of-living increases in the future by keeping them from recipients of State supplements. In those States affected by the hold harmless provisions of the 1973 SSI Act, our amendment also prevents the Federal Government from cutting back its supplemental payments.

We don't feel that Congress intended States to save Federal cost-of-living increases we voted for the poor. I urge my colleagues to give careful consideration to this proposal and give it support on Wednesday.

In addition, I would like to share a sampling of letters I have received from individuals and advocacy groups in my own State of Minnesota which demonstrates of what grave concern this is to the poor. Undoubtedly my colleagues have constituents in similar circumstances.

The letters follow:

AUGUST 6, 1976.

DEAR MR. FRASER: Needless to say that as an elderly citizen I certainly hope your bill coming up soon, will pass.

In discussing this bill with other elderly citizens, some on SSI, I find they are confused and bewildered that they are given a raise and then have some taken away. The ones getting SSI of course are at the bottom of the totem pole in finances anyway so why pick on them. I do not understand that way of thinking. Even if they had to take away some from somebody—why for goodness sakes the ones at the very bottom.

Naturally I wish to thank you for your concern whether the bill passes or not. It's like a breath of fresh air. I think I speak for my group and many of your constituents.

Thank you,

BARBARA CARLTON.

MINNESOTA RECIPIENTS ALLIANCE,
Minneapolis, Minn., August 2, 1976.

HON. DONALD M. FRASER,
Congressman, State of Minnesota,
Washington, D.C.

DEAR CONGRESSMAN FRASER: Our organization is gravely concerned over the plight of Minnesota citizens who are unable to maintain the most minimal standard of living due to the fact that Minnesota does not pass along increases in Supplemental Security Income programs to those citizens who are supplemented from public assistance funds.

We believe the states should be mandated to pass on increases in this program. We therefore strongly endorse pending legislation which would provide for the mandatory pass through of increases in Supplemental Security Income.

Thank you for your attention to this matter.

Sincerely,

JOAN GUERNSEY,
State Coordinator,
Minnesota Recipients Alliance.

STATE OF MINNESOTA,
House of Representatives, August 2, 1976.

HON. DONALD FRASER,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FRASER: I'm pleased to hear that you are offering an amendment to the Social Security Act which is presently being considered in Congress which would provide the requirement that states pass along federal benefits to the recipients in their states.

I authorized legislation during the last session to try to provide that no one receiving the Minnesota supplement would receive less than the federal government was providing through cost-of-living increases. Unfortunately, this legislation did not pass. It did pass the Senate and passed one committee in the House. Unfortunately, time did not permit it to receive final hearing before the House Appropriations Committee in 1976.

I have been working with many citizen groups who are concerned about what the policies of the state and federal government do to some of the poorest people who are receiving this type of government assistance. While we do intend to reintroduce legislation in the 1977 session, it would certainly be helpful if action could be taken at a federal level.

If I can be of any further assistance to you in regard to this matter, please do not hesitate to let me know.

Sincerely,

LINDA L. BERGLIN,
State Representative.

CATHOLIC CHARITIES OF THE ARCHDIOCESE, OF ST. PAUL AND MINNEAPOLIS,
Minneapolis, St. Paul, Minn., August 5, 1976.

Representative DONALD M. FRASER,
U.S. House of Representatives,
Washington, D.C.

DEAR CONGRESSMAN FRASER: We are writing in strong support of your activity in Congress to enact "pass-through" legislation beneficial to the aged, handicapped, and others benefiting from public programs.

It seems inconceivable to us that legislation passed to benefit the poorest of our society, can work to the disadvantage of a segment of that population. "Real" increases in spendable incomes are what is needed to maintain a dignified state of existence for our citizens.

We applaud your continued efforts to work for justice and the dignity of our less fortunate citizens.

Sincerely,

RICHARD A. FLESHER,
SUSAN J. CARTER,
Program for Aging.

THE TESTIMONY OF WENDELL WILKIE GUNN BEFORE THE REPUBLICAN PLATFORM COMMITTEE ON BEHALF OF BLACK AMERICANS

HON. JACK F. KEMP

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. KEMP. Mr. Speaker, the lead editorial of the Washington Post today, states very perceptively that:

Economic growth makes it possible for the newcomers to move up the ladder without pushing down the people who got there before them. Nationalism has been, for most people, the surest route up into the middle classes, and it was economic growth that made possible the past generation's massive expansion of this country's school and university systems. If productivity ceases to improve over the coming years, a lot of other things in this country will also cease to improve—and one of them is equality of opportunity.

This case was most eloquently stated by Mr. Wendell Wilkie Gunn before the Republican Platform Committee on August 10. Mr. Gunn points out that taxes and other burdens placed on people by government are as detrimental to the success of black Americans, as was discrimination. Mr. Gunn says that black Americans do not wish to see the value of their civil rights victories diminished by having "the tax of discrimination" replaced by the increasing burden of other forms of taxation. After fighting for the right to buy a ticket on the train of economic growth, as black Americans to come aboard, they want to see the train moving again. And so do I, Mr. Speaker, for black, indeed all Americans.

Mr. Gunn points out that income redistribution is not economic growth and will not get the train of economic progress moving. He also points out that increased government spending and monetary expansion "are only useful as tools for income redistribution, not real economic growth." He emphasizes that—

The only way for the government to induce real growth of the private economy is by lifting from the private economy those burdens placed on it by the government itself.

Mr. Speaker, the 132 cosponsors of the Jobs Creation Act have long realized that the burdens placed by government on the private economy reduce social mobility and economic progress. The Jobs Creation Act is the concept behind legislation that must be enacted to get the train of progress moving again for all Americans, in the name of equity and opportunity.

I strongly recommend Mr. Gunn's eloquent testimony to all Members of Congress. His testimony follows.

TESTIMONY OF WENDELL WILKIE GUNN, BEFORE REPUBLICAN PLATFORM COMMITTEE, AUGUST 10, 1976

I am Wendell Wilkie Gunn, private citizen, of Morristown, New Jersey. My name might suggest that I am a life-long Republican. In fact, however, I am a life-long liberal Democrat who, only in recent years, has turned Independent.

I was born in 1942 in Tuscumbia, Alabama. My father was a laborer and an officer in a Black local of a metalworkers' union. I earned a degree in chemistry at nearby Florence State University where, in 1966, I was admitted by Federal court order over the protest of the Alabama State Board of Education. I subsequently earned a Master of Business Administration degree at the University of Chicago and am now employed at a New York bank.

The purpose of my testimony today is not to trace my political and economic pilgrimage from an Alabama farm to a New York bank. Rather, it is to present a personal perspective on where Black America has been in my lifetime, where it is today, and where it can go with the assistance of this distinguished Committee.

From my personal vantage point, clearly the most significant occurrence of our generation was that of the riots and subsequent demonstrations of the mid-1960's, beginning in the Watts section of Los Angeles. The significance of these upheavals is that they brought about a marked change in the human chemistry of all of America, both Black and White. They revealed a change in the perception of Blacks by themselves. And they initiated a change in the perception of Blacks by Whites. Prior to the riots, many

Blacks lived under poor economic conditions compared to their neighbors across the tracks and felt powerless to do anything about it. White attitudes were characterized by such often-expressed remarks as: "Blacks live that way because they want to," and "They are happy with their condition."

Then came the dramatic surge of economic growth and prosperity of the mid-1960's. Black America stood on the roadside and watched White America reap the benefits of an affluent society while only minimal improvement occurred in their own situation, due to widespread discriminatory practices.

As a result of the riots, which spread in rapid succession across the towns and cities of America, White America came to realize that Blacks were not at all happy with their condition and that change was necessary. At the same time, Blacks—feeling a new surge of political and economic influence—no longer felt powerless to fight the discriminatory practices that held them back.

At first, White America may have misread the significance of these riots, viewing as a Black demand for an immediate equal share in the wealth of America. But the truth is that this was an insistence on full access to the promise of America. The society was levying a tax on Blacks that was not being levied on Whites. The rebellions of the 1960's, to a significant degree, brought about the repeal of this unjust system of taxation.

From the beginning of recorded history, there have been two fundamental economic impulses in political deliberations. One is society's striving for economic growth and well-being. The other is the pressure for the transferral of prosperity and well-being from those who have to those who have not. It should come as no surprise to anyone that prior to the lifting of the burdensome tax of discrimination, Black Americans, in great numbers, gravitated toward those political forces which promised a forced dividing of the wealth of America. However, since that tax has been lessened, some important—though I fear unnoticed—changes have occurred. Now Black Americans, again in large numbers, have acquired a larger interest in that other fundamental impulse, that of striving for economic growth.

At the present moment, the problem facing all of us is finding methods of achieving that growth. Senator Hubert Humphrey has aptly pointed out that the civil-rights movement has shifted from the political arena to the economic arena, that "Blacks are crushed in a recession." He further says, and I agree, that if the private sector cannot supply the necessary growth, the government should be the employer of last resort. However, my difference with Senator Humphrey, and with liberal Democrats in general, is crucial. That difference is my chief reason for traveling to Kansas City to address this Republican committee.

Liberal Democrats believe that the way to achieve growth in the private economy is by stimulating the economy through government expenditures and monetary expansion. But such policies are only useful as tools for income redistribution, not real economic growth.

The only way for the government to induce real growth of the private economy is by lifting from the private economy those burdens placed on it by the government itself.

I have no doubt that the lessening of the burden of racial discrimination is the force that has led to an increase in the incentive of Black Americans to produce. It has therefore caused a natural alignment of the basic objectives of Black and White Americans. In other words, the more Black Americans succeed in alleviating the peculiarly black tax of discrimination, the more energy and attention we can direct toward those burdens of government that fall on all Americans.

The notion of reducing the burden of government on the private economy has been long embraced by the Republican Party. It is evident to me, however, that the Republican Party has not perceived the potential changes that I have just discussed. Hence, the Party does not realize the potential level of support that it has in the Black community.

The Republican Party has a case and is not making it!

Yes, we do have high unemployment. Yes, we do need a jobs program. I am aware of two legislative proposals that address this problem. One is the Humphrey-Hawkins "Full Employment Act," based on the aforementioned belief that economic growth can be achieved through increased government expenditures and monetary expansion. The other is the Kemp-McClure "Jobs Creation Act." While the details of the Kemp-McClure bill are not precisely what I would have come up with, the bill's approach is completely consistent with my firm belief that growth of the private economy can only be achieved by lessening the burden of government. Its specific thrust is to reduce the burden of taxation on businesses and individuals, including indexation of the graduated personal income tax schedule.

The boldness of its approach is worthy of the Republican Party, and I am surprised that it has received so little consideration by the Party's senior officials, including President Ford. The thrust of the Kemp-McClure bill in a more simplified form is the specific item that I recommend for inclusion in the Republican Party platform.

This form of relief from direct taxation, along with other forms of relief from indirect taxation, would find a high degree of receptivity among Black Americans as well as White Americans. This is the case that the Republican Party should be making.

Because Black workers who have been laid off, like White workers who have been laid off, have an interest in a return to profitability by their employers.

Because Black workers, like White workers, are discouraged at seeing the fruits of their labor eroded by inflation and at having their incomes pushed by inflation alone into higher tax brackets, thereby reducing their real incomes.

Because Black entrepreneurs, like White entrepreneurs, are crushed by burdens of paperwork and expensive technical assistance imposed by unnecessary government regulation.

Because Black teenagers, like White teenagers, could and would find work at two dollars per hour, but are prohibited by law from doing so.

It is no mere coincidence that the dramatic growth and prosperity of the mid-1960's followed closely behind the sharp cuts in the corporate and personal income-tax rates initiated during the Kennedy Administration. Since then, Black Americans have expended tremendous amounts of energy and blood fighting the tax of discrimination in order to achieve full participation in that prosperity. We do not wish to see the value of our victories diminished by having the tax of discrimination replaced by the increasing burden of other forms of taxation. We saw the train moving and fought for the right to buy a ticket. Now, as we come aboard, we want to see the train moving again.

If this Republican National Convention would draft a bold proposal to get that train moving, and make a genuine effort to sell its case, it would receive far more support from Black Americans than anyone here imagines.

SENIOR CITIZENS ABLE TO WORK FAR BEYOND 65TH BIRTHDAY

HON. H. JOHN HEINZ III

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. HEINZ. Mr. Speaker, many of our senior citizens are willing and able to work far beyond their 65th birthday. But they are often confronted by mandatory retirement rules and age discrimination which forcibly idle thousands of our best and most experienced workers. One unique solution to this problem is described in the following article in The Wall Street Journal, which I commend to my colleagues' attention:

[From the Wall Street Journal, August 9, 1976]

SPECIALIZED AGENCIES BEAT YOUTH BIAS, HELP HARD-PRESSED RETIREES FIND WORK

(By Joan Libman)

When a person reaches age 70, one thing seems certain: It is very tough to get a job.

But with unusually little frustration, 78-year-old Joseph Schwarz recently found a job he likes at Stanford Research Institute, Menlo Park, Calif. A retired director of training and development for Ampex Corp., Mr. Schwarz works at the Institute two days a week checking references of applicants seeking technical positions.

Stanford Research says it didn't have any reservations about hiring Mr. Schwarz. Indeed, it retired its last reference checker at the age of 68. The Institute once hired students for the job. "But they were always leaving," says Harriet Wherry, supervisor of staff relations and recruiting. She says the older people make excellent workers, and that Mr. Schwarz has more energy than she does. For his part, Mr. Schwarz says he likes a full day's work because "keeping busy is the only way to longevity."

Mr. Schwarz found his job through Retirement Jobs Inc. of nearby Palo Alto, one of about 70 private, non-profit community referral agencies across the nation that specialize in placing old workers. These unusual groups charge nothing to either employer or job-seeker and rely heavily on volunteer labor. They are experiencing growing demand for their services.

I KNEW THEY WERE LYING

At a time when older workers often encounter endless discrimination and disappointments in seeking work, these specialized referral services are finding jobs for thousands of elderly citizens—jobs that many desperately need. A few years ago, for instance, when Floyd Thompson was age 60, his plant closed and he lost his job. In four months, the California machinist drove hundreds of miles seeking work, answered newspaper advertisements and registered with public as well as private employment agencies.

"Pretty soon, after I put in so many applications and didn't hear anything, I knew none of them was going to call me," Mr. Thompson recalls. "I knew they were lying to me, but I didn't know why. Finally, one man told me. He said, 'You're too old.' Discrimination is against the law, but it's frustrating because you can't prove it."

But Mr. Thompson also turned to Retirement Jobs Inc. and found a part-time machinist job at Storm Products Co., Palo Alto, that pays $68 a week. This provides the income he and his wife need to supplement their $492 monthly Social Security income. "Without the $68 a week, we couldn't get by," he says.

MONS 030007

According to the Social Security Administration, about 9.5 million Americans over age 62, like Thompsons haven't any retirement pension income other than Social Security checks. Though these payments rise periodically to reflect inflation, the adjustments lag many months behind the price retirees still find they can't make ends meet.

Even people who own their own home and have paid for it just can't get by," says Gladys Sprinkle, director of Over 60 Counseling and Employment Service, a Chevy Chase, Md., referral agency. Besides people of "normal retirement age," there is a large group of older people forced during the recession into early retirement they never expected. They often find thier reduced income doesn't pay the bills.

These hard-pressed retirees and older workers increasingly use the job referral services. Retirement Jobs says its 12 offices spread through Northern California interviewed a total of 3,400 applicants in the first six months this year, up from 3,400 job seekers in all of 1975. Other agencies like We Help Elders Establish Employment (WHEEE) in New Haven, Conn., and Golden Age Employment Service in Atlanta, also report increases in requests for help.

Sometimes applicants are seeking work after years of retirement. In Chevy Chase, Robert Bailey has started hunting for work at the age of 82. Back in 1964, at the age of 69, Mr. Bailey retired from his job as a map analyst for the U.S. Army. He then worked eight years as a full-time maintenance supervisor and subsequently worked another four years part-time in a bookkeeping office. He says that since the age of 72, he has been "taking it easy."

LOOKING FOR WORK AT AGE EIGHTY-TWO

But Mr. Bailey's wife died a few years ago after a long illness that involved large expenditures. Mr. Bailey says he had promised his wife he would care for her ailing sister, whom he now supports. He thus finds that with his high medical bills, his $800 monthly retirement income isn't enough, and he has had to turn to his son, a teacher, for help. But Mr. Bailey who lives frugally, doesn't complain about looking for work at age 82. "I have a sound mind and an able body, and I feel I should be putting it to good use," he says.

More commonly, applicants simply find they are strapped by normal expenses, including property taxes. V. B. Copenhaver, a 66-year-old Atlanta job-seeker, and his wife, receive a monthly Social Security check of $476—but they pay $100 a month alone in taxes on their home. Mr. Copenhaver, who suffered a stroke a year and a half ago and had to give up his home remodeling business, says he answered several newspaper job advertisements only to be told employers wanted a younger man. He is currently looking for work through Golden Age Employment Services in Atlanta.

The referral services that help these older workers are mainly economy-minded, low-budget operations. Retirement Jobs Inc., which is typical, relies entirely on contributions from foundations, corporations, community groups and others. Though it says it expects to make 70,000 placements this year, its 1976 budget for all 12 offices is only $100,000—or $10 per placement.

The agency finds potential employers through community relations work, publicity and a newsletter. It makes some volunteers, in practices its philosophy by hiring older people. (They work part-time for $260 a month because earning more would reduce Social Security payments.

Today, the manager of the sparsely furnished Palo Alto office is 70-year-old Alyce West, a white-haired former executive director of a local American Cancer Society unit. The assistant office manager—whom Mrs. West sometimes refers to as "junior"—is 67-year-old Joseph Rimes, a retired contract administrator for Lockheed Aircraft Corp.

On a typical summer day, Mr. Rimes answers a call from a local woman who needs someone to landscape half an acre of land surrounding a backyard badminton court. Mr. Rimes tries to reach one of his applicants, a retired editor who works with his hands. "You'd be surprised," he tells a visitor, "but even a lot of our former executives want to be gardeners."

On another telephone, Mrs. West offers a 63-year-old woman an interview for a part-time, $3.50-an-hour clerical job in a psychiatrist's office. The applicant refuses the appointment, saying she doesn't "feel right" about working for a psychiatrist. "I think the place to go for advice is the church."

BABYSITTERS AND ENGINEERS

Most jobs the agency finds are part-time positions for office workers, handymen, housekeepers and babysitters. But Retirement Jobs has placed a number of professionals too. One applicant, an engineer, took a job developing and designing equipment for Education Engineering Associates, a maker of audio-visual learning aids.

Sometimes, the older workers stay on the job for many years. Nine years ago, Barron Park Supply Co., a Mountain View, Calif., plumbing, electrical and gardening equipment concern, received a mailing of applicants' qualifications from Retirement Jobs and hired Robert Wayne to manage its office. The company says this worked so well that two years later, it turned to Retirement Jobs again and hired Earl Eustace, a former electrical engineer, to advise customers and order all the electrical supplies. Mr. Wayne, currently aged 78, and Mr. Eustace, aged 74, are still on the job. Mr. Eustace says he never intends to stop working.

The two men "do the job as well as any young men," says William Gabbard, owner of Barron Park Supply. "Those fellows are better workers than I am," he adds.

CONYERS CITES THE FIRST BLACK OWNED TELEVISION STATION IN AMERICA

HON. JOHN CONYERS, JR.

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. CONYERS. Mr. Speaker, television and the electronic media reaching into nearly all American homes, far from merely providing entertainment, conveys concepts and symbols which have a powerful effect on the way people view the world and one another. In many cases it is the only medium through which people learn about the problems that affect our country. For this very reason everyone ought to be concerned that television and the broadcast airways are utilized in the best public interest of all.

In 1972 the Congressional Black Caucus conducted hearings to examine the relationship of the electronic media to minority communities around the country. The hearings disclosed that in the areas of programming, employment, and ownership and control, minority Americans faired poorly. For example 18 of some 7,000 radio stations were then black owned; there were no black-owned UHF or VHF television stations. Today the complexion of the industry has changed somewhat. There are more minority professional staff, but not nearly enough. One black-owned television station exists, however, Station WGPR Channel 62 in Detroit, which began broadcasting September 29, 1975. Its president and general manager is Dr. William V. Banks, a respected attorney and minister and a distinguished citizen.

James M. Blount has written an account of WGPR's history in the August 1976 issue of About . . . Time magazine. I would like to share this article with my colleagues.

When local bankers told William V. Banks the terms under which they would help him raise $2 million to underwrite the first year of broadcasting of the nation's first black television station, he said a polite "No Thanks."

For every $50,000 that Banks' International F. & A.M. Masons would put up, the banks would loan $10,000, then take a mortgage on the whole operation.

"We sold some assets," Banks says to explain how the Masons initially capitalized the business.

"There were 100 acres of land about 95 miles north of Miami—I can't remember the name of the town. I bought it for the Masons in 1971 for $5,000 an acre—$500,000. Then in 1973, when the Federal Communications Commission insisted on us having the money on hand for one year's operation, we were offered $1 million, on time, for that Florida land, or $750,000 cash."

"We took the cash," said Banks. "Then we sold other things. We owned the Mackinac Hotel in Mackinac City, and we sold it. There were lesser assets that we liquidated."

"We got commitments in writing from advertisers—the auto companies, the banks—that they will spend these many thousands or that many. That all was added in to what we had to show for the first year."

"But that's how we did it. We never did have to go back to the banks," explained Banks.

As a result, Channel 62, WGPR-TV/Detroit, has been on the air since September 29, 1975. So far, Banks said, more than $4 million has been sunk into WGPR-TV for studio facilities, equipment, and manpower. Its new headquarters are located at 2140 East Jefferson.

Channel 62 has heavily emphasized the black heritage in its programming, but has also included a good sprinkling of the non-black commercial programs that build audiences. Dr. Banks says he hopes the black programming will help the whole community, whatever the listeners color, get a better idea of who blacks are and what their background is. "Who can explain blacks better than blacks?" he asks.

The common stock of WGPR, Inc. is owned 100% by the International Free and Accepted Modern Masons, a black fraternal organization. In addition to the television station, the Masons have invested a half-million dollars in Florida land, bought FM radio station WGPR-Detroit in 1968, and the 32-story David Broderick Tower in downtown Detroit in 1973.

One of the driving forces behind the investment portfolio of the International Free and Accepted Modern Masons had been Dr. William V. Banks. He is 72 and the only Supreme Grand Master the International Masons have ever had. Dr. Banks and 21 other black Masons organized the new Ma-

sonic Order in 1930 in Canton, Ohio. Today, 36 years later, there are 350,000 members located in almost all the states and in several foreign countries.

Dr. Banks has practiced law for over 35 years. He graduated from Detroit College of Law in September, 1929 and was admitted to the bar the following year. Admittedly, Dr. Banks said that his quest for education did not end at that point, for he received his Doctorate Degree of Law September 19, 1968. He also attended the Baptist Seminary in Detroit and received his Doctor of Divinity degree and became ordained as a minister of the gospel.

Even though WGPR-TV is completing its first full year of operation, it has not been a bed of roses. There have been technical problems with equipment that have caused broadcast down time. The engineering department under Gary Schmidt and technical representatives from equipment manufacturers have worked hard to minimize down time.

Because television broadcasting is technical by its very nature, it has been difficult for WGPR-TV to attract and keep experienced people. There has been a tremendous effort put forth to train people with some technical background, but it has taken time to get a sufficient technical staff that's capable of giving WGPR what it needed.

Because WGPR is not affiliated with a major television network (CBS, ABC, or NBC), a large percentage of their shows are produced on location. This simply means larger budgets and the addition of more technical people to produce these shows.

However, the prestigious American Research Bureau (ARB), which publishes monthly audience ratings on the media, in its November 1975 report disclosed that WGPR-TV already had viewers in numbers large enough to show in the ratings. It had become a standard of the industry that a minimum of six months to a year is required for a new television station to attain a measurable audience. Equally significant is the fact that WGPR-TV not only has the anticipated black audience, but also has substantial viewers in the white community.

The most successful Channel 62 show is "The Scene," a 5 to 6 P.M. Monday thru Friday dance party show. ARB shows between 30,000 and 50,000 households tuned in with an average of two viewers per household.

Channel 62 has one advance many new stations do not, particularly new UHF stations. Detroit has three other well-established UHF stations and surveys show over 90 percent of the area's TV sets can pick up UHF.

But Channel 62 has a special disadvantage in a problem area that affects all big city stations—the difficulty of measuring inner-city audiences. It is a problem the rating services recognize and they are working on methods of surveying that audience. The problem is one that hampers surveys of any kind in ghetto areas—the peoples are suspicious of any kind of authority figures and don't co-operate.

As the nation's first black owned and black operated television station, WGPR-TV, Channel 62 has added a new dimension and stature to the entire communications industry. The station has provided a different emphasis and an alternative viewpoint. The community good will that has derived from the new station is great, not only for the local Detroit area, but for the entire nation.

SOCIAL SECURITY ADMINISTRATION FAILS TO PROVIDE ADEQUATE REFERRAL SERVICES TO SUPPLEMENTAL SECURITY INCOME FOR AGED, BLIND, AND DISABLED

HON. CHARLES A. VANIK

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, August 23, 1976

Mr. VANIK. Mr. Speaker, the Ways and Means Oversight Subcommittee, which has been studying the supplemental security income—SSI—program for the aged, blind, and disabled, has received a great deal of information that the Social Security Administration has failed to provide adequate information and referral services to SSI beneficiaries. It is obvious from our hearings and surveys of State and local officials that aged, blind, and disabled welfare recipients are missing out on major benefits because social security does not provide adequate information and referral for other forms of aid to these people at local social security offices.

For example, the subcommittee has received reports from California that social security offices failed to pass on information about in-home care as a supplemental benefit available from the State. The legal services program for Pasadena and San Gabriel-Pomona Valley reported:

This (in-home) benefit information had not been passed on to 4 eligible persons—all homebound; one 94 years old; one with a severe heart condition; one whose leg had just been amputated; and one wheelchair invalid. In particular, the 94-year-old had called us because her benefits had been cut off because she did not show up at the SSA office for a reconsideration hearing. None of the prior phone messages regarding her condition had ever been placed in her file.

In other cases cited by this legal services program, there was a person:

68, female, black. SSI checks delayed. Not advised that the State has an emergency fund available for this purpose. When she contacted us for assistance, we found she was getting the minimum SSI benefit and was entitled to the blind benefit as well.

72, female, white. SSI application problem due to a name mix-up. She was not informed that she would be eligible for food stamps during the time she was not receiving the SSI benefits.

Mr. Speaker, its appears that when the Federal Government took over the SSI program, we created a serious split between Federal programs and information about State programs. It was expected that social security would so organize their offices that individuals would be kept advised of State programs which could be of assistance. In State after State, however, we have received reports that social security is incapable of informing these low-income aged, blind, and disabled about State programs.

The following statements to the subcommittee from State welfare directors indicate the dimension of the problem:

". . . I feel that social services to aged, blind, and disabled persons have diminished after the initiation of the SSI Program. This has resulted from several factors including provisions of the Privacy Act which preclude outreach to SSI recipients using SSI listings. Social Security's procedures which makes identification of all but obvious service needs impossible and general lack of interest by Social Security in making referrals to social service agencies.

"Likewise, many SSI recipients who are eligible for food stamps do not apply or participate. This is due to lack of referral, the need to go to two offices to get SSI and food stamps and the inability of the Department of Welfare to effectively issue stamps to SSI recipients by mail. The net result of this is that we have 20,000 additional SSI recipients in 1976 over the number converted in 1973 but food stamp participation among that group is essentially the same."—Thomas Tinder, Commissioner, West Virginia Department of Welfare.

"New SSI recipients are not receiving all needed services due to inability of Social Security staff to identify needs. Inability grows from lack of training in identification and pressure of work on SSI staff."—Miss M. Cole, Commissioner, Mississippi Department of Welfare.

"On the one hand, the State has saved money, because eligible persons are unaware of available services, and on the other hand, the State has been criticized for failure to help truly needy people. . . . eligible persons are not being referred to the County Departments. It would be impossible for the State to screen all new SSI recipients to see if there are other services or programs under which they or members of their families would qualify. We must depend on SSA for referrals."—R. Archie Ellis, Commissioner, South Carolina Department of Social Services.

"(There have been) significant decreases in the number of clients referred for services based on experience prior to conversion. We have attempted to contact all new SSI cases, based on SSI openings sent via SDX, to determine service needs. However, we do not have sufficient staff to do (this) on an on-going basis. Screening for referrals was always an intake activity at the local Dept. of Social Service office. We maintain statistical data on SSI referrals to DSS; a low number of referrals has been consistently reported.

"Information and Referral Services between the Michigan Department of Social Services (MDSS) and the district office appear to have diminished since conversion. . . . Much misunderstanding still exists locally between each agency's role. Referrals for services . . . never approached the previous levels of 50–70% . . . and actually declined to a low of 270 statewide in May, 1976. Our data suggests we should anticipate a minimum of 500 a month. We still have the responsibility for the human services. We don't expect the district office to do social services. We do expect them to join us in providing information to us that will allow us to carry out social services."—Joseph Larcom, Deputy Director, Michigan Department of Social Services.

MONS 030009

These statements from local groups and State officials point to the desperate need:

(1) to simplify drastically the welfare structure in this Country so that programs are easier to understand and keep track of and so that eligible individuals can be kept aware of their rights;

(2) to improve the operations of local Social Security offices so that they maintain better contact and awareness of local programs.

The Oversight Subcommittee will be discussing these criticisms with Social Security Commissioner James B. Cardwell during our further SSI hearings in September.

LAWS RELATIVE TO THE PRINTING OF DOCUMENTS

Either House may order the printing of a document not already provided for by law, but only when the same shall be accompanied by an estimate from the Public Printer as to the probable cost thereof. Any executive department, bureau, board or independent office of the Government submitting reports or documents in response to inquiries from Congress shall submit therewith an estimate of the probable cost of printing the usual number. Nothing in this section relating to estimates shall apply to reports or documents not exceeding 50 pages (U.S. Code, title 44, sec. 140, p. 1983).

Resolutions for printing extra copies, when presented to either House, shall be referred immediately to the Committee on House Administration of the House of Representatives or the Committee on Rules and Administration of the Senate, who, in making their report, shall give the probable cost of the proposed printing upon the estimate of the Public Printer, and no extra copies shall be printed before such committee has reported (U.S. Code, title 44, sec. 708).

GOVERNMENT PUBLICATIONS FOR SALE

Additional copies of Government publications are offered for sale to the public by the Superintendent of Documents, Government Printing Office, Washington, D.C. 20402, at cost thereof as determined by the Public Printer plus 50 percent: *Provided*, That a discount of not to exceed 25 percent may be allowed to authorized bookdealers and quantity purchasers, but such printing shall not interfere with the prompt execution of work for the Government. The Superintendent of Documents shall prescribe the terms and conditions under which he may authorize the resale of Government publications by bookdealers, and he may designate any Government officer his agent for the sale of Government publications under such regulations as shall be agreed upon by the Superintendent of Documents and the head of the respective department or establishment of the Government (U.S. Code, title 44, sec. 1708).

PRINTING OF CONGRESSIONAL RECORD EXTRACTS

It shall be lawful for the Public Printer to print and deliver upon the order of any Senator, Representative, or Delegate, extracts from the CONGRESSIONAL RECORD, the person ordering the same paying the cost thereof (U.S. Code, title 44, sec. 907).

RECORD OFFICE AT THE CAPITOL

An office for the CONGRESSIONAL RECORD, with Mr. William M. Murphy in charge, is located in room H-112, House wing, where orders will be received for subscriptions to the RECORD at $3.75 per month or $45 per year. Single copies are 25 cents each, for current issues. Also, orders from Members of Congress to purchase reprints from the RECORD should be processed through this office.

CONGRESSIONAL DIRECTORY

The Public Printer, under the direction of the Joint Committee on Printing, may print for sale, at a price sufficient to reimburse the expenses of such printing, the current Congressional Directory. No sale shall be made on credit (U.S. Code, title 44, sec. 722).

COPYRIGHT NOTICES

When privately copyrighted material is reprinted in a Government publication, notice of copyright is essential in order that the public not be misled.

Whenever CONGRESSIONAL RECORD reprints are planned to include copyrighted material, the CONGRESSIONAL RECORD Clerk should be so advised and permission should be obtained from the copyright holder.

MONS 030010

SENATOR, STATE, AND CAPITOL OFFICE

(As furnished by the Office of the Sergeant at Arms.)

(Mors.—Room numbers with 3 digits are in the Russell Senate Office Building, and 4 digits are in the Dirksen Senate Office Building, Washington, D.C. 20510.)

[Democrats in roman (61), Republicans in italic (37), Independent-Democrat ° (1), Conservative-Republican † (1).]

	Office No.
Vice Pres. *Rockefeller, Nelson A.* (R.Y.)	2363
Abourezk, James (S. Dak.)	1105
Allen, James B. (Ala.)	4105
Baker, Howard H., Jr. (Tenn.)	4155
Bartlett, Dewey F. (Okla.)	140
Bayh, Birch (Ind.)	363
Beall, J. Glenn, Jr. (Md.)	367
Bellmon, Henry (Okla.)	135
Bentsen, Lloyd (Tex.)	240
Biden, Joseph R., Jr. (Del.)	443
Brock, Bill (Tenn.)	324
Brooke, Edward W. (Mass.)	451
† Buckley, James L. (N.Y.)	304
Bumpers, Dale (Ark.)	4313
Burdick, Quentin N. (N. Dak.)	463
° Byrd, Harry F., Jr. (Va.)	4337
Byrd, Robert C. (W. Va.)	105
Cannon, Howard W. (Nev.)	259
Case, Clifford P. (N.J.)	310
Chiles, Lawton (Fla.)	4107
Church, Frank (Idaho)	245
Clark, Dick (Iowa)	404
Cranston, Alan (Calif.)	452
Culver, John C. (Iowa)	4325
Curtis, Carl T. (Nebr.)	2213
Dole, Robert (Kans.)	4213
Domenici, Pete V. (N. Mex.)	4107
Durkin, John A. (N.H.)	2326
Eagleton, Thomas F. (Mo.)	4536
Eastland, James O. (Miss.)	2241
Fannin, Paul J. (Ariz.)	2121
Fong, Hiram L. (Hawaii)	1231
Ford, Wendell H. (Ky.)	3104
Garn, Jake (Utah)	4203
Glenn, John (Ohio)	304
Goldwater, Barry (Ariz.)	427
Gravel, Mike (Alaska)	3217
Griffin, Robert P. (Mich.)	353
Hansen, Clifford P. (Wyo.)	2239
Hart, Gary (Colo.)	331
Hart, Philip A. (Mich.)	253
Hartke, Vance (Ind.)	313
Haskell, Floyd K. (Colo.)	4104
Hatfield, Mark O. (Oreg.)	463
Hathaway, William D. (Maine)	240
Helms, Jesse A. (N.C.)	5107
Hollings, Ernest F. (S.C.)	437
Hruska, Roman L. (Nebr.)	4121
Huddleston, Walter, Ky.	2307
Humphrey, Hubert H. (Minn.)	238
Inouye, Daniel K. (Hawaii)	443
Jackson, Henry M. (Wash.)	137
Javits, Jacob K. (N.Y.)	353
Johnston, J. Bennett, Jr. (La.)	432
Kennedy, Edward M. (Mass.)	431
Laxalt, Paul (Nev.)	4104
Leahy, Patrick J. (Vt.)	1328
Long, Russell B. (La.)	217
McClellan, John L. (Ark.)	2241
McClure, James A. (Idaho)	4203
McGee, Gale W. (Wyo.)	4104
McGovern, George (S. Dak.)	2213
McIntyre, Thomas J. (N.H.)	1313
Magnuson, Warren G. (Wash.)	127
Mansfield, Mike (Mont.)	1322
Mathias, Charles McC., Jr. (Md.)	2363
Metcalf, Lee (Mont.)	1131
Mondale, Walter F. (Minn.)	443
Montoya, Joseph M. (N. Mex.)	4204
Morgan, Robert (N.C.)	1221
Moss, Frank E. (Utah)	118
Muskie, Edmund S. (Maine)	142
Nelson, Gaylord (Wis.)	1330
Nunn, Sam (Ga.)	110
Pastore, John O. (R.I.)	1217
Pearson, James B. (Kans.)	2213
Pell, Claiborne (R.I.)	335
Percy, Charles H. (Ill.)	4231
Proxmire, William (Wis.)	5241
Randolph, Jennings (W. Va.)	2321
Ribicoff, Abraham (Conn.)	331
Roth, William V., Jr. (Del.)	4327
Schweiker, Richard S. (Pa.)	347
Scott, Hugh (Pa.)	3329
Scott, William Lloyd (Va.)	5169
Sparkman, John (Ala.)	2229
Stafford, Robert T. (Vt.)	2113
Stennis, John C. (Miss.)	224
Stevens, Ted (Alaska)	411
Stevenson, Adlai E. (Ill.)	430
Stone, Richard (Dem) (Fla.)	1227
Symington, Stuart (Mo.)	229
Taft, Robert, Jr. (Ohio)	405
Talmadge, Herman E. (Ga.)	109
Thurmond, Strom (R.C.)	4241
Tower, John (Tex.)	142
Tunney, John V. (Calif.)	6221
Weicker, Lowell P., Jr. (Conn.)	342
Williams, Harrison A., Jr. (N.J.)	332
Young, Milton R. (N. Dak.)	5265

STANDING COMMITTEES OF THE SENATE

Committee on Aeronautical and Space Sciences

Mr. Moss (chairman), Mr. Symington, Mr. Stennis, Mr. Cannon, Mr. Ford, Mr. Bumpers, Mr. Goldwater, Mr. Domenici, Mr. Laxalt, Mr. Garn.

Committee on Agriculture and Forestry

Mr. Talmadge (chairman), Mr. Eastland, Mr. McGovern, Mr. Allen, Mr. Humphrey, Mr. Huddleston, Mr. Clark, Mr. Stone, Mr. Leahy, Mr. Dole, Mr. Young, Mr. Curtis, Mr. Bellmon, Mr. Helms.

Committee on Appropriations

Mr. McClellan (chairman), Mr. Magnuson, Mr. Stennis, Mr. Pastore, Mr. Robert C. Byrd, Mr. McGee, Mr. Mansfield, Mr. Proxmire, Mr. Montoya, Mr. Inouye, Mr. Hollings, Mr. Bayh, Mr. Eagleton, Mr. Chiles, Mr. Johnston, Mr. Huddleston, Mr. Young, Mr. Brooke, Mr. Case, Mr. Fong, Mr. Brocks, Mr. Hatfield, Mr. Stevens, Mr. Mathias, Mr. Schweiker, Mr. Bellmon.

Committee on Armed Services

Mr. Stennis (chairman), Mr. Symington, Mr. Jackson, Mr. Cannon, Mr. McIntyre, Mr. Tower, Mr. Byrd, Mr. Nunn, Mr. Culver, Mr. Gary W. Hart, Mr. Leahy, Mr. Thurmond, Mr. Tower, Mr. Goldwater, Mr. William L. Scott, Mr. Taft, Mr. Bartlett.

Committee on Banking, Housing and Urban Affairs

Mr. Proxmire (chairman), Mr. Sparkman, Mr. Williams, Mr. McIntyre, Mr. Cranston, Mr. Stevenson, Mr. Biden, Mr. Morgan, Mr. Tower, Mr. Brooke, Mr. Packwood, Mr. Helms, Mr. Garn.

Committee on the Budget

Mr. Muskie (chairman), Mr. Magnuson, Mr. Moss, Mr. Mondale, Mr. Hollings, Mr. Cranston, Mr. Nunn, Mr. Bumpers, Mr. Leahy, Mr. Biden, Mr. Nunn, Mr. Bellmon, Mr. Dole, Mr. Beall, Mr. Buckley, Mr. McClure, Mr. Domenici.

Committee on Commerce

Mr. Magnuson (chairman), Mr. Pastore, Mr. Hartke, Mr. Philip A. Hart, Mr. Cannon, Mr. Long, Mr. Moss, Mr. Hollings, Mr. Inouye, Mr. Tunney, Mr. Stevenson, Mr. Ford, Mr. Durkin, Mr. Pearson, Mr. Griffin, Mr. Baker, Mr. Stevens, Mr. Beall, Mr. Weicker, Mr. Buckley.

Committee on the District of Columbia

Mr. Eagleton (chairman), Mr. Inouye, Mr. Stevenson, Mr. Glenn, Mr. Mathias, Mr. Bartlett, Mr. Garn.

Committee on Finance

Mr. Long (chairman), Mr. Talmadge, Mr. Hartke, Mr. Ribicoff, Mr. Harry F. Byrd, Jr., Mr. Nelson, Mr. Mondale, Mr. Gravel, Mr. Bentsen, Mr. Hathaway, Mr. Haskell, Mr. Curtis, Mr. Fannin, Mr. Hansen, Mr. Dole, Mr. Packwood, Mr. Roth, Mr. Brock.

Committee on Foreign Relations

Mr. Sparkman (chairman), Mr. Mansfield, Mr. Church, Mr. Symington, Mr. Pell, Mr. McGee, Mr. McGovern, Mr. Humphrey, Mr. Clark, Mr. Biden, Mr. Case, Mr. Javits, Mr. Hugh Scott, Mr. Pearson, Mr. Percy, Mr. Griffin.

Committee on Government Operations

Mr. Ribicoff (chairman), Mr. McClellan, Mr. Jackson, Mr. Muskie, Mr. Metcalf, Mr. Allen, Mr. Chiles, Mr. Nunn, Mr. Glenn, Mr. Percy, Mr. Roth, Mr. Young, Mr. Brock, Mr. Weicker.

Committee on Interior and Insular Affairs

Mr. Jackson (chairman), Mr. Church, Mr. Metcalf, Mr. Johnston, Mr. Abourezk, Mr. Haskell, Mr. Gravel, Mr. Stone, Mr. Bumpers, Mr. Fannin, Mr. Hansen, Mr. Hatfield, Mr. McClure, Mr. Bartlett.

Committee on the Judiciary

Mr. Eastland (chairman), Mr. McClellan, Mr. Philip A. Hart, Mr. Kennedy, Mr. Bayh, Mr. Burdick, Mr. Robert C. Byrd, Mr. Tunney, Mr. Abourezk, Mr. Brooke, Mr. Fong, Mr. Hugh Scott, Mr. Thurmond, Mr. Mathias, Mr. William L. Scott.

Committee on Labor and Public Welfare

Mr. Williams (chairman), Mr. Randolph, Mr. Pell, Mr. Kennedy, Mr. Nelson, Mr. Mondale, Mr. Eagleton, Mr. Cranston, Mr. Hathaway, Mr. Durkin, Mr. Javits, Mr. Schweiker, Mr. Taft, Mr. Beall, Mr. Stafford, Mr. Laxalt.

Committee on Post Office and Civil Service

Mr. McGee (chairman), Mr. Randolph, Mr. Burdick, Mr. Hollings, Mr. Moss, Mr. Leahy, Mr. Fong, Mr. Stevens, Mr. Bellmon.

Committee on Public Works

Mr. Randolph (chairman), Mr. Muskie, Mr. Montoya, Mr. Gravel, Mr. Bentsen, Mr. Burdick, Mr. Culver, Mr. Morgan, Mr. Gary W. Hart, Mr. Baker, Mr. Buckley, Mr. Stafford, Mr. McClure, Mr. Domenici.

Committee on Rules and Administration

Mr. Cannon (chairman), Mr. Pell, Mr. Robert C. Byrd, Mr. Allen, Mr. Williams, Mr. Clark, Mr. Hatfield, Mr. Hugh Scott, Mr. Griffin.

Committee on Veterans' Affairs

Mr. Hartke (chairman), Mr. Talmadge, Mr. Randolph, Mr. Cranston, Mr. Stone, Mr. Durkin, Mr. Hansen, Mr. Thurmond, Mr. Stafford.

OFFICERS OF THE SENATE

President Pro Tem—James O. Eastland.
Secretary of the Senate—Francis R. Valeo.
Sergeant at Arms of the Senate—F. Norris Hoffmann.
Assistant Secretary of the Senate—Darrell St. Claire.
Secretary for the Majority—J. Stanley Kimmitt.
Secretary for the Minority—William F. Hildenbrand.
Chaplain of the Senate—Reverend Edward L. R. Elson, S.T.D.

UNITED STATES SUPREME COURT

Mr. Chief Justice Burger, of Virginia, 3111 Rochester St. North, Arlington, Va.
Mr. Justice Stevens, of Illinois, 11 Washington Circle NW., Apt. 612, Washington, D.C.
Mr. Justice Brennan, of New Jersey, 3027 Dumbarton Ave., Washington, D.C.
Mr. Justice Stewart, of Ohio, 5136 Palisade Ln., Washington, D.C.
Mr. Justice White, of Colorado, 6801 Hampshire Rd., McLean, Va.
Mr. Justice Marshall, of New York, 6833 Lakeview Dr., Falls Church, Va.
Mr. Justice Blackmun, of Minnesota, 1761 N. Kent St., Arlington, Va.
Mr. Justice Powell, of Virginia, 339 6th St. SW., Washington, D.C.
Mr. Justice Rehnquist, of Arizona, 7604 Arbor Ln., McLean, Va.

OFFICERS OF THE SUPREME COURT

Clerk—Michael Rodak, Jr., 6311 Joslyn Pl., Cheverly, Md. 20785.
Librarian—Edward G. Hudon, 231 Constitution Ave. NE., Washington, D.C. 20002.
Marshal—Frank M. Hogan, 8010 Langbrook Rd., Springfield, Va. 22151.
Reporter of Decisions—Henry Putzel, Jr., 3703 33d Pl. NW., Washington, D.C. 20008.
Administrative Assistant to the Chief Justice—Mark W. Cannon, 8604 Martingale Dr., McLean, Va. 22101.
Public Information Officer—Barrett McGurn, 3239 Duvall Dr., Westmoreland Hills, Md. 20816.

UNITED STATES JUDICIAL CIRCUITS

JUSTICES ASSIGNED

TERRITORY EMBRACED

District of Columbia judicial circuit: Mr. Chief Justice Burger.

First judicial circuit: Mr. Justice Brennan. Maine, Massachusetts, New Hampshire, Puerto Rico, Rhode Island.

Second judicial circuit: Mr. Justice Marshall. Connecticut, New York, Vermont.

Third judicial circuit: Mr. Justice Brennan. Delaware, New Jersey, Pennsylvania, Virgin Islands.

Fourth judicial circuit: Mr. Chief Justice Burger. Maryland, North Carolina, South Carolina, Virginia, West Virginia.

Fifth judicial circuit: Mr. Justice Powell. Alabama, Canal Zone, Florida, Georgia, Louisiana, Mississippi, Texas.

Sixth judicial circuit: Mr. Justice Stewart. Kentucky, Michigan, Ohio, Tennessee.

Seventh judicial circuit: Mr. Justice Rehnquist. Illinois, Indiana, Wisconsin.

Eighth judicial circuit: Mr. Justice Blackmun. Arkansas, Iowa, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.

Ninth judicial circuit: Mr. Justice Stevens. Alaska, Arizona, California, Idaho, Montana, Nevada, Oregon, Washington, Guam, Hawaii.

Tenth judicial circuit: Mr. Justice White. Colorado, Kansas, New Mexico, Oklahoma, Utah, Wyoming.

MONS 030011

REPRESENTATIVE, STATE, AND CAPITOL OFFICE

(As furnished by the Clerk of the House.)

(NOTE.—Room numbers with 3 digits are in the Cannon House Office Building, 4 digits beginning with 1 are in the Longworth House Office Building, and 4 digits beginning with 2 are in the Rayburn House Office Building, Washington, D.C. 20515.)

[Democrats in roman (257), Republicans in italic (145), vacancies (5), total 435.]

	Office No.
Abdnor, James (S. Dak)	1527
Abeug, Bella S. (N.Y.)	1707
Adams, Brock (Wash.)	2255
Addabbo, Joseph P. (N.Y.)	2440
Albert, Carl (Okla.)	2305
Alexander, Bill (Ark.)	501
Allen, Clifford (Tenn.)	1029
Ambro, Jerome A. (N.Y.)	1218
Anderson, Glenn M. (Calif.)	1520
Anderson, John B. (Ill.)	1101
Andrews, Ike F. (N.C.)	238
Andrews, Mark (N. Dak.)	2470
Annunzio, Frank (Ill.)	2268
Archer, Bill (Tex.)	1026
Armstrong, William L. (Colo.)	228
Ashbrook, John M. (Ohio)	1436
Ashley, Thomas L. (Ohio)	2406
Aspin, Les (Wis.)	439
AuCoin, Les (Oreg.)	329
Badillo, Herman (N.Y.)	319
Bafalis, L. A. (Skip) (Fla.)	408
Baldus, Alvin (Wis.)	509
Baucus, Max (Mont.)	230
Bauman, Robert E. (Md.)	118
Beard, Edward P. (R.I.)	181
Beard, Robin L. (Tenn.)	124
Bedell, Berkley (Iowa)	508
Bell, Alphonzo (Calif.)	2230
Benitez, Jaime[1] (P.R.)	1317
Bennett, Charles E. (Fla.)	2112
Bergland, Bob (Minn.)	1414
Bevill, Tom (Ala.)	2302
Biaggi, Mario (N.Y.)	211
Biester, Edward G., Jr. (Pa.)	2351
Bingham, Jonathan B. (N.Y.)	2241
Blanchard, James J. (Mich.)	515
Blouin, Michael T. (Iowa)	1118
Boggs, Lindy (Mrs. Hale) (La.)	1514
Boland, Edward P. (Mass.)	2111
Bolling, Richard (Mo.)	2468
Bonker, Don (Wash.)	1541
Bowen, David R. (Miss.)	115
Brademas, John (Ind.)	2134
Breaux, John B. (La.)	204
Breckinridge, Jesse (Ky.)	1208
Brinkley, Jack (Ga.)	2412
Brodhead, William M. (Mich.)	416
Brooks, Jack (Tex.)	2449
Broomfield, Wm. S. (Mich.)	2436
Brown, Clarence J. (Ohio)	2242
Brown, Garry (Mich.)	2466
Brown, George E., Jr. (Calif.)	2300
Broyhill, James T. (N.C.)	2227
Buchanan, John (Ala.)	2182
Burgener, Clair W. (Calif.)	216
Burke, J. Herbert (Fla.)	2053
Burke, James A. (Mass.)	241
Burke, Yvonne Brathwaite (Calif.)	2136
Burleson, Omar (Tex.)	2159
Burlison, Bill D. (Mo.)	1535
Burton, John L. (Calif.)	1513
Burton, Phillip (Calif.)	2454
Butler, M. Caldwell (Va.)	109
Byron, Goodloe E. (Md.)	1730
Carney, Charles J. (Ohio)	1714
Carr, Bob (Mich.)	1122
Carter, Tim Lee (Ky.)	2441
Cederberg, Elford A. (Mich.)	2208
Chappell, Bill, Jr. (Fla.)	1124
Chisholm, Shirley (N.Y.)	128
Clancy, Donald D. (Ohio)	2312
Clausen, Don H. (Calif.)	2466
Cleusen, Del (Calif.)	2349

[1] Resident Commissioner from Puerto Rico.

	Office No.
Clay, William (Bill) (Mo.)	2306
Cleveland, James C. (N.H.)	2262
Cochran, Thad (Miss.)	212
Cohen, William S. (Maine)	412
Collins, Cardiss (Ill.)	112
Collins, James M. (Tex.)	2419
Conable, Barber B., Jr. (N.Y.)	2228
Conlan, John B. (Ariz.)	130
Conte, Silvio O. (Mass.)	229
Conyers, John, Jr. (Mich.)	2444
Corman, James C. (Calif.)	2262
Cornell, Robert J. (Wis.)	1512
Cotter, William R. (Conn.)	218
Coughlin, Lawrence (Pa.)	306
Crane, Philip M. (Ill.)	1406
D'Amours, Norman E. (N.H.)	1330
Daniel, Dan (Va.)	1708
Daniel, Robert W., Jr. (Va.)	410
Daniels, Dominick V. (N.J.)	2370
Danielson, George E. (Calif.)	232
Davis, Mendel J. (S.C.)	220
de la Garza, E (Tex.)	1434
Delaney, James J. (N.Y.)	2367
Dellums, Ronald V. (Calif.)	1417
de Lugo, Ron[2] (V.I.)	1317
Dent, John H. (Pa.)	2310
Derrick, Butler (S.C.)	416
Derwinski, Edward J. (Ill.)	1401
Devine, Samuel L. (Ohio)	2206
Dickinson, William L. (Ala.)	2438
Diggs, Charles C., Jr. (Mich.)	2308
Dingell, John D. (Mich.)	2210
Dodd, Christopher J. (Conn.)	429
Downey, Thomas J. (N.Y.)	1019
Downing, Thomas N. (Va.)	2185
Drinan, Robert F. (Mass.)	234
Duncan, John J. (Tenn.)	2458
Duncan, Robert (Oreg.)	330
du Pont, Pierre S. (Pete) (Del.)	197
Early, Joseph D. (Mass.)	1022
Eckhardt, Bob (Tex.)	1741
Edgar, Robert W. (Pa.)	117
Edwards, Don (Calif.)	2240
Edwards, Jack (Ala.)	2462
Eilberg, Joshua (Pa.)	2429
Emery, David F. (Maine)	425
English, Glenn (Okla.)	1323
Erlenborn, John N. (Ill.)	2366
Esch, Marvin L. (Mich.)	2353
Eshleman, Edwin D. (Pa.)	2244
Evans, David W. (Ind.)	512
Evans, Frank E. (Colo.)	2445
Evins, Joe L. (Tenn.)	2300
Fary, John G. (Ill.)	1110
Fascell, Dante B. (Fla.)	2160
Fauntroy, Walter E.[3] (D.C.)	326
Fenwick, Millicent (N.J.)	1427
Findley, Paul (Ill.)	2133
Fish, Hamilton, Jr. (N.Y.)	409
Fisher, Joseph L. (Va.)	218
Fithian, Floyd J. (Ind.)	1208
Flood, Daniel J. (Pa.)	2108
Florio, James J. (N.J.)	1725
Flowers, Walter (Ala.)	401
Flynt, John J., Jr. (Ga.)	2110
Foley, Thomas S. (Wash.)	1201
Ford, Harold E. (Tenn.)	1609
Ford, William D. (Mich.)	2239
Forsythe, Edwin B. (N.J.)	2352
Fountain, L. H. (N.C.)	2188
Fraser, Donald M. (Minn.)	1111
Frenzel, Bill (Minn.)	1026
Frey, Louis, Jr. (Fla.)	214
Fuqua, Don (Fla.)	2266
Gaydos, Joseph M. (Pa.)	2431
Gephardt, Richard (Mo.)	2268
Gibbons, Sam (Fla.)	2101
Gilman, Benjamin A. (N.Y.)	1226
Ginn, Bo (Ga.)	308
Goldwater, Barry M., Jr. (Calif.)	1421
Gonzalez, Henry B. (Tex.)	2413
Goodling, William F. (Pa.)	1713
Gradison, Willis D., Jr. (Ohio)	1221
Grassley, Charles E. (Iowa)	1213
Green, William J. (Pa.)	2434

[2] Delegate from the Virgin Islands.

[3] Delegate from the District of Columbia.

	Office No.
Gude, Gilbert (Md.)	104
Guyer, Tennyson (Ohio)	114
Hagedorn, Tom (Minn.)	225
Haley, James A. (Fla.)	1236
Hall, Sam B., Jr. (Tex.)	1009
Hall, Tim L. (Ill.)	1221
Hamilton, Lee H. (Ind.)	2344
Hammerschmidt, John Paul (Ark.)	2416
Hanley, James M. (N.Y.)	106
Hannaford, Mark W. (Calif.)	313
Hansen, George (Idaho)	1120
Harkin, Tom (Iowa)	514
Harrington, Michael (Mass.)	406
Harris, Herbert E., II (Va.)	1229
Harsha, William N. (Ohio)	2457
Hawkins, Augustus F. (Calif.)	2360
Hayes, Philip H. (Ind.)	1132
Hays, Wayne L. (Ohio)	2264
Hébert, F. Edward (La.)	2340
Hechler, Ken (W. Va.)	242
Heckler, Margaret M. (Mass.)	2463
Hefner, W. G. (Bill) (N.C.)	2264
Heinz, H. John, III (Pa.)	324
Helstoski, Henry (N.J.)	2331
Henderson, David N. (N.C.)	238
Hicks, Floyd V. (Wash.)	1202
Hightower, Jack (Tex.)	1318
Hillis, Elwood (Ind.)	1529
Hinshaw, Andrew J. (Calif.)	1128
Holland, Kenneth L. (S.C.)	511
Holt, Marjorie S. (Md.)	1510
Holtzman, Elizabeth (N.Y.)	1027
Horton, Frank (N.Y.)	2329
Howard, James J. (N.J.)	2346
Howe, Allan T. (Utah)	1221
Hubbard, Carroll, Jr. (Ky.)	423
Hughes, William J. (N.J.)	2227
Hungate, William L. (Mo.)	2437
Hutchinson, Edward (Mich.)	2352
Hyde, Henry J. (Ill.)	1208
Ichord, Richard H. (Mo.)	2408
Jacobs, Andrew, Jr. (Ind.)	1501
Jarman, John (Okla.)	2416
Jeffords, James M. (Vt.)	1501
Jenrette John W., Jr. (S.C.)	426
Johnson, Albert W. (Pa.)	2233
Johnson, Harold T. (Calif.)	2347
Johnson, James P. (Jim) (Colo.)	128
Jones, Ed (Tenn.)	407
Jones, James R. (Okla.)	2235
Jones, Robert E. (Ala.)	2136
Jones, Walter B. (N.C.)	201
Jordan, Barbara (Tex.)	1434
Karth, Joseph E. (Minn.)	2409
Kasten, Robert W., Jr. (Wis.)	1119
Kastenmeier, Robert W. (Wis.)	2252
Kazen, Abraham, Jr. (Tex.)	2411
Kelly, Richard (Fla.)	1130
Kemp, Jack F. (N.Y.)	133
Ketchum, William M. (Calif.)	413
Keys, Martha (Kans.)	1207
Kindness, Thomas N. (Ohio)	1440
Koch, Edward I. (N.Y.)	1126
Kreps, John (Calif.)	422
Krueger, Robert (Bob) (Tex.)	512
LaFalce, John J. (N.Y.)	417
Lagomarsino, Robert J. (Calif.)	1218
Landrum, Phil M. (Ga.)	2208
Latta, Delbert L. (Ohio)	2269
Leggett, Robert L. (Calif.)	2269
Lehman, William (Fla.)	434
Lent, Norman F. (N.Y.)	436
Levitas, Elliott H. (Ga.)	506
Lloyd, Jim (Calif.)	222
Lloyd, Marilyn (Tenn.)	1017
Long, Clarence D. (Md.)	2304
Long, Gillis W. (La.)	318
Lott, Trent (Miss.)	209
Lujan, Manuel, Jr. (N. Mex.)	1323
Lundine, Stanley N. (N.Y.)	1008
McClory, Robert (Ill.)	2462
McCloskey, Paul N., Jr. (Calif.)	226
McCollister, John Y. (Nebr.)	217
McCormack, Mike (Wash.)	1508
McDade, Joseph M. (Pa.)	2262
McDonald, Larry (Ga.)	1641
McEwen, Robert C. (N.Y.)	2464

MONS 030012

	Office No.
McFall, John J. (Calif.)	2346
Mcilugh, Matthew F. (N.Y.)	1304
McKay, Gunn (Utah)	1908
McKinney, Stewart B. (Conn.)	604
Madden, Ray J. (Ind.)	2409
Madigan, Edward R. (Ill.)	1514
Maguire, Andrew (N.J.)	1314
Mahon, George H. (Tex.)	2314
Mann, James R. (S.C.)	1214
Martin, James G. (N.C.)	115
Mathis, Dawson (Ga.)	226
Matsunaga, Spark M. (Hawaii)	442
Mazzoli, Romano L. (Ky.)	1212
Meeds, Lloyd (Wash.)	2352
Melcher, John (Mont.)	1234
Metcalfe, Ralph H. (Ill.)	332
Meyner, Helen S. (N.J.)	136
Mezvinsky, Edward (Iowa)	1404
Michel, Robert H. (Ill.)	2112
Mikva, Abner J. (Ill.)	482
Milford, Dale (Tex.)	480
Miller, Clarence E. (Ohio)	2246
Miller, George (Calif.)	1533
Mills, Wilbur D. (Ark.)	1130
Mineta, Norman Y. (Calif.)	510
Minish, Joseph G. (N.J.)	1121
Mink, Patsy T. (Hawaii)	2338
Mitchell, Donald J. (N.Y.)	1527
Mitchell, Parren J. (Md.)	414
Moakley, Joe (Mass.)	236
Moffett, Anthony Toby (Conn.)	1008
Mollohan, Robert H. (W. Va.)	330
Montgomery, G. V. (Sonny) (Miss.)	2367
Moore, W. Henson (La.)	437
Moorhead, Carlos J. (Calif.)	1208
Moorhead, William S. (Pa.)	2467
Morgan, Thomas E. (Pa.)	2133
Mosher, Charles A. (Ohio)	2308
Moss, John E. (Calif.)	2354
Mottl, Ronald M. (Ohio)	1232
Murphy, John M. (N.Y.)	2187
Murphy, Morgan F. (Ill.)	187
Murtha, John P. (Pa.)	431
Myers, Gary A. (Pa.)	1711
Myers, John T. (Ind.)	2448
Natcher, William H. (Ky.)	2329
Neal, Stephen L. (N.C.)	1605
Nedzi, Lucien N. (Mich.)	2418
Nichols, Bill (Ala.)	2417
Nix, Robert N. C. (Pa.)	2301
Nolan, Richard (Minn.)	1107
Nowak, Henry J. (N.Y.)	1223
Oberstar, James L. (Minn.)	332
Obey, David R. (Wis.)	2366
O'Brien, George M. (Ill.)	484
O'Hara, James G. (Mich.)	2236
O'Neill, Thomas P., Jr. (Mass.)	2331
Ottinger, Richard L. (N.Y.)	240
Pashman, Otto E. (La.)	2108
Patten, Edward J. (N.J.)	2332
Patterson, Jerry M. (Calif.)	2427
Pattison, Edward W. (N.Y.)	1127
Paul, Ron (Tex.)	1726
Pepper, Claude (Fla.)	2238
Perkins, Carl D. (Ky.)	2303
Pettis, Shirley N. (Calif.)	1021
Peyser, Peter A. (N.Y.)	1132
Pickle, J. J. (Tex.)	231
Pike, Otis G. (N.Y.)	2432
Poage, W. R. (Tex.)	2107
Pressler, Larry (S. Dak.)	1236
Preyer, Richardson (N.C.)	408
Price, Melvin (Ill.)	2468
Pritchard, Joel (Wash.)	132
Quie, Albert H. (Minn.)	2128
Quillen, James H. (Jimmy) (Tenn.)	108
Railsback, Tom (Ill.)	2421
Randall, Wm. J. (Mo.)	2440
Rangel, Charles B. (N.Y.)	107
Rees, Thomas M. (Calif.)	1113
Regula, Ralph S. (Ohio)	1722
Reuss, Henry S. (Wis.)	2413
Rhodes, John J. (Ariz.)	2210
Richmond, Frederick W. (N.Y.)	1728
Riegle, Donald W., Jr. (Mich.)	480
Rinaldo, Matthew J. (N.J.)	214
Risenhoover, Theodore M. (Ted) (Okla.)	1407
Roberts, Ray (Tex.)	2458
Robinson, J. Kenneth (Va.)	418
Rodino, Peter W., Jr. (N.J.)	2462
Roe, Robert A. (N.J.)	1007
Rogers, Paul G. (Fla.)	2407
Roncalio, Teno (Wyo.)	1134
Rooney, Fred B. (Pa.)	2301
Rose, Charles (N.C.)	218
Rosenthal, Benjamin S. (N.Y.)	2372
Rostenkowski, Dan (Ill.)	2185
Roush, J. Edward (Ind.)	2400
Rousselot, John H. (Calif.)	1708
Roybal, Edward R. (Calif.)	2404
Runnels, Harold (N. Mex.)	1535
Ruppe, Philip E. (Mich.)	203
Russo, Martin A. (Ill.)	128
Ryan, Leo J. (Calif.)	119
St Germain, Fernand J. (R.I.)	2135
Santini, Jim (Nev.)	1408
Sarasin, Ronald A. (Conn.)	229
Sarbanes, Paul S. (Md.)	317
Satterfield, David E., III (Va.)	2248
Scheuer, James H. (N.Y.)	2438
Schneebeli, Herman T. (Pa.)	1535
Schroeder, Patricia (Colo.)	1126
Schulze, Richard T. (Pa.)	422
Sebelius, Keith G. (Kans.)	1211
Seiberling, John F. (Ohio)	1228
Sharp, Phillip R. (Ind.)	1224
Shipley, George E. (Ill.)	237
Shriver, Garner E. (Kans.)	2209
Shuster, Bud (Pa.)	1119
Sikes, Robert L. F. (Fla.)	2306
Simon, Paul (Ill.)	227
Sisk, B. F. (Calif.)	2217
Skubitz, Joe (Kans.)	2311
Slack, John M. (W. Va.)	2330
Smith, Neal (Iowa)	2373
Smith, Virginia (Nebr.)	1005
Snyder, Gene (Ky.)	2236
Solarz, Stephen J. (N.Y.)	1228
Spellman, Gladys Noon (Md.)	1117
Spence, Floyd (S.C.)	120
Staggers, Harley O. (W. Va.)	2306
Stanton, J. William (Ohio)	2466
Stanton, James V. (Ohio)	108
Stark, Fortney H. (Pete) (Calif.)	1034
Steed, Tom (Okla.)	2405
Steelman, Alan (Tex.)	427
Steiger, Sam (Ariz.)	2452
Steiger, William A. (Wis.)	1023
Stephens, Robert G., Jr. (Ga.)	2416
Stokes, Louis (Ohio)	2365
Stratton, Samuel S. (N.Y.)	2202
Stuckey, W. S. (Bill), Jr. (Ga.)	2343
Studds, Gerry E. (Mass.)	1511
Sullivan, Leonor K. (Mrs. John B.) (Mo.)	2221
Symington, James W. (Mo.)	307
Symms, Steven D. (Idaho)	1430
Talcott, Burt L. (Calif.)	1530
Taylor, Gene (Mo.)	1114
Taylor, Roy A. (N.C.)	2268
Teague, Olin E. (Tex.)	2311
Thompson, Frank, Jr. (N.J.)	2109
Thone, Charles (Nebr.)	1524
Thornton, Ray (Ark.)	1109
Treader, Bob (Mich.)	1530
Treen, David C. (La.)	404
Tsongas, Paul E. (Mass.)	419
Udall, Morris K., (Ariz.)	1424
Ullman, Al (Oreg.)	2307
Van Deerlin, Lionel (Calif.)	2265
Vander Jagt, Guy (Mich.)	2304
Vander Veen, Richard F. (Mich.)	1232
Vanik, Charles A. (Ohio)	2371
Vigorito, Joseph P. (Pa.)	440
Waggonner, Joe D., Jr. (La.)	231
Walsh, William F. (N.Y.)	208
Wampler, William C. (Va.)	2422
Waxman, Henry A. (Calif.)	1721
Weaver, James (Oreg.)	1728
Whalen, Charles W., Jr. (Ohio)	1035
White, Richard C. (Tex.)	2432
Whitehurst, G. William (Va.)	430
Whitten, Jamie L. (Miss.)	2372
Wiggins, Charles E. (Calif.)	2448
Wilson, Bob (Calif.)	2307
Wilson, Charles (Tex.)	1504
Wilson, Charles H. (Calif.)	2336
Winn, Larry, Jr. (Kans.)	2430
Wirth, Timothy E. (Colo.)	516
Wolff, Lester L. (N.Y.)	2462
Won Pat, Antonio Borja[1] (Guam)	216
Wright, Jim (Tex.)	2459
Wydler, John W. (N.Y.)	2186
Wylie, Chalmers P. (Ohio)	2447
Yates, Sidney R. (Ill.)	2334
Yatron, Gus (Pa.)	212
Young, Andrew (Ga.)	332
Young, C. W. Bill (Fla.)	241
Young, Don (Alaska)	1210
Young, John (Tex.)	2204
Zablocki, Clement J. (Wis.)	2184
Zeferetti, Leo C. (N.Y.)	1726

[1] Delegate from Guam.

OFFICERS OF THE HOUSE

Speaker—Carl Albert.
Clerk—Edmund L. Henshaw, Jr.
Sergeant at Arms—Kenneth R. Harding.
Doorkeeper—James T. Molloy.
Postmaster—Robert V. Rota.
Chaplain—Edward G. Latch.

OFFICIAL REPORTERS OF DEBATES

SENATE

G. Russell Walker, Chief Reporter, 6803 Preston Street, New Carrollton, Md. 20784
Grant E. Perry, Apt. 201, 6040 Richmond Highway, Alexandria, Va. 22303
William D. Mohr, 6 Cherbourg Court, Potomac, Md. 20854
Benjamin H. Firshein, 8403 Weaver Street, Silver Spring, Md. 20901
C. J. Reynolds, 207 Evans Lane, Alexandria, Va. 22306
Eleanor R. Ross, Rt. 2, Box 303, Ward's Chapel Rd., Owings Mills, Md. 21117
E. Frances Garro, 8736 Camden St. SE., Washington, D.C. 20020
Frank A. Smonskey, 5410 Ninth Road, North Arlington, Va. 22205
R. Thomas Loftus (assistant reporter), Beach Drive, Mt. Carmel Woods, La Plata, Md. 20646
L. H. Timberlake (staff assistant), 9021 Golden Pass, Laurel, Md. 20810
John A. Kominak (special assistant), 2017 Rosemount Ave. NW., Washington, D.C. 20010

HOUSE

Edna C. Meyer, Chief Reporter, 8810 Westridge Ct., Camp Springs, Md. 20031
William L. Morse, 6838 Dearborn Dr., Falls Church, Va. 22044
Vivian Spitz, 1809 Dunterry Place, McLean, Va. 22101
Charles Gustafson, 4117 Pineridge Dr., Annandale, Va. 22003
John R. Kenterly, 9634 Prelude Ct., Vienna, Va. 22180
Christopher A. Hall, 14708 Cobblestone Dr., Silver Spring, Md. 20904
Edward J. Van Allen, 1809 South Eads St., Arlington, Va. 22202
William B. Pennekamp, 810 N St. SW., Washington, D.C. 20024
James W. Lee (clerk), Prince Frederick, Calvert County, Md. 20678
Edward White (assistant clerk), 2812 Iroquois Ln., Falls Church, Va. 22043
George L. Russell (assistant clerk), 2 S. Mt. Olivet Ln., Baltimore, Md. 21229

MONS 030013

Daily Digest

HIGHLIGHTS

Senate took up Postal Service bill.

House passed toxic substances control bill.

Senate

Chamber Action

Routine Proceedings, pages S14203–S14265

Bills Introduced: Three bills and two resolutions were introduced, as follows: S. 3756–3758; and S. Res. 518–519. Pages S14203–S14204, S14208–S14209, S14225

Bills Reported: Reports were made as follows:

H.R. 3035, requiring the payment of interest on certain funds of the U.S. held on deposit in commercial banks, with an amendment (S. Rept. 94–1150);

H.R. 12934, proposing reform in the operation of the Federal Reserve System, with an amendment (S. Rept. 94–1151);

S. 400, authorizing feasibility study on establishing as a national historic site the Frederick Law Olmstead Home and Office in Brookline, Mass., with amendments (S. Rept. 94–1152);

S. 3419, authorizing feasibility study on the acquisition and operation of a National Museum of Afro-American History and Culture at or near Wilberforce, Ohio, with amendments (S. Rept. 94–1153);

S. 3441, authorizing the Architect of the Capitol to maintain (for 2 years) certain historical sections of the Congressional Cemetery, Washington, D.C., and to provide a study with a view to its permanent maintenance (S. Rept. 94–1154);

S. 3681, to guarantee certain obligations of the Guam Power Authority (S. Rept. 94–1155);

S.J. Res. 139, providing for a study to determine the feasibility of accepting St. Paul's Church, Eastchester, Mt. Vernon, New York, as a historic site, with amendments (S. Rept. 94–1156);

H.R. 10370, to increase from five to six the number of members of the Advisory Commission for the Canaveral National Seashore, Fla. (S. Rept. 94–1157);

H.R. 13713, authorizing funds for acquisition of numerous units and areas for inclusion in our National Park System, with amendments (S. Rept. 94–1158); and

S. Res. 495, waiving section 402(a) of the Congressional Budget Act of 1974 with respect to Senate consideration of H.R. 10138, to create the Young Adult Conservation Corps to complement the Youth Conservation Corps, together with minority views (S. Rept. 94–1159). Pages S14224–S14225

Measures Passed

Philippines Earthquake: Senate agreed to S. Res. 518, expressing sympathy to and supporting assistance for relief and rehabilitation of victims of the recent earthquake in the Philippines. Pages S14203–S14204

Condolence Resolution: Senate agreed to S. Res. 519, expressing the sorrow of the Senate with respect to the death of Hazel R. Garn, wife of the Senator from Utah. Pages S14208–S14209

Montana Wilderness Study: Senate passed and sent to the House S. 393, to provide for the study of certain lands in Montana to determine their suitability for designation as wilderness, after agreeing to committee substitute amendment which had at first been amended by adoption of Mansfield unprinted amendment No. 364, having the effect of allowing the Secretary of Agriculture to consider and act on application to construct a transmission line to supply electric service to the Big Sky complex. Pages S14206–S14208

Bill Referred: H.R. 13372, wild and scenic rivers (New River) was referred to Committee on Interior and Insular Affairs. Page S14223

Messages From the House: Four messages were received from the House. Page S14223

Amendments Submitted for Printing: Page S14225

Notices of Committee Hearings: Page S14225

Postal Service Organization and Financing: Senate began consideration of H.R. 8603, to amend the laws with respect to organizational and financial matters of the United States Postal Service and the Postal Rate Commission, agreeing to two amendments as follows:

(1) McGee unprinted amendment No. 365, en bloc, of a technical nature; and Page S14263

(2) By 60 yeas to 13 nays, Randolph unprinted amendment No. 366, requiring Postal Service, prior to making a determination as to the necessity for closing a post

MONS 030014

office, to provide notice of at least 60 days prior to the proposed date of such closing. (Motion to table rejected by 17 yeas to 58 nays.) Page S14276

Pending at recess was Hollings amendment No. 2201, in the nature of a substitute, modified to include language of Randolph unprinted amendment No. 366. Page S14285

By unanimous consent it was agreed that when Senate resumes consideration of this bill at 10 a.m. tomorrow, time for debate on pending amendment will be limited to 4 hours, with vote on question of its adoption to occur no later than 2 p.m.; to be followed by 2 amendments which may be offered by Senator Dole—20-minute time limitation on each; to be followed by 2 amendments which may be offered by Senator Helms—30-minute time limitation on each. Page S14300 Pages S14265–S14307

Presidential Message: Senate received a message from the President setting forth his recommendations for legislative action with regard to defense budget matters—referred jointly to Committees on Appropriations, Armed Services, and the Budget. Pages S14221–S14222

Presidential Communication: Communication was received from the President notifying the Senate of his intention to designate Portugal as a beneficiary developing country for purposes of the Generalized System of Preferences provided for in Title V of the Trade Act of 1974—referred to Committee on Finance. Page S14224

Committee Authority To Sit: Several committees were authorized to sit during sessions of the Senate on specific days this week. Pages S14203, S14308

Treaties Reported: The following two treaties were reported on Friday, August 20, during adjournment of the Senate: International Coffee Agreement. (Ex. H, 94th Cong., 2d sess.) Ex. Rept. 94–30, and the International Wheat Agreement, 1976 (Ex. I, 94th Cong., 2d sess.) Ex. Rept. 94–31. Page S14225

Treaties Approved: By unanimous votes of 76 yeas, two-thirds of the Senators present and voting having voted in the affirmative, Senate agreed to Resolutions of Ratification to International Coffee Agreement, 1976 (Ex. H. 94th Cong., 2d sess.), and the International Wheat Agreement, 1976 (Ex. I, 94th Cong., 2d sess.). Pages S14209–S14220, S14276–S14275

Nominations: The following nominations were received on August 12, during adjournment of the Senate.

Wilfred J. Smith, of Virginia, to be a member of the Foreign Claims Settlement Commission of the United States; and

Sundry nominations in the Army, Navy, Air Force and Marine Corps.

Nominations received today:

William G. Bradford, of Illinois, to be Ambassador to the Republic of Chad;

Robert J. McCloskey, of Maryland, to be Ambassador to the Kingdom of the Netherlands;

Susan B. Gordon, of New Mexico, to be an Assistant Secretary of Health, Education, and Welfare; and

One Army nomination in the rank of General. Pages S14309–S14315

Record Votes: Four record votes were taken today (total—519). Pages S14273, S14274, S14284, S14285

Recess: Senate met at noon and recessed at 5:16 p.m. until 9:30 a.m. on Tuesday, August 24. (For program for Tuesday, see last page of today's Record.) Page S14309

Committee Meetings

(*Committees not listed did not meet*)

MILITARY ACADEMY DISCIPLINE

Committee on Armed Services: Subcommittee on Manpower and Personnel resumed hearings on honor codes and overall discipline problems at the military academies, receiving testimony from Secretary of the Army Martin Hoffmann and Lt. General Sidney Berry, Superintendent of West Point Military Academy, New York.

Subcommittee recessed subject to call.

HUD BLOCK GRANT PROGRAM

Committee on Banking, Housing and Urban Affairs: Committee began oversight hearings on the Community Development Block Grant program of the Department of Housing and Urban Development, receiving testimony from Professor Victor Bach, Lyndon B. Johnson School of Government, Austin, Texas; Peter Petkas, Southern Regional Council, Atlanta; M. Howard Rienstra, Michigan Advisory Committee to the U.S. Civil Rights Commission; Joseph Guggenheim, Coalition for Block Grant Compliance, Detroit; and Betty Adams, Leadership Conference on Civil Rights, Washington, D.C.

Hearings continue tomorrow.

FEDERAL NARCOTICS ENFORCEMENT

Committee on Government Operations: Permanent Subcommittee on Investigations resumed hearings to examine Federal narcotics enforcement programs, receiving testimony from Peter B. Bensinger, Administrator, Drug Enforcement Administration, Department of Justice.

Hearings continue tomorrow.

MONS 030015

House of Representatives

Chamber Action

Bills Introduced: 36 public bills, H.R. 15195–15230; 5 private bills, H.R. 15231–15236; and 9 resolutions, H.J. Res. 1051 and 1052, H. Con. Res. 714–716, and H. Res. 1478–1481 were introduced. Pages H8880–H8881

Bills Reported: Reports were filed as follows:

Conference report on S. 3052, to amend section 602 of the Agricultural Act of 1954; filed on Wednesday, August 11, (H. Rept. 94–1424);

H.R. 15194, making appropriations for public works employment for fiscal year 1977; filed on Thursday, August 12, (H. Rept. 94–1425);

H.R. 13828, to strengthen the authority of the Administrator of General Services with respect to records management by Federal agencies (H. Rept. 94–1426);

H.R. 13160, to designate certain lands within units of the National Park System as wilderness; and to revise the boundaries of certain of those units (H. Rept. 94–1427);

S. 2371, to provide for the regulation of mining activity within, and to repeal the application of mining laws to, areas of the National Park System (H. Rept. 94–1428);

H.R. 14451, to amend the Federal Property and Administrative Services Act of 1949 to permit the donation of Federal surplus personal property to the States and local organizations for public purposes, (H. Rept. 94–1429); (reports 94–1426 to 1429 filed on Friday, August 13);

H.R. 15068, to provide for emergency allotment lease and transfer of tobacco allotments or quotas for 1976 in certain disaster areas in South Carolina (H. Rept. 94–1430);

Report entitled "Report of the Committee on House Administration pursuant to section 302(b) of the Congressional Budget Act of 1974 (H. Rept. 94–1431); and

H.R. 15116, to amend the Federal-Aid Highway Act of 1976 to provide an obligation limitation for fiscal year 1977 (H. Rept. 94–1432). Pages H8879–H8880

Tax Reform: House disagreed to the amendments of the Senate to H.R. 10612, an act to reform the tax laws of the United States; and agreed to a conference asked by the Senate. Appointed as conferees: Representatives Ullman, Burke of Massachusetts, Rostenkowski, Landrum, Vanik, Schneebeli, and Conable. Page H8785

Presidential Veto Message: Received and read a message from the President wherein he announced his veto of H.R. 12944, to extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for six months—ordered printed (H. Doc. 94–585).

Subsequently, agreed to a motion that the message, together with the accompanying bill, be referred to the Committee on Agriculture. Page H8787

Farmer-to-Consumer Marketing: House disagreed to the amendments of the Senate to H.R. 10339, the Farmer-to-Consumer Direct Marketing Act of 1975; and asked a conference with the Senate. Appointed as conferees: Representatives Vigorito, Poage, Bergland, Brown of California, Richmond, Findley, and Johnson of Colorado. Page H8787

Late Report: Committee on Public Works and Transportation received permission to file a report by midnight tonight on H.R. 15116, to amend the Federal-Aid Highway Act of 1976 to provide an obligation limitation for fiscal year 1977. Page H8787

D.C. Legislation: Consideration of legislation pertaining to the District of Columbia was in order, and the following bills were called up, considered, and passed:

Pretrial release or detention: H.R. 14957, to amend title 23 of the District of Columbia Code with respect to the release or detention prior to trial of persons charged with certain violent or dangerous criminal offenses.

Agreed to a technical amendment;

Borrowing Authority: H.R. 14971, to amend the District of Columbia Self-Government and Governmental Reorganization Act with respect to the borrowing authority of the District of Columbia (passed by a yea-and-nay vote of 221 yeas to 122 nays); and

Criminal laws: H.R. 12261, two-year extension of prohibition against the Council's revising the criminal laws.

Agreed to an amendment which includes the police department within the restrictions of the bill (agreed to by a yea-and-nay vote of 262 yeas to 92 nays). Pages H8788–H8802

Committee Resignations: Read and accepted letters from Representative Evins wherein he resigns as Chairman and member of the Committee on Small Business effective August 30; and Representative Hungate wherein he resigns as a member of the Committee on Small Business effective September 7. Pages H8794, H8802

D.C. Audit: House agreed to the conference report on H.R. 11009, to provide for an independent audit of the financial condition of the government of the District of Columbia—clearing the measure for the Senate. Pages H8802–H8803

Toxic Substances: By a yea-and-nay vote of 319 yeas to 45 nays, the House passed H.R. 14032, Toxic Substances Control Act.

MONS 030016

Rejected a motion to recommit the bill to the Committee on Interstate and Foreign Commerce.

Agreed to:

The committee amendment in the nature of a substitute;

A technical and clarifying amendment;

A series of amendments which prohibit the manufacture of PCBs for nonenclosed uses within one year and for any type of use within two years;

An amendment which provides for a congressional veto of rules promulgated pursuant to the bill (agreed to by a recorded vote of 210 ayes to 157 noes). Previously, rejected by a division vote of 19 ayes to 41 noes;

An amendment which authorizes grants to states for protection programs in dealing with concentrated problems of toxic chemicals;

An amendment reducing for small businesses the maximum fee requirement to defray administrative costs in submitting data for testing or processing notices;

An amendment requiring the disclosure of officials of the EPA who have financial interests in any company affected by the provisions of the bill;

An amendment increasing the first three year authorization levels for carrying out the provisions of the bill; and

A series of clarifying amendments relative to the conducting of the research programs authorized by the bill.

Rejected:

Two amendments en bloc which sought to prevent undue testing requirements on small businesses developing mixtures of compounds not listed on EPA priority list of chemicals (rejected by a division vote of 10 ayes to 15 noes);

A series of amendments which sought to amend the definition of exempt substances to include small quantities of chemicals sold for research purposes; and

An amendment which sought to permit the Administrator to give preference to tests not involving animals if those tests provided sufficient means for ascertaining the health and environmental effects of a chemical (rejected by a division vote of 14 ayes to 19 noes).

Subsequently, this passage was vacated, and S. 3149, a similar Senate-passed bill was passed in lieu after being amended to contain the language of the House bill as passed. The House then insisted on its amendments and requested a conference with the Senate. Appointed as conferees: Representatives Staggers, Murphy of New York, Stuckey, Eckhardt, Metcalfe, McCollister, and Broyhill.

H. Res. 1458, the rule under which the bill was considered, was adopted earlier by a voice vote.

Pages H8803–H8863

Gas Pipeline Safety: House disagreed to the amendment of the Senate to H.R. 12168, to amend the Natural Gas Pipeline Safety Act of 1968 to authorize additional appropriations, and agreed to the conference asked by the Senate. Appointed as conferees: Representatives Staggers, Dingell, Wirth, Sharp, Brodhead, Brown of Ohio, and Moorhead of California. Page H8863

Legislative Program: The majority leader announced changes in the legislative program for tomorrow. Page H8863

Presidential Message—Defense Budget: Received and read a message from the President requesting supplemental defense procurement authorizations for fiscal year 1977. Pages H8863–H8865

Referral: One Senate-passed measure was referred to the appropriate House committee. Page H8877

Amendments Ordered Printed: Amendments ordered printed pursuant to the rule appear on pages H8882–H8883.

Quorum Calls—Votes: Two quorum calls, three yea-and-nay votes and one recorded vote developed during the proceedings of the House today and appear on pages H8787, H8796–H8797, H8801–H8802, H8842, H8843, H8848.

Adjournment: Adjourned at 7:45 p.m.

Committee Meetings

PRODUCTIVE POTENTIAL OF IRRIGABLE LANDS

Committee on Interior and Insular Affairs: Subcommittee on Water and Power Resources met and approved for full committee action H.R. 13101 amended, to provide for the consideration of the comparative productive potential of irrigable lands in determining nonexcess acreage under Federal reclamation laws.

PUERTO RICO-UNITED STATES COMPACT

Committee on Interior and Insular Affairs: Subcommittee on Territorial and Insular Affairs met and approved for full committee action H.R. 11200 as amended, to approve the Compact of Permanent Union Between Puerto Rico and the United States.

FEDERAL-AID HIGHWAY ACT AMENDMENTS

Committee on Public Works and Transportation: Subcommittee on Surface Transportation met and approved for full committee action H.R. 15166, to amend the Federal-Aid Highway Act of 1976 to provide an obligation limitation for fiscal year 1977.

FEDERAL-AID HIGHWAY ACT AMENDMENTS

Committee on Public Works and Transportation: Met and ordered reported favorably to the House H.R. 15116 (title above).

COMMITTEE BUSINESS

Committee on Ways and Means: Met on committee business relating to request for rule on H.R. 14844, Estate and Gift Tax Reform Act of 1976.

MONS 030017

NEW PUBLIC LAWS

(*For last listing of Public Laws, see* DIGEST, *p. D1115, August 10, 1976*)

H.R. 14514, to allow the State of California to provide higher supplementary payments to its needy aged, blind, and disabled in lieu of making them eligible for food stamps. Signed August 10, 1976. (Public Law 94-379);

S. 3735, to establish and implement a national swine flu immunization program. Signed August 12, 1976 (Public Law 94-380);

S. 537, to eliminate the requirement for special three-judge district courts in cases seeking to enjoin the enforcement of State and Federal laws on the grounds of unconstitutionality. Signed August 12, 1976. (Public Law 94-381);

S. 3589, designating the Federal office building in Manchester, New Hampshire, the "Norris Cotton Building." Signed August 12, 1976. (Public Law 94-382);

H.R. 5360, increasing from $60 to $150 monthly benefits provided to American civilian internees in Southeast Asia. Signed August 12, 1976. (Public Law 94-383);

S. 1526, authorizing $9 million for acquisition of lands in the Boundary Waters Canoe Area, Minnesota. Signed August 13, 1976. (Public Law 94-384);

H.R. 12169, extending the Federal Energy Administration until September 30, 1977. Signed August 14, 1976. (Public Law 94-385);

H.R. 13121, directing the Law Revision Counsel to prepare and publish the District of Columbia Code. Signed August 14, 1976. (Public Law 94-386);

H.R. 14234, making appropriations for the Department of Transportation for fiscal year 1977. Signed August 14, 1976. (Public Law 94-387);

S. 1689, authorizing funds for fiscal years 1976 through 1980 for the Pennsylvania Avenue Development Corporation. Signed August 14, 1976. (Public Law 94-388);

H.J. Res. 738, providing for Federal participation in preserving the Tule elk population in California. Signed August 14, 1976. (Public Law 94-389);

H.R. 7896, to provide for settlement, under international agreements, of certain claims incident to the noncombatant activities of the Armed Forces. Signed August 19, 1976. (Public Law 94-390);

H.R. 10374, providing that the National Archives Trust Fund Board consist of the Archivist of the United States and the Chairmen of the House Government Operations Committee and the Senate Post Office and Civil Service Committee. Signed August 19, 1976. (Public Law 94-391);

H.R. 13359, to authorize loan funds for the Government of the Virgin Islands. Signed August 19, 1976. (Public Law 94-392);

S. 2642, to establish the Old Ninety Six and Star Fort National Historic Park, South Carolina. Signed August 19, 1976. (Public Law 94-393).

CONGRESSIONAL PROGRAM AHEAD

Period of August 24–28, 1976

(*Committee meetings are open unless otherwise indicated*)

Senate Chamber

On Tuesday Senate will resume consideration of H.R. 8603, postal organization and financing bill.

For program for the balance of the week, see remarks of Majority Leader Mansfield on page S14186 of the Record of August 10, 1976.

Senate Committees

Committee on Armed Services: August 25, Subcommittee on National Stockpile and Naval Petroleum Reserves, to hold hearings on S. 3344, 3345, 3346, and 3347, bills authorizing sale of silver, tin, antimony, and industrial diamonds, respectively, from the National Stockpile, 10 a.m., 212 Russell Office Building.

Committee on Banking, Housing, and Urban Affairs: August 24 through 26, to continue oversight hearings on the Community Development Block Grant Program of the Department of HUD, 10 a.m., 5302 Dirksen Office Building.

August 27, full committee, to hold joint hearings with Finance Subcommittee on International Finance, on S. 3454, authorizing U.S. acceptance of fundamental changes in the Articles of Agreement of the International Monetary Fund, and providing U.S. consent to an increase in its quota in such fund, 10 a.m., 5302 Dirksen Office Building.

Committee on the Budget: August 26, to hold hearings to review the nation's economic outlook, 10 a.m., 357 Russell Office Building.

Committee on Commerce: August 24, to hold hearings on the nominations of Margarete E. White, of Virginia, and Joseph R. Fogarty, of Rhode Island, each to be a member of the Federal Communications Commission, 10 a.m., 5110 Dirksen Office Building.

Committee on Finance: August 24, to hold hearings on revenue and tariff bills as follows: H.R. 1386, 2177, 2181, 2984, 3052, 3055, 4047, 5071, 5161, 7228, 8283, 8656, 10101, 11259, 11321, 11605, 11997, and 12254, 8 a.m., 2221 Dirksen Office Building.

August 25, full committee, to hold hearings on H.R. 13367, to amend the State and Local Fiscal Assistance Act of 1972 (general revenue sharing), 10 a.m., 2221 Dirksen Office Building.

August 26, full committee, business meeting, 10 a.m., 2221 Dirksen Office Building.

August 27, International Finance Subcommittee, to hold joint hearings on S. 3454, amending the Bretton Woods agreement concerning the International Monetary Fund. See Committee on Banking, Housing, and Urban Affairs for schedule.

Committee on Foreign Relations: August 24, to consider the nominations of John T. Murphy, of Ohio, and Thomas H. Quinn, of Rhode Island, each to be a member of the Board for International Broadcasting; Fifth International Tin Agreement (Ex. J, 94 Cong., 2nd Sess.); S. Res. 67, concerning the safety and freedom of Valentyn Moroz, Ukrainian historian; and S. 1439, to reorganize certain export functions of the Federal Government; and to receive testimony on S. 3621, to provide for the determination of the validity and amounts of claims of nationals of the United States against the German Democratic Republic, 10 a.m., 4221 Dirksen Office Building.

August 26, full committee, to hear Arthur A. Hartman, Assistant Secretary of State for European Affairs on the situation in the Aegean Sea, 10 a.m., room S-116, Capitol.

MONS 030018

Committee on Government Operations: August 24 and 26, Subcommittee on Federal Spending Practices, to hold oversight hearings on the activities of the Office of Federal Procurement Policy and the implementation of its new major systems acquisition policy (OFPP/OMB Circular A-109) issued April 5, 1976, 9:30 a.m., 3302 Dirksen Office Building.

August 24 through 26, Permanent Subcommittee on Investigations, to continue hearings on Federal narcotics enforcement policy, 9:30 a.m., Tuesday and Thursday in 6202, Wednesday in 3302, all in the Dirksen Senate Office Building.

Committee on Interior and Insular Affairs: August 26, Subcommittee on Energy Research and Water Resources, to hold hearings on S. 3263 and H.R. 589, bills providing for consideration of the comparative productive potential of irrigable lands in determining nonexcess acreages under Federal reclamation laws, 10 a.m., 3110 Dirksen Office Building.

August 27, Subcommittee on Environment and Land Resources, to hold hearings on H.R. 9719 and S. 3468, bills to provide for certain payments to be made by the Secretary of the Interior to local governments based on the amount of certain public lands within their boundaries, 10 a.m., 3110 Dirksen Office Building.

Committee on the Judiciary: August 24, Subcommittee, to hold hearings on the nominations of Herbert F. DeSimone, to be United States district judge for the District of Rhode Island; Donald I. Baker, of New York, to be an Assistant Attorney General; and Richard M. Bilby, of Arizona, to be United States circuit judge for the ninth circuit, 9:30 a.m., 2228 Dirksen Office Building.

August 26, Subcommittee on Antitrust and Monopoly to resume hearings on possible effects that voluntary industrial standards have on competition and on the price of products, 9:30 a.m., 2228 Dirksen Office Building.

Committee on Public Works: August 24, business meeting, 9:30 a.m., 4200 Dirksen Office Building.

August 25, full committee, business meeting, to resume consideration of proposed water pollution control legislation, 9:30 a.m., 4200 Dirksen Office Building.

Select Committee on Intelligence Activities: August 24, open and closed business meeting, 10 a.m., room S-407, Capitol.

House Chamber

Tuesday, consideration of the following 20 suspensions:

1. H.R. 14846, Military Construction Authorization;
2. H.R. 1142, Tax Treatment of Cemetery Perpetual Care Fund Trusts;
3. H.R. 1144, Tax Treatment of Social Clubs and Other Membership Organizations;
4. H.R. 2474, Refunds in the Case of Certain Uses of Tread Rubber and Tires;
5. H.R. 6521, Exemption from Tax for Farm Trailers and Horse or Livestock Trailers;
6. H.R. 7929, Interest on Corporate Debt to Acquire Another Corporation;
7. H.R. 8046, Exclusion of Rental Value of Parsonage Furnished to Surviving Spouse of Minister;
8. H.R. 10155, Tax Treatment of Certain Income of Political Organizations;
9. H.R. 10902, Tax Treatment of Securities Acquired for Business Reasons;
10. H.R. 10936, Tax Treatment Upon Disposition of Property for which a Business Deduction was Allowed;
11. S. 3435, Privacy Protection Study Commission;
12. H.R. 13828, Federal Records Management;
13. H.R. 14451, Federal Property and Administrative Services Act Amendments;
14. H.R. 12664, Emergency Medical Service;
15. H.R. 14973, International Tijuana River Flood Control Project;
16. H.R. 15116, Federal Highway Obligation Limitation;
17. H.R. 15068, Emergency Allotment Transfer;
18. H.R. 14681, Termination of Overseas Private Investment Corporation insurance in certain circumstances;
19. S. 3542, Teton Dam Disaster Assistance; and
20. H.J. Res. 519, Appointing General George Washington General of the Armies.

(*Votes on Suspensions will be postponed until the end of consideration of all Suspensions*).

H. Res. 1462, Anti-Trust Resolution;

H.R. 15193, District of Columbia Appropriations for fiscal year 1977;

H.R. 8911, Supplemental Security Income Amendments (open rule, 2 hours of debate); and

H.R. 14070, Guaranteed Student Loan Amendments (open rule, 1 hour of debate).

Wednesday and the balance of the week: H.R. 15194, Public Works Employment Appropriations for fiscal year 1977;

H.R. 14578, Federal Reclamation Projects (subject to a rule being granted); and

H.R. 13636, Law Enforcement Assistance Administration (open rule, 2 hours of debate);

H.R. 12882, Judges and Justices Annuity (open rule, 1 hour of debate);

H.R. 9398, Economic Development Administration (open rule, 1 hour of debate);

H.R. 13958, Defense Officer Personnel (open rule, 1 hour of debate);

H.R. 13615, Central Intelligence Agency Retirement (open rule, 1 hour of debate).

NOTE.—Conference reports may be brought up at any time, any further program will be announced later.

House Committees

Select Committee on Aging, August 25, to hold hearing on 1971 White House Conference recommendations, 10:00 a.m., 2216 Rayburn Building.

Committee on Agriculture, August 24, 25, 26, to mark up H.R. 12808, Peanut Act of 1976; H.R. 9288, amend the Perishable Agricultural Commodities Act; and H.R. 15069, National Forest Management Act, 10:00 a.m., 1301 Longworth Building.

August 25, Subcommittee on Conservation and Credit, to hold hearing on H.R. 15059, to amend the Emergency Livestock Credit Act of 1974; to be followed by markup of pending legislation, 2:00 p.m., 1302 Longworth Building.

Committee on Appropriations, August 26, Subcommittee on Interior, to hold hearing on National Visitors' Center, 9:30 a.m., B-308 Rayburn Building.

MONS 030019

Committee on Armed Services, August 24, to consider Air Force reprogramming action; and pending legislation, 10:00 a.m., 2118 Rayburn Building.

August 25, 26, Subcommittee on Military Installations and Facilities, to hold hearings on H.R. 15136, to authorize appropriations for construction of facilities on Guam, 10:00 a.m., 2118 Rayburn Building.

August 26, Subcommittee on Seapower and Strategic and Critical Materials, to hold hearing on H.R. 15081, to authorize the disposal of various materials from the national stockpile and the supplemental stockpile, 10:00 a.m., 2212 Rayburn Building.

Committee on Banking, Currency and Housing, August 24, to mark up H.R. 14829, National Consumer Cooperative Bank Act, 10:00 a.m., 2128 Rayburn Building.

Committee on the Budget, August 26, 27, to begin markup of the second budget resolution for fiscal year 1977, 10:00 a.m., 210 Cannon Building.

Committee on the District of Columbia, August 24, Subcommittee on Fiscal Affairs, to hold hearing on H.R. 14621, to impose an income tax on income derived from sources within the District of Columbia by individuals who are not residents of the District and to remove the franchise tax on the income of unincorporated businesses, 9:30 a.m., 1310 Longworth Building.

August 25, Full Committee, to hold hearing and consideration of H. Con. Res. 694, to disapprove the Firearms Control Regulations Act of 1975, passed by the Council of the District of Columbia, 10:00 a.m., 1310 Longworth Building.

August 25, Subcommittee on Judiciary, to hold hearing and markup on H.R. 11131, District of Columbia Police and Firemen's Adjustment Act of 1975, 2:00 p.m., 1310 Longworth Building.

Committee on Education and Labor, August 25, Subcommittee on Postsecondary Education, to mark up H.R. 14818, Public Safety Officers' Memorial Scholarship Act, 10:00 a.m., 2257 Rayburn Building.

August 25, 26, Subcommittee on Elementary, Secondary, and Vocational Education, to continue oversight hearings on the school lunch program, 9:30 a.m., 2175 Rayburn Building.

August 26, Subcommittee on Manpower, Compensation, and Health and Safety, to discuss legislation to provide a special program for financial assistance to Opportunities Industrialization Centers in order to provide one million new jobs and job training opportunities, 9:00 a.m., 2257 Rayburn Building.

Committee on Interior and Insular Affairs, August 24, 25, 26, to continue markup of H.R. 13950, Surface Mining Control and Reclamation Act of 1976; and markup other pending legislation, 9:45 a.m., 1324 Longworth Building.

August 25, Subcommittee on Public Lands, to hold hearing on H.R. 3656 and related bills, Kaiser Wilderness study bills, 2:00 p.m., 1324 Longworth Building.

August 26, Subcommittee on Public Lands, to mark up private bills, 2:00 p.m., 1324 Longworth Building.

August 27, Subcommittee on National Parks and Recreation, to hold hearings on H.R. 5958, to amend section 5(a) of the Wild and Scenic Rivers Act; and H.R. 10747, to designate a segment of the Flathead River in Montana as a component of the Wild and Scenic Rivers System, 9:45 a.m., 1324 Longworth Building.

Committee on International Relations, August 24, to continue hearings on extension of the Export Administration Act of 1969, 10:00 a.m., 2172 Rayburn Building.

August 24, 25, 26, Subcommittee on International Organizations, to hold hearings on Namibia: the United Nations and U.S. policy, 2:00 p.m., 2255 Rayburn Building.

August 24, Special Subcommittee on Investigations, to continue hearings on Congress and Foreign Policy, 2:00 p.m., H-236 Capitol.

August 25, Subcommittee on International Trade and Commerce, to hold hearing on status of claims settlements with nonmarket countries, 2:00 p.m., 2200 Rayburn Building.

August 26, Subcommittee on International Trade and Commerce, to hold hearing on H.R. 14642, to provide for the determination of the validity and amounts of claims of nationals of the United States against the German Democratic Republic, 2:00 p.m., H-236 Capitol.

Committee on Interstate and Foreign Commerce, August 24, 25, 26, to mark up H.R. 13089, to amend the Uniform Time Act of 1966, and other pending legislation, 10:00 a.m., 2123 Rayburn Building.

August 24, Subcommittee on Oversight and Investigations, to consider pending business, 2:00 p.m., 2218 Rayburn Building.

August 24, 25, Subcommittee on Transportation and Commerce, to mark up H.R. 14932, Rail Amendments of 1976, 2:00 p.m., 2359 Rayburn Building on Aug. 24; 2322 Rayburn Building on Aug. 25.

August 24, 25, Subcommittee on Energy and Power, to mark up H.R. 1300 and related bills, petroleum marketing practices, 2:00 p.m., 2123 Rayburn Building.

August 26, Subcommittee on Consumer Protection and Finance, to hold oversight hearings on the Federal Trade Commission ruling on preservation of consumer claims and defenses, 2:00 p.m., 2322 Rayburn Building.

August 25, Subcommittee on Consumer Protection and Finance, to mark up H.R. 13377, Gold Labeling Act, 2:00 p.m., 2218 Rayburn Building.

August 26, Subcommittee on Energy and Power, to mark up S. 3521, Alaska Natural Gas Transportation Act of 1976, 2:00 p.m., 2123 Rayburn Building.

August 26, 27, Subcommittee on Transportation and Commerce, to mark up H.R. 14496, Resource Conservation and Recovery Act of 1976, 2:00 p.m. on August 26; 10:00 a.m., on August 27, 2218 Rayburn Building.

August 27, Subcommittee on Oversight and Investigations, to hold oversight hearing on Federal Power Commission, 10:00 a.m., 2322 Rayburn Building.

Committee on the Judiciary, August 24, to mark up H.R. 15, Public Disclosure of Lobbying Act of 1975; and S. 22, to provide for general revision of the Copyright laws, 9:30 a.m., 2141 Rayburn Building.

August 25, 26, 27, Subcommittee on Courts, Civil Liberties and the Administration of Justice, to mark up H.R. 214, Bill of Rights Procedures Act, 2:00 p.m., 2226 Rayburn Building on Aug. 25; 10:00 a.m., 2148 Rayburn Building on Aug. 26; 10:00 a.m., 2226 Rayburn Building on Aug. 27.

August 26, Subcommittee on Immigration, Citizenship, and International Law, to hold hearings on H.R. 1277, H.J. Res. 46 and related bills, Grand Jury reform, 10:00 a.m., 2226 Rayburn Building.

August 26, Subcommittee on Monopolies and Commercial Law, to hold hearings on H.R. 4421, to provide for the appointment of additional district judges; and H.R. 4422, to authorize additional judgeships for the U.S. Courts of Appeals, 10:00 a.m., 2237 Rayburn Building.

August 26, Subcommittee on Criminal Justice, to hold hearing on H.R. 14476, and related bills, Special Prosecutor Act of 1976, 9:30 a.m., 2141 Rayburn Building.

Committee on Merchant Marine and Fisheries, August 24, to mark up H.R. 14862, H.R. 9067, S. 1414, H.R. 13374, and H.R. 14418, 10:00 a.m., 1334 Longworth Building.

August 25, Subcommittee on Merchant Marine, to hold oversight hearings with respect to the Federal Maritime Commission, 10:00 a.m., 1334 Longworth Building.

Committee on Post Office and Civil Service, August 24, Subcommittee on Retirement and Employee Benefits, to hold over-

MONS 030020

sight hearings on physical examinations, 9:15 a.m., 304 Cannon Building.

August 25, Subcommittee on Census and Population, to hold hearing on the dynamic growth of the sunbelt, 8:30 a.m., 311 Cannon Building.

Committee on Public Works and Transportation, August 24, 25, 26, 27, Subcommittee on Water Resources, to hold hearings on the Water Resources Development Act of 1976, 10:00 a.m., 2167 Rayburn Building except Aug. 26 in 2253 Rayburn Building.

August 25, 26, Subcommittee on Public Buildings and Grounds, to hold hearings on H.R. 15134, to amend the Public Building Act of 1959, 10:00 a.m., 2253 Rayburn Building on August 26; 2167 Rayburn Building on August 26.

Committee on Rules, August 24, to hold hearings on H.R. 14578, authorizing various Federal reclamation projects and programs; H.R. 15194, making appropriations for public works employment for the period ending September 30, 1977; and H.R. 14844, Estate and Gift Tax Reform Act of 1976, 10:30 a.m., H-313 Capitol.

Committee on Science and Technology, September 24, 25, Subcommittee on Aviation and Transportation R & D, to hold oversight hearings on the National Highway Traffic Safety Administration, 10:00 a.m., 2318 Rayburn Building.

August 25, 26, Subcommittee on ERDD, Fossil Fuels, to continue oversight hearings on coal mining research and development, 10:00 a.m. on Aug. 25; 9:00 a.m. on Aug. 26, 2325 Rayburn Building.

Committee on Standards of Official Conduct, August 25, to continue consideration of the investigation of the unauthorized publication of the report of the Select Committee on Intelligence, 10:00 a.m., 2360 Rayburn Building.

Committee on Ways and Means, August 26, to hold hearings on miscellaneous minor tax bills, 10:00 a.m., Committee Room, Longworth Building.

August 26, Subcommittee on Oversight, to hold hearings on HEW efforts to reduce welfare errors, 8:30 a.m., H-208 Capitol.

August 27, Subcommittee on Oversight, to hold hearing on administrative cost of medicare, 10:00 a.m., Committee Room, Longworth Building.

Joint Committee Meetings

Conferees: August 24 and 25, on H.R. 12987, authorizing funds through fiscal year 1977 for public service jobs program under the Comprehensive Employment and Training Act, Tuesday at 2 p.m., room H-326, Capitol, Wednesday at 10 a.m., room S-207, Capitol.

Conferees: August 25, on H.R. 12838, authorizing funds through fiscal year 1980 for programs of the National Foundation on the Arts and Humanities, 3 p.m., room S-207, Capitol.

Conferees: August 26, on H.R. 5546, authorizing funds to extend health professions training and health maintenance programs, 2 p.m., room S-126, Capitol.

MONS 030021

Next meeting of the SENATE
9:30 a.m, Tuesday, August 24

Senate Chamber

Program for Tuesday: After one special order for a speech and a period for the transaction of routine morning business of not to extend beyond 10 a.m., Senate will resume consideration of H.R. 8603, postal service organization and financing, with vote to occur on pending Hollings substitute at no later than 2 p.m.

Next meeting of the HOUSE OF REPRESENTATIVES
12 Noon, Tuesday, August 24

House Chamber

Program for Tuesday: Consideration of the following 20 Suspensions:

1. H.R. 14846, Military Construction Authorization; 2. H.R. 1142, Tax Treatment of Cemetery Perpetual Care Fund Trusts; 3. H.R. 1144, Tax Treatment of Social Clubs and Other Membership Organizations; 4. H.R. 2474, Refunds in the Case of Certain Uses of Tread Rubber and Tires; 5. H.R. 6521, Exemption from Tax for Farm Trailers and Horse or Livestock Trailers; 6. H.R. 7929, Interest on Corporate Debt to Acquire Another Corporation; 7. H.R. 8046, Exclusion of Rental Value of Parsonage Furnished to Surviving Spouse of Minister; 8. H.R. 10155, Tax Treatment of Certain Income of Political Organizations; 9. H.R. 10902, Tax Treatment of Securities Acquired for Business Reasons; 10. H.R. 10936, Tax Treatment Upon Disposition of Property for which a Business Deduction was Allowed; 11. S. 3435, Privacy Protection Study Commission; 12. H.R. 13828, Federal Records Management; 13. H.R. 14451, Federal Property and Administrative Services Act Amendments; 14. H.R. 12664, Emergency Medical Service; 15. H.R. 14973, International Tijuana River Flood Control Project; 16. H.R. 15116, Federal Highway Obligation Limitation; 17. H.R. 15068, Emergency Allotment Transfer; 18. H.R. 14681, Termination of Overseas Private Investment Corporation Insurance in Certain Circumstances; 19. S. 3542, Teton Dam Disaster Assistance; and 20. H.J. Res. 519, Appointing General George Washington General of the Armies.

(*Votes on Suspensions will be postponed until the end of consideration of all Suspensions*).

H. Res. 1462, Anti-Trust Resolution; H.R. 15193, District of Columbia Appropriations for fiscal year 1977; H.R. 8911, Supplemental Security Income Amendments (open rule, 2 hours of debate); and H.R. 14070, Guaranteed Student Loan Amendments (open rule, 1 hour of debate).

Extensions of Remarks, as inserted in this issue

HOUSE

Abzug, Bella S., N.Y., E6529, E6531
Annunzio, Frank, Ill., E6524
Bennett, Charles E., Fla., E6535
Bingham, Jonathan B., N.Y., E6536
Boggs, Lindy, La., E6531
Conyers, John, Jr., Mich., E6529, E6536
Downey, Thomas J., N.Y., E6531
Drinan, Robert F., Mass., E6531
Fary, John O., Ill., E6529
Fisher, Joseph L., Va., E6529
Fraser, Donald M., Minn., E6529
Hamilton, Lee H., Ind., E6531
Heinz, H. John, III, Pa., E6529, E6535
Kemp, Jack F., N.Y., E6526, E6535
Keys, Martha, Kans., E6536
McClory, Robert, Ill., E6529
McCormack, Mike, Wash., E6529
McDonald, Larry, Ga., E6535
Mazzoli, Romano L., Ky., E6524
Meyner, Helen S., N.J., E6529
Murphy, John M., N.Y., E6524, E6529
Neal, Stephen L., N.C., E6530
Paul, Ron, Tex., E6527
Rangel, Charles B., N.Y., E6533
Rodino, Peter W., Jr., N.J., E6530
Roe, Robert A., N.J., E6536
Rogers, Paul G., Fla., 6529
Rosenthal, Benjamin S., N.Y., E6533
Schroeder, Patricia, Colo., E6535
Taylor, Roy A., N.C., E6530
Vanik, Charles A., Ohio, E6529, E6531, E6537
Waxman, Henry A., Calif., E6529
Wilson, Charles H., Calif., E6532
Wirth, Timothy E., Colo., E6534
Wolff, Lester L., N.Y., E6524, E6531

MONS 030022

ising the Postal Rate Commission, updating it, and at the same time assisting in closing that inflationary gap of the past 6 years with a direct appropriation that would total, at the time, about $3 billion. The proceedings along those lines were open to amendment. There were other members of the committee who had constructive and thoughtful amendments pending to go further than some envisaged was required at the time.

The roadblock we encountered very quickly was the determination on the part of the White House to oppose any subsidy allocations for the Postal Service. It simply reflects a difference in philosophy of what the post office system is all about. There are many of us who believe very strongly that there is a public service factor and a national interest factor. There are many post offices in the United States that cannot pay their own way, and it was felt unwise to force others who use the post office to carry the load in a direct way in rates. It was felt it was worth a great deal to the people of the United States and the Government of the United States to have a national postal system, as George Washington said when it was created, that would serve as a chain binding us all togther in one Nation.

Indeed, there is that ingredient present. But there are those still among us, and those at the other end of Pennsylvania Avenue, who believe that the Postal Service ought to be converted into a business and made to pay its own way. That is the gap in the operation of the system.

We were advised that if there were to be a subsidy bill passed closing the post office indebtedness and increasing its subsidy allowance for public service, it would encounter a veto at the White House.

We examined this prospect very realistically in regard to the committee itself. We sought to measure the implications in regard to Postal Service around the country. The Postmaster General, for example, without the subsidy money, would have to find other funds to meet his payrolls and to keep some kind of Postal Service in operation. Part of that process involved closing small post offices. That was impending by July 1. A few post offices had already been closed in the late spring.

It also involved consideration of cutting back postal services, the number of deliveries a day, the number of days a week that mail would be delivered and that sort of thing.

Because of the furor that created in the ranks of Members of the Congress, we made a basic decision in the committee that we had to at least achieve some kind of stability and remove the uncertainty about what was going to happen to the Postal Service as well as to the closing of post offices in a year in which most Members had only marginal time to devote to the full consideration of the question.

It was then that Senator Fong, the ranking minority member of the Post Office Committee, and I, representing the committee, sought to find some kind of common ground or formula by which we could keep the post offices going, avoid new rate increases and postal service cutbacks and, at the same time, assist the Postal Service in meeting its financial problems.

The upshot of that was an agreement worked out in the name of the White House by the Office of Management and Budget with our colleagues and the leadership in the House of Representatives, with the Postmaster General, whose task it is to manage this difficult operation, and with the Senate committee. What was put together was the basic package that it represented in the bill which is the pending business at the present time. That package is to leave in the one proposed recommended change or modification in postal reorganization that all sides involved agreed was a good one, which was to speed up the Rate Commission's procedure and confine it within an interval of 10 months for any particular proceedings. This, in itself, if I may inject, would have made it possible for the post office to have operated in the black for at least 2 of the last 3 years had the requests for rates that were ultimately granted been settled within the 10-month interval.

We think it is an important improvement. Due to the general unanimity of the importance of speeding up that rate-making process this has been left in the pending legislation by agreement as a basis of the understanding with the White House, with the House, with the Postmaster General and certainly with the Senate committee.

So the rest of the agreement, Mr. President, says that there will be a moratorium on any new rate increases that will take effect otherwise between now and February 15, and a moratorium on further significant cutbacks in postal services for that same interval of time, February 15, 1977; that the White House, in addition, will agree to the payment of $1 billion toward the postal indebtedness to be paid out in two increments of $500 million each to represent a bona fide attack on the problem of the postal deficit.

Finally, a Commission on the Postal Service would be appointed to examine the public service factor, the levels of service factor, the rural post office factor, all facets of the post office problem, a Commission that would be made up of 10 appointed members, 2 by each House of Congress, 4 by the President, with the chairman to be designated among the President's 4, plus 2 ex officio members, the Postmaster General and the Chairman of the Postal Rate Commission, as the ongoing experts in the functioning of the Postal Service at the present time; and this Commission would be prepared to take the reports already made, which are voluminous, collate them, and make their recommendations to the President and to the Congress in these various fields by the 15th of February next winter, 1977.

At that point, once those recommendations are received, Congress would then proceed to legislate its will about any restructuring, redoing, undoing, reversing, or whatever it may be in regard to the Postal Service of the United States.

To be realistic about it, Mr. President, this means that if the basic structure of the existing reorganization plan in the postal system is tampered with at this time, we have been made to understand that it will be vetoed. If it is vetoed, it is the best judgment that we can get from the leadership of both Houses that an override of that kind of veto could not be achieved. So what we are facing is accepting a compromise that we believe to represent the art of the possible, that can stabilize and make more steady the uncertainties in the postal system during the remainder of this current calendar year and 6 or 7 weeks into the new calendar year beginning next January.

The reason why that is important is that we are all caught up in the throes of the impending election. Congress is running into a very crowded agenda, and must recess or adjourn in time for campaigning on the part of many of its Members, all this cast against the backdrop of a Presidential contest of significant dimensions which is likewise going on around us.

In the hope of avoiding the spasms of panic, haste, ill-consideration, or insufficient consideration, we thought it wise to recommend this compromise to the Senate—a compromise that the leadership in the House of Representatives has agreed to accept as a substitute for an earlier House bill on this general proposition—and that we use that compromise as a stability factor until we can open up the entire question, no holds barred, after the agreed-upon date of February 15, and undertake its consideration with sufficient time to explore the many ramifications and cross-currents at stake.

It is the position of the Post Office and Civil Service Committee that this body should view understandingly the necessity of this particular step. None of us are proud of the compromise. I am on many other kinds of amendments and many sorts of proposed changes in the system myself, as sponsor or cosponsor. But I firmly believe it is wise for this body to accept the temporary compromise in order that we might proceed to address ourselves fully to the problem without any limitations when we return after the election year politics. I think we have a responsibility that ought to require us to do that. I think we would have a better chance to do whatever we decide to do with a larger measure of wisdom and with the necessary time to doublecheck our feelings in regard to it.

So, Mr. President, that is the pending measure that we have before us.

Mr. RANDOLPH. Mr. President, will my able colleague, the chairman, yield?

Mr. McGEE. Yes, I am glad to yield to the Senator from West Virginia, really the ranking member of the committee, and almost the founding father of this committee, if I may say so.

Mr. RANDOLPH. Mr. President, I am appreciative of the cooperation of the able chairman of our committee (Mr. McGEE). At this time I wish to indicate that I shall offer an amendment to establish procedures for any closings of post offices. This provision would be effective after the expiration of the moratorium, as contained in the committee bill which is brought to the floor today.

MONS 030023

I am aware, of course, of the fact that in a partial response to my request—though not in total—we did elicit and receive from the Postmaster General a letter on post office closings which I am sure would be helpful to have included in the record.

Mr. McGEE. Let us make that a part of the record at this point.

Mr. RANDOLPH. Thank you.

Mr. McGEE. I ask unanimous consent that the letter from the Postmaster General be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE POSTMASTER GENERAL,
Washington, D.C., June 10, 1976.

Hon. GALE MCGEE,
Chairman, Committee on Post Office and Civil Service, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: In analysing the latest draft (Committee Print No. 5) of the proposed Postal Reorganization Act Amendments of 1976, I note a provision imposing a moratorium on the discontinuance of any post office where 25 or more families regularly receive their mail. This moratorium would be effective if the appropriation authorized for Fiscal Year 1977 were made available to the Postal Service.

Obviously your concern for the future of small post offices is as great as mine. Also, I know of Senator Randolph's deep and abiding interest for the future of small post offices in West Virginia and elsewhere as evidenced by this sponsorship of S. 3082. It is out of my awareness of the importance of this matter to so many interested parties that I write to you to indicate that the Postal Service clearly will consider the moratorium provisions in S. 3844 as a very strong expression of Congressional intent.

Mr. Chairman, you know and other knowledgeable Congressmen also know that the Service has approached the problem of closing small post offices with care. The Service is well aware of the provisions in Title 39 which require that no postal facility be shut down solely for operating at a deficit. We are equally aware of how much meaning a post office has to a small community in terms of its identity and its connection to the Federal Government. It is for these reasons that the Service has established criteria which provide for customers to be informed, consulted with and given adequate notice before the closing of a post office. Moreover, it is clear that the Service's responsibility must be to provide equal, if not better, service when a closing occurs.

Of course, presuming enactment of S. 3844, the Postal Service would not discontinue any offices affected by the moratorium provisions of S. 3844. Further, the Service would carefully observe the aforementioned criteria even in the case of offices serving fewer citizens than stipulated in Committee Print No. 5 of S. 3844.

Despite the fact that there seems to be very grave problems confronting the Service, it is my firm intention to work closely with the Congress in attacking those problems. I am sure that informed Members of Congress understand that the Postal Service is in serious financial difficulty and must exercise the responsibilities placed upon it by the Congress by doing what it can to cut expenses in the face of exploding operating costs. For this reason, we must continue to search out opportunities for improved efficiency on all fronts, including consideration of small post office closings in appropriate circumstances. But I assure you that we will undertake such considerations in the full spirit expressed earlier in this letter.

Sincerely,

BENJAMIN F. BAILAR.

Mr. RANDOLPH. What I shall attempt to do is call to the attention of our colleagues the urgent need for established guidelines on post office closings or consolidations. I have discussed this with the Senator from Wyoming. I am not sure he may oppose my proposal or ask that it be tabled. But I feel that before we move to substantive amendments which apparently will be offered—those amendments that I see on the desk of Senators—we should separate this issue from the other matters, because it has to do with the freeze or moratorium. It is a procedural question that must be resolved when certain types of offices serving the public are being closed.

I felt that we should move to this subject at this point, because the Senator has mentioned the problem of the closing of post offices. He recognises it, as do all the members of our committee and I am sure, all Members of the Senate. My effort will be one that I think is well-reasoned. It will not do damage to the moratorium, but will give us a procedure that can start at the end of that period. My amendment will insure that there is participation of the patrons of an office in connection with the decisions on postal closings.

I do not wish to be what some might say is overly patriotic in this statement, but I do see a danger when thousands of post offices are being closed throughout the United States. I look on those offices, as I am sure my able colleague looks upon them, as representative of the Federal Government from the standpoint of actual day-by-day service, not just for the patrons of the offices, but also for the people of those communities who are helped by the postmaster.

These postmasters—men and women—are, in a sense, counselors to so many people. They help in many ways with the filling out of forms and reports, and they represent what I believe is the human side of the Government. I think it is important that in all of these smaller communities—and I am not speaking in disparagement of our great cities—there is not the same type of operation which people come to expect from a large number of employees. Out in those smaller communities there are just one or two or three persons who are on the job, and they are so identified. They strive daily to help citizens generally across a broad front.

I think that when such offices are closed, the American flag really comes down. My comments are not intended to stress patriotism, as such. Rather, I wish to indicate that throughout our country-side, our rural areas, there is a need to maintain the identity of these post offices, with the esprit de corps which comes with them.

I know our State of West Virginia is the second most rural State in the Union. It is a rural State although we are, of course, a State of manufacturing, mining, and many other facets that make up a prosperous and growing State, with a great potential. But I cannot overlook my responsibility, as I see it, to the less populated areas. I do not seek to throw a wrench into the machinery of the Postal Service. My desire is to have a very reasoned way in which the citizens of these communities can have the opportunity to bring their thoughts to the Postmaster General and to participate in the decisionmaking process.

There are other matters, of course, that are of more substance that are going to be offered through other amendments. I think the chairman will look upon this amendment as possibly in a different category. Am I correct? Will he agree to that?

Mr. McGEE. I look upon it as a necessary point to consider because of the importance of rural post offices everywhere in America, as a symbol much larger than just postal service. I think the Senator is right on the nose. The question that it raises, which I think would be opposed downtown, is changing the mechanism in the existing process. This is the thing that we agreed that for the short duration the moratorium would substitute for.

Mr. RANDOLPH. But there are figures, I remind the Senator, that are involved.

Mr. McGEE. Yes.

Mr. RANDOLPH. There are the number of patrons of an office.

Mr. McGEE. That is right.

Mr. RANDOLPH. I think that when we work on classification that is built solely upon figures we are possibly in danger. I believe there are some offices for some reasons—they might be climatic conditions or they might be conditions of geography, the very terrain that is involved—that might make the figure, regardless of what it is, 35 or some other level, unrealistic. That is why I am attempting to go beyond what has been done and in good purpose by the chairman (Mr. MCGEE), Senator FONG, and others.

Mr. McGEE. When we tried that question out on them they thought that was the sort of thing that would be prejudging the Commission report. But that is nonetheless the Senator's prerogative and I respect it very much.

Mr. RANDOLPH. I will then send to the desk an unprinted amendment. It is not that I have not been working on this; it has been a part of a bill, S. 3082, that I had earlier, although it has been changed somewhat. But I will ask unanimous consent that the amendment be at the desk and not to be called up at this time.

Mr. McGEE. Will the Senator ask for the question?

Mr. RANDOLPH. I do that because I wish to have, of course, the chairman, Senator FONG, and other Senators go into the matters in reference to the formal presentation of the bill.

But I will send the amendment to the desk.

The ACTING PRESIDENT pro tempore. At the request of the Senator from West Virginia the amendment will be held at the desk.

Mr. RANDOLPH. I do not want to press the point that my amendment should be the first considered, but I feel that it would be very natural that it be considered before other amendments.

Mr. McGEE. I certainly have no objection to that. I think in all fairness we

MONS 030024

should sit down with all the groups involved here a little later in the afternoon, and we can work out an agreed-upon order of procedure. I have no objection at all to it being taken up first.

Mr. RANDOLPH. I certainly wish to accommodate the chairman, Senator FONG, the ranking Republican, Senator HOLLINGS, and other Senators who may not only be interested but also wish to participate with amendments and discussion of the bill itself.

Mr. President, I ask unanimous consent that John Giannini of my staff be permitted to be in the Chamber during debate and on any rollcall votes on this measure.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Wyoming has the floor.

Mr. HOLLINGS. Mr. President, will the Senator yield for a similar request?

Mr. McGEE. I yield.

Mr. HOLLINGS. I thank the distinguished chairman.

Mr. President, I ask unanimous consent that my two assistants, Mr. Burt Reeen and Mr. Bill Keyserling, be allowed privileges of the floor during consideration of H.R. 8603.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. RANDOLPH. Will the Senator yield again to me?

Mr. McGEE. I am glad to yield.

Mr. RANDOLPH. Although Ned Massee of my staff has the privilege of the floor, he does not have such permission during rollcalls, and I ask unanimous consent that Ned Massee be a part of the request I made earlier.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. FONG. I also ask unanimous consent that Mr. Lawrence Nakatsuka be accorded the privilege of the floor during rollcall votes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Wyoming.

Mr. McGEE. Mr. President, I yield to my distinguished colleague, the ranking minority member.

Mr. RANDOLPH. Before the Senator begins, if this does not break the continuity, I note that reference was made by our chairman to the Postmaster General and his duties. Does the Senator from Hawaii feel that there is reason now to do what we did earlier? The Postmaster General of the United States still carries that designation even though it is the Postal Service instead of Post Office Department. Does not the Senator feel that we would be better serving the Government of the United States and the people to whom we are responsive if the President had the prerogative of sending a nominee to Capitol Hill and, with the advice and consent of the Senate, that individual being approved as are members of the Cabinet? At the present time, the Postmaster General, as my good friend knows, is really not able to go to the White House and discuss postal matters with the President of the United States because there is that layer between the Postmaster General and the President. Does he care to comment on that situation?

Mr. FONG. Mr. President, the distinguished Senator from West Virginia has brought up a point which has some merit, but at this time I shall defer really saying what my stand is on the question. In 1970 when we turned the Post Office Department into the Postal Service we went into that matter very much in detail, and it was then thought that it would be better to have the Postmaster General appointed by the postal board of governors and that his salary be made contingent upon what the board of governors decided.

I would like to have hearings on this matter, on the whole question of amendments, after the Postal Commission has made its report, and at that time we would have a better insight into the problem.

Mr. RANDOLPH. I can understand the reasoning of the Senator from Hawaii in this matter, and I have an understanding of his feeling about the timing.

I think the American people generally would want the Postmaster General to be in the same position as the Secretary of the Interior, the Secretary of Commerce, and other members of the Cabinet. I believe that the mistake made, and understandably, was that the Postal Service was to be the operation of a service set apart from the regular handling of Government departments.

I would oppose, and I believe the Senators who speak now would oppose, any move to bring back to the Members of Congress the situation that existed in earlier years—the yea or no or approval or disapproval with respect to so-called postmaster appointments. I do not think anyone would argue that that is something that Congress would want to bring back unto itself.

Mr. FONG. I do not think any Member of Congress wants that. I believe we have done a good job in that respect and have left it to the Postmaster and his staff to decide that matter, because that is the most efficient way of handling it.

Mr. RANDOLPH. There is certainly the equity of the Civil Service of the United States. Our committee is not only a Post Office Committee; it is the Committee on Post Office and Civil Service. So we must recognize always the validity of the civil service or similar merit system and have it work, have adequate pay for persons who are doing the jobs to which they are assigned and committed.

It is very important that in the coming months we have oversight hearings in the Post Office and Civil Service Committee about some of the matters that are raised from the standpoint of personnel and personnel operations. That does not mean that I am attempting to be critical of the employees of the Postal Service. That is not my desire as I mention this.

I believe that, by and large, they are not only diligent and dedicated but also are efficient. Yet, there are cases in which that is not true, just as in a private business or any other operation in which people are employed. But we need to have a closer look sometimes, so that we can insure that in the Postal Service we are serving the public. They are the constituencies of all the Members of the House of Representatives and the Senate.

Mr. FONG. There is much to be said for the appointment of the Postmaster General by the President and to make him a member of the Cabinet. Being a member of the Cabinet would give the Postmaster General tremendous prestige, tremendous honor, and great respect. Many men would work hard at that position without reasonable compensation. As we have seen, many men have left their employment which pays much more than they are receiving as Cabinet members, and they have become very good Cabinet members. They want that prestige, they want to be near the President, and they can see the President from time to time.

There has been some mention that it was difficult for the Postmaster General to see the President because the Postmaster General was considered more or less a member of a quasi-independent corporation, and from that standpoint, he was expected to run his corporation the way it should be run, as a quasi-independent corporation, and therefore he did not have the tie with the President.

There is much to be said about the position of the Senator from West Virginia, that if we made the Postmaster General a member of the Cabinet, it would enhance his position, would give him better rapport with the President, and he would be able to bring to the President many of the problems with which he is now faced. As a result of not being in the President's Cabinet, he finds it sometimes a little difficult to speak with authority, as if he were a member of the Cabinet.

Mr. RANDOLPH. I suggest to my colleague that there may have been some thinking that traditionally the Postmaster General, be he Democrat or Republican, as a part of the administration, became in a sense the political arm of the President within the Cabinet. I think that the Postmaster General, in a sense, in the past has been more politically attuned to the administration and its program of selling itself to the American people than have other members of the Cabinet.

Mr. FONG. That has been quite true.

Mr. RANDOLPH. At times, we think that the Secretary of State is removed from that type of campaigning or political effort. Yet, today, if members of the Cabinet are a part of an administration, I am not upset with them in speaking well of that administration. I think that this is as it should be. There are, of course, the limits of propriety and good taste which we would agree must be practiced. Yet, I sometimes feel that there is a reason for the Secretary of the Treasury to speak out not only upon matters of finance but also upon his feelings about the administration of which he is a part. I do not object to that, nor do I object to it by any other member of a Cabinet of the President of the United States. So it would be with the Postmaster General.

However, in yesteryears there was a feeling that the Postmaster General was

MONS 030025

there just to carry the so-called political banner for the party in power. Certainly, I would want him to be a participant in the type of programs I have mentioned.

Does the Senator agree?

Mr. FONG. Yes, of course. In former years, we did not have the tremendous problems with which the Post Office is now faced. In former years, they did not have the volume; they did not have the tremendous number of employees. Now we have volume up to 90 billion pieces of mail per year. It has not risen because of other businesses coming in and taking part of the business away. It has 700,000 employees. It is a tremendous organization. In fact, it is the second largest, after the Defense Department.

In former years, it was not as large. They did not have all these problems. We did not have double-digit inflation. We did not have the rise in oil prices. All these are problems the Postmaster General has faced. Now that we have had 8 years of experience, perhaps we should give the organization a second look and see whether the Postmaster General should be an appointee of the President, with the prestige of being a Cabinet member.

Mr. RANDOLPH. So that I may not be misunderstood, I point out that I had the responsibility, as a Member of the House, of serving as chairman of the Civil Service Committee. That was during 1946. That was 30 years ago. It frightens me.

Mr. FONG. The Senator looks very young.

Mr. RANDOLPH. I thank the Senator. "For age is opportunity no less than youth itself, though in another dress." That is what Longfellow said.

I come back to the workers. I do not like a person to be called an employee. I like the word "worker." I sometimes think that we talk about people as employees as if they were not part of a team. I prefer the team effort, the work effort. I think that, by and large, those men and women who are employed in the Postal Service are workers. They are doing their jobs.

Mr. FONG. And very dedicated workers.

Mr. RANDOLPH. Yes, and I want the record so to reflect. I think of the carrier that came by the door rather early this morning, perhaps a little earlier than usual. I was able to greet him and we chatted for just a moment. I told him about the subject matter we would have in the Senate here today. It was an occasion for me to compliment him on his courtesy and the manner in which he does the job in our area as a city carrier. And out in those mountain reaches of our State and through our lush lands and the valleys that we have between those mountains and hills, the rural carriers are doing a job that is entirely worthwhile and very, very important; and so it is with the postmasters also.

I hope that we shall never forget that, even with all the computerization within the Postal Service as it now exists. The automated efforts are part of modern production—not of a manufactured product, but sometimes in the delivery of packages and the mail. But with all of this, we must remember that it is the human side of this business, I call it, that is essential. It is where workers feel a pride not only in working for themselves and the Postal Service but also, in a sense, as the direct representatives of the Federal Government with the people, wherever they may be. That, I think, is very, very important in the life of America.

As we consider this bill, let us be very very careful, in all of the work that we do to bring it to a finalization. We must realize that the Postal Service, the distribution of mail, the mobility of America, the communications of America, sometimes have been not so well understood. So I simply say that, as I offer this amendment a little later on closing of offices, I hope there will not be an effort to table the amendment. However, I can understand it if that is done. But here we have an opportunity to say, regardless of a letter from the Postmaster General, regardless of a moratorium into February of next year, that we have a procedure which is a workable procedure, one in which participation of people is involved.

When we began this country in the writing of those earlier documents our Founding Fathers did not speak of an emperor, or a king or a queen or a monarch. They were saying, "We, the people." So I think we must remember that out there, all over this countryside there is a very large population and a very comprehensive number of workers within the Postal Service throughout all of our States. And there is reason to improve the Postal Service. This is going to take the most careful, creative, innovative, and resourceful work that we have ever developed, in connection with an agency or a service within the Federal Government. It is not going to be easy to do this.

Mr. FONG. No.

Mr. RANDOLPH. The Senator recognises it, certainly, as a businessman.

Mr. FONG. I do recognise it.

Mr. RANDOLPH. That human side of this job must never be forgotten. I think that, by and large, the worker does not want it to be forgotten.

Mr. FONG. We can never forget the human side of the Postal Service. There are 700,000 employees, and although the number of employees has not increased because of automation, they are there and they should be treated as human beings and they have been treated as human beings. They are dedicated, by and large, very dedicated public servants and the public employees of the Postal Service have done yeoman service. Although we have had many, many criticisms against the Postal Service, we have to consider that there are almost 100 billion pieces of mail. If a man does a 99-percent job but was 1 percent deficient, somehow, you would say the man is doing a good job. Yet if 1 percent of the mail of the post office goes haywire, and does not reach its destination according to time, that means 1 million pieces of mail did not reach their destination in time. Yet there is not that kind of dereliction, there is not that kind of holding up of service of a billion pieces. So looking at it from the standpoint of the bigger picture, we find that the Postal Service has been very efficient and the GAO, in its investigation of the Postal Service, has found that the service has been good.

Mr. RANDOLPH. The Senator spoke of the fact that something might go wrong.

Mr. FONG. Yes. If I could receive a score of 99 percent in anything I do, I would consider myself A-plus. Yet we find this criticism of the Postal Service, because some of the mail does not reach its destination according to time.

Mr. RANDOLPH. I shall place in the RECORD the facts about when the people complained about the delivery of their mail a long time ago, in the 1850's, perhaps—I am not sure of the exact date. I shall place it in the RECORD. It was in my home county in West Virginia. There was a complaint against the Trotter brothers.

The Trotter brothers, had a contract to carry the mail between Huttonsville in Randolph County and Staunton, Va. In the winter of 1855, after a trip south, heavy snowfall prevented their return across the mountain. The people of Tygarts River Valley, irritated by the delay in their mail, complained to the authorities in Washington. The Post Office Department relayed the complaint to the Trotters, who replied as follows:

STAUNTON, Va.,
1855.

MR. POSTMASTER GENERAL,
Washington, D.C.

SIR: If you knock the gable end out of hell and back it up against Cheat Mountain and rain fire and brimstone for 40 days and 40 nights it won't melt the snow enough to get your damned mail through on time.

Yours truly,

TROTTER BROTHERS,
By JAMES TROTTER.

So that was a problem, was it not? The mails were delivered if they could be. But when nature had an upheaval, or the snows were deep, they could not do it. Is that correct?

Mr. FONG. Yes, there are many obstacles.

Mr. RANDOLPH. So through the country, there exist these obstacles which have, of course, continued through the years, sometimes to the delay of the mail. But by and large, we do have the very best mail system in the world.

Mr. FONG. And one of the cheapest.

Mr. RANDOLPH. Yes. I expect that could be borne out. But there is no comparison, really, between any other country and the United States in its handling of the mail.

Mr. FONG. No, and the number of pieces.

Mr. RANDOLPH. All of this is documented. So at this point, thinking about the amendment which I shall offer, I do want to express that I have a very genuine esteem for the present Postmaster General. I feel that he is trying very, very hard to do this job.

Mr. FONG. No question; he has a tough job.

Mr. RANDOLPH. I do not want to pass any accolades on Ben Bailar at the moment, except to say that he has a very big job and he realizes it. I think he

MONS 030026

has been trying, insofar as possible, to confer with the Members of Congress, both Senate and House, on these matters that we are discussing. But whatever we do, I do not want it done with any rancor whatsoever or with any misunderstanding.

We are not out to get someone when we offer an amendment. In no sense, if an amendment is offered, is it offered for that purpose. I am sure it will be offered by a Senator or Senators who believe that there is a better way to do the job than the bill as reported from the committee. Our committee attempts always, insofar as possible, to be reasoned and to bring measures to the floor which merit the support of our colleagues.

Mr. PONG. May I say to the distinguished Senator from West Virginia that prior to 1970 we thought we could do a better job. That is why we had the postal reorganization bill and we reorganized the Postal Service. At that time we were told the Postal Service needed $6 billion for their capital improvements, and we were derelict in Congress in not appropriating the $6 billion to give them these capital improvements.

Because they were funded at less than what they should have been funded, the problems have grown and grown and grown. We thought at that time we should reorganize the Postal Service so we could give it a chance to go out and borrow money. We did provide that they could go out and borrow $10 billion, which Congress was not willing to give to the Postal Service, to rehabilitate some of the old post offices and to give it the machinery to make it a real modern, up-to-date post office.

That is one reason for the reorganized Post Service. We gave them the power to go out and borrow on their assets. They have been borrowing. They are now facing a deficit because of the rise in labor costs; the double-digit inflation which we have been experiencing; the rise in costs of fuel and all petroleum products.

We find there is much criticism against the post office because they say that some of the mail pieces are not being delivered on time, when you consider, as I have stated, that there are 90 billion pieces of mail, and if only 1 percent got waylaid, you have a billion pieces of mail delivered late or gone astray. We only have a very small fraction of the mail being delayed in time.

So, looking at it from the standpoint of the whole Postal Service, we find that the post office has done quite a fine job.

I was saying we had one of the cheapest postal services in the developing countries. Let us compare what it costs to send a first-class letter through the U.S. Postal Service with other postal services. In the United States, the first-class rate is 13 cents an ounce. Australia charges 22.9 cents, which is almost twice the amount we are charging. Belgium charges 16.7 cents. Canada charges 8 cents. Yet they had a strike, and now the rate has increased but I do not know what the increase is. As of February 1976 it was 8 cents per piece.

In Japan it costs 18.6 cents as compared with our 13 cents; the Netherlands 20.7 cents; Sweden 23 cents, Switzerland 15.5 cents, the United Kingdom 17.3 cents, and West Germany 19.5 cents. So the 13 cents for first-class mail through the U.S. Postal Service is the lowest outside of Canada. What the Canadian rate is now, I do not know. But you can see from these figures that the U.S. Postal Service rate is not high in comparison with the other developing countries.

So I say that with the limited amount of money they have been working with, with the great number of pieces of mail they have to handle, the Postal Service has done a good job. I think instead of condemning the Postal Service, we should really try to do everything we can to help it.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. FONG. I have not yielded.

Mr. HOLLINGS. Mr. President, I wonder if the Senator from Hawaii would yield for a question.

Mr. FONG. I yield.

Mr. HOLLINGS. I appreciate the conversation the Senator had with our senior colleague from West Virginia with respect to his amendment, which is perfectly agreeable on this side for us to vote first on his perfecting amendment before I lay down our substitute—however we wish to work it out. Perhaps that would be a good procedure.

While the Senator from Hawaii has the floor I would like to try to bring this into a little bit more responsible focus, because we are talking about Australia and Sweden, and we are talking about good employees—and they are good—in fact, that is one of the great motivations for me, the low morale now, and I think we have done them wrong in not supporting those employees.

But if I remember correctly now the Senator from Hawaii said this new system, the Postmaster General, had all these new problems to face, and I was noting it down that you did not have inflation, you did not have the number of employees, you did not have the volume. I would ask first about that inflation. Is the Senator from Hawaii familiar with the GAO report relative to the delivery contracts whereby there are some 12,000 contracts, and of which they only reviewed about 86? They stated this:

> The Service uses contracted vehicle service as one means to transport mail between postal and private facilities. About $800 million annually is expended on more than 12,000 contracts.
>
> We found the postal procedures were not identifying opportunities to reduce costs while maintaining the same service. Our review of 86 contracts disclosed that the Service could eliminate or reduce 16 of the contracts and save about $186,000 and 80,000 gallons of fuel annually.

Is the Senator familiar with that?

Mr. FONG. If we had a corporation that brings in $14 billion in receipts and expends $14 billion in expenditures, and if you want to look for things like that you are bound to find them. There is some leeway in which they could save some money, and here is a place where they say they could have saved $186,000 out of $14 billion. I do not dispute that. I would say there are many places in which we could save a lot of money if we really went after it. But when you look at the overall picture, I say it has done well.

Mr. HOLLINGS. That would sort of give us an indication of the overall. Here comes a responsible accounting organization, the General Accounting Office, and they find that in 20 percent of these contracts they could have either reduced or eliminated so many of them, and on 20 percent rather than the inflationary costs, for example, which we are all familiar with, with the jump in gasoline. I guess, which has gone from about 35 to 37 cents a gallon to 65 or 67 cents a gallon——

Mr. FONG. Almost double.

Mr. HOLLINGS. Between 73 and 76, and adding to that, what I am saying is looking even further on just 20 percent of the contracts you could have saved way more than inflation would ever have cost. That is not just a little one isolated thing at random, that was taken as a sample.

Maybe I should ask about the number of employees because the Senator indicated that they had so many more employees to handle.

Mr. FONG. I did say they had 700,000 employees. The number would have increased if they did not have automation. The 700,000 employees, I think, have been reduced by 30,000.

(At this point, Mr. FORD assumed the Chair.)

Mr. HOLLINGS. The actual figure which I am quoting now from the Postmaster General's 1974–78 report, at that particular time in 1971—and we passed this, of course, August 1976—the 1971 figure was 728,911 employees.

In the more recent GAO report which we asked for, the Post Office and Civil Service Committee shows 676,000 employees over there now, or a reduction in that many to be handled.

If number of employees or volume of employees was a problem, I understood the Senator from Hawaii was stating they did not have that number of employees.

Mr. FONG. I did not say that.

Mr. HOLLINGS. It reduced the problem by about 50,000.

Mr. FONG. I was responding to the distinguished Senator from West Virginia that we should look at the human problem, and I said, "Yes," because there were approximately 700,000 employees.

Mr. HOLLINGS. Then I heard that the distinguished Senator from Hawaii said the Postmaster General did not have this terrific volume with which to contend.

The truth of the matter is, going to that same report in 1971, they had 87 billion pieces. By 1974 they had gotten up to 91 billion. But they had a drop in 1975 of 832 million pieces of mail, and the projected drop by the Postmaster General of more than that, a billion pieces this year.

So, actually, the number of pieces to be handled rather than the volume going up and the bigger job, actually, there is a smaller job.

It is regrettable, we both agree on that.

Mr. FONG. No, the projection by the Kappel Commission was that it would have increased.

MONS 030027

The Kappel Commission estimated by 1975 it would be over 100 billion pieces, and the 1975 projection by GAO was that it should be 93 or 94 billion pieces. The volume has fallen down to 91 billion pieces, but it has increased over the years.

Mr. HOLLINGS. But let us take the actual 1975 figure, which was 89.3, according to the report.

Mr. FONG. In 1968, the Kappel Commission projected the 1975 mail volume at 110 billion pieces, and in February 1975 the GAO projected it at 93.1 billion pieces.

Actually, the 1975 volume was 89.3 billion pieces.

Mr. HOLLINGS. That is right, 89.3.

Mr. FONG. And the slowing down of the number of pieces cut down the revenues. This is one of the problems.

Mr. HOLLINGS. Could it be because they have cut down their service?

Mr. FONG. No. It is because of mailgrams they have used, or the telephone. Many people find using the telephone is easier. Many people find sending a radiogram is easier. Many people find using other electronic means of communication is much better than using the mail.

These are the things we are contending with now which we never anticipated in 1970 when we passed the postal reorganization bill.

Mr. HOLLINGS. Of course, the people use mailgrams and all, but the Senator must know about the closing of the small post offices, the removal of the collection boxes, the reduction in the number of times that they actually picked up the mail, the reduction of deliveries, for example, at business offices from three times to sometimes less than one time a day.

We have a record here, on April 19 and 20, with all the statements of everyone concerned, the mail carriers, the American Legion, and everyone says service is down.

In addition to the service going down, of course, they have gone financially 8 billion bucks into the hole.

We gave them an outfit worth at least $3.5 billion in 1970 when they got it, and now we are facing, rather than a plush $3.5 billion, a $4.5 billion deficit.

That is a change in financial position which even the Senator's own report says that considered in private business, the Postal Service would be bankrupt.

Is that not really the case?

I mean, as we talk more generally, and we are being very tactful and I think it is wise that we do not be untactful or tactless and raucous and yet, at the same time, we are faced with a real problem.

As I see the Senator's amendment in the most kindly terms, it is no more than a holdup, like sticking a gun and saying, "give us some money and don't ask questions."

That is why I am asking these questions, because I think much talk has been made about the impairment of the obligation of the postal employees' contract. I think the Senator has a contract and I have a contract. We all do with the public, but puts us here to stop, look and listen, and find what we are giving out business for.

In looking at that, the Senator says we ought to have a hearing after the Commission reports in February. Is that the Senator's position?

Mr. FONG. Yes. The commission is going to delve into all the problems of the post office and see whether it can come up with recommendations. At that time, with those recommendations, I am sure we will be able to have a more deliberative session and see what amendments can be enacted.

Mr. HOLLINGS. But how can that occur?

Mr. FONG. May I go further?

Mr. HOLLINGS. Yes.

Mr. FONG. I will answer the Senator's question about the GAO as an arm of the Congress.

The GAO has made 126 reports on a wide range of postal topics in the last 4½ years. This is what it says about mail delivery standards:

Mail delivery standards as established by the Postal Service are generally being met.

This is what GAO says:

Mail delivery standards as established by the Postal Service are generally being met.

The GAO also says that the lot of the postal employees has been greatly improved.

Mr. HOLLINGS. They really do not believe the morale in the Postal Service has improved, do they?

Mr. FONG. The GAO has issued 126 reports in 4½ years. They come out with a statement like that, and the GAO has not been very favorable in its report with the administration. The Senator knows that.

Mr. HOLLINGS. The fact is, exactly 140, not 126, but 140 GAO reports. They say the standards set themselves. That is, the new Postal Service, that they set themselves in 1970, in 1972, really, when they put in this testing service, they say, "Yes," and that is what they are referring to by meeting those standards.

But the GAO report says to look at the levels of service in 1969, when it was a political organization, and now in 1975, when it is a business organization, the service has diminished sharply.

It is diminishing sharply. That is really part of the report. Well, that is all right. We would not argue that.

I would like to find out how could the Senator have the overall report by the Commission in that amount of time? No one encompasses this being passed and signed by the President, if we could get together with the House, until after Labor Day or the middle of September. That would cause some appointments to come in in October. I believe the Senator would agree that would be pretty good timing, if we could get the Commission to start a study in October.

Mr. FONG. I know the time we have given the Postal Commission to report is a short period. We have been thinking in terms of about 6 months.

Mr. HOLLINGS. How can they do it with October, November, December, and January as the 4 months to study the overall needs? S. 2944, introduced by Senator McGEE, called for a 2-year study on the sole question of the public service subsidy. He said it would take 2 years to determine that; namely, the public service subsidy. In this buy-off that we have facing us now, where we are not to ask questions but just give money, and in order to answer the questions we will get a blue ribbon commission to study for 4 months, with Thanksgiving, Christmas, the New Year's holidays, the inauguration, and everything coming in between, with them reporting to us in February, how can they give us an intelligent report?

Mr. FONG. If they require a little more time, they will come to us and ask for more time. At that time we will consider it.

Mr. HOLLINGS. So the Senator feels this Commission might be extended in February for another 6 months?

Mr. FONG. I do not know how much time will be given to them. I will not be here. That will fall upon other Senators.

Mr. HOLLINGS. This gets the Senator from Hawaii by but it does not get me by. I see. I thank the Senator.

Mr. FONG. In answer to whether this is a good bill, we have the employee organizations asking that this bill be passed. I think many employees from the post offices, the postmasters, and all the people identified with the Postal Service, are asking that we pass this bill as it is, that they require this amount of appropriation to tide them over.

Mr. WILLIAM L. SCOTT. Will the Senator yield?

Mr. FONG. I yield.

Mr. WILLIAM L. SCOTT. A few years ago we set up this postal service corporation and started having long-term contracts between the employees organization that my distinguished friend from Hawaii is speaking of, long-term contracts negotiated for salaries and working conditions. I wonder if that is not really the root of the trouble we are having.

How does the salary of the postal worker compare with the salary of the classified civil service employee? I served on the House Post Office and Civil Service Committee. At a later time I will ask to include in the RECORD a copy of the minority report of that committee on the bill setting up this postal corporation.

As the distinguished Senator will remember, the Committee on Post Office and Civil Service of the House of Representatives would not pass this bill when the administration wanted it. It was only when the postal organizations and the administration joined together that they got a majority of the votes. The then Postmaster General Blount said:

I am a businessman. I know how to deal with employees.

Later on, though, he gave the employees everything they asked for.

I just wonder if it is in the public interest, to let the employees run an organizations as large as the Postal Service. I wonder if it is not the responsibility of the Members of Congress to exercise legislative oversight, and that we should

have the Chief Executive as the final head of the Postal Service rather than the organization that we now have.

In other words, I am saying we made a mistake when we set this up. We made a very serious mistake that is not in the public interest.

Mr. FONG. This was in answer to whether this is the bill that should be passed and what the morale is. The morale was low, as was said.

Mr. WILLIAM L. SCOTT. The Senator is talking about the employee morale?

Mr. FONG. Yes.

Mr. WILLIAM L. SCOTT. What percentage of increase in pay have they received since the postal corporation was established? How does that compare with the general classified services? In other words, if they have received twice as much money as other Government employees received, I can understand their morale being rather high.

Mr. FONG. In answer to the distinguished Senator from Virginia, I want to say salaries constitute 86 percent of the operating expenses. Between July 1971 and March 1976, the typical annual salary payment rose 54 percent in the Postal Service as compared with an increase of 41 percent in equivalent civil service salaries.

Mr. WILLIAM L. SCOTT. Does the distinguished Senator have any figures showing the increases for all Government employees as compared with those in the Postal Service since the Postal Service became a separate instrumentality?

Mr. FONG. Yes. July 1971 would be the first time that the Postal Service employees received their increase. Between that date and March 1976, as I have stated, their salary rose 54 percent, whereas their equivalent in the civil service positions rose 41 percent. So there has been a 23-percent increase over and above that of the civil service.

Mr. WILLIAM L. SCOTT. But does that include an initial increase immediately upon the setting up of the Postal Corporation?

Mr. FONG. I believe this constitutes the whole thing.

Mr. WILLIAM L. SCOTT. The whole thing from the time they were entirely a part of the Government?

Mr. FONG. Yes.

Mr. WILLIAM L. SCOTT. I like to think they are still a part of the Government under a quasi-government corporation.

Mr. FONG. The fact that they were given the right of collective bargaining with the Postal Service has tended to increase their salaries over and above those of the other civil service employees.

Mr. WILLIAM L. SCOTT. Why does the distinguished Senator say that would give them something above what the other Government employees received?

Mr. FONG. Because of the threat of striking, because there was a strike in New York, and because they were in bargaining units these increases were granted. The fact that they have these bargaining units caused an increase in salaries.

Mr. WILLIAM L. SCOTT. Is it fair for them to have these bargaining units and the rest of the Government employees not to have them? Is there any reason they should have the right to collective bargaining and the other Government employees not have the right to collective bargaining?

In all candor, I do not favor collective bargaining for public employees. I consider the Postal Service public employees.

Mr. FONG. At the time of the postal reorganization in 1971, the whole matter was placed in the hands of the Board of Governors. They were free to get into a collective bargaining agreement with the employees, which followed. It resulted in a bargaining agreement and, as a result, employees' salaries have increased.

Mr. WILLIAM L. SCOTT. Does the Senator feel that this is in the public interest? That is the point I am getting at. I refer not to the employees' interests but the public interest, including the employees. I feel the distinguished Senator would agree with me that we are here to serve the public interest, not the employees' interests as a separate unit.

Is it in the public interest for them to have the right of collective bargaining and to receive higher increases in pay than other Government employees, if we call them all Government employees, or should all employees be treated alike?

Mr. FONG. If we look at it from the standpoint that this is a quasi public corporation, it is half private and half public. Then we follow the private rule, the private law, governing the right of collective bargaining.

Mr. WILLIAM L. SCOTT. They have no right to strike under the present setup, do they, under the Postal Service arrangement?

Mr. FONG. There is nothing here said about the right to strike.

Mr. WILLIAM L. SCOTT. Then the threat of a strike would, if carried into effect, be a violation of existing law?

Mr. FONG. Yes, it would be.

Mr. WILLIAM L. SCOTT. I do not feel that anyone should benefit from a threat to violate the law of the land, and in all candor I see no basis for giving additional compensation to people in a quasi-public corporation.

EXECUTIVE SESSION

INTERNATIONAL COFFEE AGREEMENT, 1976; PROTOCOLS FOR THE THIRD EXTENSION OF THE INTERNATIONAL WHEAT AGREEMENT, 1971

The PRESIDING OFFICER (Mr. CURTIS). The Senator will suspend.

The hour of 2 p.m. having arrived, under a previous order of the Senate, as in executive session, the votes will now occur on two treaties.

INTERNATIONAL COFFEE AGREEMENT, 1976

The PRESIDING OFFICER. The question is on agreeing to resolution of ratification on Executive H, 94th Congress, 2d session, the International Coffee Agreement. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Florida (Mr. CHILES), the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. CULVER), the Senator from Ohio (Mr. GLENN), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. GARY HART), the Senator from Indiana (Mr. HARTKE), the Senator from Colorado (Mr. HASKELL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Vermont (Mr. LEAHY), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I also announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from New Jersey (Mr. WILLIAMS) are absent because of official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY) and the Senator from Washington (Mr. MAGNUSON) would each vote "yea."

Mr. HUGH SCOTT. I announce that the Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

I further announce that the Senator from Utah (Mr. GARN) is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Ohio (Mr. TAFT) would vote "yea."

The yeas and nays resulted—yeas 75, nays 0, as follows:

[Rollcall Vote No. 316 Ex.]

YEAS—75

Abourezk	Fong	Packwood
Allen	Ford	Pastore
Baker	Hansen	Pearson
Bartlett	Hart, Philip A.	Pell
Bayh	Hatfield	Percy
Beall	Hathaway	Proxmire
Bellmon	Helms	Randolph
Biden	Hollings	Ribicoff
Brooke	Hruska	Roth
Buckley	Huddleston	Schweiker
Bumpers	Jackson	Scott, Hugh
Burdick	Javits	Scott, William L.
Byrd, Harry F., Jr.	Johnston	Sparkman
Byrd, Robert C.	Kassebaum	Stafford
Cannon	Laxalt	Stennis
Case	Mathias	Stevens
Church	McClellan	Stevenson
Clark	McClure	Stone
Curtis	McGee	Symington
Dole	McGovern	Talmadge
Domenici	McIntyre	Thurmond
Durkin	Metcalf	Tower
Eagleton	Mondale	Weicker
Eastland	Morgan	Young
Fannin	Nelson	
	Nunn	

NAYS—0

NOT VOTING—25

Bentsen	Griffin	Magnuson
Brock	Hart, Gary	Montoya
Chiles	Hartke	Moss
Cranston	Haskell	Muskie
Culver	Humphrey	Taft
Garn	Inouye	Tunney
Glenn	Kennedy	Williams
Goldwater	Leahy	
Gravel	Long	

MONS 030029

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

PROTOCOLS FOR THE EXTENSION OF THE INTERNATIONAL WHEAT AGREEMENT, 1971

The PRESIDING OFFICER. The question is on agreeing to the resolution of ratification on Executive I, 94th Congress, 2d session, Protocols for the Third Extension of the International Wheat Agreement, 1971.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from Florida (Mr. CHILES), the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. CULVER), the Senator from Ohio (Mr. GLENN), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. GARY HART), the Senator from Indiana (Mr. HARTKE), the Senator from Colorado (Mr. HASKELL), the Senator from Minnesota (Mr. HUMPHREY), the Senator from Vermont (Mr. LEAHY), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I also announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from New Jersey (Mr. WILLIAMS), are absent because of official business.

I further announce that, if present and voting, the Senator from Minnesota (Mr. HUMPHREY), and the Senator from Washington (Mr. MAGNUSON) would each vote "yea."

Mr. HUGH SCOTT. I announce that the Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

I further announce that the Senator from Utah (Mr. GARN) is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Ohio (Mr. TAFT) would vote "yea."

The yeas and nays resulted—yeas 75, nays 0, as follows:

[Rollcall Vote No. 517 Ex.]

YEAS—75

Abourezk	Eagleton	McIntyre
Allen	Eastland	Metcalf
Baker	Fannin	Mondale
Beall	Fong	Morgan
Bayh	Ford	Nelson
Bell	Hansen	Nunn
Bellmon	Hart, Philip A.	Packwood
Biden	Hatfield	Pearson
Brooke	Hathaway	Pearson
Buckley	Helms	Pell
Bumpers	Hollings	Percy
Burdick	Hruska	Proxmire
Byrd, Harry F., Jr.	Huddleston	Randolph
Byrd, Robert C.	Jackson	Ribicoff
Cannon	Javits	Roth
Case	Johnston	Schweiker
Church	Laxalt	Scott, Hugh
Clark	Mansfield	Stennis
Curtis	McClellan	Stevens
Dole	McGee	Stafford
Domenici	McGovern	Stevenson
Durkin	McGovern	Symington
	Talmadge	Weicker
	Thurmond	Young
	Tower	

NAYS—0

NOT VOTING—25

Bentsen	Griffin	Magnuson
Brock	Hart, Gary	Montoya
Chiles	Hartke	Moss
Cranston	Haskell	Muskie
Culver	Humphrey	Taft
Garn	Inouye	Tunney
Glenn	Kennedy	Williams
Goldwater	Leahy	
Gravel	Long	

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the resolution of ratification is agreed to.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

POSTAL REORGANIZATION ACT AMENDMENTS OF 1975

The Senate continued with the consideration of the bill (H.R. 8603) to amend title 39, United States Code, with respect to the organizational and financial matters of the United States Postal Service and the Postal Rate Commission, and for other purposes.

The PRESIDING OFFICER. The Chair recognizes the Senator from Oklahoma.

The Senator will suspend.

Will the Senate please be in order? The Senator from Oklahoma is entitled to be heard.

The Senator from Oklahoma.

Mr. BARTLETT. Mr. President, I ask unanimous consent that Joe Heaton and Ed King of my staff be accorded the privilege of the floor during consideration and votes on H.R. 8603.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Hawaii.

Mr. ROBERT C. BYRD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. Will Senators please take their seats and refrain from conversation? Those wishing to converse will please retire from the Chamber.

Mr. FONG. Mr. President, I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I appreciate the courtesy of the distinguished Senator from Hawaii.

I ask unanimous consent that Mike Mishoe, of my staff, and John Napier, of the staff of the Committee on the Judiciary, have the privilege of the floor during the consideration of H.R. 8603.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FONG. Mr. President, I yield to the Senator from Oregon.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that Bob Jerome, of my staff, be allowed the privilege of the floor during the debate and vote on the postal reorganization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ABOUREZK. Mr. President, will the Senator yield?

Mr. FONG. I yield.

Mr. ABOUREZK. Mr. President, I ask unanimous consent that Jimmy Kolker, of my staff, be allowed the privilege of the floor during the consideration of and voting on this bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FONG. Mr. President, I support the distinguished chairman of the Committee on Civil Service and Post Office in his position endorsing the committee amendments as contained in H.R. 8603, the Postal Reorganization Act Amendments of 1976.

As stated by the chairman of my committee, the purpose of the bill is to provide temporary financial relief for the hard-pressed U.S. Post Office Service.

At the outset, I believe it is fair to say that, based on my nearly 17 years of service on the Senate Post Office and Civil Service Committee, there are no fast and easy answers to all the Nation's postal problems. The problems of the Postal Service are tough, complicated, and changing. On the other hand, there are some solutions which are practical, reasonable, and attainable. They do not promise overnight success, but neither do they shy away from what has to be done now to save the postal system.

After long and arduous effort, the Senate Post Office and Civil Service Committee has reported H.R. 8603, the bill now being considered by the Senate. This measure gives top priority attention to the immediate financial problems of the Postal Service and at the same time provides the basis for an assessment of the longer term problems we are likely to face.

FINANCIAL ASSISTANCE

The accumulated operating indebtedness of the Postal Service stands at almost $1.5 billion as of June 30, 1976. Operating expenses will add an additional $125 million in the transition quarter and $500 million in fiscal year 1977. This total of $2.125 billion for operating indebtedness through the end of fiscal year 1977 is to be distinguished from borrowings made for capital expenses which are expected to total $2.806 billion through the end of fiscal year 1977.

To address this problem, during the long negotiations, involving Senator McGEE, our counterparts in the House, the Postmaster General, and representatives of the administration, I proposed a mechanism to assist the Postal Service to alleviate this balance sheet problem while the Study Commission deliberates and reports. My proposal was accepted by all parties and is incorporated in this bill.

As an emergency measure to reduce this debt, H.R. 8603, would authorize a total of $1 billion—$500 million to be applied against the accumulated operating debt of the Postal Service as of September 30, 1976, and $500 million to be applied as of September 30, 1977.

These funds will be used for the purpose of reducing the Postal Service's outstanding operating debt—that is, borrowings which the Postal Service has already entered into for maintaining operations. This will reduce the burden on the Postal Service of having to carry this debt. It

MONS 030030

will not be used as an operating subsidy for on-going operations.

In requesting the appropriations authorized, the Postal Service would be required to submit to the Senate and House Post Office and Civil Service Committees comprehensive and detailed information on its budget; postal operations generally; and estimates of total spending and revenues. Congress would, therefore, be fully and currently consulted and informed on postal operations, plans, and policies.

STUDY COMMISSION

H.R. 8603 proposes the formation of an independent Commission on Postal Service to study and recommend actions to resolve the problems facing the Postal Service. It would make recommendations on wide-ranging subject areas, without limits as to any particular areas. The Commission of 12 members is to file its final report by February 15, 1977.

We are expecting the Commission in the course of its review to address such areas as the appropriateness of current mail service levels, the role of special services provided to various types of mailers, and the impact of new electronic communications techniques, all of which affect the cost of providing mail service acceptable to the public at the lowest cost. The Commission should also examine who should bear the cost of the various potential levels of postal service.

MORATORIUM

While the Study Commission is performing its task and before its final report is submitted next February, H.R. 8603 would impose a moratorium on postal rate increases and service reductions.

Specifically, for the period beginning with the appropriation of funds authorized by the bill and ending next February 15, the Postal Service would be:

Prohibited from having in effect any permanent or temporary postage rate or postal service fee higher than those in effect on the date H.R. 8603 is enacted;

Prohibited from providing lower levels and types of postal services than those provided on July 1, 1976;

Prohibited from closing any post office where 25 or more families regularly receive their mail; and

Prohibited from closing any post office where fewer than 25 families receive their mail, unless the Postal Service receives the written consent of at least 60 percent of the regular patrons who are at least 18 years of age.

In addition, the Postal Service would be required to provide door or curbline delivery to all new permanent addresses, except apartment buildings, until the Study Commission reports.

The various parts of the "postal package" embodied in the bill were the product of lengthy hearings and negotiations. The Senate Committee held 7 days of public hearings in recent months on the proposed legislation. The chairman and I, as the ranking minority member, actively sought out the assistance and participation of others in hammering out an acceptable and workable legislative proposal. We met with our counterparts in the House of Representatives, the Postmaster General, the Office of Management and Budget, and the White House. What eventually developed is a proposal which, as I noted earlier, has the approval of all parties.

The administration's views on the pending bill have been outlined by the Office of Management and Budget in a letter to Chairman McGEE.

Mr. President, I ask unanimous consent to have the text of that letter printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF MANAGEMENT AND BUDGET,
Washington, D.C., June 18, 1976.

Hon. GALE McGEE,
Chairman, Senate Post Office and Civil Service Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter confirms our understandings regarding the provisions of H.R. 8603, as contained in Committee Print No. 5 of the bill, dated June 16, 1976. The Administration is prepared to accept legislation and to transmit a request to the Congress from the U.S. Postal Service for the funding of the authorizations provided for under section 2, subject to the passage of a bill which is consistent with our agreement. The amounts provided for under the authorizations will be applied against the Postal Service's accumulated operating indebtedness and used for the purpose of reducing that outstanding indebtedness as of the period ending September 30, 1976, and the period ending September 30, 1977. These amounts will not be used directly for covering current operating expenses or deficits.

In addition, the mandate of the Commission on Postal Service, established under section 7, will be broadened and the Commission charged to identify and study the problems facing the Postal Service and to recommend actions to be taken to resolve those problems. While the Commission should not be limited to any particular subject area, we would expect it to look into such matters as: the appropriateness of current mail service levels including the services available to various types of mailers, the nature and extent of any "public service" aspect of postal operations, the status of the private express statutes, and postal policies with regard to personnel levels and employee compensation. We are also concerned that the Commission look into the future implications of changes in electronic communication technology and what impact these will have on postal operations.

The Administration's agreement is premised on these two important principles.

We would like to express our reservations about the composition of the Commission's membership, as amended by the Committee. While we can appreciate the concerns expressed for adding members to the Commission to reflect the views of the postal labor force, we do not believe that it is appropriate to designate two such representatives to a Commission of only ten members. Further, we believe that adding specific members from the labor force is inconsistent with the action taken to eliminate postal management's voting representation on the Commission. We believe that a Commission named jointly and equally by the President and the Congress can deal with all of the postal problems without having to bring specific viewpoints to the membership.

We note that during the period of the study, current postal policies will remain in force. Since the Commission is to look into the basic problems facing the Postal Service, there should be no changes in the Postal Reorganization Act which preempt the Commission's review of current postal policies or changes which compromise the independent status of the Postal Service by placing restrictions on postal operating flexibility that are unacceptable to the Postmaster General. In this regard, we understand that the Committee has reached an agreement with the Postmaster General.

I hope that the above information will be helpful in clarifying the Administration's position.

Sincerely,

DANIEL P. KEARNEY,
Associate Director for Economics and Government.

Mr. FONG. The "postal package" was reported favorably by the Senate Committee 8 to 1. It is a bill which combines the ideas of those who have worked hard to meet the realistic problems of the Postal Service. It is designed to reconcile the disparate views of the parties, with the full realization that no one person's judgment is necessarily the best or final answer to the problems at hand. It is a compromise in the highest sense of the word. But most important, if the proposed legislation is passed as it is, without any changes, it can and will become law soon—the sooner the better because of the severe strains under which the Postal Service is currently operating.

I wish to underscore the seriousness of the problems facing the Postal Service, and therefore, the necessity for early action to relieve the mounting pressure on the postal system.

BACKGROUND

I believe a brief review of how the Postal Service got where it is today might be helpful in understanding the approach we have taken in H.R. 8603.

When the Postal Service was created as an independent establishment of the executive branch by the Postal Reorganization Act of 1970, there were high expectations for its success. The reorganization was recommended by a Presidential Commission appointed to study the causes of major breakdowns in postal operations in the 1960's.

The Commission believed that if postal management were freed from the operating constraints that plagued the old Post Office Department, it would be able to overcome its problems and operate the system in a more business-like manner. It was predicted that, through improved performance, substantial cost savings would result—so substantial that the Postal Service would achieve financial self-sufficiency by 1984. Postal rates were to be adjusted upward until they covered costs, and subsidies to all classes of mail thus were phased out. It was even considered possible that there would no longer be a need for the Congress to appropriate funds to cover so-called public service costs—those costs associated with providing service in communities where the post office is not deemed to be self-sustaining. Persuaded by these arguments, Congress overwhelmingly approved the reorganization act.

These optimistic expectations have not General Accounting Office, the Congressional Budget Office, and the Postal Service itself place most of the blame for the Service's poor financial performance since reorganization upon three factors—inflationary cost increases, a slow rate-

MONS 030031

making process, and a stagnant mail volume.

A report by the Senate Budget Committee staff summarized the causes for the financial problems as follows:

First, the Postal Service is highly labor intensive (salaries are 85% of operating expenses), and between July of 1971 and March of 1976 the typical annual salary payment rose 64%; this compares with an increase of 41% in equivalent civil service salaries. Second, the 1970 Act's projection of a financially self-sufficient postal service was premised upon timely rate increases to cover increasing costs; but the six-month delay (in 1975) in enacting the most recent increase (cost in revenue lost was $1.4 billion) is typical of the speed of the process. Third, partly due to the deterrent effect of higher rates, the growth in mail volume has slowed considerably and caused the Postal Service's revenue projections to fall far short of expectations. For example, in 1968 the Kappel Commission had projected 1975 mail volume at 116 billion pieces; and in February of 1975 the GAO projected it at 98.) billion pieces; actual 1975 volume was 89.3 billion pieces.

An impartial, thorough evaluation of the performance of the Postal Service was completed in March this year by the General Accounting Office. In testimony before the Senate Post Office and Civil Service Committee, the GAO—which has issued 186 reports on a wide range of postal topics during the Postal Service's existence—summarized its evaluation as follows:

Mail delivery standards, as established by the Postal Service, are generally being met;

Rates may be getting close to the unacceptable level;

Self-sufficiency has not been attained and there are no immediate prospects of doing so; and

The lot of the postal employee has been greatly improved.

This forthright assessment of the Postal Service leaves much room for improvement in certain areas. At the same time, however, it is a long step forward in comparison with the old Post Office Department that was in deep trouble before it was replaced.

In view of its long and close monitoring of the postal system—which is more extensive than that by any other agency—the GAO's position on legislation to deal with the Postal Service's problems is important. The GAO believes the Postal Service needs financial relief; it endorses expediting the ratemaking process; and it supports the establishment of an independent postal study commission. In general, H.R. 8603, now before the Senate, embodies the type of legislation recommended by the GAO.

WHY H.R. 8603 SHOULD BE PASSED NOW

H.R. 8603 is a carefully balanced and thoroughly considered measure. It has the overwhelming, favorable recommendation of the Senate Post Office and Civil Service Committee. It has the endorsement of postal committee leaders in the House. It is legislation urgently desired by the Postmaster General, and generally by the postal unions and the rank and file employees. And the bill is acceptable in its present form to the administration, without whose support it is unlikely this type of postal legislation can be enacted into law.

This legislation provides a "breathing spell" which will pave the way for serious and thoughtful deliberations which would not be possible for Congress during the limited time remaining in this election year. Hence, we implore our colleagues to withhold their amendments to this bill until next session, when more time will be available for thorough and careful consideration of them.

I repeat: Because of the shortness of time remaining in this election year session of Congress, I hope every effort will be made to forgo amending the bill before us. Not only will this assure early enactment of H.R. 8603; this bill may be the only acceptable measure, and this is the last opportunity this year for Congress and the administration to work out urgent legislation to save the Nation's postal system.

Therefore, I strongly urge swift approval of H.R. 8603.

I yield the floor, Mr. President.

UP AMENDMENT NO. 2288

Mr. RANDOLPH. Mr. President, I have an amendment at the desk. I ask for its consideration.

The PRESIDING OFFICER. The amendment will be stated.

The second assistant legislative clerk read as follows:

The Senator from West Virginia (Mr. RANDOLPH) proposes an unprinted amendment numbered 2288.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the bill, add the following new section:

SEC. 9. (a) Section 404 of title 39, United States Code, is amended by inserting "(a)" immediately before "Without" and by adding at the end thereof the following new subsection:

"(b)(1) The Postal Service, prior to making a determination under subsection (a) (2) as to the necessity for the closing or consolidation of any post office, shall provide adequate notice of its intention to close or consolidate such post office at least 60 days prior to the proposed date of such closing or consolidation to persons served by such post office to insure that such persons will have an opportunity to present their views.

"(2) The Postal Service, in making a determination whether or not to close or consolidate a post office, shall consider—

"(A) the effect of such closing or consolidation on the community served by such post office;

"(B) the effect of such closing or consolidation on employees of the Postal Service employed at such office;

"(C) whether such closing or consolidation is consistent with the policy of the Government, as stated in section 101(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining;

"(D) the economic savings of the Postal Service resulting from such closing or consolidation; and

"(E) such other factors as the Postal Service determines are necessary.

"(3) Any determination of the Postal Service to close or consolidate a post office shall be in writing and shall include the findings of the Postal Service with respect to the considerations required to be made under paragraph (2). Such determination and finding shall be made available to persons served by such post office.

"(4) The Postal Service shall take no action to close or consolidate a post office until 60 days after its written determination is made available to persons served by such post office.

"(5) A determination of the Postal Service to close or consolidate any post office may be appealed to any court of appeals of the United States within 30 days after such determination is made available to persons served by such post office under paragraph (3). The court shall review such determination on the basis of the record before the Postal Service in the making of such determination. The court shall hold unlawful and set aside any determination, findings, and conclusions found to be—

"(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law;

"(B) without observance of procedure required by law; or

"(C) unsupported by substantial evidence on the record.

The court may affirm the determination or order that the entire matter be returned for further consideration, but the court may not modify the determination. The court may suspend the effectiveness of the determination until final disposition of the suit by the court.".

(b) The amendment made by this section shall take effect on the day after the date on which the Commission on Postal Service transmits its final report under section 7(f)(1) of this Act.

Mr. RANDOLPH. Mr. President, we have eight sections in the pending bill, as reported from the committee to the Senate. I seek to add a ninth section, section 9. In that amendment, I would, in a sense, be supplementing the moratorium which is contained in the bill as reported from the committee. Under the present moratorium on the closing of post offices—the smaller offices really, that is the problem in the rural areas of the country—there would be no action taken until the 15th of February 1977. Beginning on the 16th of February, my amendment, if it is adopted, would move into another area. I think there is a very real reason to go beyond just the moratorium which is contained on page 29 of the bill, H.R. 8603, which is pending in the Senate.

Under this amendment, the Postal Service, prior to a determination on the closing or consolidation of any post office, would permit patrons the opportunity to present their views on such a proposed closing. This insures that these postal patrons have the opportunity to make their views known—in actuality, to be participants in the process of either continuing the office or having the office ultimately closed. Sixty days of advance notice would be given to postal patrons.

In making the determination of whether or not to close or to consolidate a post office, the Postal Service would have to consider oral and written testimony that would be presented. The effect that the closing or consolidation of a post office has on the community must be a part of the determination and must be considered. The effect on the employees who are working in that post office would also be a consideration.

I understand that the Postal Service

MONS 030032

will be interested—and properly so—in the provision dealing with economic savings resulting from such a closing.

Our amendment, the amendment I present, reiterates the need for consistency in carrying out the intent of the present statute.

I am not going to say that the Postal Service is presently in violation of the law. But the language of section 101(b) of title 39 of the United States Code, Mr. President, requires the Postal Service to provide a maximum degree of effective and regular postal services to rural areas, communities, small towns where post offices are not self-sustaining.

There are small post offices, we know, that are not self-sustaining. But, very frankly, the Postal Service itself as a whole is not self-sustaining. In this bill there is a request, of course, for money from Congress so as to carry forward the postal services. It is $1 billion to be exact.

But I refer here to the small towns—and I emphasize this—the rural areas, these communities in the countryside where these offices are not self-sustaining. They in many, many instances must be maintained.

At the completion of the review, my amendment would require the Postal Service to place in writing its findings, which shall be made available to the patrons, the persons, served by that post office. No action to close or consolidate a post office would be permitted until 60 days after this written determination is made and, of course, announced or delivered to the patrons.

If the patrons of that office disagree with the determination to close that office at a certain time or to consolidate that office, an appeal procedure is included in my amendment which goes to the courts for a decision.

The amendment, I believe, is a very meritorious approach to this problem.

We have a letter, as I discussed earlier with the able chairman of the committee, from the Postmaster General, Mr. Bailar, in which he says he has no intention of closing these offices of the type that I mentioned, pending action on this legislation, H.R. 8603 and this moratorium which runs until February 15. But I want to go beyond that.

I think it is necessary to go beyond that and set up a permanent procedure. I think the amendment should be adopted.

I would really hope that the managers of the bill would agree to this amendment. I think it does no harm to the measure as reported from the committee. It is a further assurance, let us say, to these small post offices in the rural areas that there will be set procedures on closings.

The PRESIDING OFFICER. Who seeks recognition?

Mr. McGEE. Mr. President, I would like to say for the record that the distinguished Senator from West Virginia, a member of the committee, and I have discussed this at some length. There is indeed a very legitimate and deep concern in the point that the Senator's amendment would make in terms of protecting the small local communities and their post offices, and we all are in that camp.

We think there is a place for the small post office that far exceeds just the material factor of postal service.

The problem that this amendment poses for the committee is simply the agreement that we put together to make it possible to hold the line against postal closings, against rate increases, against service cut-backs, and that has all been nailed down with the Postmaster General, with the White House and Office of Management and Budget, and that is the basis for the compromise agreement that we have here.

None of us are exceedingly proud of it. It was the best that we could get in order to hold the line until we opened wide, with no holds barred, the whole question of the Postal Service as soon as everybody gets out of this particularly busy political year.

So I oppose the amendment with reluctance, I say to my colleague, but I feel honor bound as one of those involved in trying to find a common denominator agreement by which we can avoid postal closings the remainder of the interval to the 15th of February as included in the compromise or avoid further cutbacks in services or avoid new increases in rates. There was no other way we could nail that because of the many factors involved.

On that ground I would say with reluctance that I would have to oppose the Senator's proposal at this time because it does change the mechanism which was a part of the operation involved in the machinery under the present postal law.

The other thing is we have from the Postmaster General that letter which Senator RANDOLPH and I have agreed should be in the RECORD at this point or at an earlier point in this colloquy, and that should be a sufficient assurance to protect us from closings, to try to put in a mechanism that would protect against future closings after the 15th of February which would be properly involved in the recommendations of the Commission and the will of Congress as it proceeds to legislate its will upon receipt of the Commission's special report as envisioned by the President.

So on those terms—and I think the Senator understands this fully—the committee would have to oppose the amendment at this point in time. It properly belongs as soon as the report is made to the Congress on the Postal Service.

Mr. RANDOLPH. Mr. President, I understand the chairman's argument. I think he is in error in indicating that this amendment would seem to throw out the arrangements that have been made with the committee, the ranking minority member and the able chairman, the Postal Service and the administration.

Yet I would remind him that as far as I am concerned, I had no such agreement. I do not want to be misunderstood. I have felt in doing this I am really helping in a sense the situation. It is my desire to establish a mechanism, which is a very simple one. It is not involved, and I think Members of Congress, the Senate, and, hopefully, the House would look with favor on the amendment.

I would hope that the chairman would decide not to table the amendment or offer such a motion, but would give us an opportunity here to vote the amendment either up or down.

Mr. McGEE. I have no objection to offering or to voting any kind of amendment up or down. I think under the preconditions in which the committee brought forth this unhappy child, which is the compromise, it is no man's child, or is the product of many efforts.

In the words of the distinguished Senator from Rhode Island who just walked in, it is the art of the possible. It is the art of the possible and it is as simple as that.

If this amendment were to be adopted by the will of the Congress in whatever way we care to vote this afternoon, it would require a veto under the terms of the compromise that was negotiated.

With all of the amendments in the proposal, I think a great many Members of Congress think it is a sort of thing that should be in the new postal system. But our limitation here, may I say to my colleagues, is that anything that goes beyond the 15th of February, beyond the terminal point for the Commission that is to be appointed if this is adopted, prejudges whatever that Commission should choose to report.

Second, depending upon what Congress legislates, it likewise sticks out alori8 as a factor that may not be relevant when a new system is put together. We do not know and we dare not prejudge.

So I feel compelled to have to move to table on that ground, as a matter of honor, because of the commitment made to work out a compromise.

Mr. PASTORE. Will the Senator yield?

Mr. McGEE. Yes.

Mr. PASTORE. The Senator from Rhode Island cannot walk into this Chamber without somehow becoming involved.

Mr. McGEE. So what is new?

Mr. PASTORE. But I will say this. I think the plan being suggested by my good friend, Senator HOLLINGS, would be a better answer to this problem if we could achieve it.

If we could possibly achieve it, I think it is a better answer.

Let us face it. This transition to privacy, or private venture on the part of the Post Office, has been a disaster. In my humble opinion, it has been a disaster.

Here we are, after all these grandiose promises that were made, let us run as a private venture, it will not cost the taxpayers any money. That has fallen flat on its face. Here we are talking about appropriating either $500 million or $1 billion, and it has been conceded that even $1 billion will not take care of the problem. That is where it stands now.

MONS 030033

But we have been told very flatly and very clearly that if the Hollings amendment is agreed to, in all probability there would be a veto.

Practically everybody who works for the Post Office has been aroused over the fact. I have been receiving a lot of mail like everybody else.

As I understand it, the Senator from Wyoming, the chairman of the committee, has taken the position—and he has worked out this compromise—that this is not the end of the problem, this is not the ultimate solution to the problem, but this will stay until we have an election of a President.

Naturally, if Mr. Ford is reelected, in all probability we might have to do it his way. On the other hand, if Mr. Carter is elected President of the United States, I think we ought to give him a chance to take a good look at it.

This would be, more or less, a respite or an interlude between the disaster and the hope. That is about all we have here, a hope.

Mr. RANDOLPH. May I comment, while the Senator from Rhode Island is in the Chamber?

Mr. McGEE. Yes, I yield.

Mr. RANDOLPH. We are considering an amendment I have offered, which is not the overall program of the able Senator from South Carolina. But I am simply trying to insure that the smaller post offices of the United States in the rural areas of the countryside, the very small towns, are not closed.

I am not going into other issues.

Mr. PASTORE. If the Senator will yield, when we had the conference on this matter, I was made to understand that the purpose of this respite was to insure these post offices would not be closed down. That is the reason why we are putting up the money, to make sure that that will not happen. If my understanding is incorrect, I would like to be corrected on it.

But the point here is that there is no need trying to shake down this compromise through fear, because if we do, we might jeopardize getting this relief which must be granted at this time. I say frankly, put up the money or the price of the stamp is going up.

The public is going to be aroused and we are all going to be deluged with mail. There is no question about it.

Mr. McGEE. Is the Senator through?

Mr. RANDOLPH. I just wish to say that I think the President would sign the bill if my amendment is included.

Mr. McGEE. The Postmaster General recommended it not be signed if the Senator's amendment is included.

Mr. RANDOLPH. I can understand.

I think I have proven in 38 years in the Congress my belief in a postal service that functions and of a postal service that is strong. I will not go into all that.

I would not offer something that is "a tearing apart proposal."

I am really disappointed that the able Senator will not accept this situation as a real way in which we can establish a procedure after February 15. This does not go to all the options of the bill as a whole.

I would be very surprised, in fact I would be shocked, if an amendment of this kind, a very simple amendment, a very easily understood amendment, a modus operandi that is very plain in giving people a chance to be heard for 60 days, is something that would tear apart this agreement.

I cannot believe that is true.

Mr. McGEE. Their view is, very seriously, that it is because it starts after the 15th of February and prejudges an area of improved procedure that the Commission is supposed to make a judgment on in terms of its overall approach to the problem. Therefore, they really feel very strongly that we should not try to freeze that beyond the restructuring. We do not know what the total restructuring may be. It may have no relationship to this in any way, even the restructuring made to use some other division of the problem of the Postal Service.

So that is the only reason, and it is with reluctance I have to keep insisting that this falls into the category of those changes in the mechanism, that the principle of prejudgment, before the report, would be done violence to.

Mr. FONG. Will the Senator yield?

Mr. McGEE. Yes.

Mr. FONG. Mr. President, this amendment goes far beyond anything we have. This amendment really ties the hands of the Postmaster General.

Before he can close a post office or consolidate a post office, he has to go through a lot of actions.

Let us look at what he has to go through before he can close or consolidate a post office forever. If this amendment goes through, it is forever. It is not tied to that period where we await the report of the Commission.

If he wants to close or consolidate a post office, he has to give 60 days' notice to the patrons.

The Postal Service, in making a determination of whether or not to close or consolidate a post office, shall consider:

(a) The effect of such closing or consolidation on a community served by such post office.

(b) The effect of such closing or consolidation on employees of the Postal Service employed at such offices.

There is no question, if we close or consolidate the post office, it will affect the employees.

(c) Whether such closing or consolidation is consistent with a policy of the Government associated in section 10(b) of this title, that the Postal Service shall provide a maximum degree of effective and regular postal service to rural areas and small towns where they are self-sustaining.

That is in the present law.

The economic savings to the Postal Service resulting from such closing or consolidation are considered, and then the Postal Service has to weigh such other factors as they determine are necessary. Determination of the Postal Service to close or consolidate post offices shall be in writing and shall include the findings of the Postal Service.

I have no objection to that.

If the Postmaster should decide that he will close a station, he can be taken to court. When we passed the postal reorganization bill we wanted to give the Postmaster a free hand, but we told him to follow certain guidelines in these small post offices, and he should not go helter skelter in closing post offices willy-nilly. I think he has been pretty fair and reasonable in closing and consolidating post offices. In this amendment he can be taken to court for a decision as to whether it was right for him to close a post office or not. The court could reverse him.

On one hand, we are trying to make the post office an efficient organization. We say it is losing money, that it has to be more efficient, that they should consolidate some of the post offices. For the period between the time when this bill is enacted and the Postal Commission comes and reports its findings, there will be no closing of any post office that has more than 35 patrons. For any post office that has less than 35 patrons, if 60 percent over 18 years of age say no, they cannot close the post office. We have gone pretty far in this bill.

Mr. BUCKLEY. Will the Senator yield for a unanimous-consent request?

Mr. McGEE. I promised to yield to the Senator from South Carolina.

Mr. HOLLINGS. I thank the Senator for yielding.

I would ask the distinguished chairman about the agreement, as I understand it, since it is so precise, so as not even to allow a clarifying and what I would deem to be a very worthy amendment with respect to closings. This is the same as the intent of the Senator from Wyoming, that the small post offices would be protected. Yet the agreement he has firmed up between the administration and the House, which is before the Senate, I think in fairness to my colleagues should be made clear. The agreement is so precise and exact that we cannot have the kind of an amendment the Senator from Wyoming would ordinarily agree to, as presented by Senator RANDOLPH. For my information, and for the information of my colleagues, with whom did the Senator talk in the administration to bind the administration?

Mr. McGEE. At the request of the President, Mr. Jim Lynn, of the OMB, was the official spokesman and the runner with the various terms in the negotiations between the White House and the Congress.

Mr. HOLLINGS. The Senator did not talk to the President himself?

Mr. McGEE. Not on each of these points. We have had conversations with the President that go back a long time on the broad postal measure, but this has nothing to do with hammering down the details of this particular agreement.

Mr. HOLLINGS. When last did the distinguished chairman discuss postal affairs with the President?

Mr. McGEE. I think the last conversation we had in the Oval Office, excluding any informal meeting socially, would have been at the time of the hearings last winter.

Mr. HOLLINGS. So the Senator has not heard directly from the President?

Mr. McGEE. As directly as we need to hear by the man we all agreed would

MONS 030034

carry the messages. The President had two or three other problems confronting him all during this interval and could not afford to have us sit down and discuss each participle that we stuck in the agreement. Therefore, he requested that that Mr. Jim Lynn transfer those messages and translate the President's intent. Ours were then sent back to Mr. Lynn who then met with the President and brought back the direct communication from the President.

Mr. HOLLINGS. But there are certain facts that cannot be disregarded. The difficulty of the Postmaster General himself to talk with the President on postal affairs is well known. In fact, he testified before our committee. When was that, in April or May?

Mr. McGEE. He testified to that effect in March.

Mr. HOLLINGS. He testified that he had called the President and the OMB intermittently, the White House and the Office of Management and Budget, some eight times without even a return of his calls. Since that time presumably, the Postmaster General has gotten in touch with OMB and they, in turn, told the chairman they negotiated with the President?

Mr. McGEE. And he also testified that he had a conversation with the President.

Mr. HOLLINGS. But the chairman has not talked with him since last winter?

Mr. McGEE. That session was had with the President as to what we could get through with respect to law and change.

Mr. HOLLINGS. Now this agreement would not allow even as simple an amendment as that proposed by the Senator from West Virginia. With whom did the chairman speak and negotiate the so-called compromise on the House side?

Mr. McGEE. On the House side the discussions involved the chairman of the House Post Office and Civil Service Committee, Mr. HENDERSON; the ranking minority member, Mr. DERWINSKI, and chairman and ranking minority member from the Postal Operations Subcommittee. They were the ones who were represented in these negotiations.

Mr. HOLLINGS. And the chairman talked with those three Members, fully aware——

Mr. McGEE. Four House Members. The two on each of the full committee and the subcommittee.

Mr. HOLLINGS. Two being Mr. HENDERSON and Mr. DERWINSKI. Who were the other two?

Mr. McGEE. Jim Hanley and Albert Johnson.

Mr. HOLLINGS. And t..e distinguished chairman was fully aware at the time he had those conversations that they had made a similar proposal to what is now in the so-called compromise to the House on two occasions and had that voted down, is that correct? Let us get one point at a time. It is very difficult. I have been here since early this morning and I have been ready. In fairness to our colleagues, I want to inquire into the so-called compromise, as to what it is, who the chairman discussed it with on the House side, and whether he has a valid enforceable agreement or compromise. He talked to four Members on the House side and they were voted down last October. Is that correct?

Mr. McGEE. They were not voted. Another proposal was submitted to the House in October of last year and the House supported the Alexander amendment, as the Senator knows full well. That had no relationship to the impasse that was reached when the Senate opened its hearings on the full area, including the Alexander amendment proposal. The point was that we then got the message that there would be a veto. Our problem was to decide whether to buy the veto and use it as a campaign issue or to try to keep the Postal Service from closing more post offices, to try to avoid further rate increases, to try to avoid further service cutbacks after all of this hit the fan. That is the basis for the compromise. It has nothing to do with the Alexander amendment of last October. It has nothing to do with any of the other proposals that are now being fielded. It was an attempt to find something to hold this together until we all have time when we get back after the election to spend a full go at it, to reexamine and reopen the entire postal system structure and its related problems. That is what it is all about.

Mr. HOLLINGS. I will ask for the yeas and nays on the amendment of the Senator from West Virginia. That is what he wants to ask for.

Mr. RANDOLPH. That is what I was trying to ask for.

The PRESIDING OFFICER (Mr. BAKER). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. HOLLINGS. The Senator is talking about the veto of the President. I am discussing the veto of the House of Representatives. The House of Representatives did have a financial assistance program without the appointment of the Postmaster General, without the salient features, without the annual authorization, and here came this Alexander amendment supported by members of the Post Office and Civil Service Committee.

After they had an overwhelming vote on that particular score, they took that bill back into the committee to work it over, to see if they could get a similar type compromise to divest them, if you please, of the Postmaster General's appointment, and also the annual authorization. They brought it back, and lost again.

Is the Senator familiar with—well, I ask unanimous consent to have printed in the RECORD this statement by five Representatives when they introduced legislation on the postal financial problems without further cutbacks, and rejecting Senator McGee's "compromise" proposal.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FIVE CONGRESSMEN INTRODUCE LEGISLATION TO MEET POSTAL FINANCIAL PROBLEMS WITHOUT FURTHER CUTBACKS; REJECT SENATOR MCGEE'S "COMPROMISE" PROPOSAL

Congressmen Charles H. Wilson (D-Calif.), Bill Alexander (D-Ark.), Richard C. White (D-Tex.), Patricia Schroeder (D-Colo.), and John Jenrette (D-S.C.) announced today that they completely reject Senator Gale McGee's version of postal legislation which originated in the House last year, and that they have introduced a new bill which would appropriate $500 million to the Postal Service this year to prevent further service cutbacks such as post office closings. The Representatives said that the Postal Service's acute financial difficulties warrant such an appropriation, but they also emphasized that real postal reform is the House-passed bill (H.R. 9603) requiring annual Congressional appropriation of postal funds and direct Presidential appointment of the Postmaster General with the advice and consent of the Senate must be approved by the Congress this year. Senator McGee, Chairman of the Senate Post Office and Civil Service Committee, has said that the White House would veto money for the Postal Service if any accountability requirements were also included, and therefore McGee developed "a compromise" proposal to give the Postal Service one billion dollars over two years with no service cutbacks before next February, but also no provision for greater accountability for postal managers to the Congress or the President.

"We think it's ridiculous for Senator McGee to refer to his plan as a compromise. The fact is it would amount to having the Congress walk away from its responsibility to regain some control over postal operations and the American people will not stand for it", the Congressmen said.

"Senator McGee says that we must gut House-passed legislation which will restore some reasonable degree of accountability to postal operations in order to provide short-term, emergency funds to the Postal Service. This is nonsense. We can appropriate the money needed for this year through the legislation we have introduced today", the Representatives said.

"Senator McGee obviously does not discern a difference between compromise and surrender, nor does he have any grasp of the magnitude of concern most Members of Congress have about the Postal Service," they said. "This is not surprising, of course, since the Senate Post Office and Civil Service Committee has held only a handful of oversight hearings on postal matters in the last four years".

"We're afraid that the conventional wisdom now held is that Senator McGee has presented an unassailable fait accompli. It's a bad bill, but there's nothing that can be done. It's the only game in town. Well, we suggest that there is an alternative. We should simply do what the American people are demanding—regain some control over the Postal Service—and, if necessary, separately make an appropriation for this year."

"When H.R. 9603 reaches the floor next week we would urge Senators who have any concern about the sorry record of the U.S. Postal Service since it became a quasi-business operation in 1971 to oppose the McGee approach and vote to reinstate accountability requirements approved by the House", they said.

H.R. 9603 as passed by the House last October 20, requires the annual appropriation of all postal revenues, and requires the Postal Service to present comprehensive statements of postal operations to the Congress when it requests such appropriations.

The bill revises the method of appointment of the Postmaster General and the Deputy Postmaster General, requiring that

MONS 030035

both positions shall be appointed by the President, by and with the advice and consent of the Senate.

The Postal Service is required to provide door delivery to each permanent residential address (excluding apartments) wherein the appropriate unit of local government has adopted zoning ordinances prohibiting the construction of curbline mail boxes.

The bill also would create a five-member "Commission on the Postal Service" to identify and study the "public service aspects" of the Postal Service, and other aspects about the Service. This Commission would transmit quarterly reports to the President and Congress and make its final report within two years.

Senator McGee's version of this bill would drop all of the above-noted provisions and simply give the Postal Service one billion dollars in exchange for not cutting back services before February. (The McGee version does establish a so-called "blue-ribbon" study Commission which would be required, despite the absence of clear-cut directions and an impossible deadline, to make some kind of report before February, as well.)

Congressman Wilson has served on the House Post Office and Civil Service Committee for over a dozen years. He has been Chairman of the Postal Facilities, Mail, and Labor Management Subcommittee since early 1973.

Congressman Alexander is a member of the House Appropriations Committee. In the 93rd Congress, Alexander served as Chairman of the House Agriculture Subcommittee on Rural Development and conducted hearings on the effect of national postal policies on nonmetropolitan America. Alexander authored the amendment to the House bill that would return postal purse strings to the Congress.

Congressman White, who has served on the House Post Office and Civil Service Committee since 1967, chairs the Subcommittee on Retirement and Employee Benefits.

Congresswoman Schroeder is Chairwoman of the Census and Population Subcommittee of the House Post Office and Civil Service Committee.

Congressman Jenrette serves as a member of the House Committee on Post Office and Civil Service.

Mr. HOLLINGS. Addressing myself to this document, is the Senator familiar with those particular House Members having introduced, in accordance with section 3004 of the Postal Reorganization Act, H.R. 14963, to just appropriate some $500 million, for which no authorization is really necessary? Is the Senator familiar with that particular bill that has been introduced in the Ways and Means Committee over there?

Mr. McGEE. That bill, I am advised, they have not acted on yet. They introduced it in the House of Representatives.

Mr. HOLLINGS. That is right; and they introduced it, if you please, to be a backstop should there be a veto, because they have taken an adamant position that they are going to veto the McGee proposal, should we all just go ahead right now, bam, bam, bam, and vote on it as the Senator from Wyoming requests, and send it immediately to the House without amendment.

I understand the Senator's desire to work out compromises but in this particular case there is no question in my mind but that he is talking to the wrong group. Certainly not the group sponsoring the legislation a House majority has voted for on two occasions.

These are the words of CHARLIE WILSON, BILL ALEXANDER, RICHARD C. WHITE, PATRICIA SCHROEDER, and JOHN JENRETTE. All of them, except ALEXANDER, are members of the Post Office and Civil Service Committee on the House side. I quote from their statement:

We think it's ridiculous for Senator McGee to refer to his plan as a compromise. The fact is it would amount to having the Congress walk away from its responsibility to regain some control over postal operations and the American people will not stand for it.

I am not going to read the entire matter, but this is pertinent to the point the Senator from Wyoming was making.

I quote further:

Senator McGee says that we must gut House-passed legislation—

That is H.R. 8603, the bill now before the Senate—

which will restore some reasonable degree of accountability to postal operations in order to provide short-term, emergency funds to the Postal Service. This is nonsense. We can appropriate the money needed for this year through the legislation we have introduced today.

That is the bill which I previously referred to, H.R. 14963.

Senator McGee obviously does not discern a difference between compromise and surrender, nor does he have any grasp of the magnitude of concern most Members of Congress have about the Postal Service. * * *

We're afraid that the conventional wisdom now held is that Senator McGee has presented an unpalatable fait accompli.

Almost the way the Senator is now presenting it on the floor.

It's a bad bill, but there's nothing that can be done. It's the only game in town. Well, we suggest that there is an alternative. We should simply do what the American people are demanding—regain some control over the Postal Service—and, if necessary, separately make an appropriation for this year.

So now, as this statement says, it is so ridiculously worked out it is obvious—and I have been over on the House side to try to get a feel, because I did not want to waste the time of the Senate——

Mr. McGEE. I understood the Senator has been over on the House side.

Mr. HOLLINGS. That is right, and I wanted to talk to those Members. I have talked to the leadership over there, and tried to get a feel. I cannot tell exactly. I would not want to be the expert to try to say that it will pass or will not pass, but if we have a Presidential veto of H.R. 8603, which the Senator from Wyoming wishes to amend, but does not want anybody else to amend—I repeat, which the Senator wishes to amend but does not want anyone else to amend—the principal sponsors of H.R. 8603 say it is ridiculous, it is nonsense, and I agree with them on that particular point. And if there is any measure in the end instance, I repeat, if the President does veto it, they say, "We are introducing the $500 million appropriation, which does not require any authorization, so they can stay solvent."

So there is no emergency now, and we simply have a question of whether Congress or the Blue Ribbon Commission is going to do this job. The House says we are going to have to go back to work.

Mr. McGEE. Mr. President, will the Senator yield?

Mr. HOLLINGS. Yes.

Mr. McGEE. Let me make two points in regard to the Senator's remarks just now.

First, my distinguished colleague from South Carolina alludes to the fact that the House of Representatives has already passed judgment on this matter twice.

The House had nothing like this compromise to pass judgment on. What we are passing judgment on now is a compromise that was worked out with at least five sources of responsibility in postal affairs. They had no knowledge at that time—none of us did—that we were going to come up against the impasse of a veto and getting nowhere, at the same time we were being faced with mass closings of post offices, rate increases still in the offing, and a service cutback.

Because of the year, in which everybody was running for President in one party or the other, or they were running their own races back home, we felt we either had to play the old veto route and try to make a campaign issue out of it, letting the post office fall apart in the process, or take a more sensible route and try to stabilize it temporarily. I underscore temporarily.

We do not take pride in the compromise. It was the best that honorable men could put together, that they could all agree to.

Who agreed to it? The White House agreed to it. The Office of Management and Budget agreed to it. The House Members who are responsible for the legislating authority in postal affairs; the chairman, the ranking minority member, the chairman of the subcommittee, and the ranking minority member agreed to it.

That is as far as I am going to go on the House side. God help us all over here if we are going to tell the House what they think, or how to proceed. We do the best we can do in a responsible way to try to get the Senate to make its judgment on its responsibility. The House must make its own judgment.

It was the judgment of the leadership of the committee in the House of Representatives that the leadership on the House floor would be supportive, that they believed that when all the chips were down, as late in the year as it is, as far down the road in the campaign as it is, with every House Member standing for reelection, that this would be a sensible way to go about it. No one of them had enough time to devote, now, to reexamining the entire postal structure.

You cannot just half reorganize the postal structure. It ought to be done in an orderly fashion, instead of simply taking my preferences, Senator RANDOLPH's, or Senator POSS's; it ought to be reworked in the light of all the experience we have had over these past 6 years with postal reorganization.

We admit nothing with this proposal. We are simply trying to hold the line and stabilize it until we can get back here

MONS 030036

after this political year, and then go at it full tilt, no holds barred, I guarantee the Senator, to reexamine it. That is the responsible way, I submit, to go at the problem of reorganization and determining what is in the public interest, I submit to my colleague, regardless of the arguments of five Members over on the House side, whether it is a compromise bill or whatever you want to call it.

They were not involved in the impasse that was reached and having to face up to the consequences of that impasse, as were those who were in charge of the committee whose jurisdiction it was over there. That is the House of Representatives problem. But our problem has to be do we evaluate it from the point of view of Senators, rather than what the House of Representatives is or is not going to do. Every one of the gentlemen who were cited by my colleague from South Carolina have long been opposed to this measure. They have long been opposed to any kind of a compromise. That is understandable. And it is an honorable opposition.

But our petition is not to disallow what they would propose to do but simply say to them:

Let us throw it into the hopper with everything on reorganization at the time when everyone has gotten out of the business of a campaign year and we get back and go to the mat with the full question.

This is no way to be restructuring something as massive as a national monopoly, the Postal Service of the United States. So our request is that we simply hold the line with the compromise until February 15, at which time the report to Congress and to the President will have been submitted. It seems to me this is nothing that gives away anything. It simply gives us the chance to do in a more responsible way whatever it is in our collective wisdom we decide to do.

Mr. FONG. Mr. President, will the Senator yield?

Mr. McGEE. I am glad to yield, but the Senator from South Carolina has the floor.

Mr. HOLLINGS. Yes.

I say to the Senator one more time, though, that this group that he says will not compromise, fortunately or unfortunately, represents a majority in the House. True, if there were four Senators or five Congressmen, as we now cite it, who represent a minority rather than the majority view of the House of Representatives, then I could understand him not going to them about the compromise, but they are the ones who prevailed.

I sent for the original H.R. 8603 as introduced. I have here a summary from the Recess at the end of October which virtually takes up over a page and the Chairman said they did not have these matters before it.

I am going now to the point made by the distinguished chairman, that is, they just did not have these matters.

They had these matters fully last fall almost a year ago. In fact, H.R. 8603 was introduced in July, and we had plenty of time to go full tilt, as the distinguished chairman says, and we have not done so.

But they have an amendment to place a limit on the kinds of material to qualify for second-class mail, an amendment that reduces the temporary rate from 33 to 20 percent, an amendment that sought to provide for an annual authorization, which incidentally passed, an amendment that sought to limit the number of postal rate increases, an amendment that sought to require that each class of mail bear the postal cost attributable to it, an amendment to protect charitable and nonprofit mail from increased postal rates, an amendment that sought to repeal private express statutes, down to an amendment for a grant of free postage for mailing to voters.

They went to everything up and down the entire gamut, coming out originally, which will be seen when I get that original bill. This is very interesting to me, because we were debating H.R. 8603. The amendment of the Senator from Wyoming is in the nature of a substitute to H.R. 8603, and here in the Senate Chamber I cannot obtain a copy of H.R. 8603. That is all I want in my hand. I wish to show the Senator not just what passed the House of Representatives, but also what was introduced originally.

I have H.R. 8603 as it passed the House of Representatives.

Has the aide to the Senator from West Virginia the original bill? That is right. I want the original bill to show just exactly what the House Committee on Post Office and Civil Service submitted for consideration.

I say to the Senator that, if he goes back there in July, he will see that they had the same idea as the Senator from Wyoming and the Senator from Hawaii, they wanted to get us by, to give them the money, and certainly not go back appointing a Postmaster General, annual authorization, and everything else. They had some provisions with respect to rates which stayed in. I am referring there to delivery of mail by nonprofit organizations. They had some other provisions that the Senator had in the original bill which were interesting to me, having served with the distinguished chairman. As we sat down, he will remember, when this bill was submitted, presently his amendment No. 2844, it had different provisions in there with respect to college catalogs.

We were in the committee and we were told let us not have any amendment. We agreed and worked it out. We changed around that commission in committee. We changed around the matter of college catalogs in committee, and we made some changes in the committee after the agreement was made to the compromise by the distinguished chairman. I do not see why, as committee members, having been able to get a little amendment in, as the Senator from West Virginia is trying to do this afternoon, we could do it as committee members but cannot do as Members of the Senate not on the committee.

But this was fully discussed, and this was supposed to have been debated, as the Senator well knows, the last week of July. We both went over there and they discussed it.

Let me jump them to the other point that the Senator was making as to how great the study is going to be so that then we could have expert facts and go full tilt. The Senator from Wyoming introduced S. 2844 in January calling for a 2-year study of one subject, the public service nature of the Postal Service. Now we have come around. I do not see how, in good conscience, we can argue to our colleagues how great this blue ribbon commission is going to be when the Senator thought it necessary for a 2-year study solely on public service subsidy, to have it at best a 4-month study on everything about the Post Office including the private express statutes, the matter of the public service subsidy, the matter of rates for college catalogs, the matter of closing post offices, the matter of the economy. At best, let us say that if his compromise is agreed to this afternoon, we could not get it through to the House of Representatives, agreed on and sent over to the President by the middle of September to appoint those commissioners. The blue ribbon commission could not report to the Capital City before the 4th of October. They have October, November, December, and January, with Thanksgiving, Christmas, New Year's inauguration, and everything else put in between.

We know that we have on our own staffs the expertise because they have been working over the years. Senator Powe has had 10 years, I think he said, or 17 years, with the Committee on Post Office and Civil Service. Those staff members would have a better working knowledge on what, how, and where to do than any Johnny-come-lately in town, a blue ribbon commission coming to have their pictures taken to say: "Look what the President has done. He has appointed us."

Does the Senator really conscientiously suggest that is a good alternative to his initial approach in S. 2844 where there is a 2-year study on postal subsidy alone?

Mr. McGEE. I say to my colleague that it is better than going his route. It is not what I would have advocated, but it is what we could get. This is a different circumstance now. We do have studies in hand, a rather substantial group of them, that have since been completed by the Office of Management and Budget as they see the problems, that have since been completed by the GAO as they see the problem, and we have a number of other private groups that have studied facets of this.

This would now involve, as the administration would foresee it, taking advantage of what has been put together in the various studies and putting them all together, because some of them did not shot certain aspects of the Postal Service and tried to make it a part of the much larger whole, the post office system itself, and then from that make its recommendations.

I say to my colleague on that point that, the reason that we finally moved to February 15, a relatively short interval of time, was that by a divided vote, but nonetheless a substantial vote, we decided to put the odds on the sense of urgency rather than on the sense of just lagging along on this and putting it off for another couple of years.

MONS 030037

I was one of those who argued for a longer period of time, but I was willing to abide by a substantial majority vote among the negotiators to put the bee on them to put the heat on. Let us get with it. This is not one of those weekend jaunts. This is not time off for various holidays. This is a matter of coming with a specific set of recommendations for the President of the United States and the two Houses of Congress.

It was the sense of urgency that really was uppermost in the final decision to place that date at the 15th of February.

Mr. HOLLINGS. The Senator would have to agree that we do have a $920 million subsidy and we have the $304 million that we appropriate for the phaseout on second-class mail rates, magazines and newspapers. Also, we have the $1 billion problem that confronts us now. That is a billion dollars plus a couple of billion dollars—a little more than $3 billion—that faces us, as Representatives and Senators, to act upon.

Does the Senator contend that the Senate can divorce itself from the oversight responsibility when we are asked to vote at this time on that amount of money for an organization that the Senator's own report calls bankrupt? The report of the Committee on Post Office and Civil Service, on H.R. 8603, says that if it were a private organization, as everybody is talking about it supposedly being, it would be bankrupt.

We are facing a bankrupt organization. We are trying to let it limp along, and we are asked, as Senators, to put up a little more than $2 billion, but not ask any questions.

Mr. McGEE. We are asking to put up the compromise money that everybody agreed on, that Congress said should have been put up long ago, that the administration would not agree to—to put up the compromise sum of money so that it would be addressing itself to retiring a part of the debt in good faith, while we win the time, after the election, to do justice to the oversight reexamination, reassessment, and restructuring—whatever the wisdom of Congress then determines. That is far better sense than to plunge into it now, shooting from the hip, in effect, in the ways that are proposed in the conglomerate things suggested by the Senator, because of the differences of points of view—not his differences with me or vice versa, so much as basic differences in other segments of the whole process of government.

The Postmaster General is a key man in this. He is a very effective manager in postal affairs, and he has been very responsible; but there are problems he is caught up with in the event we cannot proceed and which he is required to pursue—the kinds of procedures that would bring chaos into Congress as well as into the broad expanse of the land, the closing of many post offices, the cutback of many services, the increase of rates, and without delay.

That is the reason we think that before that is undertaken, under any set of exigencies, we should have a chance to open up the full question and examine all the facets of that question in relation to each other, not one shot here and one shot there. They are all interlinked in the final decision, whatever it may be. That is the reason for the request for what I would call reason—namely, to try to win the chance to do this right at the beginning of the new session of Congress, possibly with a new President.

Mr. HOLLINGS. When the Senator talks about looking at it in its entirety, why is it that we Senators are not allowed that but the American public is. In other words, the American public sees the Postal Service's demise in its entirety. They have had 6 years of it now, and it goes down, down the drain—as it cuts out services, cuts down on deliveries, closes post offices, increases rate prohibitively, and private endeavor is taking it over.

The American public sees it in its entirety. Why should we just look at these rates or closings but not some of the business judgments that constantly leak in white papers and 60-minute shows and Jack Anderson's columns? All one has to do is read day in and day out, and there is some reporter always coming out with another particular management booboo, a very faulty decision.

Specifically, I had the occasion to work with private industry, and I brought every great name of American industry to my home State. We have regional offices for those industries from time to time, either in Charlotte, N.C., or in Atlanta, Ga. But no one in his right mind has said, "Let's have a regional office that would operate efficiently and economically in Memphis, Tenn."

The postmaster from Charleston, S.C., has to go all the way to Tennessee. He can take an hour's flight to Atlanta, where he used to go. But they have closed Atlanta and nobody has been able to justify it.

If you mail a package in my home town, it must go through Greensboro, N.C., where it is processed. You cannot get a train or a plane to Greensboro, N.C. If you mail a package in Charleston, S.C., you can bet your boots that it somehow gets all the way to Greensboro, N.C., and is sent back to be delivered down the street.

These are the kinds of decisions they see day in and day out.

There is the matter of parcel post, to which the Senator referred in a letter. He said that the Parcel Post Association endorses his measure. That is almost impossible for me to believe because by 1975, the Postal Service lost about 166 million parcels. If we had the up-to-date figures, it would be more than 200 million.

Here is a crowd going out of business, and they say, "Let's continue with these particular decisions."

Does the Senator really believe that these organizations support his bill?

Mr. President, I ask unanimous consent to have the letter of August 19 printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMMITTEE ON POST OFFICE AND CIVIL SERVICE,
Washington, D.C., August 19, 1976.

Hon. ERNEST F. HOLLINGS,
U.S. Senate,
Washington, D.C.

DEAR ERNIE: Recently in my letters to you and on the Senate Floor, I have tried to describe the realities concerning the Postal Reorganization Act Amendments, H.R. 8603. Without going through all the rationale again, suffice it to say that the bill as reported out of the Senate Committee and seen to be voted upon is what the President will sign provided there are no substantive amendments.

It occurred to me that you might be interested in seeing a list of the supporters of the bill as reported from the Committee. They are:

1. National Association of Letter Carriers.
2. American Postal Workers Union.
3. Mail Handlers of Laborers' International Union.
4. Public Employee Department, AFL–CIO.
5. National Rural Letter Carriers Association.
6. National Association of Postmasters of the United States (91 percent of the postmasters are members)
7. National Association of Postal Supervisors.
8. United States Postal Service.
9. White House.
10. Office of Management and Budget.
11. Chairman and Ranking Minority Members of the two Congressional Committees.
12. National Newspaper Association.
13. Parcel Post Association.
14. American Legion.
15. Veterans of Foreign Wars.

Thanks again for your kind attention.

Sincerely,

GALE MCGEE,
Chairman.

Mr. McGEE. I say to my colleague that he is indulging in a very interesting game of telling us what other people really think or what they really intend.

Mr. HOLLINGS. That is what the letter says.

Mr. McGEE. If they commit themselves and say, "We support this particular procedure as the lesser of evil alternatives," I am not going to make a second guess as to whether I think they are telling us what they really believe or what most of them believe, or what it is. They have struck their necks out and laid it on the line: They believe that this is the minimal approach we have to give a chance to until we can redo the whole business in the next year.

By the same token, I cannot second guess what everybody in the House is going to do or think. That is not my prerogative, and I should keep my nose out of it. I have a responsibility to try to deal responsibly with this in my own body, the U.S. Senate. That is what we are striving to do here.

We have the direct word that under the conditions of tampering with the machinery of the postal system beyond February 15, that would be the immediate subject for a veto by the White House. It is as elementary as that.

Yet, there is a compromise that the White House does not like but will agree to and will sign, and that is the pending bill that wins us the kind of time between now and the middle of February that we are asking for, so that we can unleash everything and go after it full tilt.

Mr. HOLLINGS. As the Senator and I know, we could unleash it now.

I have a funny feeling that the Senator from Wyoming and I, as well as other Senators in the Chamber, are being contacted by this listed group and we are not really debating the issues.

The Senate is being told by the Committee on Post Office and Civil Service

MONS 030038

that this is the only game in town, that this is the only compromise, that any amendment will cause a veto and will kill the bill, when the fact is that they really support not the Senator's bill, but what I have submitted.

This is what the National Rural Letter Carriers Association says on page 357 of the hearings record:

> We do not feel the conversion of the Post Office Department into a Corporation is in the best interests of the American public . . .

That is what they said in their testimony years ago, and they maintain the same position.

The Public Employee Department of the AFL–CIO says on page 214:

> The simple fact is that the high hopes for postal operations engendered by enactment of the Postal Reorganization Act of 1970 have not been fulfilled. Instead, the past five years have witnessed a seemingly endless cycle of increased rates, declining business and reduced service to postal customers.

Then we can jump to another list, the first-class mailers, and some of the others in the hearing record we made. I read from page 193:

> We prefer, in every major intent the provisions of H.R. 9608—

Listen to this—

> and regret that your committee has not seen fit to take into consideration these views of a majority of the House of Representatives. When your committee goes into markup, we hope that it will expand its horizons and get to the core of the problem that faces the U.S. Postal Service: its current lack of responsibility.

I would say that, in contrast with this list which I can disassociate, the National Association of Postmasters support our substitute. The Laborers International Union of North America support some of our proposal, and the National Alliance of Postal Workers have given full support and they put out a release to that effect. Also we have support from the First Class Mailers Association, which I have just quoted, and the National Grange.

I have just gotten back from hearings in Alaska, where I met the little postmaster of Windy Cove. She told me Saturday night, "Don't let them——."

Mr. McGEE. This is where the post office is or that is her name?

Mr. HOLLINGS. That is where the post office is. That is outside of Ketchikan. She said, "Don't let them close down my post office up here at Windy Cove."

I say to the Senator from Alaska that you only have to see a State of that kind to appreciate what the Senator from West Virginia is trying to get to. They are all out there, little fishing villages hither and yon, and the central gathering point is our little post office. That jells them together into a community. I think that is valuable to America. I would rather pay it to the post office than to psychiatrists around this country.

The post office was the first thing that the Government started, with RFD—rural free delivery. We went off on this binge of how we can put it into a private corporation. It has been a virus.

I do not blame the Senator from Wyoming. We passed through a bill on a railway up in the Northeast; it went broke. Now they have a railway service and the president not only pays himself $63,000, but says, "Since I have to live in Washington, I am advancing myself $25,000 more. I am buying a $5,000 membership out at Burning Tree Country Club and am having parties down in Washington."

I believe in public oversight of the railroads and public oversight of our Postal Service. When we do that, we shall have a two-way communication between the Postal Service, the Postmaster General, and the people's representatives in Congress.

Then, if the gentleman has to cut back his Saturday delivery operation, there could well be a majority in the House and Senate which could vote to support it. Then we would know, when these economies are made, that billion dollar boondoggle on these mail things have to be closed down. It is not working.

We only have to look at the annual reports. We do not have to get the 140 GAO reports and the blue ribbon commission. I think we have run out of blue ribbon in this Congress. Every time we come up for responsibility, we say, oh the B–1, just put that off to the next President. The Post Office, put that off to the next President. Just put everything off to the next President and close down and go back home and tell them how we are consciencious and serving the people. Every Congressman and Senator can run around with billboards saying that: "He is concerned." Concerned my Aunt Hilda. Let us get this out. Let us get the job done.

All we have to do, I say to the Senator from Wyoming, is take the annual report. Do not listen to the Senator from Wyoming or the Senator from South Carolina. Take the annual report and read it back. Anybody can read a balance sheet. The reports have a nice smiling face of somebody receiving the mail. They have all kinds of pictures. By the way, they pay a fortune on public relations. This is one of the public relations things.

Anybody reading a year-end report and the balance sheet would see that the headquarters employees have gone well. The number of headquarters employees, from 1971 to 1975, has gone from 2,611 to 2,968. They are now in district offices, in regional offices—this is the top heaviness of the whole thing.

The Senator says the man is a good manager. I wonder. I would like to ask him these questions if we could get some hearings.

There is not a postmaster in South Carolina who has not told me, "Senator, close the district office and get the regional office to where we can get to it and quit traveling all the way to Memphis."

We are, in the inspection service, from 2,611 to 5,616 employees. You can just go down the list and see that while the mail has gone up in cost, $8 billion—the volume has gone down.

Instead of it being $8.5, it is only $0.3. It has gone down 1 billion pieces. They are going out of business. They are cutting back. And the mail rates are going up, up, and away, and we are trying to say, we are deliberate about this. We are going about it in a responsible way, and we are not doing it off the cuff or shooting from the hip. How can anybody now, after 6 years, shoot from the hip? This thing has filled us up until it is overflowing on anybody who has had any kind of feeling for the situation. The newspapers of America, editorials, magazines, are full of it. You look at that balance sheet and say, if that is the kind of management we have, let us go back to the oversight responsibility. We are not getting back into politics, not appointing postmasters, not meddling with the ratemaking. We should allow that to be beefed up and accelerated. The Postal Rate Commission has agreed with the Senator from Wyoming that they can do it.

Except for the billions we are being asked to vote for, it is nothing less than a stickup, a holdup—"give me your money and don't ask questions."

When they talk about obligations of contracts in the employees' union, I have an obligation under my own contract with the people who elected me from South Carolina. That is to stop, look, and listen. We have not stopped, looked, or listened in 6 years, from August 1970 to August 1976.

I do not think it can be called shooting from the hip, particularly when the majority of the House on two occasions has said, "Let us regain the Postal Service oversight and regain that responsibility."

Mr. McGEE. I shall conclude this very shortly now so we may have a vote on Senator RANDOLPH's amendment. I wish just to make sure that the Record is straight, however, in the light of my colleague's comments just now.

While he was in Alaska, I attended the national convention of rural letter carriers. They voted virtually unanimously for this compromise bill. They testified against an approach like this last spring, before we had hit the snag. I repeat for my colleagues, this is something that none of us envisaged last spring when we were holding the hearings. But that is what we are up against and we have to do the best we can. That is what we are trying to do. The rural letter carriers now support the compromise as the lesser of the evil options confronting us at the moment. So does the National Association of Postmasters, who are getting downstairs now, if the Senator would like to go down and talk to them. That is 91 percent of the postmasters of the United States.

There is a small postmaster group, the League of Postmasters, that represents a smaller percentage of the post offices, that has not endorsed this, so there is a difference of opinion. But the National Association of Postmasters of the United States, 91 percent of them, have endorsed the compromise as the necessary step to take in this interim until next winter. So has the National Newspaper Association. So have the letter carriers who were meeting down in Houston while the Senator was in Alaska. They endorsed it overwhelmingly, even though they do not like it. They would rather have a different kind of solution. But it is the best they can get now.

These people are realistic. I say to my colleague. We are trying to keep this together until we can do it the right way.

That is the whole basis for this overwhelming support, that those directly involved in postal business are reflecting support of the compromise. They do not like it any better than I do, but it is the best we can get for this short interval between a campaign year and the next year.

Mr. McGOVERN. Mr. President, I wish to express my strong support for the amendment offered by the distinguished Senator from West Virginia. I believe that Senator RANDOLPH has devised a reasonable formula to insure that the guarantees of adequate postal service for our rural areas and small communities included in the Postal Reorganization Act of 1970 will be implemented.

Mr. President, the small local post office holds a special place in rural America. In rural parts of my own State of South Dakota and in many other areas around the country, people are extremely dependent upon the Postal Service to conduct business, to obtain access to essential information, and to maintain contact with friends and relatives. When these post offices are closed or when service is reduced, the impact on every aspect of life is serious and very painful indeed.

In recent months, the U.S. Postal Service has created a great deal of concern and uncertainty in South Dakota and, I am sure, in other States as well, by predicting severe cutbacks and numerous closings in the near future. Relatively few post offices have, in fact, been closed to date, but a good many are under review. Postal Service officials have encouraged a widespread feeling that many more closings are in the offing.

This amendment would not prevent the Postal Service from closing out truly redundant facilities. It would not perpetuate unnecessary services, nor would it impose an undue burden on Postal Service management. Rather, the Randolph amendment would establish a fair and orderly process for considering rural closings where none now exists and it would assure the people in our rural areas of a clear line of recourse in the event that a facility is, in fact, terminated.

Mr. President, the Randolph amendment clarifies the intent of Congress with regard to rural service, provides a mechanism for carrying out that intent, and provides our rural people with a degree of protection from arbitrary bureaucratic actions. I assure my colleagues that where the Postal Service is concerned, this protection is badly needed.

Mr. McGEE. Mr. President, I move to table the Senator's amendment, as we agreed that I would do.

Mr. RANDOLPH. Mr. President, as I understand it, the yeas and nays have been ordered; is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HOLLINGS. On the motion to table?

Mr. McGEE. Yes.

Mr. HOLLINGS. The Senator just moved to table. We never did get that.

Mr. McGEE. Mr. President, I move to table the Senator's amendment.

Mr. HOLLINGS. The Senator moved for the yeas and nays on the amendment. But does the Senator want the yeas and nays on the motion to table?

The PRESIDING OFFICER. The yeas and nays have not been ordered.

Mr. McGEE. What is the parliamentary situation on the yeas and nays, Mr. President?

The PRESIDING OFFICER. The yeas and nays have not been ordered on the motion to table. They have been ordered on the amendment.

Mr. FONG. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is not a sufficient second.

Mr. FONG. Mr. President, I suggest the absence of a quorum.

Mr. HOLLINGS. Let us vote. We can outshout them. (Laughter.)

Mr. President, the motion to table has been made.

Mr. FONG. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RANDOLPH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, the yeas and nays have been ordered on the amendment. I wonder if we can transfer the number that we had.

The PRESIDING OFFICER. By unanimous consent that can be done.

Mr. RANDOLPH. Can it be done by unanimous consent?

The PRESIDING OFFICER. Yes, it can be.

Mr. RANDOLPH. I so ask unanimous consent to transfer the yeas and nays.

The PRESIDING OFFICER. Is there objection?

Mr. HOLLINGS. Mr. President, reserving the right to object, what is the request?

Mr. RANDOLPH. I just want to get the yeas and nays transferred from the amendment to the motion to table.

Mr. HOLLINGS. I have no objection.

The PRESIDING OFFICER. Without objection, the yeas and nays are ordered on the motion to table and the clerk will call the roll. The question is on agreeing to the motion of the Senator from Wyoming to lay on the table the amendment of the Senator from West Virginia.

The legislative clerk called the roll.

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. CULVER), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. GARY HART), the Senator from Indiana (Mr. HARTKE), the Senator from Colorado (Mr. HASKELL), the Senator from Maine (Mr. HATHAWAY), the Senator from Vermont (Mr. LEAHY), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. MANSFIELD), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. TALMADGE), and the Senator from California (Mr. TUNNEY) are necessarily absent.

I also announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) would vote "nay."

Mr. HUGH SCOTT. I announce that the Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

I further announce that the Senator from Utah (Mr. GARN) is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Ohio (Mr. TAFT) would vote "nay."

The result was announced—yeas 17, nays 58, as follows:

[Rollcall Vote No. 618 Leg.]

YEAS—17

Bayh	Glenn	Percy
Bellmon	Hruska	Scott, Hugh
Brooke	McClee	Stevens
Burdick	McIntyre	Stone
Curtis	Pastore	Young
Fong	Pell	

NAYS—58

Abourezk	Eastland	Morgan
Allen	Fannin	Nelson
Baker	Ford	Nunn
Bartlett	Hansen	Packwood
Beall	Hart, Philip A.	Pearson
Biden	Hatfield	Proxmire
Buckley	Helms	Randolph
Bumpers	Hollings	Ribicoff
Byrd, Harry F., Jr.	Huddleston	Roth
Byrd, Robert C.	Humphrey	Schweiker
Cannon	Jackson	Sparkman
Case	Javits	Stafford
Chiles	Johnston	Stennis
Church	Laxalt	Stevenson
Clark	Mathias	Symington
Dole	McClure	Thurmond
Domenici	McGovern	Tower
Durkin	Metcalf	Weicker
Eagleton	Montoya	

NOT VOTING—25

Bentsen	Hartke	Mondale
Brock	Haskell	Moss
Cranston	Hathaway	Muskie
Culver	Inouye	Taft
Garn	Kennedy	Talmadge
Goldwater	Leahy	Tunney
Gravel	Long	Williams
Griffin	Magnuson	
Hart, Gary	Mansfield	

So the motion to lay on the table was rejected.

Mr. RANDOLPH. If it is necessary to have the yeas and nays, that is agreeable to the author of the amendment. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER (Mr. THURMOND). Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from West Virginia. The yeas and nays have been ordered and the clerk will call the roll.

The second assistant legislative clerk called the roll.

MONS 030040

Mr. ROBERT C. BYRD. I announce that the Senator from Texas (Mr. BENTSEN), the Senator from California (Mr. CRANSTON), the Senator from Iowa (Mr. CULVER), the Senator from Mississippi (Mr. EASTLAND), the Senator from Alaska (Mr. GRAVEL), the Senator from Colorado (Mr. GARY HART), the Senator from Indiana (Mr. HARTKE), the Senator from Colorado (Mr. HASKELL), the Senator from Maine (Mr. HATHAWAY), the Senator from Vermont (Mr. LEAHY), the Senator from Louisiana (Mr. LONG), the Senator from Washington (Mr. MAGNUSON), the Senator from Montana (Mr. MANSFIELD), the Senator from Minnesota (Mr. MONDALE), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Missouri (Mr. SYMINGTON), the Senator from California (Mr. TUNNEY), and the Senator from Georgia (Mr. TALMADGE) are necessarily absent.

I also announce that the Senator from Hawaii (Mr. INOUYE), the Senator from Massachusetts (Mr. KENNEDY), and the Senator from New Jersey (Mr. WILLIAMS) are absent on official business.

I further announce that, if present and voting, the Senator from Washington (Mr. MAGNUSON) and the Senator from Iowa (Mr. CULVER) would each vote "yea."

Mr. HUGH SCOTT. I announce that the Senator from Tennessee (Mr. BROCK), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Ohio (Mr. TAFT) are necessarily absent.

I further announce that the Senator from Utah (Mr. GARN) is absent due to a death in the family.

I further announce that, if present and voting, the Senator from Ohio (Mr. TAFT) would vote "yea."

The result was announced—yeas 90, nays 13, as follows:

[Rollcall Vote No. 518 Leg.]

YEAS—90

Abourezk	Fannin	Nelson
Allen	Ford	Nunn
Baker	Hansen	Packwood
Bartlett	Hart, Philip A.	Pastore
Bayh	Hathaway	Pearson
Beall	Helms	Pell
Biden	Hollings	Proxmire
Brooke	Huddleston	Randolph
Bumpers	Humphrey	Ribicoff
Byrd, Harry F., Jr.	Jackson	Roth
Byrd, Robert C.	Javits	Schweiker
Cannon	Johnston	Scott, William L.
Case	Laxalt	Sparkman
Chiles	Mathias	Stafford
Church	McClellan	Stennis
Clark	McClure	Stevenson
Cotton	McGovern	Stevens
Curtis	McIntyre	Thurmond
Dole	Metcalf	Tower
Domenici	Montoya	Weicker
Durkin	Morgan	
Eagleton	Mondale	

NAYS—13

Bellmon	Glenn	Stevens
Brooke	Hruska	Stone
Buckley	McGee	Young
Curtis	Percy	
Fong	Scott, Hugh	

NOT VOTING—97

Bentsen	Hart, Gary	Mansfield
Brock	Hartke	Mondale
Cranston	Haskell	Moss
Culver	Hathaway	Muskie
Eastland	Inouye	Symington
Garn	Kennedy	Taft
Goldwater	Leahy	Talmadge
Gravel	Long	Tunney
Griffin	Magnuson	Williams

So Mr. RANDOLPH's amendment was agreed to.

Mr. RANDOLPH. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. HOLLINGS. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 2201

Mr. HOLLINGS. Mr. President, I call up my amendment No. 2201, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

The Senator from South Carolina (Mr. HOLLINGS) proposes amendment numbered 2201 in the nature of a substitute.

The amendment is as follows:

Strike out all after the enacting clause and insert in lieu thereof the following: That this Act may be cited as the "Postal Reorganization Act Amendments of 1976".

FINANCIAL MATTERS

SEC. 2. Section 2401 of title 39, United States Code, is amended by adding at the end thereof the following new subsections:

"(d)(1) There is authorized to be appropriated to the Postal Service for the fiscal year ending September 30, 1977, the amount of $1,000,000,000 to be applied against the accumulated operating indebtedness of the Postal Service as of September 30, 1976.

"(2) The Postal Service, in requesting amounts to be appropriated under this subsection, shall present to the appropriate committees of the Congress a statement containing a description of the operations of the Postal Service together with any other information which any such committee considers necessary to determine the amount of funds to be appropriated for the operation of the Postal Service.

"(e) During the fiscal year ending September 30, 1977, or, if funds are not appropriated pursuant to the authorization provided in subsection (d)(1) of this section before the beginning of such fiscal year, during the portion of such fiscal year beginning with the day on which any funds are so appropriated, the Postal Service shall not—

"(1) have in effect any permanent or temporary rate of postage or fee for postal services exceeding the rates and fees in effect on the date of enactment of the Postal Reorganization Act Amendments of 1976, unless that excess is provided for under section 3626 of this title;

"(2) close any post office where 25 or more families regularly receive their mail and which was providing service on July 1, 1976; or

"(3) close any post office where fewer than 25 families receive their mail and which was providing service on July 1, 1976, unless the Postal Service receives the written consent of at least 60 percent of the regular patrons of such post office who are at least 18 years of age.

"(f) During the fiscal year ending on September 30, 1977, or if funds are not appropriated pursuant to the authorization provided in subsection (d)(1) of this section before the beginning of such fiscal year, during the portion of such fiscal year beginning with the day on which funds are so appropriated, the Postal Service shall provide door delivery or curbline delivery to all permanent residential addresses (or other than apartment building addresses) to which service is begun on or after the date of enactment of the Postal Reorganization Act Amendments of 1976.

"(g) Upon the request of the Post Office and Civil Service Committee of the Senate or of the House of Representatives the Postal Service shall be required to appear and to present testimony and respond to questions with respect to the operation and financial conditions of the Postal Service.

"(h) The rates and fees established under chapter 36 of this title for nonprofit mail matter formerly entered under former chapter 67 of this title shall not be more than 10 percent less than the rates and fees for such mail matter would be if the funds authorized under this section were not appropriated.".

SEC. 3. (a)(1) Section 2401(a) of title 39, United States Code, is amended to read as follows:

"(a) All revenues and fees collected by the Postal Service shall be deposited in the general fund of the Treasury of the United States.".

(2) Section 2003(b)(1) of such title is amended to read as follows:

"(1) amounts appropriated pursuant to the authorization made by section 2401(b) of this title;".

(3) Section 2003(b)(3) of such title is amended by inserting immediately after "Postal Service" the following: "in addition to amounts appropriated pursuant to the authorization made by section 2401(b) of this title".

(4) Section 4(b) of the Postal Reorganization Act (Public Law 91-375; 84 Stat. 774) is amended by striking out "Postal Service" and inserting in lieu thereof "United States, and shall be deposited in the general fund of the Treasury of the United States in accordance with section 2401(a) of title 39, United States Code, as added by the Postal Reorganization Act Amendments of 1976.".

(b)(1) Section 2401(b) of title 39, United States Code, is amended to read as follows:

"(b) There are authorized to be appropriated to the Postal Service such sums as may be necessary for the operation of the Postal Service.".

(2) Section 2401 of such title is amended by adding at the end thereof the following:

"(i) In requesting amounts to be appropriated under subsection (b), the Postal Service shall present to the Committees on Post Office and Civil Service and the Committees on Appropriations of the Senate and House of Representatives sufficient copies of the budget of the Postal Service for the fiscal year for which funds are requested to be appropriated. If such budget projects an operating deficit for such fiscal year, the Postal Service shall present with the budget a detailed financial analysis of proposals to eliminate such deficit, including any proposals to increase rates or fees for services or proposals to reduce services.".

(c)(1) Section 3621 of title 39, United States Code, is amended by striking out "income" and inserting in lieu thereof "revenue".

(2) Section 3625(d) of such title is amended by striking out "income" and inserting in lieu thereof "revenue".

(d) The amendments made by this section shall take effect on October 1, 1977.

SEC. 4. (a) Section 2005(a) of title 39, United States Code, is amended by striking out the last sentence and inserting in lieu thereof the following: "No net increase in the amount of obligations outstanding for the purpose of capital improvements shall not exceed $1,200,000,000 in any one year. The amount of obligations which the Postal Service issues in any one fiscal year for the purpose of paying its operating expenses shall not exceed $300,000,000, and no obligation for such purpose shall be issued unless the Postal Service is required to retire such obligation in the fiscal year in which it was issued.".

(b) The amendment made by subsection (a) applies to obligations issued after October 1, 1976. Any obligations issued prior to

MONS 030041

such date shall be retired in accordance with the schedule adopted by the Postal Service and the Federal Financing Bank.

SEC. 5. Nothing contained herein shall be construed to impair the obligation of employment contracts that the Postal Service has entered into with its employees, and nothing contained herein shall be construed to impair the authority of the Postal Service to collectively bargain employment contracts with its employees as provided in the Postal Reorganization Act.

ORGANIZATIONAL MATTERS

SEC. 6. (a) Section 102 of title 39, United States Code, is amended to read as follows:

"As used in this title 'Postal Service' means the United States Postal Service established by section 201 of this title.".

(b) Section 201 of such title is amended by striking out ", as an independent establishment of" and inserting in lieu thereof "within".

(c) Section 202 of such title is repealed and the item relating to such section in the table of sections for chapter 2 of such title as amended to read as follows:

"202. Repealed.".

(d)(1) Sections 203 through 205 of such title are amended to read as follows:

"§ 203. Postmaster General

"The head of the Postal Service is the Postmaster General. The Postmaster General shall be appointed by the President by and with the advice and consent of the Senate. The Postmaster General shall receive compensation at the rate provided for level I of the Executive Schedule under section 5312 of title 5.

"§ 204. Deputy Postmaster General

"The Deputy Postmaster General of the Postal Service shall be appointed by the President by and with the advice and consent of the Senate. The Deputy Postmaster General shall perform such duties as the Postmaster General may require. The Deputy Postmaster General shall receive compensation at the rate provided for level II of the Executive Schedule under section 5313 of title 5.

"§ 205. Senior Assistant Postmasters General; Assistant Postmasters General; General Counsel; Judicial Officer

"There shall be within the Postal Service 8 Senior Assistant Postmasters General, 8 Assistant Postmasters General, a General Counsel, and a Judicial Officer. The Senior Assistant Postmasters General, the Assistant Postmasters General, the General Counsel, and the Judicial Officer shall be appointed by, and shall serve at the pleasure of, the Postmaster General. The Judicial Officer shall perform such quasi-judicial duties, not inconsistent with chapter 36 of this title, as the Postmaster General may designate. The Judicial Officer shall be the agency for the purposes of the requirements of chapter 5 of title 5, to the extent that functions are delegated to him by the Postmaster General. The Senior Assistant Postmasters General shall receive compensation at the rate provided for level III of the Executive Schedule under section 5314 of title 5. The Assistant Postmasters General, the General Counsel, and the Judicial Officer shall receive compensation at the rate provided for level IV of the Executive Schedule under section 5315 of title 5.".

(2) The items relating to sections 203 through 205 of such title are amended to read as follows:

"203. Postmaster General.
"204. Deputy Postmaster General.
"205. Senior Assistant Postmasters General; Assistant Postmasters General; General Counsel; Judicial Officer.".

(e) Section 402 of such title is amended to read as follows:

"§ 402. Delegation of authority

"The Postmaster General may delegate to any officer or employee of the Postal Service the responsibility for the performance of such functions as may be vested by law in him or in any other officer or employee of the Postal Service.".

(f) Section 2402 of such title is amended to read as follows:

"§ 2402. Annual report

"The Postmaster General shall transmit an annual report to the President and the Congress concerning the operation of the Postal Service under this title.".

SEC. 7. (a)(1) Section 3602 of such title is amended to read as follows:

"§ 3602. Duties and powers

"(a) The Commission shall have the duty to make final decisions for changes in postal rates and fees and in mail classification matters and to render advisory opinions on postal services and complaints in accordance with the policies and procedures of this title. The Postal Rate Commission shall promulgate rules and regulations and establish procedures, subject to chapters 5 and 7 of title 5, and take any other action they deem necessary and proper to carry out their functions and obligations to the Government of the United States and the people as prescribed under this chapter. Such rules, regulations, procedures, and actions shall not be subject to any change or supervision by the Postal Service.".

(2) The item relating to such section in the table of sections for chapter 36 of such title is amended to read as follows:

"3602. Duties and powers.".

(b)(1) The first sentence of section 3621 of such title is amended by striking out "Governors" and inserting in lieu thereof "the Postal Rate Commission".

(2) Section 3622(a) of such title is amended—

(A) by striking out "to submit a recommended decision on changes" and inserting in lieu thereof "to decide on changes"; and

(B) by striking out "may submit such suggestions for rate adjustments as it deems suitable" and inserting in lieu thereof "may make such rate adjustments as it deems suitable".

(3) Section 3622(b) of such title is amended by striking out "the Commission shall make a recommended decision" and inserting in lieu thereof "the Commission shall make a decision".

(4) Section 3622(b) of such title is amended by striking out "recommended".

(5) Section 3622(c) is amended by striking out "recommended".

(6)(A) Section 3601 of title 39, United States Code, is amended to read as follows:

"§ 3601. Establishment

"(a) The Postal Rate Commission is an independent establishment of the executive branch of the Government of the United States. The Commission is composed of 5 Commissioners, appointed by the President, by and with the advice and consent of the Senate. The Commissioners shall be chosen on the basis of their professional qualifications and may be removed by the President only for cause. Not more than 3 of the Commissioners may be adherents of the same political party.

"(b) A Commissioner may continue to serve after the expiration of his term until his successor has qualified, except that a Commissioner may not so continue to serve for more than 1 year after the date upon which his term otherwise would expire under section 3602 of this title.

"(c) One of the Commissioners shall be designated as Chairman by, and shall serve in the position of Chairman at the pleasure of, the President.

"(d) The Commissioners shall by majority vote designate a Vice Chairman of the Commission. The Vice Chairman shall act as chairman of the Commission in the absence of the Chairman.".

(B) The provisions of section 3601(a) of title 39, United States Code, as amended by paragraph (a) of this section, shall not apply with respect to any Commissioner of the Postal Rate Commission holding office on the date of the enactment of this Act, except that such provisions shall apply to any appointment of such a Commissioner occurring after the date of the enactment of this Act.

(7) Section 3628 of such title is repealed and the item relating to such section in the table of sections for chapter 36 of such title is amended to read as follows:

"3628. Repealed.".

(8) Section 3628 of such title is amended—

(A) by striking out "decision of the Governors to approve, allow under protest, or modify the recommended";

(B) by striking out "and the Governors"; and

(C) by striking out "or Governors".

(9) The caption of section 3624 of such title and the item relating to such section in the analysis of chapter 36 of such title are each amended by striking out "Recommended decisions" and inserting in lieu thereof "Decisions".

(c) The third sentence of section 3662 of such title is amended by striking out "recommended".

SEC. 8. (a)(1) Section 1001(b) of title 39, United States Code, is amended by striking out "202, 204," and inserting in lieu thereof "202, 204, 205,".

(2) Section 1001(d) of such title is amended by striking out "of the Board or".

(b) Section 1002(a) is amended by striking out "a Governor or" and inserting in lieu thereof "a".

(c)(1) Section 1005(a)(2) of such title is amended by striking out "202, 204," and inserting in lieu thereof "202, 204, 205,".

(2) Section 1005(d) of such title is amended by striking out "(other than the Governors)".

SEC. 9. (a) Section 5312 of title 5, United States Code, is amended by inserting immediately after paragraph (12) the following new paragraph:

"(13) Postmaster General.".

(b) Section 5313 of such title is amended by inserting immediately after paragraph (22) the following new paragraph:

"(23) Deputy Postmaster General.".

(c) Section 5314 of such title is amended by inserting immediately after paragraph (62) the following new paragraph:

"(64) Senior Assistant Postmasters General (8).".

(d) Section 5315 of such title is amended by inserting immediately after paragraph (107) the following new paragraphs:

"(108) Assistant Postmasters General (8).
"(109) General Counsel of the United States Postal Service.
"(110) Judicial Officer of the United States Postal Service.".

RATE MATTERS

SEC. 10. (a) Section 3624 of title 39, United States Code, is amended by redesignating subsection (c) as subsection (d) and by inserting immediately after subsection (b) the following new subsection:

"(c)(1) Except as provided by paragraph (2) of this subsection, in any case in which the Postal Service makes a request under section 3622 of this title for a decision by the Commission on changes in a rate or rates of postage or in a fee or fees for postal services the Commission shall transmit its decision to the Postal Service under subsection (d) of this section no later than 10 months after receiving any such request from the Postal Service.

"(2) In any case in which the Commission determines that the Postal Service has unreasonably delayed consideration of a request made by the Postal Service under sec-

MONS 030042

tion 3622 by failing to respond within a reasonable time to any lawful order of the Commission, the Commission may extend the 10-month period described in paragraph (1) of this subsection by one day for each day of such delay.

(b) The amendment made by subsection (a) shall not apply to any action or proceeding with respect to the decision of the Postal Rate Commission relating to proposed changes in rates of postage, and in fees for postal services, requested on September 18, 1975, by the United States Postal Service in a request which bears or which at any time has been included under Postal Rate Commission Docket Number R76-1.

SEC. 11. (a) Section 3641 of title 39, United States Code, is amended to read as follows:

"§ 3641. Temporary changes in rates and classes

"(a) In any case in which the Postal Rate Commission fails to transmit a decision on a change in rates of postage or in fees for postal services to the Postal Service in accordance with section 3624(c) of this title, the Postal Service may establish temporary changes in rates of postage and in fees for postal services. Such temporary changes may take effect upon such date as the Postal Service may determine, except that such temporary changes may take effect only after 10 days' notice in the Federal Register.

"(b) Any temporary rate or fee established by the Postal Service under subsection (a) of this section shall be in accordance with the policies of this title and shall not exceed such amount as may be necessary for sufficient revenues to assure that the total estimated revenue including appropriations, of the Postal Service shall, to the extent practicable, be equal to the total estimated costs of the Postal Service.

"(c) The Postal Service may not establish any temporary rate for a class of mail or any temporary fee for a postal service which is more than the permanent rate or fee requested for such class or postal service by the Postal Service under section 3622 of this title.

"(d) Any temporary change in rates of postage or in fees for postal service made by the Postal Service under this section shall remain in effect no longer than 150 days after the date upon which the Commission transmits its decision to the Postal Service under section 3624(d) of this title, unless such temporary change is terminated by the Postal Service before the expiration of such period.

"(e) If the Postal Rate Commission does not transmit to the Postal Service within 90 days after the Postal Service has submitted, or within 30 days after the Postal Service has resubmitted, to the Commission a request for a decision on a change in the mail classification schedule (after such schedule is established under section 3623 of this title), the Postal Service, upon 10 days' notice in the Federal Register, may place into effect temporary changes in the mail classification schedule in accordance with proposed changes under consideration by the Commission. Any temporary change shall be effective for a period ending not later than 90 days after the Commission has transmitted its decision to the Postal Service.

"(f) If, under section 3625 of this title, a court orders a matter returned to the Commission for further consideration, the Postal Service, with the consent of the Commission, may place into effect temporary changes in rates of postage, and fees for postal services, or in the mail classification schedule."

(b)(1) The amendment made by subsection (a) of this section shall not apply to any action or proceeding with respect to the decision of the Postal Rate Commission relating to proposed changes in rates of postage and in fees for postal services requested on September 18, 1975, by the United States Postal Service in a request which bears or which at any time has been included under Postal Rate Commission Docket Number R76-1.

(2) The provisions of section 3641 of title 39, United States Code, as such provisions were in effect on the day before the date of the enactment of this Act, shall apply to any temporary rate or fee established by the Postal Service pursuant to its request to the Postal Rate Commission, dated September 18, 1975, for a decision, bearing Docket Number R76-1.

Mr. ROBERT C. BYRD. Mr. President, will the distinguished Senator yield for a request?

Mr. HOLLINGS. I yield.

Mr. ROBERT C. BYRD. Mr. President, there will be no more rollcall votes today.

It is my understanding that the manager of the bill, the ranking member, and the author of the amendment are willing to enter into a time agreement on this amendment.

I ask unanimous consent that there be a time limitation of 4 hours on the amendment to begin running tomorrow morning at 10 a.m. with a vote to occur at no later than 2 p.m. on the amendment, the time to be equally divided on the amendment between Mr. HOLLINGS and Mr. McGEE, that there be——

Mr. FONG. Mr. HRUSKA will not agree to a time limitation agreement.

Mr. ROBERT C. BYRD. On this amendment?

Mr. FONG. I do not know if it is on this amendment.

Mr. ROBERT C. BYRD. Mr. President, I withdraw the request for the time being.

Mr. HOLLINGS. Mr. President, I ask unanimous consent that as to the substitute amendment that I have called up and the clerk has stated there be added thereto at the end of that substitute the language of the Randolph amendment just agreed to by the Senate.

The PRESIDING OFFICER. Is there objection?

Without objection, the amendment is so modified.

Mr. HOLLINGS. Mr. President, while we are trying to check with our colleague, as the distinguished assistant majority leader has reported, there will be no further votes this afternoon, but I wished to clarify with the few Members that we do have to listen, the fact that we have finally agreed to an amendment that we were unable to in committee. I know in good spirit our distinguished chairman from Wyoming will indulge this amendment on its merits rather than on the proposition that this would ruin that very tenuous, fragile, and exact compromise worked out among the Senate, the House of Representatives, and the administration, for already with the adoption of the Randolph amendment there is no question but what we will have a conference with our House colleagues.

I think this is the major point, Mr. President, with respect to the action by the House of Representatives.

I have had in the time allowed me with the rollcall votes to look at the bill that was introduced in the House at the very beginning. It was H.R. 2445 which was Mr. HANLEY's bill.

The Senator from Wyoming and I were discussing it, and in that discussion, the Senator's position, as I understood it, was that they did not have before them what we have now in the way of a McGee amendment, of simply putting up the money and altering the rate commission.

The fact is that they put in H.R. 2445 with the various subject matters. They were entitled "The Organization of Financial Matters of the United States Postal Service and Postal Rate Commission," introduced in January 1975, which encompassed the duties and powers of the Postal Rate Commission, the changes in its organizational structure, the membership of the Board of Governors, and the revision of the laws relating to private carriage of letters and application to the Postal Service of administrative procedures under title V, the rules governing certain Postal Service contracts, the fees on real property, publications of notice, and miscellaneous provisions, with the right of transfer and everything else.

Having sort of covered the waterfront, Mr. HANLEY, after having the hearings during the 6-month period from January to July, reported in July, for himself and others, H.R. 8603, which is presently under discussion.

Under H.R. 8603, we then come to the Hanley provision, which struck out the varied provisions, and came up with what could be characterized as a well worked out compromise; namely, dealing with just the Postal Rate Commission and the money.

I have tried to parallel the way the problem was posed in the House and the issues they were confronting at the time they adopted the Alexander amendment. At that time, they had—just as we have now—the so-called substitute streamlined, just taking care of the Postal Rate Commission and the money needed. Instead, they said:

No. After five years, we have to go ahead and reassert the oversight responsibility, and we want the Postmaster General appointed by the President and confirmed by the Senate.

That, in essence, is our substitute amendment No. 2201.

Mr. President, I can commence at this time a prepared statement I have on the entire matter, and I will be glad to yield to the Senator from North Carolina. I think he has a point to make, or we will present a unanimous-consent request as to a time limitation on the substitute. However, we did not want to make any agreement without the consent of the Senator from North Carolina.

INTRODUCTION: WHY WE'RE HERE

The Post Office and Civil Service Committee has reported legislation which purports to seek a resolution to the many problems confronting the Postal Service. The committee bill essentially provides for an increased subsidy, the creation of a blue ribbon commission to study postal problems and a moratorium on increasing rates and decreasing services. This proposal is simply a buy away of the

MONS 030043

problems we should be working to understand and solve. I am deeply concerned over the course of action which is being suggested. I introduced S. 718 in February of 1975 but I have not been able to get hearings. Now after careful consideration, I propose an alternative which I feel would make the substantive changes necessary for an efficient and accountable Postal Service. I intend to offer my substitute to the Senate so that my colleagues will have the opportunity to consider the proposal on its merits.

My substitute contains seven major provisions. They are as follows:

First. Annual authorization.—Beginning in fiscal year 1978 the Postal Service would be required to come before the Congress each year for authorization and appropriation of its total budget. Additionally, the Service will be required to present an analysis of its projected deficit and an outline of possible actions which would balance the books.

Second. Transitional subsidy.—There would be a $1 billion authorization for fiscal year 1977 to prevent a disruption of postal operations while Congress reviews the needs of the Postal Service as we gear up for our authorization responsibilities.

Third. Moratorium on increased rates and decreased service.—A moratorium would be imposed on increasing rates, on the closing of post offices which serve 30 or more families and on eliminating door or curb delivery. This moratorium would be in effect until fiscal year 1978 when the Congress begins the annual authorization process for the Postal Service.

Fourth. Presidential appointment of Postmaster General.—The Postmaster General would be appointed by the President and confirmed by the Senate. The Postal Service requires positive attention and guidance from, as well as accountability to, the executive branch.

Fifth. Abolish Board of Governors.—The Board of Governors simply has not done the job. Also it should be the responsibility of the Congress, publicly accountable representatives, to guide and direct the Postal Service.

Sixth. Expedite ratemaking.—There would be a requirement that all rate decisions from the Postal Rate Commission shall be determined within 10 months. The delays of the Commission have been of major significance in contributing to postal losses.

Seventh. Limit borrowing authority.—The ability of the Postal Service to borrow funds to offset operating expenses would be limited to $500 million at any one time. This provision will also require that the debt be retired within the same fiscal year. This limited borrowing authority will provide the Postal Service with a buffer should a cash flow problem arise during the annual authorization and appropriations process.

Additionally, I must point out that Presidential appointment of the Postmaster General does not create a Post Office Department. Nor do these measures do away with collective bargaining. And, needless to say, we do not want to undo those portions of postal reorganization which prohibit political recommendations.

In 1970, the Congress, with the support of the President, past Postmasters General, and most mail users transformed the old Post Office Department into a publicly controlled corporation named the U.S. Postal Service. For 6 years we have watched the Postal Service hoping that it would be able not only to survive, but to provide more efficient service. We have been disappointed. Not only has service eroded, but the poorer service is costing us more everyday. Now the committee wants to increase the subsidy and study the problems through a blue ribbon commission.

It is stressed that the committee's proposal is a compromise that has been worked out with leaders from the House Post Office Committee and the administration and that if the Congress moves away from this compromise, the President will veto the legislation, I disagree. It seems quite evident from the fact that the White House will not even return telephone calls from the Postmaster General that the Postal Service has not been a priority of the President's. I cannot believe the President is aware of the crucial state of postal affairs. However, if Congress sends him legislation such as I am proposing, he will need to take notice and sign this sensible approach to a very difficult situation. I cannot see the President by an act of veto raising rates and terminating Saturday deliveries just before November.

While the leadership of the House committee was a part of the compromise, I question whether or not the House of Representatives will agree to it. In September 1975, the House considered a bill that was similar to the approach being taken by the Senate committee. During their consideration they adopted an amendment by a vote of 307 to 123 which required annual authorization and thus accountability. The bill was later recommitted to committee and on their second attempt in October 1975 the House again expressed the desire for annual authorization. Additionally, the House adopted an amendment requiring the appointment of the Postmaster General and the Deputy Postmaster General by the President with the advice and consent of the Senate. It seems unlikely that the membership of the House would be willing to begin again.

I do not look forward to taking on the unpleasant task of straightening out the Postal Service. And while I was not a prophet when I voted against Postal Reorganization in 1970, I do not feel we can continue to avoid this responsibility. It is for this reason that I urge my colleagues to carefully review my substitute.

Due to the current financial crisis of the Postal Service and due to the inadequate time available to the Congress for review of Postal Service needs, the amendment authorizes $1 billion for fiscal year 1977. Then, beginning on October 1, 1977, the Postal Service would be required to come before the Congress each year for authorization and appropriation of its total budget request.

This would restore accountability of the Postal Service to the people it serves. We would not be giving the Postal Service an open-ended subsidy. We need a strong oversight and effort to halt the continued postal deficits and to assure continued postal services. It is still my intent that the Postal Service would make every effort to balance their receipts and expenditures.

Several months ago OMB Director James Lynn appeared before the committee. At that time, while Postmaster General Ballar was telling us that he could not survive the year without a subsidy, Mr. Lynn, speaking for the President, said he did not think that the Postal Service needed help. He said that the Service is strictly a business proposition and that it should be run as such. The President has continually said that the Postal Service should not be subsidized.

At the same time the OMB continues to review all Postal Service legislation and provide the administration's point of view. In fact, they held up the comments on my bill S. 718 for almost a year. For what other businesses, Mr. President, does the OMB have such tight control while at the same time abdicating any responsibility.

The Postal Service is an important institution to all of the American people. It deserves the positive attention, care, concern, and guidance from the executive branch at all times. And making the Postmaster General a Presidential appointment will insure that the Postal Service gets the necessary attention.

Of course, as I stated earlier, this does not recreate a Post Office Department. The law will continue to prohibit political recommendations and I am not altering the authority for negotiating and consummating labor-management "collective bargaining" agreements.

The most recent survey of the "collective bargaining" activities in the executive branch shows that there are 3,483 separate collective bargaining units. There are recognized labor unions in all major Government agencies. When the Congress created the Postal Service, it made the USPS unique among Federal entities in that the Postmaster General was instructed to enter into wage and hour agreements with employee labor organizations. I have not changed these provisions. In fact, I specifically provide that nothing in my legislation will interfere with the right to collectively bargain.

Next I move to the Board of Governors. The creation of the Board of Governors was an effort to create a corporate structure, modeled after those in the business world, for the newly established Postal Service. Each of the Governors was supposed to bring to his or her appointment an understanding of the workings of the service including business matters and the public service function of postal operations. It was intended that the Board of Governors would direct and oversee that Postmaster General who serves at its will.

With but a few exceptions, the Board of Governors has displayed little expertise in the field. Since its establishment, 13 members have been appointed. Of these, five members have resigned before the expiration of their terms and the two members who served their full terms were not reappointed. Furthermore, until earlier this month there were three

MONS 030044

vacancies on the Board; two were just filled. To sum up, the Board had done little more than rubberstamp decisions. Additionally, we should note that the President nor the Senate must take the Board seriously since they continually allow vacant seats not to be filled.

I would abolish the Board of Governors because it simply has not done the job. Besides, it is the Congress that should oversee the Postal Service.

My legislation also provides that all rate decisions from the Postal Rate Commission shall be determined within 10 months. The delays of the Commission have been of major significance in contributing to postal losses. While the committee bill takes a similar approach to expediting rate cases, I should point out that under my proposal the Postal Rate Commission would be making final decisions that are appealable to the courts. The committee would continue the practice of having the Commission send recommended decisions to the Board of Governors for their approval or disapproval.

Finally, I would limit the borrowing authority of the Postal Service. When considering Postal Reorganization, it was determined that the Postal Service, like other corporations, should be permitted to borrow money for capital expenditures and operating expenses. The law authorizes the Postal Service to issue and sell obligations not to exceed $10 billion outstanding at any one time. The net increase outstanding in any 1 year shall not exceed $1.5 billion for capital improvements and $500 million for the purpose of defraying operating expenses.

At the present time the Postal Service has an outstanding debt of about $3 billion. Of that amount, $2.6 billion is financed through the Federal Financing Bank, a division of the Treasury, and $250 million is financed through the issuance of bonds. At the FFB $1.3 billion is attributable to capital expenditures and $1.5 billion is attributable to operating expenditures. Of this $1.5 billion figure, $500 million was borrowed as recently as May 28, 1976.

Based on their present financial condition, there is a serious question as to the ability of the Postal Service to repay their present debt. Thus, the authority to borrow for operations should be limited to $500 million at any one time. If the Postal Service should default, the FFB would look to the Federal Treasury for repayment. This is obviously undesirable. This action would never be tolerated in any well run business enterprise.

As we all know, most Americans are dissatisfied with the U.S. Postal Service. We receive literally thousands of letters expressing this dissatisfaction from our constituents. Daily, we read news stories and editorials which express concern about the erosion of service and which question management of the Postal Service. We are not only seeing the erosion of service. We are experiencing a crisis in confidence in an institution which touches and affects the lives of almost every American daily.

It is high time that the Congress provide guidance to the U.S. Postal Service. It is time for us to take a critical look at this necessary institution and make changes which will help the Postal Service get on the track toward achieving the original goals of postal reorganization. These goals are improved service to all Americans and responsible management with the development of financial stability.

I have taken my critical look, Mr. President. And I am offering an alternative to postponing the inevitable. The purpose of my substitute is to insure better service, financial stability and more accountability to the people. We simply cannot continue to ignore the problems by hiding behind another blue ribbon commission as is being suggested by the Post Office Committee.

Mr. President, I know why the Postal Service has gotten into and continued down the road of business failure at the cost to the American people. I think we all know why. The service has been going downhill since the beginning, but we have refused to look. We did not want to see the problems.

Two years ago, Mr. President, after literally thousands of letters of complaints from postal users across our Nation, I decided that we should turn our attention to this mess. I introduced legislation. I asked for hearings. I was told to wait. I was told we should "give them some more time." We never had general oversight hearings and we have but a few staff investigations. But during the past few months, I have studied this issue. I have read the 140 some odd GAO studies and reports. I have reviewed the hearing record from our colleagues on the House side. And I have met with associations, mail users, Postal officials, and the GAO.

Mr. President, I am aghast at what I have learned. I would like at this time to share some of this information with the rest of my colleagues.

THE COMMITTEE REPORT AND OUR SUBSTITUTE

Let us begin by taking a look at the committee report which actually highlights and supports many of the provisions of our proposal. The committee points out that in face of an increasing deficit the Postal Service is reducing expenditures and service reductions. Small post offices have been closed; a number of business deliveries in many cities have been reduced; doors and to some extent, curb line delivery has been abandoned for new residential addresses; overtime work has been reduced, thereby increasing delivery time; and in many regions there has been a freeze on hiring which also increases delivery time. The committee further acknowledges that additional cuts in service are being considered and are extremely likely if the present conditions at the Postal Service remain unchanged.

Next, the committee points out that postal rates have been increasing. The first class rate has increased at a greater rate than the consumer price index and predictions are that rates will continue to increase. I am told that we could see another rate hike after the beginning of the year.

They then move to concerns over the fiscal posture of the Postal Service. The postal deficit increased from $175 million in 1973 to $909 million in 1975. A deficit of $1.5 billion is estimated for fiscal year 1976 and a $1 billion 55 million deficit is estimated for fiscal year 1977. I quote from the committee report:

If it were truly a business, the United States Postal Service would be bankrupt.

In 1971 $3.4 billion worth of assets were turned over to the Postal Service. By the end of fiscal year 1977 the Postal Service will be faced with an accumulated deficit of approximately $4.5 billion. Thus, since postal reorganization, the Postal Service has lost around $8 billion.

The committee goes on to point out the abusive use of the borrowing authority granted to the Postal Service. Under reorganization we gave the Postal Service the authority to borrow up to $10 billion. It was intended that these funds would be used primarily for capital expenditures. However, the Postal Service has been borrowing $500 million a year to the extent of $1.5 billion outstanding which has been used to defray their operating deficits. The committee has expressed great concern that annual resort to off budget borrowing for operating expenses will only deepen the Service's insolvency.

The report further points out that according to the General Accounting Office mail is not moving as well as in 1969. Also, there have been problems in the rate setting procedures and problems in increased costs of operation to the Postal Service. Now, it is stated on page 15, after the ground work for consideration of the committee's legislation which began in February of 1973 the committee solution is to commence yet another study with yet another blue ribbon commission and to authorize funds as a stopgap measure.

The mail service to the public has deteriorated and is deteriorating The public has been expressing its dissatisfaction, not only through complaints to our offices, but also by withdrawing its business from the mails and switching to other means of communications. This is evidenced by a per capita drop in pieces of mail handled since 1971. In the most recent fiscal year, the Postal Service handled 89.3 billion pieces of mail, down nearly 1 percent from 90.1 billion the previous year. The volume drops result in creased rates which in turn produce a greater loss of business which again will force increased rates.

The cost of this vicous cycle has been staggering. The cost of mail service has risen by 63 percent since 1971, while prices of other services measured by the Consumer Price Index have increased by only 35 percent. Despite the negligible increase in total mail handled since 1971, when volume was 87 billion pieces, the public now pays $3 billion more for mail service than it did in 1971. But the real question, is what level of service does the public receive at this increased cost?

MAIL SERVICE: IS IT AS GOOD AS THEY SAY?

1. DELAYED MAIL

The Postal Service's measurement system shows that on a nationwide basis 96 percent of local first-class mail receives overnight delivery. However, this figure includes only stamped first-class mail, which accounts for only 40 percent of the first-class volume.

The measurement system has weaknesses. A major problem is that the in-

MONS 030045

formation system can be, and has been, manipulated at the local level. We learned that in Detroit late mail was deliberately removed from the delivery units being counted in order to improve overnight delivery performance statistics. The General Accounting Office observes that during the night before certain tests, special emphasis was being given to the mail at the delivery units to be tested the following morning. Consequently, the GAO designed a test of mail processing operations to determine if late mail was being removed from a delivery unit before it was being tested.

On five separate days, letters which were canceled several days in advance were planted with other mail addressed to the delivery units to be tested. Mail for these delivery units was sorted at the Detroit Sectional Center and sent to another office where the tests were conducted. On 4 of the days, most of the last letters were removed from the delivery units before the tests. On three occasions GAO located their missing letters along with as many as 10 other late letters with the same delivery unit back at the Detroit Sectional Center.

Three Detroit mail processing foremen said they examined mail destined for delivery units to be tested and removed late letters. They then reinserted these letters in the mail processing operation at a point when they could not be delivered in time for the test. One foreman said he held out as many as 200 late letters in a single evening. Although these foremen said they had been instructed to withhold late mail, their superiors denied knowledge of these activities.

The system has another flaw resulting from the dual purpose measurement of mail delivery performance and volume. The origin destination information system—ODIS—was designed to measure mail delivery performance and volume. However, an accurate measure of both is precluded by ODIS's data collection procedures for recording misthrown mail.

Misthrown mail—mail at the right office but wrong delivery unit—is recorded as "delivered" during a test. Presumption is that mail is misthrown in equal amounts among all delivery mail units and will be sorted to the proper unit for delivery that same day. This presumption is not entirely correct because misthrown mail is not always delivered the same day. Also, offices cannot agree on how to treat such letters and headquarters has no written policy. Recording misthrown mail remaining at delivery units from the previous day overstates mail volume for that day and unit.

The GAO evaluation showed that overnight delivery areas are tailored to meet a 95-percent performance. Geographic areas committed for overnight delivery are determined by each sectional center facility—SCF. Generally, a commitment is made to only those areas where SCF postal management expects to meet its goal 95 percent of the time. Overnight delivery areas are continually being expanded and now include over 80 percent of the first-class mail volume.

Aside from the manipulation the Postal Service does not measure the time required for mail to be collected, transported, prepared for postmarking, sorted for delivery by carriers or clerks, and delivered. The Postal Service assumes that most mail is postmarked the same day it is mailed and that a carrier delivers the mail on the day he receives it. However, stamped first-class mail destined for delivery overnight and mailed by 5 p.m. is collected and canceled with an a.m. or p.m. postmark of the date on which it is mailed. Mail collected after 5 p.m. receives a minus p.m. cancellation. The minus p.m. cancellation is not recorded on an ODIS test as qualifying for overnight delivery and that mail is not included in the Service's overnight delivery performance statistics. About 20 percent of all overnight area mail receives a minus p.m. postmark and is included in the Service's 2-day delivery statistics.

The conclusion of the General Accounting Office is that the only continuing measure of first-class mail delivery performance before and after postal reorganization is average time to delivery. In 1969, the average time to deliver first-class mail was 1.5 days. Today, the average is about 1.66 days.

2. REDUCTIONS IN SERVICE

Fewer pickups and collections, missent mail, less window service in post offices, no more air mail, closing small post offices. Aside from this overall delay, there have been other reductions in mail service. Prior to the postal reorganization, mail was collected two or three times a day from residential collection boxes. Currently, mail is collected only once a day from most of these boxes. For example, before the reorganization, mail may have been collected from residential collection boxes at 9:15 a.m. and 4:45 p.m. each day and such mail would have been postmarked and dispatched during that day. Under current practice, mail may be collected from these boxes only at 11 a.m., and mail deposited between 11 a.m. and 4:45 p.m. will no longer be postmarked and dispatched on the day of mailing.

The number of mail collections in business areas has also been reduced. The former Post Office Department collected mail from collection boxes in business areas as late as 9 p.m. and some of this mail was postmarked and dispatched on the same night. Collections are now limited, and most evening deposits in business areas are no longer processed on the same day.

Also, prior to reorganization, business mail was delivered two or three times a day. However, except for a few designated areas, deliveries have been reduced to one per day.

Another cause of delay has been missent mail. To speed mail deliveries, increased productivity, and reduced costs, the Service has been increasing mechanization—largely through the installation of letter-sorting machines across the country. The Postal Service is currently processing about 60 percent of the 51 billion pieces of first-class mail by machines and about 7 percent is being missent. The delay in delivering missent mail is a major reason why the Service has not achieved its delivery standards in 2- and 3-day areas.

The Service is constantly adding more machines around the country to further mechanize the sorting of mail to speed deliveries and cut labor costs. At the time of reorganization, the Service had about 280 letter-sorting machines. Today, including those on order, the Service has 712 such machines. It follows that as more multiposition letter-sorting machines are added, and more mail is being processed on them, the amount of missent mail will rise proportionately unless the Postal Service can solve this problem. However, given the billions of pieces of mail being processed and the proneness of humans to err, a substantial amount of missent mail will continue to be a problem as long as the machines are in use.

A letter-sorting machine can process up to 43,000,200 letters per hour. Each machine accommodates 12 operators who process letters.

The operator depresses keys on a piano-style keyboard console, generally corresponding to the numbers and the letters zone improvement plan—ZIP—Code. The machine interprets the keying entry and directs the letter to one of the 277 bins or receptacles that has been assigned to key code. Letters are manually extracted from the bins, screened for correct keying, and then advanced to the next operation.

GAO's observation showed that machine operators keyed 9.1 percent of the mail incorrectly. After screening, 3.6 percent of the mail sent between States was missent due to incorrect keying and machine error. An additional 3.1 percent of the mail sent between States was missent because correctly keyed mail was mishandled after sorting. Missent mail was delayed an average of 3 days beyond delivery standards because no effort was made to remove it from the normal processing system.

These errors cause a letter to be sent to an improper location. Also, at a minimum these errors cause letters to be rehandled and cause mail delays and additional processing costs. The monetary effect of this rehandling is demonstrated by the House office where machine processing costs were increased by about $1,060 a day. If this figure were multiplied to reflect the increased costs across the county, we would be talking about millions of dollars per year.

I am not saying that mechanization per se is bad. Given the ever-increasing mail volume and the labor-intensive service operations, mechanization is necessary if the Postal Service is to provide a highly quality mail service at reasonable rates. The fact remains, however, the present mechanization has increased quantities of missent mail and, therefore, poorer service.

Over the last several years, about $39 million was spent to develop three pieces of advanced mail processing equipment. This effort has not resulted in the development of equipment that offered advantages over existing equipment. Of the $39 million, $28 million was spent

MONS 030046

an advanced optical character reader, [illegible] service has made some machines in [illegible] and has granted contract [illegible] development because it is the consensus [illegible] Postal Rate and evaluations of the [illegible] million air mailer have shown that it is not economical either. The $8.5 million advanced facer-canceller also experienced numerous developmental problems. The Service is still hoping that these machines can be deployed in the future.

Among other things, I feel the Service should reassess their research and development program.

Moving on to further deterioration in services, the Postal Service has curtailed the number of hours for window service. Beginning in the spring of 1971, the Postal Service began curtailing window service on Saturdays. Window services were usually available to the postal customers between 8 a.m. and 5 p.m. and the Saturday closings did not allow for pickup of parcels not deliverable during the week, general delivery, postage due, registered or certified mail.

Additionally, stamps cannot be purchased and parcels cannot be mailed on Saturdays unless the post office has self-service equipment available. Usually, these self-service machines' stamp supplies become depleted during the weekend and, if there are equipment malfunctions, they are not usually repaired on the weekend.

Further cutbacks have been made over the years in both the number of street letter boxes and the frequency of collections. Weekend and holiday collections have been particularly affected by collecting policies devised to meet with the service as determined or services consistent with the pattern of modern business and family life.

Collections are made from most residential neighborhood boxes only once daily by the carrier serving the area. More frequent collections have been sharply curtailed and, across the Nation in post office after post office, residential area street letter boxes have been removed from many former locations. Obviously, a reduction in collection and a reduction in the number of boxes is a clear reduction in service.

In its drive to become self-sustaining, the Postal Service took aim early on personnel costs. In the summer of 1971, former Postmaster General Winton Blount announced the first of two retirement offers which featured a half-year's salary as incentive. Many knowledgeable and experienced employees, including a fourth of the supervisory force, left. There were 15,000 retirements as a result of these programs, along with 17,000 additional voluntary or disability retirements between June 1 and December 31, 1972.

On top of this, a hiring freeze, imposed on understaffed as well as overstaffed offices, placed a serious strain on the Service's ability to move the mail. This necessitated wide use of mandatory overtime policy which rankled the employees. At one facility, the Merrifield, Va., mail processing facility, for example, postal workers were reportedly harassed by 6- or 7-day weeks of 11- and 12-hour duration. Later, national agreements between the Service and the craft unions require the Service to seek volunteers before ordering mandatory overtime, and then to order overtime work in inverse order of seniority. During this time, low morale and understaffing contributed to the Postal Service's failure to achieve delivery standards. It also caused the delay of millions of pieces of first-class mail. This cost control program proved to be intolerable as acknowledged by the Postmaster General in testimony before the Senate Post Office Committee in March of 1973. He said:

> We were so hell-bent on costs that we did not pay enough attention perhaps to service . . . we made some damn bad mistakes.

Presently some regions continue a freeze on new hiring. This practice along with reductions in overtime work necessarily increases the delivery time of mail.

Another attempt to improve service began in October of 1973 when the Service implemented the "first class improvement program," a test plan to upgrade first-class mail service to achieve delivery equal to or better than airmail. Prior to the new program, airmail service was destined for 1- to 2-day delivery while first class mail was destined for 1- to 3-day delivery depending on distance and available transportation. Under the new program, 90 percent of all first-class mail weighing 13 ounces or less is programed for next and second day delivery. For the mailing public, the practical effect of the program is that there is no longer an advantage in purchasing airmail postage for domestic delivery.

The Service initially estimated that it would save $90 to $95 million by implementing the program because airmail would no longer be collected, handled, and processed separately from first-class mail. An independent assessment by the Postal Rate Commission concluded the Service might be expected to achieve a net annual savings of at least $88 million.

According to GAO, the results of the program have been disappointing. While the Service is now delivering about 17 percent of its first-class mail faster, it has not been able to meet its upgraded commitments with any consistency. Also, it appears that only a portion of the estimated savings will be realized.

During the years 1970 to 1975, the Postal Service used the work load recording system—WLRS—to measure productivity in various mail processing operations within a post office. The Service fostered competition among post offices by generating a list of the top 80 offices in productivity.

The work load recording system was implemented to assist management in measuring and analyzing mail volume and staff hour data in specific operations, post offices, and regions. Chief elements of this system were a standardized description of mail processing, support, and administrative operations; records of mail volume by weight, containers and pieces; and records of hours worked by mail handlers and supervisors.

Postal management used data from this system to compare productivity office by office and to foster competition among post offices. Management started listing the top 80 post offices by grade on the basis of mail volume, both of those factors appear to increase nationwide.

When the top 80 list was first started, the DC Post Office ranked near the bottom. Before long, however, it began to rise. Larger and larger mail volumes were reported and productivity improved until the City Post Office consistently ranked at or near the top. Thus, it was considered one of the best run post offices in the Nation.

The City Post Office is one of several comprising the former capital district. The individual who served as the Capital District Manager from July 1971 until October 1973 served as postmaster of the City Post Office from December 18, 1968, until his promotion on July 23, 1971. After a series of officers in charge, the current postmaster was appointed on January 13, 1974.

In a GAO review the Postmaster told them that after being on the job for only a brief period, he realized that mail volumes being recorded were incorrect. His tours of the facility indicated:

First, the volumes recorded were higher than those he observed; and

Second, the facility was generally overstaffed. He said this overstaffing resulted from the inflated mail volumes. In his office, he found prior inspection service reports which documented the history of falsification of mail volumes. There is no record, however, of any corrective action having been taken by his predecessors. The Postmaster said at this point he really did not know what to do about the problem so he decided to allow mail processing operations to continue as they were for the time being.

The postmaster told GAO that after assuring himself that a serious problem existed, he took corrective action. During May 1974 he called a series of meetings of all tour supervisors and informed them he knew of the volume falsification and wanted it stopped immediately. He threatened to fire anyone caught falsifying volumes in the future. As a result, mail volumes and productivity reported in the workload recording system for the periods June 2 through June 28, 1974, declined about 25 percent.

When the results for this period became known at the district level, the district manager called the postmaster to his office and requested an explanation for the drop in productivity. When the postmaster said the prior productivity figures were false, the district manager disagreed and accused him of having lost control of the city's post office.

This controversy ultimately resulted in a request by the eastern regional postmaster general for an Inspection Service audit. The audit of the post office began in August 1974 and concluded in March 1975. The Inspection Service found that, in spite of the postmaster's warning to subordinates to cease all mail volume inflation, the situation had not been completely corrected. The Inspection Service estimated that inflation of total piece handlings may have exceeded 60 percent.

As a result of the audit, 28 supervisory employees, ranging from first-line man-

MONS 030047

ager to tour superintendent, admitted falsifying workload recording system data and/or were implicated by others. Eighteen craft employees also admitted deliberate falsification of data and/or were implicated by others.

The most common reason given by employees for participating in the fabrication were the pressure from higher management to achieve unrealistic productivity levels and a belief that their careers would suffer if these levels were not met. The inspection service report contains statements from employees such as "I, as a supervisor, knew that desired productivity had to be met or my career would suffer"; "Word from higher up would come down to improve productivity or be fired"; and, "For me, it meant that if I did not satisfy demands, my 20 years of service was in jeopardy."

Supervisors who were implicated said management had set unrealistic production goals and that if goals were not met, the person involved would be fired or transfered to a less desirable assignment.

The supervisors also cited as a reason for falsification the management practice of keeping staff on "acting status." Supervisors serving in acting status positions considered themselves to be more vulnerable to pressure than employees holding regular positions. They felt that they were being tested to determine whether they would conform to the system and meet productivity goals. To satisfy these goals, many employees either inflated mail volumes themselves or condoned such actions by subordinates.

The Inspection Service report concluded that, despite repeated letters from the region calling attention to Postal Service procedures and stating that mail volumes were inflated due to improper recording procedures, no corrective actions were taken.

On the basis of the GAO study it appears that falsification continued after the postmaster ordered it stopped because: First, the true productivity statistics would have painted an unfavorable picture; and second, the former postmaster, as district manager, was still in a position of authority and influence over city post office operations.

Fortunately, several improvements in the efficiency of the post office have been made. A number of employees and paid hours have been reduced and the trend of continually decreasing productivity has stabilized since the Inspection Service audit. There are now 554 fewer employees, 1,016,000 fewer paid hours.

While an audit has not been conducted on other post offices that are under the same program, it seems quite possible that other abuses of the workload recording system exist. The point to be made by this incident is that while the Postal Service claims increased efficiency and productivity, it just does not exist in many cases.

In another area of mail delivery the Service instituted a new policy of providing only curb side or cluster box delivery to new housing developments. Developments currently receiving door-to-door service would not be affected. The Service has met with strong opposition to this policy in many local areas, some in the form of ordinances which prohibit residents from installing curb side boxes. It is really the preference of the Postal Service to install cluster boxes.

And while they claim such action would significantly decrease the costs of delivery, the proposal is clearly discriminatory and the standard of service would not be the same for all residential households.

Finally, the Postal Service has recently decided to close small post offices in rural America. Mail service to rural areas is provided through 18,300 small post offices—formerly referred to as third- and fourth-class post offices; 2,100 contractor operated facilities; and 30,700 rural routes. About 4 million families are served by these facilities. Again, the Postal Service would close these offices in the name of saving dollars.

In instituting this program, the Postal Service decided to survey small post office facilities before commencing a plan to close offices. However, it has been reported that the decision to close was made prior to such survey. Obviously, a survey is useless when the result has been preconceived.

When considering whether or not to close a post office several factors must be considered. What level of service will the patrons receive? What contribution does the post office play in community identity? What is the expected growth of the community? What saving can be expected from the closing of the post office, and is this saving balanced by the dissatisfaction that may result of postal patrons?

In recent months we have seen the great stir that has been caused by closings and threatened closings of small post offices in America. In fact, a number of Congressmen and Senators joined in a lawsuit with the aim of stopping such closings. When Postmaster General Bailar was before the Senate Post Office Committee on March 29, 1976, he stated that the very small sum of about $2 million has been saved as a result of these closings.

The present status of the Postal Service has brought about major concern from just about everyone, particularly over current postal policies affecting mail service. The Postal Service is not a business, nor is it a public business. It is a service that touched upon the lives of just about everyone in America. That leaves intact the key issues of just how the mails should be delivered, and who is to pay for what. The answers to these questions cannot be postponed any longer.

I think it is fair to say that all economies, programs for saving money, have been costly to the quality of mail service.

Instead of saving money through service reductions, it is my opinion that better business practices might effect greater efficiency in management and better mail service to Americans.

POSTAL POOR POSSESSIONS PRACTICES INTRODUCTION

Mr. President, one of the major goals of postal reorganization was to make the newly constituted Postal Service a truly businesslike operation. Corporate managers were recruited from major industry to get the system going.

Unfortunately, Mr. President, most of these corporate operatives must have left their business and knowledge, principles and skills and integrity in private enterprise. The Postal Service is no more businesslike than it ever was. In fact, it is much worse. It is much worse, Mr. President, because the Service is not accountable to the President, the Congress, or the American people.

I do not pretend to be a management expert. But it does not take a specialist to detect the wrongdoings, mistakes, and outright scandalous business activities the Postal Service has put on the backs of postal users across this country.

The Postmaster General has indicated that he must cut services, close small post offices, and raise rates to keep the Service afloat. I ask, Mr. President, why the Postmasters General were not so frugal when they were giving sole source contracts to their friends to perform "services" for the Postal Service. I ask, Mr. President, why they were not more protective of taxpayers and postal funds when they planned the bulk mail system which put more than $80 million of contracts into the construction firm of a former Postmaster General. Why is the Postal Service not able to become aware of the bulk mail failure and write it off as other big corporations would do instead of trying once again to bail themselves out of this mistake by even further burdens on the American postal users.

Mr. President, why was the Postal Service not more protective of and aware of their financial situation when they contracted for designs of facilities which were never built because the concept was wrong from the beginning.

Why, why Mr. President, was the Service not more aware of Postal Service finances when they, unlike any other corporations about which I know, moved their regional offices from Atlanta—the commercial hub of the South—to Memphis. And why does the Postal Service continue to perpetuate the district level of management which is no longer necessary.

Mr. President, I would like at this time to share with my colleagues some of the information I have gathered from mail users, postal management, clerks, carriers, postmasters, and our colleagues here in the Senate and in the House. This information sheds an important light on the present postal situation. We must understand the nature of the problem before we can move forward on meaningful postal reform.

SOLE SOURCE CONTRACTS

Generally, the biggest problem I have found with the business practices of the Postal Service is reflective of the fact that they do not forecast. Whether it is with bulk mail, advertising, equipment and maintenance, or contracting for services, the Postal Service seems not to know what it is getting into until it has already done so.

Mr. President, early in the second ses-

MONS 030048

sion of the 93d Congress the House Subcommittee on Postal Facilities, Mail and Labor Management conducted extensive investigations and hearings which reviewed the Postal Service's contracting and procurements policies. This was done in response to loud public outcry through letters, news articles, and complaints from vendors who felt they were not being given a fair deal. There were strong allegations of impropriety, including alleged conflicts of interest, favoritism, intimidation, and circumvention of regulations by postal officials.

While it is not my intention to point a finger at any one particular Postmaster General, it is important that we understand both the history of postal procurement and the findings of the House.

Prior to postal reorganization, the Post Office Department was bound to follow all Federal procurement regulations. After postal reorganization, Postal officials argued that a new business-oriented agency they needed flexibility.

The broad authorities as provided for in section 410 of postal reorganization granted the Postal Service an exemption from Federal laws relating to contracts with a few exceptions such as those laws pertaining to labor, civil rights, and criminality. In the words of Mr. James Woods, a former high level procurement official for the Postal Service, reorganization "had granted us probably the greatest—procurement—authority any Government agency has ever been given."

With this new authority the Postal Service developed the Postal Contracting Manual which was to unify and systemize postal procurement in a way it had never been done before. During the House hearings, one of the authors of the manual stated:

The first point in all of it (manual) is competition, no favoritism, and awarding contracts on a free and open basis.

We were encouraged to see postal management reorganize the system to best protect the interests of the consumers.

Unfortunately, however, this freedom to engage in contracts was abused. A 1974 GAO report "found extensive sole source contracting representing about 44 percent, by dollar value, of total headquarters procurement." The GAO, at that time pointed out:

It is well established that there is less assurance that fair and reasonable prices will be obtained on procurements negotiated under sole-source, as opposed to competitive contracting.

Assistant Postmaster General Robert McCutcheon, in charge of postal procurement told the House that—

I know competition versus sole source normally will save an average of 20 percent.

Mr. President, thanks to the initiatives of independent news reporters and the outcry of public response and the aggressive leadership of the House subcommittee, the following information surfaced. And the Postal Service has improved its contracting authorities.

The Postal Service justified sole source contracting because "an urgent or immediate need existed and/or a particular contractor was the only source of supply." In 1974, the public learned of Postal Service's relationship with Burnaford & Co., Inc., an advertising agency directed by Mr. Charles Burnaford, a friend of former Postmaster General Klassen.

Between June 1970 and August 1973, this company was awarded "about $815,000" for services. A number of audits by the Postal Inspection Service, the GAO, and independent investigation found that: First, Burnaford & Co. charged twice as much in salary in the second year; second, Burnaford & Co. billed the Postal Service for labor costs in excess of actual labor costs; third, Burnaford & Co. charged the Postal Service for all his auto expenses—Cadillac, Mercedes-Benz, and Datsun; fourth, Burnaford & Co. overcharged the Postal Service for travel expenses; fifth, Burnaford & Co. charged bad debts from other clients to the Postal Service; sixth, Burnaford & Co. charged for personal telephone calls; and seventh, Burnaford & Co. was charged with basing profits on a percentage of direct labor.

Mr. President, I cannot see any direct urgency in the acquisition of creative advertising services. Nor can I see that there was any urgency in Deputy Postmaster General's arrangement with another friend, with whom he was later employed, to consummate a consulting arrangement with a retirement advisory firm. Further details of this scandal are not worth our time. However, this issue was presented in the House subcommittee's report which can be reviewed by my colleagues if they desire.

The House committees study of postal contracting uncovered wastes of considerable sums of money. Some of these wastes were caused by sheer bad judgment or poor management, others can be explained by what the Postal Service calls poor "planning or forecasting."

In March of 1972, the Postal Service began contracting for executive recruitment to fill permanent job positions within the Postal Service. In the first 2 years of this program, the Service "spent about $660,000 in contractual costs to fill 75 positions, or an average cost of more than $8,400 per individual hired." To quote the House report further:

Apparently, no consideration was given to whether the recruiting could have been done in-house or through the Civil Service Commission.

A postal official stated that it has become "unofficial" policy to engage search firms for executive level positions. He added that executives meant officials earning more than $21,000 or more at the time the program began.

Mr. President, I only wish that such expenditures could be more directly related to providing postal users better, more efficient, and reliable service. The Service said that "this program was intended to exemplify good business practice • • •" I am not sure that it is good business practice to spend so much money identifying talent through outside outlets when we all agree, including present postal management, that experienced postal workers can do the best job.

Audits of this program have shown that contracts, often oral agreements, have been extraordinarily wasteful. To quote the report again:

Analysis of the $660,000 program shows that about $137,000 worth of "task orders" (informal contracts) resulted in no individuals being hired.

Additionally, the House subcommittee learned that one postal official was responsible for this program and that no one was responsible for evaluating or even monitoring the program. This waste, Mr. President, should not have occurred. But until accountability is restored, I feel that it could continue.

Mr. President, a number of years ago, we were outraged to learn about the Postmaster General's elaborate headquarters suite. We read in the news about the costly kitchen and furnishings. I have recently reviewed the GAO study of the costs for furnishing the Postmaster General's suite and I would like to insert these figures in the RECORD. I learned that the Postal Service spent $48,000 to furnish the Postmaster General's suite of offices. This includes art work, lush carpeting, and other accessories none the like of what we occupy here on Capitol Hill.

The Service also spent $130,000 to furnish the space where the Board of Governors meet monthly. This, of course, includes full dining and entertaining facilities on the top floor of the L'Enfant Plaza headquarters. Mr. President, I was also intrigued to learn that the Postal Service spent roughly $3,700 to outfit the Postmaster General's office with walnut doors. And Mr. President, we should all know that outfitting these suites was done on the basis of sole source contracts because, and I quote, there was "not sufficient time to solicit competitive bids."

Mr. President, I recognize that these are not terrifically large sums of money. However, there is waste. And the public becomes more aware of this waste when rates go up or when an important letter is delayed or lost. Mr. President, if we can restore accountability, we can restore confidence. But with no accountability, and thus continued waning of the public's confidence, the Postal Service and mail consumers are in for hard times ahead.

OTHER WASTES: BAD FORECASTING

A second major goal of postal reorganization was to make a major commitment to modernizing facilities and developing more mechanized systems for processing mail. The Postal Service has squandered many public dollars on developing systems which were never necessary or which will never work.

Mr. President, between the beginning of postal reorganization and the winter of 1974, the Postal Service spent $42.4 million to contract for developing modern equipment. They sought to develop and refine the air culler, the advanced facer-canceller, and the advanced optical character reader. This equipment was intended to reduce labor costs.

In 1974, the GAO evaluated the progress on these projects. They noted that:

First, all three machines are "intends of mechanization" which means they are manually fed and unloaded; second, after six years in the developmental state none of the machines are suitable for production and de-

MONS 030049

shipment at this time; third, all three machines will cost two to thirty times more than the existing system and none of the machines will result in substantial manpower savings.

And they have not.

Mr. President, the GAO explained this problem. They told us that test and evaluation activities for these items were under the control of project management and that there was no "adversary function" to challenge program manager decisions.

The GAO recommended independent evaluation and/or supervision. In other words, oversight was needed. It did not exist. Nor does it now. And that, Mr. President, is one of the major thrusts of our substitute proposal. It is absolutely imperative that the executive and legislative branches of Government oversee the Postal Service in an effort to keep it alive and well.

One might argue that we are free to go on record with our advice to the Postal Service. In fact, the gag rule was suspended just this year and I am now free to talk with the postmasters in my State. However, informal talks do not work. The Postal Service has become an independent island unto itself. It is neither responsible nor responsive. In 1971, when Postmaster General Blount came to the Hill to tell us about his plan for a new $1 billion bulk mail system, a number of Congressmen indicated that they had reservations. This did no good. The Postmaster General returned to his office and proceeded with the project which has been the Service's largest and most obvious boondoggle to date. I will talk about the specifics of this problem later. The point I wish to make is best stated in the House Committee report. I quote:

Many, and perhaps most, of these problems were caused by postal management's overeagerness "to get things done" despite insufficient planning...

Mr. President, a final example will be stated to further clarify and expand upon this important point I am making about poor planning and lack of foresight.

In June of 1972, the GAO issued a report, entitled "Examination of Selected Terminated Architect-Engineering Design Contracts." The report indicated that the Postal Service paid architectural-engineering design firms to design five multistory postal buildings in which preferential mail—letters—and bulk mail—advertising circulars and packages—were to be processed. However, in midstream the Postal Service determined that the concept of multistory buildings was not appropriate for mail processing, and that another approach would be developed. The vendors received payment.

The Postal Service had designed buildings which they could not use. To quote the GAO report about this endeavor:

We believe that the Postal Service will receive little, if any, benefit from the work performed by the architectural-engineering contractors on the design of the five postal buildings.

Instead of building the five buildings the Postal Service decided to embark upon the development of the bulk mail system. Unfortunately, they have spent $1 billion thus far. And I am not alone in my thinking that they might soon abandon the idea of a national bulk mail system.

Mr. President, it is my strong feeling that Postal management wants so badly to succeed that they move too quickly, and needless to say, they have a pretty good record for falling flat on their faces.

BUSINESS INEFFICIENCIES

VEHICLE MAINTENANCE

Review of GAO studies indicates that the Postal Service practice of servicing and maintaining their own vehicles is wasteful. The Service has over 100,000 vehicles in its fleet which they service in their own facilities when possible. However, the GAO reviews show that "commercial maintenance generally costs less than that performed at the Service's facilities." The study shows that the commercial cost for replacing a starter is $16.45, but that it costs the Postal Service $67.37 to do the same work. The commercial cost for replacing a muffler is $17.34 but it costs the Postal Service $97.98 to do this work. The commercial cost of a tuneup is $21.55 versus the Postal cost of $42.05. And the commercial cost for installing a starter and ignition switch is $42.51 as opposed to the $81.50 it costs the Service to do the job. On the face of it, Mr. President, this is rather ridiculous that the Postal Service is encouraging such wastefulness, again at the expense of mail users. Again, I say that service suffers as a result of poor management. And to get better management of this massive and very important institution will require a renewed commitment to accountability.

MAIL TRANSPORTATION CONTRACTING

Mr. President, the Postal Service frequently contracts vehicle services as a means of transporting mail between postal and private facilities. They have more than 12,000 contracts on which the Service expends about $300 million every year.

A GAO study, which I reviewed, indicated a finding that postal procedures were not adequately identifying opportunities to reduce costs while maintaining the same service. A review of 85 such postal contracts disclosed that the Service could eliminate or reduce 16 of the contracts and save about $185,000 and about 88,000 gallons of costly fuel every year.

While the Postmaster General, supported by his Board of Governors, tells us that he must cut back service to keep the Service afloat, there is continued waste of funds which could be used to cover costs. The relatively small sums of money wasted add up over the course of a year. And I am convinced that these wastes would not continue if the Service was held accountable, if the Service was forced to report on its budget and have it reviewed by the OMB and the Congress.

PRODUCTIVITY MEASUREMENT

Mr. President, with the mechanization of postal facilities across the country, it was planned that productivity would rise considerably thus saving money and cutting the costs of operating. Unfortunately, reports on productivity improvement statistics are not reliable and I am not able to determine the degree to which productivity has decreased.

Between 1970 and 1976, the Postal Service used the workload recording system to measure productivity in various mail processing operations within a post office. As an incentive, Postal Service management injected competition between offices: they generated a list of the top eight offices in productivity.

On the surface, this system was initially very successful: both productivity and mail volume appeared to increase nationwide. But an audit in 1974 showed that in many offices purported productivity gains were achieved by manipulating the records.

This records falsification was so widespread, Mr. President, that the Postmaster General was forced in November 1974, to grant amnesty to all postal employees on the condition that the irregularities would cease. The Washington, D.C. Post Office was near the bottom of the list when the list of 80 was developed. In time, the productivity and mail volume increased steadily and the office reached the top of the list. However, the 1974 audit revealed that productivity may have been inflated by as much as 110 percent in that one office.

I am not trying to unnecessarily jab at the Postal Service. However, I think that it is important that we understand the complexities of the management problems. We in the Congress will never be able to improve postal productivity.

However, we were promised that, with the huge investments in mechanization, productivity would be improved, thus saving money and holding costs at reasonable levels. Unfortunately, the Service has not yet been able to adequately determine to my satisfaction the degree of success. I am astounded to hear how productivity has increased but then to learn that the figures have been grossly manipulated.

Mr. President, I am convinced that a public subsidy is necessary. However, I am equally convinced that the American people want to know what they are getting in return for the infusion of public fuels. Without reliable statistics, we are not able to know what we are getting.

WORKING CONDITIONS IMPROVEMENT PROGRAM

Another major goal of postal reorganization was to improve the working conditions in postal facilities. Poor lighting, bad ventilation, excessive noise, and cramped space made the working conditions very difficult for many hard working people in the Service.

Many of us were pleased to learn that in early 1972, the Postal Service created the working conditions improvement program. The objective was to have 95 percent of postal employees housed in adequate facilities by June 30, 1975.

In December of 1974, the GAO reported that the program was not well managed in its early stages. This poor management, the GAO tells us, inhibited progress on this needed program. Some of the problems included: First, insufficient staffing and direction to effectively execute the program; second, inadequate reporting procedures for informing management of program progress; third, a

MONS 030050

need for improved identification of needed facility improvements; fourth, a need to obtain employee views on required facility improvement, the Service's inadequate guidance on improving leased facilities, and fifth, a need to insure that improvements are made in order of their priority.

Mr. President, the program was completed in 1975 with a total commitment of $280 million. At that time, the GAO reported that "87 percent of postal employees were housed in fully adequate space or in buildings being upgraded." A high level postal official told us last week that these figures were not accurate, that the movement to new bulk mail facilities skewed the statistics and that many, many employees in numbers and not just statistics still work under bad conditions. I also learned, Mr. President, that much of the resources expended on this program were used to repaint flag poles, clean up lobbies, and so on. In other words, I learned that the conditions for employees had not improved as we all hoped they would.

It was good policy to improve working conditions. It was bad policy to not face this problem as fully as the Service should have.

MANAGEMENT OF EXCESS SPACE

Mr. President, I have just received a GAO report which indicated that "the opportunity exists to generate additional revenues by identifying excess space and leasing it to other Government agencies and commercial tenants."

Since postal reorganization, the Postal Service has taken over the management of many postal facilities which have more space than the Service presently needs. There are two explanations for the excess space:

First, the Postal Service has a policy of acquiring space to meet projected 10-year requirements.

Second, mail processing concept changes, such as the area mail processing plan and the bulk mail system—consolidated mail processing in large mechanized facilities—created excess space in a number of facilities.

If the forecasting and 10-year projections are valid, which parenthetically I am not sure is so, then the acquisition of excess space makes good sense. But letting the space go idle costs us revenues which could be derived from leasing the excess until it is needed.

(6) GOVERNMENT RELATIONS

Mr. President, we all know that large corporations have a Government relations function within their corporate structure. Essentially these units represent the organization's interests here in Washington and in the 50 State capitals. Most of these organizations are very aggressive in their efforts to hear and be heard.

The Postal Service has a Deputy Postmaster General for Government Relations. I do not know who this man is. I am sure that he has been with the Postmaster General when they have come up here to testify. But not once has he brought to me a legislative proposal which would make the service better. I understand that the Postal Service asked the committee for legislation which would permit them to use their own counsel instead of legal representation by the Justice Department.

Given this fact, it seems fair to assume that the Postal Service is happy with the Postal Reorganization Act as it was written and that no further modifications are necessary. All the Service wants is continued independence but with a higher allowance in the form of an increased subsidy.

Mr. President, every mail user, postmaster, union, or association representative, and mail user is unhappy with the Postal Service. The supervisors and postmasters have filed suit against the Service. Many large mail users are seeking alternative forms of delivery. Everyone of these interest groups has been in to see me or my staff. Each of these groups has indicated its support for changes in the law. Each has told me of its own problems with the Service as well as the more general problems. But not the Postal Service.

The Postmaster General came to see me once. He seemed to be a nice fellow, but he did not tell me of problems we could help with. I indicated that I have not met his Deputy for Government Relations. My staff does communicate frequently with the Deputy's regional representative who is very responsive when it comes to the handling of constituent complaints. More often than not written response take from 4 to 7 weeks for canned responses. But I understand the backlog caused by at least 40,000 Congressional letters a year. Parenthetically, this is not to be excused. The Service should better equip itself to handle this volume—another example of poor management.

Mr. President, it troubles me deeply that the Postal Service is not more aggressive in their Government relations function. It troubles me that they react to our proposals but do not use their intimate knowledge of the problems to guide us. And, needless to say it troubles me that they took more than 1 year to respond and provide comments on the bill I introduced in February of 1975.

Mr. President, I have called for more congressional oversight because it is clear to me that if we do not watch the Postal Service no one, who can change the problems, will. If we do not review the budget, ask the hard questions, no one will. If we do not review the law to look for necessary modifications, no one will.

In concluding on this topic, I must reiterate my disappointment with the Postal Service's relationship with Congress. We should be working together for the American people.

(7) DISTRICT OFFICES; EXCESSIVE LAYER OF MANAGEMENT

Mr. President, I am concerned that the Postal Service is continuing its top heavy management stature. I have learned that there are 87 district offices across the country.

According to the GAO, "the district office has responsibility for supervising the operations of post offices within an established geographic area. They oversee all functions of the management sectional center-mail processing, customer services, personnel and financial aspects". According to Postal Service sources these offices operate on budgets which range from $250,000 to $500,000 per year.

Mr. President, not too long ago a postmaster in charge of a sectional center wrote me a letter in which he described the district layer of management. He said:

> This (district level) is one of the biggest problems for the Sectional Center Postmasters. The district office staffs frequently block, delay, amend and disrupt any and every progressive program of the Sectional Center. . . . The district level is a management layer that is unnecessary and expensive . . . they are high-salaried and stay on per diem most of the time.

I must take this postmaster at his word. For a year, I have asked the Postal Service, unions, associations, and layer mail users what they think. The Postal Service has never provided a formal reply. Others have indicated their beliefs that it is a management level used as a political dumping ground used to help the Service retain partisans whose jobs were phased out as a result of consolidation.

Mr. President, I am worried when I get no real hard information about such a large sum of money spent on a so-called management function which has never been adequately justified. I am convinced that this is one of those obvious functions which will never be justified until accountability is restored to the system of postal management.

Now, let me go back to the worst boondoggle.

THE BULK MAIL SYSTEM: THE WORST BOONDOGGLE

Mr. President, in an appearance before the House Post Office and Civil Service Committee in March 1971, Postmaster General Winton Blount announced his plans for a "national bulk mail system." This centralized system for processing fourth-class packages and some third-class mail was to consist of 21 new facilities with 12 auxiliary stations. It was to cost $950 million and it was to be in operation during fiscal year 1975. To quote the House Committee report of March 25, 1976:

> The project was to be the first significant leap forward initiated by a new postal management team which was to lead the Postal Service into a new era of efficiency through modernization.

The planning, design, and implementation of this project, Mr. President, represents, without a doubt, the worst postal boondoggle in postal history. The concept was bad from the beginning. The project planning was grossly inadequate and poorly thought out. The system designed does not work, packages are delayed, damaged or lost, money was wasted, and equally important, public confidence has been lost. Let us look at the background of this program and understand the problems which are, I believe, basic and symptomatic of poor management.

By the time postal reorganization was enacted, parcel post processing was in a state of chaos. Parcel damage rates and delays were driving away parcel post

MONS 030051

users. Postmaster Blount "was anxious to have something—anything—new and dramatic built within 5 years to symbolize the new postal management's determination to make changes." In spite of warnings from postal officials, Members of Congress and major mail users who feared the system would not work, Mr. Blount proceeded full steam ahead with the project.

According to the House Committee:

"Unfortunately, there is very little documentation to explain the reasoning which led (Postal Management) to acceptance of the 21 unit concept, according to Mr. Brower (Assistant Postmaster General), because at that time the new management team did everything "on the back of an envelope" and eschewed standard government traceability procedures.

Mr. Brower indicated that he understood there were some abstract discussions of what could be done, but the House subcommittee "found no evidence that any serious cost-benefit evaluations were done on alternative concepts, such as a decentralized, less mechanized chain of facilities."

Mr. President, this represents the worst kind of management decisionmaking I have known. Furthermore, while not documented, there is reason to suspect some improprieties as Mr. Blount's family construction company received about $91 million worth of contracts. This is public knowledge and a point which I do not wish to belabor at this time.

I have learned that two very high ranking postal officials close to the project admitted that "if they had it to do over again, the present system would never have been built." According to the House Committee report Postmaster General Bailar said, "We'll have to live with what we've got." Two postmasters in major cities claimed that there was less damage and better service under the old system, and that the bulk mail system is a disaster. The former President of the National Association of Postmasters of the United States told the House Committee:

I haven't heard anything good about (the BMMD) from any postal people I have talked to.

And the House Committee staff who interviewed employees across the country found this to be the prevalent thinking in the postal community. Let us now look at the problems.

The immediate problem of the system is damage. The GAO tells us that the "Service's goal is to keep damages below 0.5 percent of the mail processed." Between October 1975 and January 1976 the GAO reports that "three of the four operational centers we visited reported damage rates in excess of the Service's goal which ranged from 0.75 to 1.98 percent." As we read in the newspaper, Chairman CHARLIE WILSON of the House Subcommittee on Postal Facilities, Mail, and Labor Management paid a surprise visit to the Detroit facility. He reported that "tens of thousands of pieces of damaged mail were found awaiting claims processing at the downtown post office. Most of these items had clearly been crushed in the mechanization." There is also reason to believe that the damage statistics are not accurate and, therefore, the damage rate is much larger than is reported.

It is clear that the fast design, no trial period, immediate jump by Blount into this project was wrong. The machines cannot process all parcels so labor is still high—8 percent or, 25 million pieces must be hand sorted. I have learned that the personnel complement was inadequate and will have to be expanded. Manual sorts, customer relations personnel who must explain to customers, and others are needed to keep the system going. The House Committee reported:

Most facilities have been running extra hours and require extended use of overtime to process the mail.

Mr. President, in spite of the fancy machines, which many postal officials agree was unnecessary, service continues to be lousy. I understand that missent rates average 5 to 10 percent or 15 to 30 million parcels per year. Trucks are frequently not dispatched until they are full. This causes delays.

Mr. President, for those of use who believe the post office should be run by experienced postal workers, it is interesting to note that of the 21 general managers of major bulk mail facilities, only 4 have any postal background.

Safety is a major problem within the bulk mail system. Safety officers were not consulted during the design stages of development. Therefore, much of the equipment is dangerous. In one facility, a woman had her legs crushed in the system. The roof of the Phoenix facility caved in. The safety officers, who I have been told are overworked and their offices understaffed, are modifying the equipment where possible for the safety of employees. But it is clearly a catch-up proposition which could have been avoided had the system been adequately planned, designed, and implemented.

The safety factor as well as the mechanization and physical layout of the facilities has contributed to low employee morale. Workers are isolated from one another so that there is no one around with whom they can talk, ask advice or whatever other communication might be necessary. The Hosbe committee, after investigating the system, reported that "the rate of sick leave is increasing rapidly and efficiency is declining."

Mr. President, one of Mr. Blount's major goals in developing the system was to get back parcel business which was being lost to the Postal Service's competitor. Unfortunately, Mr. President, the Postal Service just dove right into their new program. They might have learned something by studying their competitor which presently controls a large segment of the parcel market and does so with a profit.

In 1971, when the bulk mail system was proposed the competitor had expanded from handling 7 million packages in 1952 to 347 million per year. USPS had shrunk from about 1 billion to 596 million packages per year between 1952 and 1971. The decision was made that spending $1 billion on new facilities would so improve parcel post that many packages would be taken from the competitor and from new sources as a result of this investment to reach the projected bulk mail system volume of about 1 billion packages.

No indepth study was made of the competitor or its method of operation. The competitor was simply dismissed as a "cream-skimmer" who selectively served portions of the market and provided delivery service only in these selected markets.

What was the competitor doing?

How had it become so successful and yet served only these "selected markets"?

It has provided among others the following service features which the Postal Service did not provide:

First. It gave pickup service—it went to the customers and picked up the packages from them saving them daily time-consuming trips to the post office and allowing them to avoid waiting in line.

Second. It insured every package automatically to a value of $100, and made additional insurance easily available. USPS only made this available for the packages on which the customer would pay a special fee and fill in special forms.

Third. It kept a simplified record system of every package which allowed it to prove that it had delivered the customer's package—these records were readily available to the shipper if needed in order to resolve the important questions of delivery and payment for the merchandise.

Fourth. In the areas it was certified to serve, it delivered the package to every address, accessible by a passable road irrespective of whether that address was in a first-, second-, third-, or fourth-class post office and whether or not that post office had delivery service or whether or not that destination address was on a rural route.

Fifth. It expanded the selected markets it would serve as rapidly as it could accumulate the needed capital, promote and train the necessary management personnel, and secure authorization from the Interstate Commerce Commission and the many State regulatory bodies to serve these new areas. In 1971, the competitor expanded its operations into 12 States and late in that year applied to serve the remaining States which it did not serve in the 48 contiguous States, and finally,

Sixth. It had built a few big, new facilities. None as large as any of the bulk mail system facilities nor with as many employees. The great majority of facilities were smaller. Why were they smaller? Because they were built at the places needed to handle the packages in a given area and of a size sufficient to handle the volume in that area yet at the same time maintain a delivery time service standard which provided for better delivery service than that proposed as the goal of the bulk mail system.

There are more service features and more reasons why the competitor was and is successful in the package moving business. But of all the reasons I have mentioned for this success, which ones did postal management decide it should offer the public? Only buildings—not pickup, not automatic insurance, not easy proof of delivery, not delivery of

MONS 030052

every package to every address—$1 billion worth of only buildings. Today, the competitor serves every address in the 48 contiguous States, and on the Island of Hawaii. It plans to expand its service in the future to the neighbor islands of Hawaii and to portions of Alaska.

Having grown as it has, you would think that it would long ago have skimmed off all the cream and stopped but now it appears to be into the skim milk. A postal marketing survey introduced in the recent rate case shows that the competitor is now handling more sone-rated packages between families than is the Postal Service. These are the famous "Aunt Minnie" packages about which we have heard so much. But as we have known for a long time "Aunt Minnie" and "Uncle Mo" are not dopes—They sent us here. With gas costing 65 cents per gallon and parking meters gobbling dimes and quarters, getting the competitor to come and pick up the packages at the house for a $2 service charge is a pretty good deal. Is this cream or skim milk?

The record here contains a letter from the competitor to the Postmaster General asking him to detail the instances of cream skimming which he had knowledge of. His reply is a masterpiece of bureaucratic double talk which boils down to a simple answer. He cannot detail any.

Yet, despite all this, we are supposed to sit here and accept as fact the $1 billion of the taxpayers' money invested in the bulk mail system was: A necessary investment; a prudent investment; a businesslike investment, and the kind of investment which we should let the present managers of USPS continue to make. I say no.

POSTAL FINANCING: BORROWING IS NO WAY TO STAY SOLVENT

Mr. President, I would now like to turn to the financial condition of the Postal Service. It is in very poor shape and they just have not been able to balance their costs and their revenues.

Failure of the Postal Service to achieve self-sufficiency either now or in the future carries with it the failure of the idea that an independent Postal Service is a better way of providing service than existed previously. The Service has lost money every year since its creation.

The Postal Service commenced operations with assets in excess of $3.4 billion. As of December 31, 1975, the Postal Service was in a negative equity position of $381 million. Their estimated loss for fiscal year 1976 is $1.5 billion and for fiscal year 1977, the loss is expected to be one billion, 55 million. This means that by the end of fiscal year 1977, the Postal Service will be $4½ billion in debt, a loss of some $8 billion since its conception. In the private sector, their excess of liabilities over assets, coupled with revenues that regularly fail to cover expenses, strongly suggest that an entity is bankrupt.

The Postal Service's equity is not quite like that of a corporate entity since about $1.5 billion of the Service's liabilities are held by the Federal Financing Bank of the U.S. Treasury, another Government entity. In order to absorb its continuing deficits and to maintain the level of assets necessary to support adequate service to the public, the Postal Service has resorted to borrowing. There is currently outstanding $1.5 billion of debt incurred to meet operating expenses. This debt is in the form of promissory notes which are held by the Federal Financing Bank.

I do not feel that it was ever the intention of Congress to permit the Postal Service to borrow funds from the Treasury as a means of keeping them solvent. During the debate on postal reorganization, it was felt that the Service needed the authority to borrow funds for the purposes of capital improvements. The law authorized the Postal Service to borrow in an amount not to exceed $10 billion outstanding at any one time. Language of the administration's recommendation permitted the use of borrowed funds for any purpose whatsoever, subject to an annual limitation upon the net increase in debt of $1.5 billion for capital improvements and a $.5 billion annual limit for operating expenses.

In the Senate report on postal reorganization dated June 3, 1970, the committee approved the administration's recommendation by stating:

. . . that we caution the Board of Governors that if borrowed money is used to meet current operating expenses, lenders will charge a very high premium. Thus, the use of borrowed revenue for operating expenses should be restricted to the most unusual circumstances. The basic purpose in authorizing the sale of bonds by the Postal Service is to avoid the annual battle between the Post Office Department and the Bureau of the Budget, which notoriously results in limitations upon funds available to be appropriated, and the occasional restrictions imposed by the President upon Federal construction spending.

Thus, it seems evident that the intention of granting borrowing authority was for purposes of construction and for the use of defraying operating expenses only in an emergency situation.

Further evidence of the misuse of borrowing authority was brought out in the committee's hearings on February 20, 1976. Mr. William Anderson from the General Accounting Office testified that in the absence of borrowing, the Postal Service would actually be insolvent, by the Service's own projections, and by the calculations of the General Accounting Office. He further stated that they intended to borrow some $700 million to tide them over, in the absence of a subsidy. In fact, the Postal Service did borrow $700 million in May of this year; $500 million was considered new debt and $200 million was used for refinancing previous debt.

According to GAO, the next crunch, even with this $700 million, would be about April of 1977. Anderson stated that—

Having borrowed this money, and borrowed, additional money in 1977, they would be at a point where they project that they would not have the cash to meet their expenses.

The testimony goes on to say:

Their planned borrowing will come to $5 billion that they will have outstanding in debt at the end of fiscal year 1977. September 30, 1977, that is, including a net of payback of $604 million between now and then, but in any event, they will have $6 billion of debt that the organization will be saddled with. That is really going to impact on their operation at that point, and you might as well write off self-sufficiency, unless you give them some help.

Under examination, Mr. Anderson explained that the Federal Financing Bank was established and was supposed to go to the market on the issuance of bonds. However, it found that it was much cheaper to get its money from the Treasury. In effect, whatever the Postal Service borrows is coming right out of the U.S. Treasury and is just being funneled through the Federal Financing Bank. So, not only do we find that the Postal Service is bankrupt and that they are now requesting additional funds from the Congress, we also find that we have been giving additional back-door financing through the U.S. Treasury under the borrowing authority that was granted during postal reorganization. This point is clearly brought to our attention with the GAO response to the questioning of the chairman of the Post Office and Civil Service Committee. Mr. Anderson stated:

In effect, the money that the Postal Service is borrowing from the Federal Government are Federal expenses. This is really a Federal organization and those monies are being expended to operate it. It is a question of whether you appropriate it annually or whether you are using your borrowing authority from the Treasury.

At this point I would refer for a moment to my legislative proposal and state that it would place a limitation on the borrowing authority of the Postal Service. My amendment would permit the Service to borrow as a means of cash flow only. It could borrow $500 million in any given year so long as the funds are repaid within that year. Such a provision would be supported by the GAO auditors as is evidenced again by the testimony of Mr. Anderson. He stated before the committee:

I would even say that you would not want them borrowing for operating costs. Over the next 18 months they intend to borrow another $1 billion for operating costs, and to me they are really mortgaging the future. That is a violation of the basic tenets of good business, as you are well aware, borrowing money to pay your operating costs especially if it is long-term money, and they have already rolled over some of their short-term notes.

The financial disaster of the Postal Service is acknowledged by all. The committee report accompanying H.R. 8603 highlights this fact and even stated, "If it were truly a business, the United States Postal Service would be bankrupt." Also, the Postmaster General Ballar's testimony on March 29, 1976, he stated:

We have the capacity of being effectively rendered insolvent within the course of a year if the Treasury were ever to choose not to loan us any more money from the Federal Financing Bank.

Recognizing this financial doom, the Postal Service has taken a position that in order to remain solvent it would have to cut services to the public. This is evidenced by Mr. Ballar's further statement that—

I would have to point out to you that we have now got something on the order of

a $6 billion deficit. We expect to lose money again next year. And our ability to render that service would be nil if we were insolvent.

Mr. President, it is very clear to me, and I hope it is clear to my colleagues that this is not a situation that can go unchecked. We simply cannot continue to authorize and appropriate additional funds and to commence yet another study while the Postal Service is falling around us. After 8 years, we should have learned by now that the public's demand for service can no longer be ignored by the Congress. Only the Congress as the peoples' representatives can determine the needs of the Postal Service. Only a constant oversight by Congress can make the Service sound and responsive. My hope was that by now we would be giving out awards for success rather than billions for failure. But the only way to steady these failures, the only way to prevent them in the future, the only way for a constant input by the public is to bring the Postmaster General back in communication with the Congress and the President and for us to resume budgetary authorizations. We simply cannot continue to do as we have been doing—giving out a billion a year—without oversight.

SUMMATION

In the face of current developments, it is time to take a fresh, imaginative look at our postal operations in terms of public policy. We must not overlook the fact that whatever organizational form postal delivery takes, the customer must come first.

It has now been 8 years since postal reorganization. The Postal Service has been wasteful and profligate in its spending and borrowing authority. The Service is costing the American public billions of wasted tax dollars as a result of costly business decisions and mistakes, not to mention the added interest expenses due to repeated borrowing for operational expenditures.

One obvious example of a bad business decision involves the bulk mail facility. A vast number of parcels have been found mangled by the new system and hidden in a trash dump. Other examples of mail damage problems caused by mechanization occurred in facilities where mail was placed in garbage cans and disposed of at the city dump. No wonder the Postal Service is losing business to private competitors. The United Parcel Service, a private organization and the Postal Service's major competitor for bulk delivery business, efficiently handled 930 million packages, approximately 20 million more than the U.S. Postal Service did in 1975. A UPS spokesman asserted that the Government "simply cannot move parcels as fast as he can, or for as low rates." The Postal Service and its predecessor have been in the parcel post business since 1921. There has been ample time to improve service, as well as to capitalize on possible economies of scale in handling parcels.

Not only is the public disturbed over deteriorated service but it is also plagued by the rise in the cost of postage. In the past 5 years, the price of a first-class stamp has gone from 6 cents to 13 cents, primarily to bring in more revenue. As a result, major mailers have reduced their use of the mails because rates are too high. The mail users might not mind paying a disproportionate share of the costs of handling their mail if it were delivered a little faster without damage and to the right mail boxes. Missent mail is a contributing factor to mail delays. Although millions of tax dollars have been invested in letter-sorting machines, much of the mail sorted by these machines are being sent to wrong locations. According to the General Accounting Office, delays in mail delivery are greater now than they were under the old system. In spite of this, taxpayers, who traditionally have borne the cost of paying the difference between revenues from postage and what it actually costs to deliver the mail, are finding that their postage costs are high and are getting higher.

The increase in second-, third-, and fourth-class postage and the probability of future increases have caused many businesses to consider either delivering their own products directly to the home or utilizing local private delivery services. It has also caused department stores and public utilities in many instances to bypass the mails by personally delivering their bills to customers. Some reported successful examples include: National Postal Service in northern California delivers for J. C. Penney over 400,000 circulars monthly plus other substantial business; and Carrier Boys of America Corporation of New Jersey serves 6 million households in that State, as well as New York, Pennsylvania, Delaware, and California. They deliver circulars for department store and supermarket advertising. Magazine publishers have already predicted a turnover to private delivery of from 60 to 65 percent of their volume in the near future. Also, many companies are moving to the electronic transfer system. In view of this, the general public, which is a particularly high volume user, will also be searching for cheaper and more dependable ways to get their communications delivered.

The Postal Service asserts its service today is good. At the same time the Postal Service Consumer Advocate Office continues to receive hundreds of complaints weekly. The most common complaints concern delayed mail, hours of service, trouble with self-service postal equipment, dissatisfaction with postal personnel, damaged mail, and other mail matters. Moreover, hardly a day passes without an article critical of our Postal Service appearing in one of the Nation's newspapers or magazines. Members of Congress are deluged with complaints from their constituents and are being requested to take a serious look at the quality of mail service.

The provisions of the Postal Reorganization Act of 1970 mandate that the Postal Service provide prompt, reliable, and efficient services to customers in all areas and communities. The act further directs that a maximum degree of effective and regular postal services be provided to rural areas, communities, and small towns where post offices are not self-sustaining. The only thing the Postal Service seems to have accomplished beyond argument is the mandate for fair treatment of its employees. There is no doubt that the postal worker has done well in terms of increasing pay and fringe benefits. My only wish is that the Postal Service could have been as successful at increasing services to the people.

My view on the future success of the Postal Service, under the present system, is very dim, indeed. However, it can be improved and it is my hope that this improvement will be legislated as quickly as possible.

Mr. MATHIAS. Mr. President, will the distinguished Senator from South Carolina yield to me for a minute or two, in order to discuss some of the aspects of our postal situation?

Mr. HOLLINGS. I yield.

Mr. MATHIAS. Mr. President, one of the points that should be made in a discussion of the Postal Service is the dedication of individual postal workers to public service. It is extremely disturbing to the public to find that mail takes as long as it does to get from one point to another; but I think it is even more disturbing to members of the Postal Service who have made this their profession, who are dedicating themselves in a very conscious and deliberate way to public service, to find that their efforts do not turn out to produce the results they hope for.

I had a very interesting example of the kind of dedication that the postal workers invest in their jobs. I was advised recently by the Maryland Rural Letter Carriers Association of an extremely interesting resolution they had adopted. It was the proposal of the Maryland letter carriers that they each donate 1 day's pay, that they give up a day of pay, as a contribution to the Postal Service. This was something more than just the dollars and cents involved. This was an act of personal dedication. They wanted to give something to the Postal Service. They wanted to make clear that the Postal Service is something in which they have a deep personal commitment and investment of their lives. So they adopted a resolution. I shall read the resolution. It says:

Resolved, that each regular rural carrier voluntarily give one day's pay to the Postal Service as a token of our concern for the service's financial plight.

Be it further resolved that others such as rural carriers who are concerned be given an opportunity to voluntarily contribute.

This is a magnificent gesture, for these rural letter carriers to say that they will give up a day of pay, renounce it, waive it, as a contribution to the service. Actually, it is a substantial sum of money. It is a way in which people can make a contribution. But more than that, it is a symbol of what they are willing to do. They are willing to make a personal sacrifice.

Mr. HOLLINGS. Will the Senator yield?

Mr. MATHIAS. I am happy to yield.

Mr. HOLLINGS. Were they allowed to come up, or what was the result of that?

Mr. MATHIAS. I regret to say that the Postal Service did not really have the same creativity and imagination as the

MONS 030054

rural carriers. They got a very nice, polite letter, but it was a turndown. They were told that their offer has not been considered lightly—

But we feel that we can neither expect nor accept work from our loyal employees without fairly compensating them for their efforts. In overcoming our financial problems, we cannot, in good conscience, engage in a solution which has such a direct effect on the families of our people.

Well, that is a kind of cold answer to a very warm suggestion, in my judgment.

Mr. HOLLINGS. Very much so, since there are a lot of warm bodies running up and down the Hill right now. I just wondered what measure they had taken with respect to allowing carriers to do this, or supporting the suggestion, even with relinquishment of a day's pay, as I understand the Senator's rural carriers were willing to do.

Mr. MATHIAS. That is the only answer they got.

It seems to me, if the Senator will yield to me for just a moment further, that the effect of this very generous offer made by the rural carriers would have been to dramatize the interest of the post office personnel in the problems of the Postal Service, and would have been to make them increasingly conscious of the problems of the Service, of the need to economize, of the need for efficiency. I regret that the Postal Service failed to see the important symbolism of the offer that was made by these rural letter carriers, to give up a day's pay, to donate a day's work to the Postal Service, as a kind of token of their commitment to making the Postal Service work, making it a success, making it pay its own way. I think it was shortsighted. It was a completely voluntary offer on the part of the letter carriers. I think maybe this little incident says something about the way the management of the Postal Service approaches the difficult problem of bringing the Postal Service into the modern age.

Mr. President, I submit for the RECORD the letter from Mr. Perry H. Smith, the president of the Maryland Rural Letter Carriers Association, in its entirety at this point, and ask unanimous consent that it be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE MARYLAND RURAL LETTER CARRIERS' ASSOCIATION,
Rhodesdale, Md., July 7, 1976.

Hon. CHARLES MCC. MATHIAS,
U.S. Senator, Senate Office Building, Washington, D.C.

DEAR SENATOR MATHIAS: I am sorry I have been so long in answering your inquiry about our resolution but I wanted to be sure of our course and procedures and to know that we were moving before I replied. Thankfully I think we are making progress.

First of all the resolution is quite simple. It is, Resolved: "That each regular rural carrier voluntarily give one day's pay to the Postal Service as a token of our concern for the Service's financial plight. Be it further resolved that others such as retired rural carriers who are concerned be given an opportunity to voluntarily contribute." This has been sent to the National Rural Letter Carriers Association for consideration by the Resolutions Committee, which is the usual procedure for all resolutions. The committee clears the resolutions of duplications and acceptability and reports them to the floor of the Conventions.

We are going further than this. An article will appear in our State paper in July, which is the Maryland R.F.D., explaining the resolution and asking the support of all our membership. This article will be sent to the president of each State Rural Carrier Association with the information that it will be a resolution at the National Convention and asking their support.

Further, we are also in contact with the District Office of the Postal Service in Columbia in an effort to work out a procedure so each carrier can volunteer to participate. There may be some difficulty here and it is even possible the Service may refuse but we hope not. In our discussions we believe that a release so each of us could forfeit Labor Day's pay might be the easiest way to administer this program.

As to the origin of the resolution I believe Mrs. Dorothy Peck, who has been elected to succeed me, suggested this to some other carriers at the banquet Monday night as an outgrowth of your statements about Joe Holdcraft doing so much for Frederick county by himself. It was talked around informally and we thought it might be a good idea, so we had the resolution committee present it. There was much discussion but no real opposition and then it passed unanimously.

With the amount of progress made to this point we think any use you may make of the fact that the Maryland Rural Letter Carriers want to do this in order to show our concern for the future of the Postal Service can only help. We hope this gesture will show our customers, the management of the Postal Service and all others who can help that we are dedicated to saving what we consider a vital service to America.

If I can be of further service to you please let me know. With kindest personal regards,

Sincerely,

PERRY H. SMITH.

Mr. HOLLINGS. Mr. President, I had hoped that we could get into part of the debate with respect to one of the greater concerns. That is the matter of the obligation of the contract of the employees of the Postal Service. I am very much concerned and the substitute amendment does not impair that obligation.

Since my colleague from Maryland was pointing out how the Postal Service treated the request of the rural letter carriers to give up a day's pay to come on their own in order to be able to answer—that is the whole thing. Everybody wants to be heard, and no one is listening. We keep standing foursquare in the well, saying how we love the employees and how we admire the employees. Some have had the audacity to say their morale is up. I have talked to every one of them and their morale is down, deeply so, even though they are getting greater pay. Rather than having any appreciation from the public for the dilemma they have been put into because of these work practices of management at the Postal Service, they are being rebuffed at every turn. It used to be that the letter carrier would be invited in for a cup of coffee. Now he gets total scorn.

Let us look at the Department of Agriculture, where the distinguished chairman of our Committee on Post Office and Civil Service has the Agriculture Department before the Subcommittee on Appropriations. It is very interesting that the Department of Agriculture, being one department of the Government, is more or less abandoning another department and not using the Postal Service any longer. I have a letter here from Lincoln, Nebr., wherein the particular produce recipient, Meridith Produce in Boone, Nebr., said that they see now that the U.S. Department of Agriculture, instead of sending the various cartons that they used to send each year by way of the U.S. Postal Service now sends the packages by the United Parcel Service. They asked them to explain.

I ask unanimous consent, Mr. President, that all of these letters, this entire transcript, be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MERIDITH'S PRODUCE, INC.,
Boone, Nebr., July 30, 1976.

KENNETH "CHIC" JENNINGS,
President, National League of Postmasters, Washington, D.C.

DEAR CHIC: Enclosed are some copies of letters for your information.

Copies of my letter, Senator Dworak's letter, and the one from the Nebraska Dept. of Animal Plant Health Inspection Service went to each Senator listed on the News release of June 2nd.

I sincerely trust the United States Postal Service will attempt to retrieve some of their lost business and revenue. This should be their prime concern, rather than reducing services and closing post offices.

A copy of these letters, less the one to the senators, was sent to the Sectional Center Manager in Lincoln.

I am sure the Sectional Center Manager in Lincoln was not aware of the loss of revenue.

Sincerely,

EARL MERIDITH.

MERIDITH'S PRODUCE, INC.,
Boone, Nebr., July 9, 1976.

STATE OF NEBRASKA,
Department of Agriculture, Bureau of Animal Industry, State Capitol, Lincoln, Nebr.

GENTLEMEN: A few days ago we received from the Agriculture Department of the State of Nebraska, a package of milk sample jars.

For years we have been receiving such packages by United States Postal Service. However, this package was delivered by United Parcel Service.

It is hard for one to understand that a government agency would use a private carrier (United Parcel Service) that is in competition to the United States Postal Service.

An explanation would be appreciated.

Sincerely,

EARL MERIDITH,
Owner.

U.S. DEPARTMENT OF AGRICULTURE,
ANIMAL AND PLANT HEALTH INSPECTION SERVICE,
Lincoln, Nebr., July 22, 1976.

MR. EARL MERIDITH,
Meridith's Produce, Inc., Boone, Nebr.

DEAR MR. MERIDITH: Thank you for your recent letter expressing concern that our latest method of shipping milk sample collection bottles was by other than the U.S. Postal Service.

Under ordinary circumstances we would probably continue to use the services of the government agency for shipping packages. However, problems with the Postal Service combined with a projected increase of $2 million to $2.5 million if APHIS continued to use this method of shipping this year was sufficient reason to seek other alternatives.

MONS 030055

Our Management Improvement Division developed a Cost Analysis of the U.S. Postal Service versus United Parcel Service that indicated Veterinary Services could realize a savings of over $14,000 a week by using United Parcel Service nationwide for the shipping of packages.

The projected savings is being tested for a three month period to be followed by a re-evaluation of the original Cost Analysis. If the original estimates are supported through an actual savings, there is every reason to believe use of UPS will be expanded even further. As a fellow taxpayer, I am certain that you have appreciation for any and all attempts to reduce government operating costs.

We appreciate and share your concern and thank you for writing.

Sincerely,

INA MAY ROUSH,
Program Analyst.

LINCOLN, NEBR.,
July 28, 1976.

Mr. EARL MEREDITH,
Boone, Nebr.

DEAR EARL: Thank you for sending me a copy of your July 9 letter to the Nebraska Department of Agriculture. I've also received their reply. It certainly is good when citizens constantly question actions of governmental agencies. I did feel the reply was specific and that there probably is some justification in the shifting of the service from the United States Postal Service to the United Parcel Service on a trial basis.

Please keep me informed if you are to pursue this further.

Best regards.

SENATOR DONALD N. DWORAK.

JULY 30, 1976.

HON. ROBERT J. DOLE,
Dirksen Senate Office Building,
Washington, D.C.

DEAR SENATOR: I sincerely trust that you or one of your top aides would take the time to digest the information in the enclosed letters.

My personal thinking is that Senator McGee's bill alone without amendments to it, cutting postal services and closing post offices will not solve the problems of the United States Postal Service until top management takes a long look toward their competitor.

If the statement made by the Nebraska Animal and Plant Health Inspection Service is correct, and I presume it is, and if we agree their saving is 10% then the total amount that the United States Postal Service is losing from this one department would be $1,400,000 annually.

This, bear in mind, is only one department, and could be multiplied many times over, considering the various agencies each state has.

I trust you and your committee will consider some type of action.

Sincerely,

EARL MEREDITH.

Mr. HOLLINGS. The U.S. Department of Agriculture says:

DEAR MR. MEREDITH: Thank you for your recent letter expressing concern that our latest method of shipping milk sample collection bottles was by other than the U.S. Postal Service.

Under ordinary circumstances we would probably continue to use the services of the government agency for shipping packages. However, problems with the Postal Service combined with a projected increase of $2 million to $2.3 million if APHIS continued to use this method of shipping this year was sufficient reason to seek other alternatives. Our management Improvement Division developed a Cost Analysis of the U.S. Postal Service versus United Parcel Service that indicated Veterinary Services could realize a savings of over $14,000 a week by using United Parcel Service nationwide for the shipping of packages.

The rest of the letter is self-explanatory.

Mr. President, this is the Department of Agriculture of the Senator from Wyoming and the way they cast their vote on the Postal Service. Our distinguished friend has two hats. He chairs our Committee on Post Office and Civil Service and the Agricultural Appropriations Subcommittee. The Department of Agriculture says that for milk sample collection bottles, we are going to quit using the U.S. Postal Service and use the United Parcel Service because of the great savings in money. This is a Government agency. We are going to have a bill in here, not only substitute for the billions of dollars, the $8 billion in the hole for the last 5- to 6-years operation, but now we are going to have to pass a law requiring all the other Government agencies to keep this thing afloat and continue to use it. This practice is going to become more and more widespread.

Mr. President, I suggest that absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TIME LIMITATION AGREEMENT

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that there be a time limitation on the amendment by Mr. HOLLINGS, the amendment in the nature of a substitute, of 4 hours to begin running tomorrow morning at 10 o'clock, with time to be equally divided between Mr. MCGEE and Mr. HOLLINGS; provided further, that no amendments to the substitute be in order; and, provided further, that the vote occur at no later than 2 p.m. tomorrow, and that the vote occur on the amendment up or down with no tabling motion being in order.

The PRESIDING OFFICER. Is there objection?

Mr. HELMS. Reserving the right to object, where does my protection come in?

The PRESIDING OFFICER. Is there objection?

Mr. ROBERT C. BYRD. Yes. Provided further—and I apologize to and thank the Senator from North Carolina (Mr. HELMS)—provided further, that regardless of the outcome of the vote on the substitute by Mr. HOLLINGS, Mr. HELMS be recognized following that vote to cast up two amendments, and that there be a time limitation on each of the two amendments of 30 minutes to be equally divided between Mr. HELMS and Mr. MCGEE.

The PRESIDING OFFICER. Thirty minutes on each amendment?

Mr. ROBERT C. BYRD. Thirty minutes on each amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. ROBERT C. BYRD. Mr. President, if the Senator will indulge me for just 1 additional minute, Mr. President. I have asked the Senator from South Carolina about this request. but I had forgotten that Senator DOLE, who has to fulfill an engagement tomorrow afternoon, wants to offer two amendments immediately upon the conclusion of the vote on the substitute by Mr. HOLLINGS, and Mr. DOLE would be willing to have a 20-minute limitation on each of his two amendments, the time to be equally divided.

So if the Senator from South Carolina would not object, Mr. President, I ask unanimous consent that regardless of the outcome on the votes of the substitute by Mr. HOLLINGS, Mr. DOLE first be recognized to call up two amendments on each of which there be a time limitation of 20 minutes to be equally divided between Mr. DOLE and Mr. MCGEE; and that upon the disposititon of the Dole amendments the Senate then proceed to take up the two amendments by Mr. HELMS, as was previously ordered.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Mr. President, I will have, perhaps, with the failure of my substitute, a couple of perfecting amendments also. I did not want to mislead the managers of the bill.

Mr. ROBERT C. BYRD. Yes. I thank the Senator for yielding.

The text of the agreement is as follows:

Ordered, That on Tuesday, August 24, 1976 at 10:00 a.m., when the Senate resumes consideration of H.R. 8603 (Order No. 915), an act to amend title 39, United States Code, with respect to the organizational and financial matters of the United States Postal Service and the Postal Rate Commission, and for other purposes, the Senate shall proceed to the consideration of the amendment by the Senator from South Carolina (Mr. HOLLINGS), No. 2201, with the time for debate thereon to be limited to 4 hours, to be equally divided and controlled by the Senator from Wyoming (Mr. MCGEE) and the Senator from South Carolina (Mr. HOLLINGS), and with the vote thereon to occur no later than 2:00 p.m.: *Provided*, That no amendment to the amendment by the Senator from South Carolina (Mr. HOLLINGS) be in order: *Provided further*, That no motion to table the Hollings amendment shall be in order.

Ordered further, That following the disposition of the Hollings amendment regardless of the outcome, the Senator from Kansas (Mr. DOLE) shall be recognized to call up two amendments which shall be considered in order, on which there shall be 20 minutes each, to be equally divided and controlled by the Senator from Wyoming (Mr. MCGEE) and the Senator from Kansas (Mr. DOLE).

Ordered further, That following the disposition of the Dole amendments, the Senator from North Carolina (Mr. HELMS) shall be recognized to call up two amendments which shall be considered in order, on which there shall be 30 minutes each, to be equally divided and controlled by the Senator from Wyoming (Mr. MCGEE) and the Senator from North Carolina (Mr. HELMS).

Mr. HOLLINGS. Mr. President, I ask unanimous consent that the Senator

MONS 030056

from Illinois (Mr. STEVENSON), the Senators from South Dakota (Mr. ABOUREZK and Mr. MCGOVERN), the Senator from Nevada (Mr. CANNON), the Senator from Oregon (Mr. HATFIELD), the Senator from Maine (Mr. HATHAWAY), and the Senator from Connecticut (Mr. WEICKER) be included as cosponsors of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLINGS. Various Senators have stated that they would like to vote for our amendment to H.R. 8603 but they are fearful that submitting the postal budget to annual congressional authorization would destroy collective bargaining. Let us look at the intent, at the law, and at the fact.

The intent.—Under section 5 of our substitute, amendment 2143, it clearly states:

> Nothing contained herein shall be construed to impair the obligation of employment contracts that the Postal Service has entered into with its employees, and nothing contained herein shall be construed to impair the authority of the Postal Service to collectively bargain employment contracts with its employees as provided in the Postal Reorganization Act.

The law.—Constitutionally, the Congress—even if it wanted to—could not come in now and impair the obligation of the contract between the Postal Service and its employees.

The fact.—In fact, there is one way to impair the obligation of the contract and that is to not give them any money. There is no obligation for the Congress to appropriate moneys but realizing a responsibility that the people expect of us, our substitute amendment appropriates $1 billion which is contemplated by the budget resolution. Ironically, the very instrument that will prevent the obligation from being impaired is being charged with impairment.

It goes without saying that congressional review of the budget in the future will bring congressional review of all facets of postal service including the employment contract. It is not the intent of the authors to disturb this collective bargaining process and it is our intent to rely on the provision of the Postal Reorganization Act that required comparability for Postal Service employees. However, there are no guarantees on what the present Congress or a future Congress do. Both present and future Congresses could refuse funds and the Postal Service would have to increase its borrowing, adjust its service or ask for an increase in rates. That is the fact today. That is the law today. And the present amendment does not change this one iota. Admittedly, a contract in the future could call for a 7-percent pay increase while Congress was only awarding a 5-percent increase to other Federal employees. But this is what we are presently faced with. Presumably, all Federal employees will be receiving a 5-percent pay increase October 1 but the present postal contract calls for an 8.23-percent increase. Our $1 million substitute amendment is to allow amongst other things the payment of this 8.23-percent increase. What a Congress will do in the future can best be told by what a Congress has done.

The cry that annual authorization would give Congress a veto power over negotiated contracts is begging the question. We have that power now and can exercise it simply by not appropriating the funds requested by the Postal Service.

Finally, Senators crying in fear that a postal contract in the future be impaired should be more careful that our contract not be impaired. We have a contract with the people to stop, look and listen. As we stop and look and listen our policy of benign neglect seems outrageous. Most assuredly, we cannot continue giving billions without oversight and to ask us to forego oversight any longer is nothing less than a request that we impair the obligation of our contract with the people.

The morale of the postal workers is down. Their jobs are threatened by poor management and a decline in mail volume. The best job security for them is our amendment to reestablish trust in the Postal Service.

I now yield the floor.

Mr. ROBERT C. BYRD. I thank the Senator.

Mr. McGEE. Mr. President, the Hollings substitute makes radical revisions in the organization of the Postal Service and its relationship with the Congress. Perhaps the most radical is the provision that all revenues and fees collected by the Postal Service would be deposited in the Treasury and that total Postal Service operating expenses—amounting to some $15.4 billion—would have to be appropriated by the Congress. This arrangement totally deprives the Postal Service of its fiscal autonomy and makes it the creature of a Congress which history shows can be capricious as regards the Postal Service. This provision alone blunts the thrust of the Postal Reorganization Act and brings back the days when the Postal Service was mismanaged by a committee of 535 Members of Congress.

Such a radical revision of the careful work which went into the Reorganization Act will, if enacted, be vetoed. H.R. 8603 is a compromise measure worked out among the majority and minority leadership of the committee, representatives of the administration and members of the leadership of the House committee. The President has repeatedly made it clear that he intends to veto any legislation making substantive changes in the Reorganization Act prior to receipt of the report of the study commission established by H.R. 8603. Our batting average on overriding vetoes is not good. Accordingly, Senate passage of the Hollings substitute would in reality be a vote for no legislation at all, and killing H.R. 8603 would constitute an avoidance of our responsibility to act in the public interest. The death of H.R. 8603 would be disastrous for the Postal Service, in view of its financial crisis.

The Hollings substitute if enacted could result in a payless payday for the Postal Service next summer. The measure authorizes $1 billion for Postal Service use in 1977, but it effectively chokes off the authority of the Postal Service to borrow for operating expenses and it imposes a moratorium on rate increases lasting for about a year—thus depriving the Postal Service of substantial sums it needs to meet its payroll and other expenses. The operating deficit for the transitional quarter and fiscal year 1977 is approximately $1.5 billion. These figures tell the story. The Hollings substitute, giving too little, taking away too much, could wreck the Postal Service financially and do it soon.

Annual appropriation of postal funds would create a nightmare of uncertainty in postal budgeting and ratemaking. The level of postal income would become an unknown because Congress' intentions would be unpredictable. This uncertainty would result in distorted postal ratemaking, because without a firm starting place, postal rate proceedings could set rates too high or too low.

In such an atmosphere of uncertainty, orderly postal budgeting would be impossible. The Postal Service would be unable to enter into good-faith collective bargaining if no one knew how much the Congress would be willing to appropriate. Congress might either provide or disallow funds for pay and benefits negotiated at the bargaining table. It is no wonder that the Federal employee groups fear and oppose the Hollings substitute.

Every cent of postal revenues is needed for the operation of the Postal Service. The Hollings proposal would jeopardize funds for services which everyone agrees are needed. It would do this by requiring the Postal Service to compete annually with every other Federal agency for funds within the total budget. We know from experience with the old Post Office Department that chronic underfunding is the inevitable result of this competition.

The overriding question raised by the Hollings amendment is whether, as a matter of public policy, the Congress should drive up Federal spending by requiring an annual appropriation of the whole postal operating budget—$15.4 billion in fiscal year 1977. Such an arrangement could increase the total obligation of the Federal Government by as much as $4.5 billion if the accumulated operating deficit of the Postal Service became an obligation of the Government.

One of the primary purposes of the Postal Reorganization Act was to remove partisan politics from the Post Office Department. As part of this corrective action, the Congress removed the President's authority to appoint top Postal Service executives. The Congress provided that the Postmaster General and his top associates would be appointed by, and would be responsible to, a bipartisan Board of Governors, who were charged with representing the interests of the American people generally.

The Hollings substitute provides for Presidential appointment and Senate confirmation of the Postmaster General and Deputy Postmaster General and abolition of the Board of Governors. This arrangement would tear down barriers carefully erected to prevent partisan manipulation of the Postal Service. The temptations faced by a Postmaster General appointed by and serving at the will of a President would be formidable. He would be tempted to give priority to the political obligations of that President in

MONS 030057

his selection of new facility sites, in his appointments to key positions within the Postal Service, possibly even in his stance on issues arising out of collective bargaining.

Protecting the public interest and achieving economy and efficiency in postal operations could become subordinated to a Presidentially appointed Postmaster General's primary goal of furthering administration policy. Again, here is an effort to strip away Postal Service autonomy—and as autonomy is removed the chances of achieving real efficiency are diminished.

The abolition of the Board of Governors removes any assurance that the public interest shall be the primary consideration in the appointment of the Postmaster General and his deputy. Further, without the Board to review its recommended decisions, the Postal Rate Commission would become the final arbiter in the setting of rates. This would leave the Postal Service with no recourse from Postal Rate Commission decisions—even decisions that produced insufficient revenues or provided uneconomic distortions in the classification system. We have come to expect good recommended decisions from the Commission. Nevertheless, the Postal Service needs and ought to have the right to reject such decisions. It would have no such right if the Board of Governors were abolished, as the Hollings substitute proposes to do.

The Hollings provision on borrowing would sharply curtail the authority of the Postal Service to manage its fiscal affairs. It would allow the Postal Service to borrow up to $500 million for operating expenses in any one fiscal year, but would require that the borrowing be paid back within the same fiscal year. Under current law, the Postal Service may borrow for operating expenses overtime periods most favorable to the Postal Service. Sometimes loans are made for one year; sometimes for longer periods, depending upon the Postal Service's own assessment of its cash flow and ability to repay at the end of varying periods of time. The Hollings borrowing provision is restrictive and arbitrary, placing unreasonable limits on the Postal Service's financial planning.

Mr. President, the overriding reason for defeating the Hollings substitute is that, if it is enacted, it will be vetoed. Thus, nothing will have been done to solve today's real and pressing postal problems. Beyond that, the Hollings amendments would, in my view, place the Postal Service in a position less favorable to the accomplishment of its goals than the one it occupied before the Postal Reorganization Act. The system proposed by the Hollings substitute simply will not work; it would require early corrective legislation. H.R. 8603, on the other hand, leads us through the current financial thicket and points the way to informed fine-tuning legislation under the next President.

ADDITIONAL STATEMENTS SUBMITTED

Mr. PERCY. Mr. President, I rise in support of the committee bill, H.R. 8603, with mixed feelings. Immediate passage of this bill is necessary to the stability of the Postal Service, but I regret that such a measure is necessary at all.

I voted for the Postal Reorganization Act of 1970 in the hope that it would correct the problems of the postal system and improve its efficiency. Based on my own experience of 25 years in private industry, I was encouraged by the act's establishment of a management structure patterned on the corporate form, with a Board of Governors determining policy and the Postmaster General as chief management official, together responsible for operating the Postal Service in a business-like fashion. The USPS was to pay its own way, with the exception of a small subsidy to be appropriated annually by the Congress to pay for the so-called "public service" function of the Service.

Mr. President, by no stretch of the imagination is the additional $1 billion we are considering here today a "small" subsidy. By no stretch of the imagination is the Postal Service close to paying its own way, nor is the American public close to being satisfied with the quality of its performance—my own mail from Illinois indicates that public patience is wearing thin. Six years after the establishment of the Postal Service, we are still waiting for our expectations to be realized. By creating an independent postal operation, we have by no means forfeited our right to demand efficient mail service.

There are countless, legitimate complaints about lost or delayed mail and damaged packages. Expensive machinery fails to work while clearly marked letters are sent to the wrong city. The immense volume of mail—89 billion pieces in 1975 alone—makes a large number of mistakes inevitable in many cases.

We cannot, however, lay all the blame at the feet of bad management and leave it at that. As popular as it is in an election year to knock the Postal Service, it is nonetheless unfair to say that the system established in 1970 is no good. Certainly, two of the most significant setbacks to Postal Service financial stability were beyond the ability of even the most enlightened management to rise above:

One, the inflation of the mid-1970's and its two aggravating component factors—the increased price of energy, which has direct impact on the cost of a transportation system intrinsic to mail delivery; and the cost of labor, representing 86 percent of total postal expenses, increased by an automatic cost-of-living escalator tied to the Consumer Price Index, and

Two, The concomitant recession which caused, for the first time since World War II, a decline in mail volume as businesses turned to less costly communications alternatives. For the USPS, volume declined but costs continued to rise.

The legislation before us, as reported by the Post Office Committee, is designed to meet the urgent financial needs created in part by the circumstances I have already mentioned. More importantly, it provides a vehicle in the form of a study commission for immediately determining the future directions the Service must take to achieve financial stability and improvements in service. It also protects the consumer, at least temporarily, from arbitrary cutbacks in service, including the closing of small, rural post offices, until an overall plan for the economic functioning of the Postal Service can be developed.

Several amendments will be offered during the debate which deal with changes in current procedure in the Postal Service or which implement long-range modifications in the structure of the American postal system. Because I believe that H.R. 8603 should be passed as quickly as possible in order for the study commission to begin its work, I will vote against these amendments without prejudice to their merit, with the expectation that they will be more fully considered as part of a comprehensive package based on the recommendations of the commission next year.

I do plan, however, to support a simple amendment relating to the membership of the study commission, one that would assure that a consumer representative is appointed. It is imperative that the ordinary mail user be represented in order for the study to be complete.

Mr. President, I regret that this bill is necessary, and that the Treasury and the taxpayer shall have to be burdened with an additional $1 billion subsidy when the consumer has already borne the cost of inflation to the mail service by paying increased first class postage rates and been frustrated by the prospect of less service, not more, in return for the increased payments. But, in spite of the problems of the USPS, the mail must go through. Even though the day-to-day business of moving the mails has been delegated to a quasi-independent corporation, the ultimate responsibility lies with the Federal Government.

The Post Office Committee has come up with a measure as reasonable and workable as possible under the circumstances and I commend the distinguished chairman and members of the committee for their diligent efforts. I understand that it has been carefully worked out among all those who have a commitment to the stability of the Postal Service and I give it my own support in the hope that no such future assistance will be necessary.

I will vote for this measure with the expectation that the study commission will come up with solid answers and recommendations and that the congressional committees involved will give them the highest priority. The Congress and the American people deserve to know as quickly as possible:

Whether or not the basic concept of an independent Postal Service, as we envisioned it in 1970, is still valid;

Whether or not there are alternatives or supplements to the present system capable of providing an expanded variety of services to the consumer without undue cost increases or cutbacks in other areas; and

Whether or not we have become accustomed to postal service we can no longer afford in today's world.

MONS 030058

Armed with that knowledge, we can make the right decisions for the future and determine whether we can continue to maintain our mail service as it was portrayed by the great 19th century orator, Edward Everett:

> When I contemplate the extent to which the moral sentiments, the intelligence, the affections of so many millions of people—sealed up by a sacred charm within the cover of a letter—daily circulate through a country, I am compelled to regard the Post-office . . . as the right arm of our modern civilization.

Mr. STEVENS. Mr. President, the 91st Congress passed the most significant piece of postal legislation in over 100 years with the Postal Reorganization Act of 1970. It was essential that something be done to stem what Postmaster General Lawrence O'Brien termed the "race with catastrophe" faced by the old U.S. Post Office Department.

To meet that problem, the Congress, on the recommendation of a special postal commission, and after exhaustive hearings, established the independent U.S. Postal Service. The basic objective of the U.S. Postal Service was to provide quality mail service at reasonable and equitable rates to attain financial self-sufficiency by 1984, and at the same time provide fair compensation and fair treatment of postal employees. We all had high hopes that with the application of modern business methods and the elimination of partisan politics in the Postal Service, these goals could be attained. The very fact that we are now debating H.R. 8603, the first major piece of postal legislation since 1970, is evident that these hopes have not been realized. The fact that the U.S. Postal Service is in grave financial straits is not debatable.

There are some who maintain that the financial plight of the U.S. Postal Service is the result of an inherent structural weakness of the U.S. Postal Service, and therefore we should take this opportunity to significantly alter its structure. I do not agree. I want to remind my colleagues that when the U.S. Postal Service was conceived it replaced an organization which included a management system that rendered impotent those in positions of responsibility, it inherited an antiquated physical plan incapable of handling the ever-increasing volume of mail, it experienced a lack of mechanization necessitating vast armies of people to move the mail, and its work force suffered from poor pay, poor working conditions, poor career opportunity, and poor morale.

Turning around an organization which operates 40,000 offices, stations and branches, delivers and processes almost 90 billion pieces of mail yearly to well over 70,000 delivery points, employs 700,000 individuals, uses almost a quarter of a million vehicles on a budget of over $15 billion is not an easy task. Postal management has had over 5 years to accomplish this feat, but the prior organization had 195 years of existence. Despite the magnitude of the past problems and the size of the organization requiring the turnaround, we were optimistic and expected, indeed provided in the law, that the U.S. Postal Service would break even financially and thus would no longer be a burden to the taxpayers of this Nation. That forecast does not now look bright, for an unfunny thing happened on the way to financial independence—double digit inflation.

This inflation, caused in great part by the increase in oil prices, ate up postal revenues at an unprecedented rate.

The cost of living increases for postal workers alone have cost the USPS almost $1 billion in the past 2 years. For each 1 cent increase in the price of a gallon of gasoline, $3.5 million in direct costs per year is added to the budget of the U.S. Postal Service.

This double digit inflation necessitated increasing postal rates. These rate increases, coupled with a down-turn in business activities, have resulted in a decreasing mail volume for the first time since the 1930's. The increase in cost and the decrease in volume has again necessitated the need for further rate increases. This is a vicious cycle one which the U.S. Postal Service cannot live with nor can the American public accept. And I am confident that the American public will not allow it to continue. The bill we are discussing today, H.R. 8603, will help break that cycle.

It is the financial picture of the U.S. Postal Service that is the prime concern of the members of the Senate Post Office and Civil Service Committee, and it is the main thrust of this bill. In 1972, the Postal Service deficit was $175 million. In 1975, it was $980 million for a cumulative deficit of $1.6 billion. The future financial picture looks even bleaker. A deficit of $1.5 billion was estimated for fiscal year 1979 and a $1,055,000 shortfall is expected for fiscal year 1977. In 1971, the U.S. Postal Service had assets of $3.4 billion. It will have a negative equity of $2.8 billion by the end of fiscal year 1977. This is an accumulative operating deficit of $6.5 billion. If the U.S. Postal Service was in fact a private business, it would be bankrupt.

Somehow the U.S. Postal Service must meet this financial crunch. It must put its financial picture in order. It can do it alone in a number of ways, none of which would be pleasant. Some, however, are more unpleasant than others. For example, the Postal Service could increase postal rates to meet its financial needs. The postal rates have already increased 30 percent since August of 1974. When one considers that Sweden and Switzerland have each raised their postal rates 33 percent and the Netherlands 37 percent, France 60 percent, England 89 percent, Japan 150 percent, and Australia 167 percent in the same time period, the 30 percent increase does not seem all that out of line.

But I am not convinced that every American is going to look at an increase in those terms. The Postal Reorganization Act of 1970 stresses that postal rates should be reasonable. Increased postal rates alone will not answer the financial plight of the Postal Service, and I do not believe that the public will accept the prospect of a 24 cents postage stamp for a first class letter, which according to the General Accounting Office would be necessary by 1984 to solve the current financial crunch and allow the Postal Service to be financially self-sufficient.

A second possible solution to the financial problems of the Postal Service is to cut operating costs, and therefore cut services. There have been suggestions that Saturday mail delivery be eliminated, that in fact mail could be delivered 3 days per week in the larger populated areas and 2 days per week in the rural areas. It has been suggested that 12,000 post offices, stations, and branch offices be closed or consolidated. It has also been suggested that the door-to-door delivery service now enjoyed by many Americans be eliminated and be replaced by curb-side or corner cluster boxes.

Even with these drastic service cutbacks, it is questionable whether or not the Postal Service would save enough to wipe out this year's deficit. There is no doubt, however, that these cost-cutting measures would be unacceptable to the American public, and they are certainly unacceptable to me. There is no question that such cutbacks would be contrary to the intent of the Postal Reorganization Act of 1970.

A third choice available without H.R. 8603 would be a combination of one and two, raising rates and effecting cost-cutting measures. Yet I am not even sure moderate rate increases coupled with moderate service cuts would be acceptable to the American public. The prospect of raising postal rates to any significant degree is a chilling one. Recent experience has shown that further rate increases could affect mail volume, and postal rate increases have already affected mail volume. Even though there is no consensus regarding the elasticity or inelasticity of demand for postal services, mail volume did fall in fiscal year 1975 for the first time in modern history. In his 1975 report, the Postmaster General stated that: "This development demands attention—we are aware that postage rates may be reaching a point where price is causing mail users to increase their use of competitive means of distribution or electronic communications."

The whole question of electronic communications and technological advancement is of particular concern to me and is critical to Members of Congress who represent rural constituents. If rural America is dependent upon the Postal Service and the metropolitan areas become dependent upon computer and telecommunications services, rural America unless protected by a viable and financially sound Postal Service could lose out on its ability to communicate. The urban areas will be in a position where they will more and more refuse to accept the postage stamp/postage rate concept resulting in a total deterioration of existing communications systems via the postal systems for rural areas.

I intend to pursue this matter with the Office of Technology Assessment and the U.S. Postal Service to find out just what impact modern technological communications may have on the future of

MONS 030059

application, provided that the party also deposits a declaration of provisional application of the Protocol for the third extension of the Wheat Trade Convention, 1971, unless it is already a party to that Protocol or has already deposited a declaration of provisional application of that Protocol. Any such party depositing such a declaration shall provisionally apply this Protocol and be provisionally regarded as a party thereto.

ARTICLE IX

ENTRY INTO FORCE

(1) This Protocol shall enter into force for those parties that have deposited instruments of ratification, acceptance, approval, conclusion or accession

(a) on 19 June 1976 with respect to all provisions other than Article II of the Convention and Article III of the Protocol, and

(b) on 1 July 1976 with respect to Article II of the Convention and Article III of the Protocol

provided that all parties listed in paragraph (1) of Article V of this Protocol have deposited such instruments or a declaration of provisional application by 18 June 1976 and that the Protocol for the third extension of the Wheat Trade Convention, 1971 is in force. For any other party that deposits an instrument of ratification, acceptance, approval, conclusion or accession after the entry into force of the Protocol, this Protocol shall enter into force on the date of such deposit.

(2) If this Protocol does not enter into force in accordance with the provisions of paragraph (1) of this Article, the parties which by 18 June 1976 have deposited instruments of ratification, acceptance, approval, conclusion or accession, or declarations of provisional application may decide by mutual consent that it shall enter into force among those parties that have deposited instruments of ratification, acceptance, approval, conclusion or accession, or declarations of provisional application, provided that the Protocol for the third extension of the Wheat Trade Convention, 1971 is in force, or they may take whatever other action they consider the situation requires.

ARTICLE X

NOTIFICATION BY DEPOSITARY GOVERNMENT

The Government of the United States of America as the depositary Government shall notify all signatory and acceding parties of each signature, ratification, acceptance, approval, conclusion, provisional application of, and accession to this Protocol.

ARTICLE XI

CERTIFIED COPY OF THE PROTOCOL

As soon as possible after the definitive entry into force of this Protocol, the depositary Government shall send a certified copy of this Protocol in the English, French, Russian and Spanish languages to the Secretary-General of the United Nations for registration in accordance with Article 102 of the Charter of the United Nations. Any amendments to this Protocol shall likewise be communicated.

ARTICLE XII

RELATIONSHIP OF PREAMBLE TO PROTOCOL

This Protocol includes the Preamble to the Protocols for the third extension of the International Wheat Agreement, 1971.

In witness whereof the undersigned, having been duly authorized to this effect by their respective Governments or authorities, have signed this Protocol on the dates appearing opposite their signatures.

The texts of this Protocol in the English, French, Russian and Spanish languages shall all be equally authentic. The originals shall be deposited with the Government of the United States of America, which shall transmit certified copies thereof to each signatory and acceding party.

The ACTING PRESIDENT pro tempore. Does the distinguished Senator from Alabama wish both of these calendar orders considered together with one vote?

Mr. SPARKMAN. Yes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that both treaties be considered as having passed through the various parliamentary stages up to the presentation of the resolutions of ratification thereon and that there be one vote on the two treaties to count as two votes, and that the voting time be 2 o'clock today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The resolutions of ratification of Executive H, 94th Congress, 2d session, and Executive I, 94th Congress, 2d session, will be read.

The legislative clerk read as follows:

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to ratification of the International Coffee Agreement, 1976, which was open for signature at United Nations Headquarters from January 31 through July 31, 1976, and signed by the United States on February 27, 1976 (Executive H, Ninety-fourth Congress, second session).

Resolved, (two-thirds of the Senators present concurring therein), That the Senate advise and consent to ratification of the Protocols for the Third Extension of the Wheat Trade Convention and Food Aid Convention constituting the International Wheat Agreement, 1971, open for signature in Washington from March 17 through April 7, 1976. (Executive I, Ninety-fourth Congress, second session.)

Mr. SPARKMAN. Mr. President, the Senate has before it today the question of giving its advice and consent to ratification of two International commodity agreements: The International Coffee Agreement—Executive H, 94-2—and the International Wheat Agreement—Executive I, 94-2. Both agreements provide for the membership by the United States in organizations to which we have belonged for some years. In the view of the Committee on Foreign Relations, neither agreement is a matter of controversy.

To take the Wheat Agreement first, since it is the simpler question, the two protocols to be accepted through one resolution of ratification merely provide for the continuation of our participation in the Wheat Trade Convention and Food Aid Convention. In the first case, the Wheat Trade Convention does not contain any provisions on maximum and minimum prices, or on purchase and supply obligations. In the second case, the U.S. contributions under the Food Aid Convention would be within the range of what the United States would be providing even without the convention.

In short, the Wheat Agreement simply provides for a 2-year extension of U.S. membership while efforts go forward to negotiate a more comprehensive international agreement.

The Coffee Agreement is somewhat more complicated in character, but it is basically also a continuation of the current situation. Again, there is no set price and no effort at indexation of prices in the agreement. Instead, it uses export quotas in times of price declines and provides incentives for exporting countries to stock coffee to cover short-term supply interruptions. There is, of course, a highly unusual situation at present because of the severe frost in Brazil, which during the past year caused a severe shortage of the commodity and a dramatic increase in its cost. It will take at least 3 years to recover fully from this drop in production.

In this last connection, the Coffee Agreement is valid for a period of 6 years, but it has a renewal clause at the end of the first 3 years. In other words, the United States and all other member countries will have the opportunity to drop out of the agreement automatically at the end of 3 years if renewal is not certified. This gives time for all members to assess the situation following a hoped-for return to the normal situation with respect to Brazilian coffee.

Finally, Mr. President, I would stress the fact that the annual cost to the United States for participation in the two agreements will amount to a few hundred thousand dollars. There is a provision for exporting countries to contribute to a promotion fund which they themselves will subsidize. And it is arguable that such a cost will be passed along to the consumers. On the other hand, it is hard to see that such a cost would go beyond something like a penny per pound. Considering the current price of a pound of coffee, it is hard to believe that consumers throughout the world will be seriously disturbed by any such development.

In sum, especially in view of the lack of controversy on these issues during the consideration by the Committee on Foreign Relations, I can recommend strongly that the Senate give its advice and consent to ratification of the agreements before us.

Mr. President, both these agreements we are now considering represent a continuation of existing agreements. They have been considered by the Foreign Relations Committee. The Foreign Relations Committee has reported both of them unanimously.

The ACTING PRESIDENT pro tempore. The question is on agreeing to Calendar No. 7, the International Coffee Agreement, 1976, and Calendar No. 9, the protocols for the third extension of the Wheat Trade Convention and Food Aid Convention constituting the International Wheat Agreement, 1971, and by previous order there will be one vote on the agreement and the protocols at 2 o'clock.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The ACTING PRESIDENT pro tempore. At 2 o'clock, a single vote will be had on both treaties.

LEGISLATIVE BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate

MONS 029864

return to the consideration of legislative business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. The Chair recognizes the distinguished Senator from North Carolina (Mr. HELMS).

PRIVILEGE OF THE FLOOR—H.R. 8603

Mr. HELMS. Mr. President, I ask unanimous consent that Mr. Carl Anderson and Dick Bryan be granted privilege of the floor during consideration of H.R. 8603 and any votes thereon.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT RECEIVED DURING ADJOURNMENT

Under authority of the order of August 10, 1976, messages from the President of the United States were received on August 12, 1976, submitting sundry nominations, which were referred to the appropriate committees.

(The nominations received on August 12, 1976, are printed at the end of today's Senate proceedings.)

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Roddy, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

ESSENTIAL NATIONAL DEFENSE PROGRAMS—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States:

To the Congress of the United States:

My total fiscal year 1977 Budget request for national defense, including amendments, is $114.9 billion in budget authority. This budget request is based upon a careful assessment of the international situation and of the contingencies we must be prepared to meet. The request is substantial, as it must be to provide what is necessary for our national security.

When I submitted my budget last January, I pointed out that the request might need to be increased for three reasons: (1) in the event that the Congress did not approve legislative proposals necessary to reduce spending in lower-priority areas involving manpower and related costs and sale of unneeded items from the stockpile; (2) in the shipbuilding area, where a National Security Council study then under way, could lead to an increase in the shipbuilding budget; and (3) a possible increase later in the year depending on the progress of the SALT II negotiations and our continuing assessment of Soviet ICBM programs. Indeed, there have been changes in these areas and they have been reflected in my revised budget request.

On July 14, 1976, I approved legislation authorizing 1977 appropriations for procurement and for research and development programs. At that time I indicated that in a number of important respects the Congress has not fully faced up to the Nation's needs. First, the Congress has not approved a number of essential Defense programs. Second, the Congress has added programs and funds which are of a lower priority. Finally, the Congress has not yet acted upon certain of my legislative proposals which are necessary to restrain manpower cost growth and to achieve other economies. These three areas require remedial action by the Congress.

Therefore, today I am advising the Congress that failure to take the necessary remedial actions will result in a revised 1977 estimate for National Defense of $116.3 billion. This revised estimate reflects the following adjustments:

	Budget authority
[In billions]	
Amended budget request	$114.9
Congressional adjustments, net	−1.8
Congressional action to date	113.1
Adjustments in this message:	
(a) Resubmission of congressional authorization reductions	+2.4
(b) Deletion of programs added by Congress	−.6
(c) Congressional inaction on defense management economies	+1.4
(d) Additional recurring requirements ($39 million)	
Revised national defense estimate	116.3

RESUBMISSION OF CONGRESSIONAL AUTHORIZATION REDUCTIONS

I am having resubmitted authorization requests for $2.4 billion in program reductions imposed by the Congress.

Shipbuilding. Congress has not thus far authorized $1.7 billion requested for new ship programs that are needed to strengthen our maritime capabilities and assure freedom of the seas. In particular, funds have been denied for the lead ships for two essential production programs—the nuclear strike cruiser and the conventionally-powered AEGIS destroyer—and for four modern frigates. The 1977 program was proposed as the first step of a sustained effort to assure that the United States, along with our allies, can maintain maritime defense, deterrence, and freedom of the seas. Therefore, I am submitting a supplemental authorization request for 1977 to provide for these ships as well as for the research and development to upgrade U.S. ship capabilities in the near-term and to create longer-term alternatives to conventional surface forces.

Other Programs. The Congress has also failed to authorize over $900 million requested for other Defense procurement accepted due to fact-of-life program While some of these adjustments can be accepted due to fact-of-life program developments, I must request a supplemental authorization of $759 million for programs which are urgently needed. In particular, I reaffirm the need for the following programs, and request restoration of the indicated amounts to the Authorization Act:

—$19 million for the Defense Agencies research and development appropriation, principally to provide the needed resources for the Defense Advanced Research Projects Agency.

—$20 million for civil aircraft modifications, clearly the most cost-effective option for enhancing our airlift capability. These modifications should be a part of any airlift improvement program, and the needed funds should not be denied while other airlift improvements are under consideration.

—$171 million for the Air Force research and development appropriation. Our most urgent needs here include funds for the MAVERICK missile needed to start engineering development for advanced warhead and single rail launcher and advanced ICBM technology funds needed to identify the most cost-effective option for full-scale development.

—$136 million for the F-16 fighter aircraft, to provide full funding for 1977 in accordance with sound budgetary principles. Since Congress approved the full program, this cut is illusory and would serve only to complicate management and make potential foreign buyers less confident of this program.

—$122 million for the Army research and development appropriation to cover urgent programs such as the STINGER missile, where the Authorization Act would impair the development effort for an improved target-seeking technique. This effort is critical to achieving the needed improvements over the current REDEYE missile.

—$211 million for the Navy research and development appropriation to provide what is needed for several essential programs, in particular the Navy cruise missile program. The Authorization Act would prevent our moving forward at the pace needed to assure that sub and surface launch options can be operational by 1980.

—$66 million for production of the CS-3A carrier delivery aircraft, necessary to replace aging aircraft and to provide the necessary numbers of aircraft with sufficient operating range to support our carrier forces. The Authorization Act does not meet our military needs, and would provide an uneconomical production rate.

—$15 million for the MK-36 mobile target, critically needed for anti-submarine warfare training.

MONS 029865

PROGRAMS AHEAD BY CONGRESS

While the Congress disapproved several programs which are essential to our national security, $1.1 billion was added to the budget request for items for which I did not request funds for 1977. Although I continue to believe that all of these programs are unnecessary at the present time, I specifically urge the Congress to delete $584 million for the following programs:

—Conversion of the cruiser *Long Beach* ($171 million) which can readily be postponed.

—Repair and modernization of the cruiser *Belknap* ($213 million) damaged in a collision, for which funds should be authorized in the Transition Quarter as I have requested.

I proposed that Congress authorize funds for repair of the *Belknap* in the current transition quarter, and delete the funds for the *Long Beach*, which is of lower priority than the conventionally powered *Aegis* destroyer and the *Strike* Cruiser which the Congress reduced. If the Congress does not act favorably upon this request, funds would have to be added on top of my revised 1977 Defense budget request.

CONGRESSIONAL INACTION ON DEFENSE MANAGEMENT ECONOMIES

My 1977 Defense budget estimates were based upon the assumption that the Congress would act favorably upon a number of specific legislative proposals, thereby achieving major economies. These savings involve pay costs and related compensation areas and sales of certain materials from the national stockpile.

In these areas alone, the budget reflected savings of $4.0 billion for FY 1977. For the five-year period FY 1977–81, my proposals would save $27 billion. Of these savings, nearly $11 billion can be realized by administrative action in revising the pay comparability process for general schedule and military personnel. I am taking the required actions. Over $16 billion of the savings are dependent upon Congressional action, however, and these are the items which I wish to address. Let me summarize these savings proposals requiring action by the Congress:

—$4.7 billion (including $376 million in FY 1977) would result from revisions in the Federal wage board pay system to provide pay rates that are truly comparable with those in the private sector.

—$1.1 billion (including $163 million in FY 1977) would result from changing pay practices in the Reserve and National Guard, modifying training and assignment policies, and transferring 44,500 Naval reservists to a different pay category. My proposals provide the levels of reserve readiness needed, and they are equitable.

—$1.7 billion (including $61 million in FY 1977) would result from holding future increases in military retired pay to changes in the cost of living, eliminating the additional increment which present law provides. I am aware that the Congress has approved this change for military retirees *contingent* upon Congressional approval of this change for civilian retirees as well.

—$1.4 billion (including $92 million in FY 1977) would result from reducing the subsidy in military commissaries on a phased basis, while still providing much lower prices than are available in commercial stores. This proposal is entirely equitable considering current levels of military compensation and other relevant factors.

—$2.6 billion (including $746 million in FY 1977) would result from sale of items from the national stockpile, which are excess to our requirements.

—$4.7 billion (including $384 million in FY 1977) would result from a number of proposals which appear to be well on their way to enactment. These include employment cutbacks, a move toward a fair-market-rental-system for military personnel, and revisions in certain payments for leave.

I am deeply concerned by the apparent intent to reject a large portion of these proposed savings, and to make up the difference by cutbacks in urgently-needed defense programs. The conference report on the first budget resolution states, in fact, that other defense cuts will be made if these proposed savings cannot be realized. This would be a totally unwarranted course of action. If Congress is unwilling to enact the necessary changes to end these unjustifiable outlays, then we must pay for these items from our pocketbooks—not by slashing our national security. We simply cannot sacrifice our national security to provide for unproductive fringe items and unwarranted levels of compensation.

Once again I urge the Congress to take the necessary actions I have proposed in order to achieve real economies in the national defense program, and not to add the new requirements now under consideration. While I am not now requesting additional appropriations for these items, I want to make it clear that if the Congress fails to take the proper action, I will request again that the additional appropriations be provided. Failure to do so would result in an unbalanced national defense program.

ADDITIONAL REQUIREMENTS

Finally, I have approved an amendment in the amount of $35 million to the 1977 Defense budget to provide additional funds for enlistment bonuses to recruit the required numbers of high school graduates for the Army. Recruiting success, particularly as measured in terms of quality, has proven to be sensitive to the level of resources available, and any significant reduction of resources reduces program effectiveness in the long run. We must reverse the recent practice of curtailing budget dollars devoted to recruiting and invest this amount as a contribution towards the relatively small additional resources necessary to maintain a successful program over the long term.

SUBMISSION OF LEGISLATIVE PROPOSALS AND APPROPRIATION REQUESTS

Proposals for authorizing legislation and appropriation requests will be submitted to the Congress as necessary to provide for these requirements. Requests covering weapons procurement, RDT&E and recruiting activities are being transmitted now. The remainder of the additional appropriation requests—principally those relating to the compensation area—will, in accordance with the normal budgetary cycle, be transmitted in January 1977. There is yet time for the Congress to act upon my restraint proposals so that this large additional January submission will not be necessary. Once again, I urge the Congress to act. If the Congress does not take the necessary action, the additional funds will be required and I will request that the Congress provide them.

In withholding my approval from the Military Construction Authorization Bill (H.R. 12384), I noted several points that are also germane here. Section 612 of that bill would impose severe restrictions and delays upon base closures or employment reductions at certain military installations. As I stated at that time, the Nation's taxpayers rightly expect the most defense possible for their tax dollars. Provisions such as Section 612 would add arbitrarily and unnecessarily to the tax burden of the American people. We must have the latitude to take actions to cut unnecessary defense spending and personnel. Congress should reenact this otherwise acceptable legislation without the objectionable base closure provision.

As I have consistently indicated, I am determined that the national security efforts of the United States shall be fully adequate. This message indicates what is necessary to ensure that adequacy. It is up to the Congress to act promptly to provide the resources to do the job.

GERALD R. FORD.

THE WHITE HOUSE, *August 23, 1976.*

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the message from the President relative to national defense be referred jointly to the Committee on Appropriations, the Committee on Armed Services, and the Committee on the Budget.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPROVAL OF BILLS

A message from the President of the United States announced that he had approved and signed the following bills:

On August 12, 1976:

S. 537. An act to improve judicial machinery by amending the requirement for a three-judge court in certain cases and for other purposes;

S. 3580. An act to designate the Federal office building located in Manchester, New Hampshire, as the "Norris Cotton Building"; and

S. 3786. An act to amend the Public Health Service Act to authorize the establishment and implementation of an emergency national swine flu immunization program and to provide an exclusive remedy for personal injury or death arising out of the manufacture, distribution, or administration of the swine flu vaccine under such program.

On August 13, 1976:

S. 1529. An act to make additional funds available for purposes of certain public lands in northern Minnesota, and for other purposes.

MONS 029866

On August 14, 1976:

S. 1609. An act to amend the Pennsylvania Avenue Development Corporation Act of 1972 (Public Law 93-578), as amended.

On August 19, 1976:

S. 2642. An act to provide for the establishment of the Ninety Six National Historic Site in the State of South Carolina, and for other purposes.

MESSAGES FROM THE HOUSE RECEIVED DURING ADJOURNMENT

Under authority of the order of August 10, 1976, a message from the House of Representatives was received on August 10, 1976, stating that the House agreed to the amendments of the Senate to the amendments of the House to the bill (S. 2642) to authorize the Secretary of the Interior to establish the Ninety Six and Star Fort National Historic Site in the State of South Carolina, and for other purposes.

The message also stated that the House agreed to the amendments of the Senate to the bill (H.R. 13359) to authorize loan funds for the government of the Virgin Islands, and for other purposes.

On August 11, 1976, a message from the House of Representatives stated that the House passed without amendment the bill (S. 3735) to amend the Public Health Service Act to authorize the establishment and implementation of an emergency national swine flu immunization program and to provide an exclusive remedy for personal injury or death arising out of the manufacture, distribution, or administration of the swine flu vaccine under such program.

The message also stated that the House agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 14232) making appropriations for the Departments of Labor, and Health, Education, and Welfare, and related agencies, for the fiscal year ending September 30, 1977, and for other purposes; that the House receded from its disagreement to Senate amendments Nos. 41 and 55 and concurs therein; that the House receded from its disagreement to Senate amendments Nos. 4, 8, 13, 36, and 48, and concurs therein, each with an amendment in which it requests the concurrence of the Senate; and that the House insists upon its disagreement to Senate amendment No. 68.

ENROLLED BILLS AND JOINT RESOLUTION SIGNED

The message further stated that the Speaker had signed the following enrolled bills and joint resolutions:

S. 2642. An act to provide for the establishment of the Ninety-Six National Historic Site in the State of South Carolina, and for other purposes;

S. 3735. An act to amend the Public Health Service Act to authorize the establishment and implementation of an emergency national swine flu immunization program and to provide an exclusive remedy for personal injury or death arising out of the manufacture, distribution, or administration of the swine flu vaccine under such program;

H.R. 1403. An act for the relief of John W. Hollis;

H.R. 5782. An act for the relief of Lucie Stein;

H.R. 6136. An act for the relief of Wailma T. Thompson;

H.R. 7896. An act to amend sections 2734a (a) of title 10, United States Code, to provide for settlement, under international agreements of certain claims incident to the noncombat activities of the Armed Forces, and for other purposes;

H.R. 9414. An act for the relief of TV Facts, Rochester, N.Y.

H.R. 9985. An act for the relief of Boulder Daily Camera, Boulder, Colo.;

H.R. 10274. An act to amend section 2301 of title 44, United States Code, to change the membership of the National Archives Trust Fund Board;

H.R. 13160. An act to amend the Federal Energy Administration Act of 1974 to extend the duration of authorities under such act; to provide an incentive for domestic production; to provide for electric utility rate design initiatives; to provide for energy conservation standards for new buildings; to provide for energy conservation assistance for existing buildings and industrial plants; and for other purposes;

H.R. 13859. An act to authorize the government of the Virgin Islands to issue bonds in anticipation of revenue receipts and to authorize the guarantee of such bonds by the United States under specified conditions, and for other purposes; and

H.J. Res. 738. Joint resolution providing for Federal participation in preserving the Tule elk population in California.

The enrolled bills and joint resolution were signed by the Acting President pro tempore (Mr. METCALF) on August 11, 1976.

MESSAGES FROM THE HOUSE

At 1:35 p.m., a message from the House of Representatives delivered by Mr. Hackney, one of its clerks, announced that the House disagrees to the amendments of the Senate to the bill (H.R. 10339) to encourage the direct marketing of agricultural commodities from farmers to consumers; requests a conference with the Senate on the disagreeing votes of the two Houses thereon; and that Mr. VIGORITO, Mr. POAGE, Mr. BERGLAND, Mr. BROWN of California, Mr. RICHMOND, Mr. FINDLEY, and Mr. JOHNSON of Colorado were appointed managers of the conference on the part of the House.

The message also announced that the House disagrees to the amendments of the Senate to the bill (H.R. 10612) to reform the tax laws of the United States; agrees to the conference requested by the Senate on the disagreeing votes of the two Houses thereon; and that Mr. ULLMAN, Mr. BURKE of Massachusetts, Mr. ROSTENKOWSKI, Mr. LANGEN, Mr. VANIK, Mr. SCHNEEBELI, and Mr. CONABLE were appointed managers of the conference on the part of the House.

The message further announced that the House has passed the bill (H.R. 13372) to amend the Wild and Scenic Rivers Act (82 Stat. 906; 16 U.S.C. 127), and for other purposes, in which it requests the concurrence of the Senate.

At 4:20 p.m., a message from the House of Representatives delivered by Mr. Berry, one of its clerks, announced that the House agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 11009) to provide for an independent audit of the financial condition of the government of the District of Columbia.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The PRESIDING OFFICER laid before the Senate the following letters, which were referred as indicated:

AGREEMENTS BETWEEN THE UNITED STATES AND ITS NATO ALLIES

A confidential letter providing information required by the Department of Defense Appropriation Authorization Act, 1977, relative to four "offset" agreements between the United States and its NATO allies, signed by the Director, Defense Security Assistance Agency (with accompanying papers); to the Committee on Armed Services.

REPORTS OF THE COMPTROLLER GENERAL

Two letters from the Comptroller General each transmitting a secret report; one describing the current capabilities, problems, and status of the Navy's F-14A/Phoenix weapon system; and one relating to a study of the research and development of high-energy lasers and their use for developing weapon systems (with accompanying reports); to the Committee on Government Operations.

REPORTS OF THE DEPARTMENT OF DEFENSE

A letter from the Assistant Secretary of Defense transmitting 43 secret Selected Acquisition Reports for the quarter ending June 30, 1976 (with accompanying reports); to the Committee on Armed Services.

REPORT OF THE ENVIRONMENTAL PROTECTION AGENCY

A letter from the Assistant Administrator of the Environmental Protection Agency reporting, pursuant to law, on the number of employees and grades employed by the Agency on June 30, 1975, and on June 30, 1976.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a communication transmitted by the Assistant Administrator for Planning and Management, U.S. Environmental Protection Agency, as required by section 1210 of the Supplemental Appropriation Act of 1962, be referred jointly to the Committee on Post Office and Civil Service, and the Committee on Appropriations.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTERCHANGE OF CERTAIN LANDS OF THE DEPARTMENT OF THE ARMY AND THE DEPARTMENT OF AGRICULTURE

A letter from the Secretary of the Army and the Secretary of Agriculture giving notice of the intention of the Departments to interchange certain lands (with accompanying papers).

Mr. MANSFIELD. Mr. President, I ask unanimous consent that a communication transmitted by the Secretary of the Army and the Secretary of Agriculture relative to the intention of the Departments of Army and Agriculture to interchange lands, improvements and jurisdictions located at Leech Lake Reservoir Project, Minnesota, be referred jointly to the Committee on Armed Services and the Committee on Agriculture and Forestry.

MONS 029867

The PRESIDING OFFICER. Without objection, it is so ordered.

REPORTS OF THE SECRETARY OF DEFENSE

A letter from the Secretary of Defense transmitting two reports of violations of the Anti-Deficiency Act (with accompanying reports); to the Committee on Appropriations.

APPROVAL OF LOANS BY THE RURAL ELECTRIFICATION ADMINISTRATION

Two letters from the Administrator of the Rural Electrification Administration; one relating to the approval of an REA-insured loan to Plains Electric Generation and Transmission Cooperative, Inc., of Albuquerque, New Mexico; and one relating to the approval of a non-REA loan to Western Farmers Electric Cooperative of Anadarko, Oklahoma (with accompanying papers); to the Committee on Appropriations.

PROPOSED LEGISLATION BY THE SECRETARY OF DEFENSE

A letter from the Deputy Secretary of Defense transmitting a draft of proposed legislation to authorize appropriations for construction of facilities on Guam, and for other purposes (with accompanying papers); to the Committee on Armed Services.

PROPOSED LEGISLATION BY THE DEPARTMENT OF THE NAVY

A letter from the Secretary of the Navy transmitting a draft of proposed legislation to enable the Secretary of the Navy to change the name of a publication (with accompanying papers); to the Committee on Armed Services.

REPORT OF THE DEPARTMENT OF THE NAVY

A letter from the Deputy Chief of Naval Material transmitting, pursuant to law, a report of research and development procurement actions of $50,000 and over for the period July 1, 1975, through June 30, 1976 (with an accompanying report); to the Committee on Armed Services.

REPORT OF THE COST ACCOUNTING STANDARDS BOARD

A letter from the Chairman of the Cost Accounting Standards Board transmitting, pursuant to law, the report of the Board for the year ending June 30, 1976 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

REPORT OF THE EXPORT-IMPORT BANK

A letter from the Chairman of the Export-Import Bank transmitting, pursuant to law, a report on loan transactions supported by Eximbank to certain Communist countries during June 1976 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

REPORT OF THE EXPORT-IMPORT BANK

A letter from the Chairman of the Export-Import Bank transmitting, pursuant to law, a report on the actions taken by the Bank during the quarter ended June 30, 1976 (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

REPORT OF THE SECURITIES AND EXCHANGE COMMISSION

A letter from the Chairman of the Securities and Exchange Commission transmitting, pursuant to law, the third report of the Commission on the effect of the absence of fixed commission rates (with an accompanying report); to the Committee on Banking, Housing and Urban Affairs.

INTERNATIONAL AGREEMENTS OTHER THAN TREATIES

A letter dated August 11, 1976, from the Assistant Legal Adviser for Treaty Affairs of the Department of State and a letter dated August 17, 1976, from the Acting Assistant Legal Adviser for Treaty Affairs, each transmitting copies of international agreements other than treaties (with accompanying papers); to the Committee on Foreign Relations.

NOTICE OF PROPOSED RULEMAKING BY THE SECRETARY OF HEALTH, EDUCATION, AND WELFARE

A letter from the Secretary of Health, Education, and Welfare transmitting, pursuant to law, a copy of a Notice of Proposed Rule Making relating to the child support program (with accompanying papers); to the Committee on Finance.

REPORT OF THE FOREIGN CLAIMS SETTLEMENT COMMISSION

A letter from the Chairman of the Foreign Claims Settlement Commission transmitting, pursuant to law, the annual report of the Commission for the calendar year 1975 (with an accompanying report); to the Committee on Foreign Relations.

REPORT OF THE OFFICE OF MANAGEMENT AND BUDGET

A letter from the Acting Director of the Office of Management and Budget transmitting, pursuant to law, a report entitled "Cumulative Report on Rescissions and Deferrals, August 1976" (with an accompanying report); jointly, pursuant to the order of January 30, 1975, to the Committees on Appropriations, the Budget, Agriculture and Forestry, Commerce, Public Works, Labor and Public Welfare, Banking, Housing and Urban Affairs, Interior and Insular Affairs, Foreign Relations, Finance, the Judiciary, Armed Services, the District of Columbia, Government Operations, and Aeronautical and Space Sciences, and ordered to be printed.

DESIGNATION OF PORTUGAL AS BENEFICIARY DEVELOPING COUNTRY—(S. Doc. 94-350)

A letter from the President of the United States notifying the Senate, pursuant to law, of his intention to designate Portugal as a beneficiary developing country for purposes of the Generalized System of Preferences; to the Committee on Finance, and ordered to be printed.

PETITIONS

The PRESIDING OFFICER laid before the Senate the following petitions which were referred as indicated:

A resolution in tribute to Wright Patman adopted by the Credit Union National Association, Inc.; ordered to lie on the table.

House Concurrent Resolution No. 237 adopted by the Legislature of the State of Louisiana; to the Committee on the Judiciary:

"HOUSE CONCURRENT RESOLUTION No. 227

"A concurrent resolution to memorialize the Congress of the United States to exercise fiscal responsibility in the spending policies of the federal government by adhering to a balanced federal budget

"Whereas, federal budget deficits are destroying the value of the dollar and undermining the economic future of this nation and it is predicted that fifty percent of the assets of middle class Americans will be lost to inflation within the next five years at the present rate; and

"Whereas, our national debt now approaches seven hundred billion dollars and these obligations total more than twice the total gross national products of all other nations on this globe; and

"Whereas, the finances of the federal government are actually in worse condition than those of the beleaguered city of New York, while the federal government continues to incur greater deficits, and the only reason the federal government is not bankrupt is that it can print money to cover its deficits while New York City cannot; and

"Whereas fully thirty-four of the fifty states of this nation successfully operate and render necessary services to their citizens under constitutional provisions requiring that they live within their means; and

"Whereas, National Taxpayers Union, in conjunction with legislative leaders in several states, believes that the time has come to bypass Congress and convene a convention upon application of two-thirds of the state legislatures to amend the constitution in order to require a balanced federal budget; and

"Whereas, the Legislature of Louisiana, through adoption of House Concurrent Resolution No. 269 of the 1975 Regular Session, did make application to the Congress of the United States pursuant to Article V of the Constitution of the United States to call a convention for the sole and exclusive purpose of proposing an amendment to said constitution to require a balanced federal budget, thereby joining eleven other states which had previously made similar applications; and

"Whereas, the fiscally irresponsible dependence on deficit spending by government inevitably results in financial disaster, a most recent example being afforded by the plight of New York City, which has until now only narrowly averted such financial disaster.

"Therefore, be it resolved by the House of Representatives of the Legislature of Louisiana, the Senate thereof concurring, that the Legislature of Louisiana does hereby memorialize the Congress of the United States of America to exercise fiscal responsibility in the spending policies of the federal government by adhering to a balanced federal budget.

"Be it further resolved that a copy of this Resolution be transmitted to the presiding officers of the Senate and the House of Representatives of the Congress of the United States and to the members of the congressional delegation from the state of Louisiana."

REPORTS OF COMMITTEES SUBMITTED DURING ADJOURNMENT

Under authority of the order of August 10, 1976, the following reports of committees were submitted on August 20, 1976, during the adjournment of the Senate:

By Mr. PROXMIRE, from the Committee on Banking, Housing and Urban Affairs, with an amendment:

H.R. 3085. An act to require the payment of interest on certain funds of the United States held on deposit in commercial banks, to provide for reimbursement of commercial banks for services performed for the United States, and for other purposes (title amendment) (together with additional views) (Rept. No. 94-1150).

H.R. 12994. An act to promote the independence and responsibility of the Federal Reserve System (together with additional views) (Rept. No. 94-1151).

By Mr. JOHNSTON, from the Committee on Interior and Insular Affairs, with amendments:

S. 400. A bill to establish the Frederick Law Olmsted Home and Office in Brookline, Massachusetts, as a national historic site (Rept. No. 94-1152).

S.J. Res. 139. A joint resolution to authorize the Secretary of the Interior to accept St. Paul's Church, Eastchester, and for other purposes (Rept. No. 94-1156).

H.R. 13718. An act to provide for increase in appropriation ceilings and boundary changes in certain units of the National Park System, and for other purposes (Rept. No. 94-1158).

By Mr. JOHNSTON, from the Committee on Interior and Insular Affairs, without amendment:

S. 3441. A bill to authorize the Architect of the Capitol to perform certain work on and maintain the historical sections of the Congressional Cemetery for a 2-year period, and to authorize a study by the Secretary of the Interior to formulate proposals for renovation and permanent maintenance of such sections by the United States (Rept. No. 94-1154).

H.R. 10870. An act to amend the act of

MONS 029868

January 8, 1976, establishing the Canaveral National Seashore (Rept. No. 94-1157).

By Mr. GLENN, from the Committee on Interior and Insular Affairs, with amendments:

S. 3419. A bill to authorize the Secretary of the Interior to establish and operate a National Museum of Afro-American History and Culture at or near Wilberforce, Ohio (Rept. No. 94-1158).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, without amendment:

S. 3681. A bill to guarantee certain obligations of the Guam Power Authority (Rept. No. 94-1159).

By Mr. MUSKIE, from the Committee on the Budget, adversely, without amendment:

S. Res. 498. A resolution waiving section 402 (A) of the Congressional Budget Act of 1974 with respect to the consideration of H.R. 10128 (together with minority views) (Rept. No. 94-1160).

EXECUTIVE REPORTS OF THE COMMITTEE ON FOREIGN RELATIONS SUBMITTED DURING ADJOURNMENT

Under authority of the order of August 10, 1976, the following reports of the Committee on Foreign Relations were submitted by Mr. SPARKMAN:

Executive E, 94th Congress, 2d session. International Coffee Agreement, 1976, which was open for signature at United Nations Headquarters from January 31 through July 31, 1976, and signed by the United States on February 27, 1976 (Exec. Rept. No. 94-80).

Executive I, 94th Congress, 2d session. Protocols for the Third Extension of the Wheat Trade Convention and the Food Aid Convention constituting the International Wheat Agreement, 1971, open for signature in Washington from March 17 through April 7, 1976 (Exec. Rept. No. 94-81).

ENROLLED BILLS PRESENTED

The Secretary of the Senate reported that on August 11, 1976, he presented to the President of the United States the following enrolled bills:

S. 3648. An act to provide for the establishment of the Ninety-Six National Historic Site in the State of South Carolina, and for other purposes; and

S. 3786. An act to amend the Public Health Service Act to authorize the establishment and implementation of an emergency national swine flue immunization program and to provide an exclusive remedy for personal injury or death arising out of the manufacture, distribution, or administration of the swine flu vaccine under such program.

HOUSE BILL REFERRED

The bill (H.R. 13272) to amend the Wild and Scenic Rivers Act (82 Stat. 906; 16 U.S.C. 1271), and for other purposes, was read twice by its title and referred to the Committee on Interior and Insular Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as indicated:

By Mr. BUCKLEY:

S. 3756. A bill to grant a Federal charter to the International Veteran Boxers Association. Referred to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 3757. A bill for the relief of Walter Louis Moritz Lequeur and his wife Barbara Auguste Helene Koch Lequeur. Referred to the Committee on the Judiciary.

By Mr. PEARSON:

S. 3758. A bill for the relief of Dr. Naseeb A. O. Abdui-Hadi. Referred to the Committee on the Judiciary.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. BUCKLEY:

S. 3756. A bill to grant a Federal charter to the International Veteran Boxers Association. Referred to the Committee on the Judiciary.

Mr. BUCKLEY. Mr. President, I am today introducing a bill which would grant to the International Veterans Boxers Association a Federal incorporation charter. That association, which is nonprofit, nonpolitical, and nonsectarian, currently has 23 chapters—rings—located in 11 different States. The goals of the association includes the promotion of the general welfare of active and retired boxers throughout the United States, and the care of sick and disabled veteran boxers.

Currently, over 300 organizations throughout the country operate under Federal incorporation charters. The New York State Legislature has memorialized the U.S. Congress to introduce legislation to grant such a charter to the International Veteran Boxers Association; and, in view of the salutary goals of that organization, I am introducing such legislation in the hope that this request will be given full and fair consideration.

ADDITIONAL COSPONSORS

At the request of Mr. FANNIN, the Senator from Colorado (Mr. GARY HART) was added as a cosponsor of S. 3737, authorizing appropriations for certain educational programs.

AMENDMENT NO. 2155

At the request of Mr. FANNIN, the Senator from South Dakota (Mr. McGOVERN) was added as a cosponsor of amendment No. 2155, intended to be proposed to S. 2657, the Educational Amendments of 1976.

AMENDMENTS SUBMITTED FOR PRINTING

EDUCATION AMENDMENTS OF 1976—S. 2657

AMENDMENT NO. 2204

(Ordered to be printed and to lie on the table.)

Mr. McINTYRE submitted an amendment intended to be proposed by him to the bill (S. 2657) to extend the Higher Education Act of 1965, to extend and revise the Vocational Education Act of 1963, and for other purposes.

NOTICE CONCERNING NOMINATION BEFORE THE COMMITTEE ON THE JUDICIARY

Mr. EASTLAND. Mr. President, the following nomination has been referred to and is now pending before the Committee on the Judiciary: Wilfred J. Smith, of Virginia, to be a member of the Foreign Claims Settlement Commission of the United States for a term of 3 years from October 22, 1976 (reappointment).

On behalf of the Committee on the Judiciary, notice is hereby given to all persons interested in this nomination to file with the committee, in writing, on or before Monday, August 30, 1976, any representations or objections they may wish to present concerning the above nomination with a further statement whether it is their intention to appear at any hearing which may be scheduled.

ADDITIONAL STATEMENTS

THE NOMINATION OF ELLEN McCORMACK

Mr. BUCKLEY. Mr. President, during the Presidential campaigns of the last several months, there have been many memorable moments; but perhaps the outstanding instance of courage was the speech at the Democratic Party's national convention by James Killilea, a delegate from the State of Massachusetts. In nominating Ellen McCormack for the Presidency, Mr. Killilea powerfully expressed the concerns of millions of Americans, who are determined to legitimately use the electoral process as a peaceful, constructive means to end the tragedy of abortion.

Mr. Killilea's words were as strong as the necessity for them. And if they have been ignored in some quarters, I nonetheless share his confidence that they will be heard loud and clear this November. The Congress has discovered repeatedly during the last 3 years that the issue of abortion will not simply go away. Nor will those dedicated citizens for whom it represents the most important single moral issue of our time. In tribute to them, to Jim Killilea, and to one of the most remarkable women in American politics—Mrs. Ellen McCormack—I ask unanimous consent that Mr. Killilea's speech nominating her for the Presidency be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

NOMINATING SPEECH FOR ELLEN McCORMACK

I rise today to nominate a mother of four children. Her name is Ellen McCormack. Although she is not a professional politician, Ellen McCormack has been running for our party's nomination because she saw several months ago what has now actually come to pass—that the Democratic Party was in danger of becoming the party of abortion.

Those who advocate abortion often admit that it take a human life but they say it does not matter because the unborn child is very small and is totally dependent on the mother. But Ellen McCormack believes that there is no human being too small or too young or too old or too handicapped or too dependent or too anything else not to count. She has a deep conviction that our society—the richest and most powerful in all history—does not need to choose between a mother and her baby. Our country has the resources to respect the dignity of every human life—if only we care enough to do so.

Tonight marks the end of her campaign. On her behalf, I would like to give a brief report to all those who helped her in the many primaries across the country.

Unfortunately, she was not successful in

MONS 029869

preventing the Democratic Party from becoming the party of abortion. To understand why this is so, I must refer to another candidate for this nomination. I will call him Mr. X because I realize that the mention of his name would allow his supporters to spend several minutes of my time for applause and I am permitted only a few minutes to speak out. Mr. X is the man who will certainly be the nominee of the Democratic Party. He is also the man who recently ordered the Democratic Platform Committee to adopt a strong pro-abortion plank. Ironically, back in Iowa, when Mr. X was but one of many candidates, he achieved his first success in the polls by persuading those who opposed abortion that he believed in their goals. It is now clear that those of us who supported Mr. X at that time were the victims of deception—deception from a candidate who looked us straight in the face and assured us he would never tell a lie.

Nobody is certain what the motives are behind Mr. X's sudden strong advocacy of the pro-abortion position. Perhaps he believes it will help him to obtain active support from the feminist movement. Whatever his motives, Mr. X has made certain that a pro-abortion stand will be not only his view but the view of the entire Democratic Party. Thus he has disenfranchised millions of Democrats who favor the pro-life cause.

With regard to the platform, Mr. X exerted his power quickly and behind closed doors. The Democratic Party, following his command, arranged things in such a way that those who felt otherwise on abortion would have an opportunity to discuss this question on the floor of the convention. Since the delegates have not been allowed to hear any comments from those who disagree with what Mr. X has done, I would like to quote briefly from two statements that were made by prominent clergymen—one a Protestant and the other a Catholic.

Rev. Harold Brown is the Chairman of the Christian Action Council and professor of theology at Trinity Evangelical Divinity School. Like Mr. X, Rev. Brown is an Evangelical Christian. Expressing disappointment at the way in which Mr. X deceives people with his words, Rev. Brown writes—and I quote directly—

"For someone to say that he is morally opposed to abortion and then that he is against doing anything to stop the present flood of abortions is rather like Pontius Pilate's action in washing his hands at the trial of Jesus. Pilate didn't fool many people then, and this sort of thing will not fool many today. If it is true that Mr. X personally is opposed to changing the vote of several platform committee members to get a pro-abortion plank into the Democratic platform, then he is making it clear what he means when he says that his evangelical Christian commitment will not have an influence on his political conduct."

A Catholic reaction to the way in which Mr. X deceived people comes from the Rev. Edward O'Donnell. In an editorial in the St. Louis Review entitled "The Democrats Expel Catholics", Father O'Donnell writes as follows:

"The platform makes it official. The Democratic Party doesn't want Catholics. Oh, it will accept our votes. It will condescend to permit us to be poll-watchers and precinct captains. But as far as real power in the party goes, the Democrats have decided to revive the Nativist slogan: No Catholics need apply. They have read us out of the party.

. . . although not all pro-life people are Catholic, the vast majority of Catholics are pro-life. No matter—because it just doesn't make any difference to the Democratic Party what Catholics think . . .

"Don't look for a strong plank in the platform on busing, racial integration—it might offend Negro, or conservative whites. Don't look for strong planks in the platform on right to work laws, on the dissolution of ground-to-tank oil companies, or on the conflicting claims of environmentalists and energy producers. Such planks might offend people whom the Democrats consider important. But there is a plank on abortion. It can only offend Catholics—and who cares about them?"

Perhaps these voices are only isolated ones. Only time will tell. But it is important for those who oppose abortion to realize that, in officially becoming the party of abortion, the Democratic Party and Mr. X are not only saying something about themselves but they are saying something about us as well. They are saying that we do not care enough about this issue to protest what they have done. They are saying that a few soothing words will calm us down. They are saying that there are not enough of us to make any difference. Only if we prove them wrong on Election Day will they begin to move in the other direction.

There are those who say that it really does not matter if politicians deceive the public about their actual intentions. After all, they tell us, a skillful politician like Mr. X should be expected to do this. In their view, a politician is like a magician—both are in the business of deceiving people. The only difference is that the magician uses his hands to deceive while the politician uses his mouth.

But I do not think it is true that a politician should deceive the people. To be sure, we know it happens, but we always hope for something better. Unfortunately, for this year at least, it will be politics as usual within the Democratic Party.

Finally, for the sake of record, I think the public should be aware of an action that was recently taken by the Democratic National Committee. The Democratic Committee had previously announced that all Presidential candidates would be given access to the convention so that they could have a section on the floor where delegates could visit them. Mr. X, for example, was allowed thousands of feet of floor space. The McCormack campaign requested one small thing—enough space for a card table on which materials could be placed in case delegates were interested. The total space involved amounted to 6 feet. The Democrats responded by denying to Mrs. McCormack any space whatever, and, as a result, the card table is now set up in a hotel room a block away from the convention.

It is very hard for me to understand why the forces of Mr. X are so vengeful toward Mrs. McCormack. Mr. X has almost two thousand delegates—Mrs. McCormack has a handful. By excluding all space whatever for the McCormack campaign, it seems to me that Mr. X is like the millionaire who—not content with having a million dollars—found it necessary to take away the five dollars that were owned by his neighbor. Had this present speech would probably have been banned had Mr. X known in advance what I would say.

To me this raises a very serious question about Mr. X. If he finds it necessary now to use his power in this way, then how will he use his power as President?

For those of us who believe strongly in the Right to Life of every human being from the first moment of conception to the last moment of death, we have no intention of giving up. Faced with a Democratic Party and a Supreme Court that supports abortion, we perhaps find William Lloyd Garrison's cold a century ago—when faced with a Democratic Party and a Supreme Court that supported slavery.

We are in earnest; we will not equivocate; we will not excuse; we will not retreat a single inch; and we will be heard. We may be personally defeated but our principles never.

It is in this spirit that I nominate Ellen McCormack for President of the United States.

FARMERS SUBSIDIZING THE REST OF US

Mr. SYMINGTON. Mr. President, in the August issue of Today's Farmer, Mr. Fred V. Heinkel, president of the Midcontinent Farmers Association and one of America's most highly respected agricultural leaders, calls attention to the plight of American agriculture.

Commenting on a USDA pamphlet, the author reminds us that the very foundations of our high standard of living are the efficiency and productivity of the American farmer. But in reward for these economic virtues, which would assure high profits in almost any other industry, the farmer-businessman averages only $2.86 per hour for his labor, with no return on his investment. These low returns amount to a subsidy by the farmer for the rest of the country.

Mr. Heinkel believes the lack of adequate economic incentive for producers could result in the eventual destruction of our highly efficient agricultural system, which in turn would bring food scarcity and even the loss of our present living standards. He wisely calls for an improved government program to assure that the farmer's return on his labor and capital will be sufficient to guarantee that Americans will continue to "live so well."

I ask unanimous consent that this article, by one of American agriculture's most articulate spokesman, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

WHY AMERICANS LIVE SO WELL

(By F. V. Heinkel)

A recently-released USDA pamphlet emphasizes one fact of which every person should be reminded:

An efficient and productive agriculture enables Americans to eat well and have enough money left over to upgrade the other elements of life-style.

Entitled "The Secret of Affluence," the 18-page booklet notes that U.S. citizens are spending only about 17 percent of their disposable income for food.

"After food needs are met, they can use the rest of their income for other things," the pamphlet explains. "They can dress better and have better homes . . . own cars . . . watch color tv . . . eat out occasionally . . . spend money for personal entertainment, give children music lessons and an opportunity to join clubs and go to college, take the family on weekend trips and vacations and enjoy life."

The USDA pamphlet fails, however, to emphasize one other factor in agriculture's contribution to American affluence. Through relatively low prices for farm products, farmers are subsidizing the life-style of consumers in this country.

That fact comes to light as you analyze the USDA summary of farm income and expense figures for 1975—which, relative to some other years, was not a bad year for farmers.

In return for providing food and fiber for himself and 56 other persons last year, the farmer got a return of just under 3.5 percent on his investment with nothing for his labor, the USDA pamphlet says. Or, to put it another way, the farmer received $2.86 per hour for his labor with no return on his investment.

Either way, it's hard to see how the farmer can stay in business.

Those figures, I remind you, come from an

MONS 029870

agency that is headed by a man who likes to tell us how well farmers are doing in the absence of a meaningful government farm program. So they must be valid.

Without pin-pointing the problem, the USDA pamphlet observes that farmers need economic incentive to produce food and do it well.

If farmers do not make money producing food, consumers will suffer eventually from food scarcity, the pamphlet warns.

My question: with such low returns, how can agriculture attract the capital and labor needed to maintain its efficiency and productivity?

This question, I submit, merits the attention of all Americans. At stake is food for the future and—as the USDA pamphlet implies—our life-style in the years ahead.

In the interest of all Americans, a way must be found to improve the returns to capital and labor involved in agriculture. In other words: To improve farm prices and farm income so that efficiency and productivity can be maintained and encouraged.

What's needed is an up-dated and improved government farm program—one that will protect farmers from price disaster, improve returns to capital and labor and provide incentives to maintain an efficient and productive agriculture.

Because the Agriculture and Consumer Protection Act of 1973 expires next year, the Congress we elect in November will have an opportunity to write the kind of farm law that's needed. And the President we elect in November will have an opportunity to provide leadership and direction.

Let's be sure they understand what's needed.

VERTICAL DIVESTITURE IN THE PETROLEUM INDUSTRY

Mr. THURMOND. Mr. President, in my years in the Senate, I cannot recall nine Government departments and agencies joining hands to so strongly oppose a bill. They have done so in the case of S. 2387.

The real energy problem facing our country in this election year is not making a "whipping boy of big oil." We have adequate antitrust laws to correct any misconduct on the part of the oil companies. Thomas E. Kauper, former Assistant Attorney General of the United States, Antitrust Division, agreed with the proponents of this bill on many provisions of S. 1284/H.R. 8532, the so-called Antitrust Improvements Act of 1976. He was cited then many times with satisfaction and approval by the proponents of S. 1284/H.R. 8532. The proponents of that bill are the same Senators who now propose to break up the oil companies with S. 2387. Thomas E. Kauper says they are wrong on S. 2387. He agrees with those of us who oppose this bill. In his testimony against S. 2387, he said in speaking of how to handle misconduct on the part of the oil companies:

> The traditional approach to these kinds of behavior abuses is to move against them directly under either the Sherman Act or the Federal Trade Commission Act. In the last ten years, for example, the Department alone has instituted 168 investigations into the petroleum industry and instituted 24 cases.

Our Nation's real energy problem is being avoided by the proponents of S. 2387. They choose to appeal to emotion rather than reason. Fortunately, most Americans are aware of the proponents' political ploy. They recognize our problem. Simply put, it is conservation of energy, finding new sources, producing energy more efficiently from old sources, and reducing insofar as is possible our reliance on foreign oil. This is the issue we need to address and solve in the Senate now. A solution would keep the industrialized economy of America on the move.

S. 2387, the vertical divestiture bill, will only paper over our real energy problem. That is all it could achieve. Few Americans are duped. They know that playing sleight of hand games with the structure of oil companies is not the answer. They know that this bill will not help us to find energy, produce it more efficiently or conserve energy. This bill has been correctly labeled by one newspaper editor in my State as a disaster design. Who will pay for the folly of the Senate should this bill pass? The American consumer will pay. The economy of our country will suffer, and the impact will be felt by hard-working Americans throughout the land.

It is nonsense to create a problem by passing S. 2387. We should move to the business of finding solutions to the one we now have.

Some editors of well-respected newspapers in my State have taken positions on S. 2387. I wish to call the attention of the Senate to their views. The first one appeared in the largest newspaper, the State. Two have been written by the editor of the Columbia Record. The Charleston Evening Post, the Greenville News, and the Orangeburg Times and Democrat have also taken positions on the oil divestiture issue. All oppose S. 2387, the vertical divestiture bill.

Mr. President, I ask unanimous consent that extracts from two of these editorials and the remaining four editorials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Orangeburg (S.C.) Times and Democrat, Aug. 9, 1976]

Energy Versus Facts

Apparently most Americans are confused about the facts surrounding the oil industry in the United States. And, since Congress seems to be on its way to vote divestiture of the major oil producers, we wonder whether the congressmen and senators, themselves, have the underlying information on them.

For instance, an overwhelming majority of Americans continue to overestimate oil industry earnings by as much as 1,100 per cent.

And most Americans mistakenly believe the largest oil company controls at least 20 per cent of the gasoline market.

These facts were disclosed in a market research report made by one of the larger oil companies and based on a survey made which we have no reason to doubt because of the standing of the company.

Other information released in the report showed that only one in four motorists knew the average net profit was five cents per dollar of major oil company sales in 1975. Other respondents in the survey thought the average net profit was from 15 to 55 cents per dollar of sales.

A surprising 76 per cent of the balanced panel of motorists thought the nation's largest oil company, Exxon, had from two to five times more than its actual nine per cent of the retail gasoline market.

One market research director said responses to some parts of the survey questionnaire indicate that motorists understand some basic facts about the oil industry, but they continue to overestimate industry profits and underestimate competition.

"Although two of three motorists correctly cite the cost of an imported barrel of crude oil at $13 and nearly half know that a barrel contains 42 gallons, these same motorists fail to perceive that no oil company controls as much as 10 per cent of the petroleum market and that industry profits are only about five cents per sales dollar," he said.

The motorist survey consisted of a nine-part oil industry facts quiz with multiple-choice answers such as the following on "monolistic concentration" of the industry:

"Last year the largest automobile manufacturer, General Motors, accounted for 46 per cent of all cars sold in the United States. The largest oil company, Exxon, last year accounted for what per cent of gasoline sold at service stations in this country?"

Only 18 per cent of the respondents checked the correct answer of nine per cent. Fifty-six per cent answered that Exxon had 20 per cent of the market, and 26 per cent thought Exxon sold 40 per cent of all gasoline.

Nearly seven of every 10 motorists thought oil industry profits are 300 to 1,100 per cent higher than actual profits. The results are only slightly improved over a similar study in September, 1973, when 75 per cent of motorists vastly overestimated oil industry profits.

Everyone seems to jump on the oil industry, probably because of the oil crisis. But the beliefs surrounding that industry don't jibe with the facts.

[From the Columbia (S.C.) Record, Aug. 6, 1976]

Energy Silence

Let's face it: we Americans are steadily and deliberately, if not wisely, moving toward another energy crunch. We're not as energy conscious or as conservationist-inclined as we were when we lined up at the gas tanks during the Arab oil embargo.

The truth is that we are without an energy policy, as some assert. We've got policies and policies, which aren't being wholly observed. Why? Because we don't realize the proportions of the problem we're creating.

Take petroleum. Just about everybody knows, at least vaguely, that petroleum (oil and natural gas) has been used by man for more than a century, that oil furnishes over half of the world's energy, that oil and gas supply more than three-fourths of the U.S. energy, and that by necessity petroleum must continue to furnish large portions of global energy through the rest of this century.

But federal Energy Administrator Frank Zarb knows that imports of oil, which accounted for 38 per cent of U.S. needs before the embargo, now run at the 40 per cent level and are climbing.

Consider these facts: In 1970, petroleum imports were valued at $3 billion; in 1975, after a 300 per cent increase in the price of oil, the cost flashed to $27 billion; and next year, cost of imports will be about $36 billion.

That's not all. We're using relatively less oil from friendly foreign suppliers and more from the Organization of Petroleum Exporting Countries (OPEC). The OPEC cartel provided 46 per cent of all imports in 1973, 39 per cent in 1975 and the total is rising.

In short, we're more susceptible to an embargo today than we were in 1973.

Zarb is honest. He says: "Even if there were an Arab-Israeli settlement, that doesn't guarantee oil supplies. We don't know the

next issue that OPEC will use as a lever. Face it: oil is a political weapon."

Not only for OPEC. Oil is a political weapon in this land and while the major oil companies endeavor earnestly to wrestle in their fields and research labs to supply our energy needs, some politicians harrass them to death. Some want to break 'em up, foolishly and disastrously.

Conservation? What ever happened to our "policy" by which we'd help each other cut imports to six million barrels a day by 1985, or to 25 per cent of consumption, and to build a security stockpile of three billion barrels a day? We're not doing it. We're consuming energy like there's no tomorrow.

Who's concerned? The overly-maligned oil folk are. They suggest that we should use oil for transportation fuels; lubricants and petrochemicals; natural gas for domestic heating and cooking; and coal and nuclear power for large-scale industrial heating and electrical generation. They KNOW there's a tomorrow and the petroleum people know the handwriting that continuous consumption without conservation will bring.

In the interim, folks, it's an election year. Nobody's really going to confront the American people with the rough facts and tell us that our gloss overuse of energy directs us toward potential disaster.

Policies are present. Ideas are abundant. Facts are computerized. But priorities and tough political decisions, at national and international (as well as personal) levels must be made. However, not until after a November election. Meantime, we'll burn gas along with the touring politicians.

[From the Charleston (S.C.) Evening Post, June 17, 1976]

BREAKING ON'S BACK

Little is good; big is bad. This, at least, seems to be the philosophy that persuaded the U.S. Senate Judiciary Committee to approve, by an 8–7 vote Tuesday, legislation that would break up Exxon, Gulf Oil, Texaco and the other giant corporations that are the backbone of the U.S. oil industry.

The Oil Industry Vertical Divestiture Bill, S. 2927, is the work of Senate liberals who are convinced the solution to the nation's energy crisis lies in the shattering of an integrated oil industry into its component parts. Divestiture would forbid any one company from engaging in more than one of the industry's four principle activities: production, refining, transportation and marketing.

The kindest thing that can be said for this legislation is that it is consistent with other congressional initiatives to combat the energy crisis—that is, it qualifies as arrant nonsense. No evidence whatsoever has been presented to show that U.S. consumers will benefit one bit from this legislation. If signed into law, it will, in all likelihood, further diminish domestic production, increase consumer costs, and make the U.S. more dependent than ever on the whims of OPEC.

The bill will be debated on the Senate floor sometime after the July 4 congressional recess. We take note that Sen. Strom Thurmond cast one of the dissenting votes in committee, and we are confident he will continue the fight against this ruinous legislation when it is considered by the whole Senate.

[From the Greenville (S.C.) News, June 18, 1976]

ENERGY CHAOS

Congress has played around and done little to solve or alleviate the country's energy problem, which is getting worse progressively. Bills enacted so far have been more cosmetic than substantive, and have done nothing but postpone inevitable additional price increases.

Instead of finally getting down to work on real solutions, Congress now is monkeying around with proposals to make conditions even worse. Taking off after a convenient whipping boy, "Big Oil," the Senate is considering measures to break up the 20 largest oil companies by forbidding them to continue their integrated operations.

Instead each company would have to become four firms—one to find and produce crude oil, another to refine it, a third to transport it and a fourth to market it. This sounds good because it would create 60 new companies to "compete" in the oil business. But that argument is as phoney as a $3 bill.

Divestiture or break-up of the oil companies along those lines would create not one additional producer, not a single new refiner, not one transporter, not one marketer. It would do absolutely nothing to create worthwhile competition, to increase available supplies of oil or to reduce the costs of finding, producing, refining, transporting and marketing oil.

Actually the idea, if enacted into law, would have the opposite effect. It would create additional administrative or overhead costs at each step of the process of getting oil into the hands of consumers.

It would require additional profit margins, since each of the four independent firms would have to earn profits, whereas now losses in one sector can be offset by earnings in another. These two factors would combine to raise the prices of oil products to consumers.

Worse still, the proposed break-up would weaken the oil companies and dilute their resources at a time when strength and resources are needed to finance the task of finding increasingly scarce new sources of crude oil. This includes exploration both inside the United States, off American shores and in foreign areas. It is possible that a severe shortage of oil would occur almost immediately, once the forced break-up had taken place.

In addition, the divestiture process would severely disrupt the flow of oil from wells to consumers—at least for a fairly long period of time, as the new companies adjusted.

That adjustment would include an inevitable scramble for available supplies, meaning that competition among the producing, refining, transporting and marketing companies would be in the form of bidding against each other. That would produce a situation in which oil which now moves smoothly from wells to consumers would move to those organizations willing to pay the highest price for it at each step of the process.

All of this flies in the face of the country's real energy needs—to move toward self-sufficiency as rapidly as possible by increasing efficiency in production and conservation wherever possible and by working on new sources of energy. These needs are best served by so-called integrated oil companies.

Chances are slim that any divestiture bills will become law this year, since a presidential election is inevitable even if Congress should be so unwise as to pass one. But it is unfortunate and disheartening that Congress is wasting a lot of time on measures like this when so much needs to be done on energy and other problems.

[From the Columbia (S.C.) State, June 18, 1976]

IF CONGRESS SPLINTERS OIL FIRMS, WHAT NEXT?

The issue of divestiture is not likely to be settled one way or the other by this week's congressional action, but a vote Tuesday in the Senate Judiciary Committee may well indicate whether Congress is determined to break up the nation's major oil companies.

Realistically "dismemberment" would be a more descriptive and certainly a more easily understood term for what a number of congressmen have in mind when they speak of "divestiture." They mean to enact federal laws which would splinter the big petroleum firms into a number of separate entities. No one company would be permitted to engage in exploration and production, refining, transporting, and marketing at the same time. Instead, such "vertical integration" would be prohibited.

The theory behind this movement (and we say "theory" because precious little has been presented in the way of facts upon which to base a persuasive prediction) is that divestiture would produce greater competition and thereby better serve the public.

Against the fuminess of this argument, however, is a wealth of data which the oil industry presents in refutation of assertions that its current structure is monopolistic and anti-competitive.

Along with groups as diverse as the U.S. Department of Agriculture and the American Petroleum Institute, the Chamber of Commerce of the United States strongly opposes dismemberment. According to the U.S. Chamber, independent oil companies have increased their gasoline sales from 19 per cent of the market in 1967 to 31 per cent in 1975. The top four major oil marketers jointly enjoy only 30 per cent of sales, a figure 10 per cent below the average enjoyed by the leaders in all other manufacturing enterprises.

Out of this rancorous debate over the petroleum industry arises another worrisome question: If the Congress undertakes to break up the oil firms through government regulation, how long will it be before other industries will suffer the same fate?

For our part, we are willing to take our chances within a free enterprise system rather than have business and industry manipulated by and for political interests.

[From the Columbia S.C. Record, June 18, 1976]

"DISMEMBER DIESSER"

Unless the people rise up in their wrath, the Senate of the United States could succumb to a passing political prejudice and damage us all by forcibly breaking up our major oil companies. The alarm bell rang the other day when the Senate Judiciary Committee, by a narrow 8–7 vote, decided to report the vertical divestiture bill (S. 2927) to the Senate floor.

Fortunately, there's time remaining for the people to send their messages. Senator Mansfield says that debate won't be possible until after Congress returns from its July 4 recess.

Opponents of the major oil companies like Senator Birch Bayh of Indiana have constructed a bogeyman of straw. Their arguments cannot withstand even the gentlest winds of truth and topple—like straw. They want to limit major oil companies to do business in only one phase of oil operations. Companies would be federally directed to reorganize so that exploration and production, refining, transportation and the various phases of marketing are each separately owned and managed. This is called "vertical divestiture."

What's wrong with vertical integration? The free market notion is centuries old and didn't come to the oil industry by happenchance. In fact, the first of our major oil companies were not vertically integrated. Then, somebody found that by vertical integration, his company could sell its products to us (the consumers) less expensively than his competitors. So, others were forced by the economics of the open market to follow suit.

Dozens, literally dozens, of other businesses in our land are vertically integrated. And if the government can order one dismantled, it can order all.

MONS 029872

Let us comprehend some facts. The oil industry is not dominated by a few large companies in which oil operations are concentrated and these can't control supply to drive up prices and compete unfairly.

The industry doesn't make exorbitant profits, doesn't freeze out independent competitors, doesn't withhold oil to drive prices up, doesn't control OPEC, doesn't expand unwholesomely into other industry areas like coal, and doesn't miserve the American consumer.

Vertical divestiture would force our government to explore other energy sources alone (driving up our taxes), would interrupt our supply of petroleum products for an indeterminate time, would completely disrupt short-range and long-range planning, would increase our dependence on foreign supplies, and would sharply increase your costs of energy over the long haul.

Hence, if you want to pay more for your gasoline as you drive up to the pump, go ahead—be FOR divestiture. But remember, right now you're paying less than a lot of other folk around the world. If you want to pay the Italian price, $1.73 per gallon; the Mexican, 64 cents; the Belgian $1.49; the West German $1.84; the French, $1.23; the Irish, $1.89 prices, then happily applaud the nonsensical proposition of Senator Bayh et al.

We oppose divestiture as a design for disaster involving the consumers of Carolina and the nation.

DECLARATION OF BROADCAST FREEDOMS

Mr. PROXMIRE. Mr. President, a resolution adopted by the board of directors of the National Association of Broadcasters this year sums up the reasons why this Nation's radio and television stations should have the same first amendment rights as newspapers.

When those rights are extended—as they must be—then the citizens of this country shall enjoy the full protection from governmental control of their sources of information he was intended by the writers of our Constitution.

This NAB resolution, the form of a loose paraphrase of our noble documents of self-government, recognizes the importance of sustaining our American freedoms.

Mr. President, I ask unanimous consent that the NAB's Declaration of Broadcast Freedoms be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

DECLARATION OF BROADCAST FREEDOMS

We, the broadcasters of the United States, in order to preserve and encourage a more perfect union of our country, insure the freedoms granted to us all 200 years ago, and to maintain the blessings of liberty to ourselves and our posterity, do hereby ordain and proclaim our intention to pursue, protect, and implement the rights of the electronic press under the guarantees of the freedoms granted to all Americans conceived of and inspired by our forefathers under the First Amendment of the Constitution of the United States.

A nation divided with different freedoms cannot long prevail. Our country today struggles with its freedoms in an atmosphere clouded by basic conflicts on one hand of narrow concerns for self advantage created by the pressures of those who would use government and the courts to shape society to serve their own interests, and on the other hand by the mechanisms created by our forefathers to permit a responsible press to speak freely by provoking thought, stimulating action, and protecting us all from the ongoing encroachments of government. The free press was created as a unique institution to preserve our freedoms, unique also in that it was not then, nor is it now, capable of providing access to all who would want an audience for their own special purposes.

The noble purpose of America as promulgated in the Declaration of Independence and the Constitution has been obscured and distorted by the role of government according to demands of some of our citizens while compromising the very same freedoms guaranteed to them through an ever alert, vigilant, and provocative press.

While our founding fathers could not have conceived an electronic medium that would both inform and entertain an entire nation both simultaneously and independently in a system of 9000 voices throughout the country, we believe they would have, in their wisdom, understand that such a system of communications could and would be the very essence of the real diversities that further guarantees a highly informed and free society. To impose a common mold on our press by government decree would have been an anathema to the very vision and beliefs they held so dear. Indeed, it would have emulated the dangers of the very tyrannies from which they chose to escape.

We hold these truths to be self-evident, that all men are created equal, that they are endowed by our creators with certain inalienable rights, that among these are the right of free expression of content and viewpoint, the right to freely report news and information, the right with responsibility to provoke, investigate, and advocate, the right to self-integrity in serving the public interest.

But, when a long train of restraints, usurpations, creeping and overt controls further threaten to control and inhibit the principal communications of the 20th century, then it is the right and the duty of those entrusted to program and to inform our nation to petition the government to alter their systems of controls.

The people of our nation begin their second two hundred years lacking faith in their institutions and in their leaders; they live in a society of fear for their safety where they should have no fear, and indeed they even now doubt the written and electronic press created to protect their freedoms. James Madison noted "there are more instances of the abridgment of the freedom of the people by gradual and silent encroachments of those in power than by violent and sudden usurpations." Today our government has shown itself only too willing to obligate those who say "there ought to be a law" and while the broadcasting industry freely admits some may not achieve the higher aspirations of most, our democracy was founded upon the right of free expression and free enterprise in response to the public interest and desire, and these rights provided the right for human error.

Surely self-regulation is better than government control. But by what yardstick does government proclaim that 9000 broadcasters would be any less responsible with their freedoms than the 9000 newspapers whose influence becomes less as broadcasting's becomes greater? By what yardstick can the government judge the propriety of one viewpoint compared to another, one issue compared to another, or why or how controversy should or should not be treated? By what right does the government inject itself into a freethinking marketplace, to impose common molds upon all when these same 9000 offer the very opportunities for diversity which our citizens now demand?

There have been fears in our history of the power of the press. There are those now who would fear the power of broadcasters to shape issues and events. Recent history would suggest otherwise. Indeed the greatest protections from such fear is the very diversity e liberated electronic press would provide, an electronic press with built-in checks and balances through competition and regular accountability of their public trust.

Our forefathers, in their wisdom, created a system of broadcasting on one hand to permit free expression while specifically denying themselves the right of censorship over those to whom they would grant a license, and, in their wisdom, they chose to allocate a frequency so long as it was used to perform in the public interest, convenience, and necessity.

But in forty years, under pressures and challenges by a free society, our government and courts have slowly encroached upon the very essence of the safeguards created in the First Amendment. It has not been, we believe, a design of either tyranny or suppression, but the cause and effect has been and continues to be an abridgment of, and a direction towards, dangers as real and perverse as those which our forefathers courageously faced in seeking separation from their government 200 years ago. It has been said that truth is violated by falsehoods, but it is outraged by silence. Never before in our history has there been more need for a courageous and challenging press. Never before in our history has there been a greater need for journalism to seek the truth, inform the public, and help guard our mutual goals of life, liberty, and the pursuit of happiness. Daniel Webster said "God grants liberty only to those who love it and are always ready to guard and defend it," and never before has a society had such a means of communications which could so alert and enlighten its citizens.

Therefore, we, the broadcasters of these United States, do hereby resolve, that we will increase our vigilance in defending our rights to stand equal to the written press, that we will ever more constantly look to our disciplines and our responsibilities, that we will work with our government to insure our public trust through the use of the airways, and that we will use every proper means to defend, on behalf of those we serve, their inalienable rights to have a free electronic press.

We take this solemn pledge knowing full well that like those few who may have failed to hold the public trust in the free press during two hundred years, there will be those in broadcasting who may also fail to hold public trust. This, we believe, is, nonetheless, in the spirit of the genius of our forefathers who visioned a free society, governed by the consent of the governed, and balanced by the assurance that a free press would protect and insure our freedoms.

(Resolution passed by The Board of Directors, National Association of Broadcasters, June 17, 1976.)

THE U.N.'S IDEA OF A FREE PRESS

Mr. THURMOND. Mr. President, recently, an editorial by William Randolph Hearst, Jr., concerning UNESCO's influence on the world press, was brought to my attention. This informative and articulate article, entitled "The U.N.'s Idea of a Free Press," appeared in the Baltimore News American on August 9, 1976. It calls our attention to the repressive and censorial effect that UNESCO, the United Nations Educational, Scientific, and Cultural Organization, is having on the free expression of ideas in newspapers throughout the world. UNESCO advocates government-operated news agencies to control the flow of information from within and from outside a

MONS 029873

country—a scheme to control the free press.

Mr. President, I ask unanimous consent that the article be printed in the RECORD so that my colleagues may have the advantage of Mr. Hearst's editorial.

There being no objection, the article was ordered to be printed in the RECORD, as follows.

[From the Baltimore News American, Aug. 8, 1976]

THE U.N.'s IDEA OF A FREE PRESS

SAM SMITHSON.—When radical politicians decide to control a nation by force one of the first things they do is seize or silence the free press. Lenin did it in 1917. Hitler did it in 1933. All other dictators throughout the years of both the extremes of the left and the right have done it—in fact, must do it to keep themselves in power.

Today the threat to a free press is virtually worldwide and a vast international conspiracy exists, directed by the United Nations Educational, Scientific and Cultural Organization. UNESCO is one of the leading Moscow-directed anti-democratic agencies operating out of Paris under the banner of the UN. But more about that later.

UNESCO's goal for the present: to have government-operated news agencies in each nation disseminate news from within and from outside the country. It seeks to foster this policy in all of the so-called "Third World" nations, and the frightening—yes, horrifying—truth is that it is succeeding.

We in America do not understand the *stark* necessity for a free press and realize that we would not be free if we did not have a free flow of news and information. We may not be able to comprehend what it would mean if three-fourths of the world were isolated from us by news blackout.

We are accustomed to a steady flow of news and information from all parts of the world, brought to us by The Associated Press, the giant newspaper cooperative, by United Press International, the resourceful independent American wire service, the world-wide and responsible British Reuters and the French Agence France-Presse.

It is these four independent and reliable news agencies that are the primary target of the UNESCO-inspired program of world-wide censorship. This is baldly stated in some of the papers prepared for presentation at UNESCO's conference last month in San Jose, Costa Rica, called for the purpose of forming "mass communications policies."

One such recommendation asked for legal measures—in each country, of course—to permit the arrest of correspondents from international press organizations "if their newspapers or wire services published anything critical of the country where the correspondent was stationed."

But what does "critical of the country" mean? If some bully dictator executes a group of dissident citizens by a firing squad and a member of the foreign press reports it, he can then be arrested for writing something "critical." Clearly this is a monstrous attempt to repress the press.

The dictators of these small, emerging countries do not want UPI and AP to continue in the role they now fill, and through UNESCO they are trying to oust the tellers-of-truth from their lands. The governments alone want to tell us what is going on in their countries, and if we place little credence in what they say, so what? After all, it is to their own people whom they want to keep in ignorance, not only of what goes on in their own countries, but of what transpires in the rest of the world. Thus, in effect, by controlling news in their own countries, they will be controlling news elsewhere, effectuating what is tantamount to a global news blackout.

As Americans, our attention is turned inward these days, to our all-absorbing presidential campaigns, our myriad domestic problems, our plans for the future. But we must not become so absorbed as to allow this Marxist branch of the UN to isolate us and the Western World from the rest of this ever-shrinking planet.

Even as our attention is directed to Kansas City next week when the Republican National Convention is gaveled to order, the heads of state of Third-World countries—the euphemistically-dubbed "non-aligned nations"—will meet that same day in Colombo, Sri Lanka, the former British Crown colony in the Indian Ocean that was once called Ceylon. The purpose of the meeting will be to ratify a draft constitution of the "news pool" that was approved at a similar conference in New Delhi, India, earlier. That conference was sponsored also by UNESCO, but naturally was blessed by Indira Gandhi who recently killed the free press in her country and expelled foreign journalists.

The Delhi constitution, drafted by 58 countries, would create a pool of government-controlled news agencies. They would present official versions of events in each country, and distribute this as "news" as a substitute for that now supplied by UPI, AP and the other independent agencies.

The highest authorities of UNESCO have repeatedly claimed that it is not their intent to limit or undermine freedom of expression. After the Costa Rican conference, The Associated Press quoted the director general of UNESCO, Mahtar M'Bow, of Senegal, as stating: "The UNESCO position was always very clear. UNESCO is in favor of total freedom of information."

I would say that what is clear is that UNESCO is more in favor of double-talk and propaganda.

The original directive for the UNESCO guidelines was proposed by the Soviet Union and Byelorussia in 1973. Meetings for further defining the guidelines were held in Bogota, Colombia, in 1974 and in Quito, Ecuador, in 1975.

This Marxist approach to journalism has united the small developing countries of both the radical left and the ideological right (though there are far more of the former). The reason is obvious: The leaders of these countries have great fear of the truth, and tragically, one must assume that a majority of people living in these countries are either too dumb to understand what's happening to them or just don't care.

Information from a country where the press is controlled is never to be trusted. Herewith one recent simple example. The Soviet Union has published what it considers an important work of literature and has recommended it as reading matter for the Soviet armed forces. It is called "The Basic Principles of Operational Art and Tactics," and was written by Col. Vasiliy Yefiovich Savkin.

Col. Savkin writes: "The employment of two atomic bombs also did not play a decisive role in the capitulation of imperialist Japan, since total victory over Japan was achieved as a result of the destruction of its Kwantung army by the armed forces of the Soviet Union."

That's a direct quote, friends. And it is the "truth" as it is understood in a country which controls its press. So while the happenings in Kansas City may be interesting to us, the event in Sri Lanka must be considered as having more significance for the world's future.

The word "News" is derived from the initials of the four major points of the compass—North, East, West and South. It would be a tragic word indeed, if only the people of the "W" world got the accurate message.

THE MODEL PETROLEUM INDUSTRY

Mr. PHILIP A. HART. Mr. President, in its advertising efforts the petroleum industry has been attempting to portray itself as a model with perfect, if not atavistic, competition. It would have us believe that it is composed of a large number of firms each possessing a small percentage of the market and subject to rigors of a harsh and impersonal market. In this market, there is no possibility of monopoly profit, waste, or inefficiency. Each firm must obtain its input as cheaply as possible and sell its products at a price permitting only modest survival.

Now and then, however, the proponents of this viewpoint must find themselves confronted by evidence that is difficult to reconcile with the theory. For example, several weeks ago U.S. Oilweek published an article which claimed that the leaders of the National Oil Jobbers Council—NOJC—had been jointly negotiating with the top management of several major companies. This fact by itself is somewhat surprising since collective bargaining between groups of private firms is at least questionable under the anti-trust laws. But what is more remarkable is the claim that the bargaining was not simply over business questions such as price and supply contracts but involved the question of whether the Jobbers Council would give political support to the major oil companies in their battle against divestiture legislation. One might well ask what it is the major oil companies were bargaining with if they have no market power. How can they afford to give the jobbers a "deal" which will in effect buy their political support without monopoly profits. It would seem that the very existence of such bargaining indicates not only a substantial element of market power but also demonstrates in an exceptional way how that market power translates into political power. I ask unanimous consent that the Oilweek article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the U.S. Oilweek, July 12, 1976]

NOJC POISED TO OPPOSE DIVESTITURE

Satisfied at last that top leaders of big oil companies are becoming sympathetic to jobbers' problems, the National Oil Jobbers Council looks ready to come out against vertical divestiture this week.

In the two months since NOJC offered a tradeoff to the majors—a political stance against vertical divestiture in exchange for more security-jobber leaders have met with top executives of several major oil companies.

The meetings have been "well above the marketing vice president level." NOJC leaders say.

Nothing concrete came of the meetings—nothing NOJC leaders will talk about, anyway.

"But we've been able to solve a couple of localized problems we'd never been able to before," one leader says. "What we primarily have seen is a change in attitude."

"In some areas, we have accomplished more than we can ever tell anyone. There has been a realization of our problems by people who, two years ago, almost didn't know we existed."

MONS 029874

Many within NOJC, with the notable exception of Union jobbers (story, p. 3), believe the majors have kept their noses clean during the last two months.

Wholesale gasoline prices have not spurted ahead sharply at holiday times, as they did last year. Refinery output has been cranking up rapidly to meet summer demand.

And no fuel oil dealers have been canceled yet in the wake of distillate decontrol, although the major could have canceled whomever they pleased.

Eighteen big oil companies apparently have told FEA in writing they intend to offer three-year contracts to regular customers after controls end, plus one-year contracts to FEA-assigned customers. FEA won't release the letters to NOJC but its officials have referred to them repeatedly in testimony.

The main thing jobbers want is long-term contracts. If the majors offered them, it would be an empty charade for NOJC to continue to take a nonposition on divestiture.

The divestiture resolution likely to go to the floor at NOJC's board meeting in Asheville, N.C., this week emerged Thursday from the North Central region's meeting in Chicago. It calls for the "full resources" of NOJC to fight the Senate divestiture bill.

Does it matter if NOJC opposes divestiture?

Probably not in Congress—but it would smooth relations with suppliers, and hush dissent within NOJC.

Divestiture already looks like a dead duck in Congress this year. It's too late for NOJC to have much added impact.

Besides, NOJC has been on the fence so long it may have used up what clout it had.

But NOJC will find it hard to oppose divestiture at this week's Asheville meeting.

Refiners have pressured branded jobbers to swing NOJC against divestiture, saying a "nonposition" is tantamount to supporting breakup.

Many jobbers don't need refiner pressure to oppose divestiture. Vertical integration, to them, is sacred as mom's apple pie.

An anti-divestiture stance has already been taken by 32 NOJC affiliates, despite the national's lack of position.

NOJC risks tearing itself apart if it holds off again on opposing divestiture, several well-placed insiders say.

One insider thinks the move would be an empty gesture now. It might alienate Senate liberals who've befriended jobbers on other issues.

Currying favor with the Ford White House is pointless if Carter wins the election, he adds.

An official position on divestiture would strengthen NOJC's influence in the final shaping of the bill in Congress, an insider argues.

PRICE CHANGES SCOREBOARD

	Gasoline	Distillate	Date
Ashland	-----	−1.5[1]	7/6
Exxon	+1	-----	7/7
Getty	-----	+0.35[2]	7/7
Murphy	+0.5	+1.5	7/7
Union	+1	-----	7/7

[1] Northwest refining area.
[2] No. 2 diesel fuel only.

SETBACK FOR RACE TRACKS

Major sections of the House's dealer day in court bill (HR 13000) are to be redrafted in sessions of the Energy and Power subcommittee in early August. Focus of most of the rewording will be on controversial Title II. Subcommittee staffers toyed with the idea of legislating rack pricing through Title II. That idea has been abandoned. Instead, staffers are leaning to a modified version of their original Title II that would impose a moratorium on refiner direct operations while the Federal Trade Commission is directed to investigate government mandated rack pricing.

SEVEN AGAINST DIVESTITURE

The evils of divestiture as seen by major oil companies were outlined in a dissenting report signed by seven of the 15 members of the Senate Judiciary Committee. Dismantling the oil industry would endanger national security, cause unemployment and strengthen the oil cartel, they warned. Divestiture would lead to higher energy costs, reduced production and "create greater dependence on insecure supplies of foreign oil," they said. The anti-divestiture group—Roman Hruska, R-Neb.; Hiram Fong, R-Haw.; Strom Thurmond, R-S.C.; William Scott, R-Va.; James Eastland, D-Miss.; John McClellan, D-Ark.; and Quentin Burdick, D-N.D. Divestiture should come to a Senate vote before Labor Day. It's given less than a 50-50 chance of passage. A House vote on divestiture isn't expected this year.

TOO MUCH PRODUCT

The following refiners told FEA they have excess product and are now free to do as they like with it. If you're looking for product, one of them may be the one to seek out. Expired surplus for the week ending July 9, 1976:

Gasoline: Agway Petroleum; Hunt Oil.

Undutified motor gasoline: MacMillan Ring Free; Sun Oil of Pa.; Time Oil Co.; Agway Petroleum; Gulf Oil; Amoco.

Jet fuel: U.S. Oil & Refining Co.

DELAY OF NEEDED BLACK LUNG LEGISLATION

Mr. BAYH. Mr. President, the Black Lung Benefits Reform Act of 1976 has been pending in the Senate Labor Subcommittee for almost 3 months now. I understand that the chairman of the subcommittee, Mr. WILLIAMS, and my distinguished colleague and sponsor of that needed legislation, Mr. RANDOLPH, have attempted several times to mark up this bill. In every instance they have been frustrated.

I am particularly concerned, Mr. President, that the inability to mark up this legislation not only deprives miners of the needed benefits they deserve, but it represents a basic frustration of our political process. Under our process, legislative proposals referred to committee are allowed a full and fair hearing. If the committee or subcommittee does not feel the legislation is worthy, each member has the right to vote against that legislation or to amend it. Preventing this system from working through dilatory tactics is a denial of our basic political process.

I am also distressed over the lack of subcommittee action because I feel this legislation brings our coal miners much needed reform. The major thrust of this legislation is to reform entitlements for our miners and their dependents. Under the bill, if a miner was employed for 25 years or more in one or more underground or above ground coal mines, he would be presumptively entitled to benefits. Moreover, if a miner worked only part of a year, that year would be counted to determine his total for entitlement benefits as well.

However, if the location of a miner's employer has recently been changed to a mine area having a lower concentration of dust particles, or if the work were less rigorous, or if the work were changed so as to result in substantially less pay, these factors might preclude entitlement to benefits for that time period.

S. 3183 also mandates an extensive effort on the part of the Secretary of Labor to determine, in cooperation with operators and with the Secretary of Health, Education, and Welfare, and with the Secretary of the Interior, the names and addresses of their widows, children, parents, brothers, and sisters. The Secretary would inform these individuals of the possibility of their eligibility for benefits, and offer them individualized assistance in preparing their claims where it is appropriate that a claim be filed. These people would have 6 months after initial notification to file for benefits, in a similar fashion to claims filed before June 30, 1973.

Finally, a trust fund would be established in the Treasury known as the Black Lung Disability Insurance Fund. Coal mine operators would pay premiums into the fund to insure payment of benefits. The rate would be reviewed each year to insure that all benefits would be paid.

All in all, I believe this legislation was long in coming and should be enacted as expeditiously as possible. We owe these benefits to the men who gave so much, and at such a great personal sacrifice. More importantly, we owe it to our political process to give this legislation a fair hearing. I look forward to seeing the Senate Subcommittee on Labor move on this needed legislation within the very near future.

GEN. MATTHEW RIDGWAY

Mr. THURMOND. Mr. President, time has passed quickly since one of the giants our times, Gen. Matthew Ridgway, retired from active service. Recently, I read an article which gave an account of how soldiers and former soldiers of the 82d Airborne Division welcomed their former commander to the annual convention of this great division in Cincinnati.

This article brings to mind some of the historic deeds of this patriot and soldier. General Ridgway was the senior tactical commander of our parachute and glider troops in Europe during World War II. It was he who proved the airborne concept of warfare on the battlefield for the U.S. Army. Always a leader, he parachuted into combat with his troops. Perhaps the most difficult assignment he faced occurred during the Korean war. As the newly appointed commander, it was he who snatched the 8th Army from the brink of defeat to drive the Chinese and North Korean armies from South Korea. Later, when General Ridgway became Chief of Staff of the Army, he was known and highly respected for his knowledge of his profession, love of his country, independence, and straightforwardness.

Integrity and leadership have marked this man throughout his life. Truly, he is one of the great soldiers of our time. I join the veterans of the 82d Airborne

MONS 029875

Division in saluting Gen. Matthew Bunker Ridgway.

I ask unanimous consent that the article in the Columbia Record, August 16, 1976, "General Matthew Ridgway—Old Soldier Finds Reunion Uplifting," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Columbia (S.C.) Record, Aug. 16, 1976]

GEN. MATTHEW RIDGWAY—OLD SOLDIER FINDS REUNION UPLIFTING

CINCINNATI.—The 81-year-old soldier tried to slip quietly into the banquet hall from the side, unintroduced.

But his "old troopers" had been watching for him, and when the first noticed the entrance from the wings, he quickly stood at attention and began applauding.

Immediately, 1,000 banquet guests were on their feet, cheering the old commander—Gen. Matthew Ridgway. The applause became thunderous.

"It's always an emotional and uplifting experience to come back for a gathering like this one," Ridgway said last week, gazing upon members of the Army's 82nd Airborne Division Association assembled for their 30th annual reunion.

"I don't know of any other organization with a higher degree of patriotism than the old 82nd," he added. "I commanded a lot of units, but there's none I hold closer than this one."

Ridgway, who looks more 51 than 81, commanded the 82nd paratroopers from 1942 through 1944 and dropped from the skies with leading elements over Normandy on D-Day, June 6, 1944.

"It was the greatest operation ever undertaken in military history," recalled Ridgway, who later became Army chief of staff before retiring in 1955. "It still seems exciting just to have been a part of it."

Many old-timers who chatted with the four-star general Friday never made rank beyond private.

"Rank didn't seem to make much difference in an airborne unit," Ridgway recalled. "When you jumped out of the plane it didn't matter what you had on your sleeve."

Ridgway watched his old troops present a wreath and somewhat eerie ceremony.

As a drum roll sounded, a chaplain read a casualty report for old 82nd division units.

MAN'S INHUMANITY TO MAN: A CALL FOR RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, the Genocide Convention has as its stated objective the preservation of man's most fundamental and precious right: the right to life.

History is full of countless instances of the brutal inhumanity of man to his fellow men. Examples in this century are numerous. The mass murder of almost 6 million Jews by the Nazis has been well documented. However, one of the most widely held misconceptions about Hitler's 12-year reign of terror is the belief that the Third Reich's program had as its exclusive victims Jewish people alone. How many of us are aware that during this same dozen years these same executioners murdered some 1 million Christians, most of them Eastern and Central Europeans, as well? All civilized men condemn these acts of barbarism and mourn the victims and their families.

'In the perverse Nazi lexicon, these victims were typed as "Christian subhumans." Russians, Poles, Czechs, Hungarians, and Rumanians—7 million of them—whose veins did not flow with "pure Aryan blood" were brutally eliminated.

The Senate and all people must grasp this fundamental fact: Genocide was not then and is not now an anti-Semitic problem; it is an anti-human cancer.

This horrendous policy is not merely anti-Semitic and anti-Christian: it is both anti-human and anti-American. Senate ratification of the Genocide Convention can serve as a strong proclamation to the world that this country and its citizens abhor the bloody crime of deliberate action to destroy national, racial, religious, or ethnic groups.

We have already wasted too much time and dishonored the memory of almost 13 million innocent human beings. Let the Senate now correct our grievous mistake by ratifying the Genocide Convention.

SENATOR ROBERT DOLE, VICE-PRESIDENTIAL CANDIDATE

Mr. PEARSON. Mr. President, the Republican Presidential campaign gained a great asset last Thursday. Perhaps the most valuable of Kansas' abundant natural resources is an independent, tough-mindedness. Senator ROBERT DOLE is the quintessential embodiment of that singularly Kansan quality. He will bring a new and dynamic leadership to the next Republican administration.

As another great Kansan, Alf Landon, reminded delegates to the 31st Republican Convention: BOB DOLE is not only an individual with governing experience and capability but also a man of substantial campaign ability.

This ability has led the press to describe BOB DOLE as intensely partisan. He is. It is true. He was the National Chairman of his party. He did a good job.

A measure of how well he did that job is reflected in a December 1972 newspaper column. Clark Mollenhoff, in lamenting Haldeman's unrecommended removal from the party's leadership position, noted that such was the fate of those who "showed an independent spirit," those who "balked at taking instructions" from the palace guard.

BOB DOLE was fired because he is the kind of partisan who counts loyalty to Republican principle above loyalty to a single Republican; because his partisanship led him to resist raids on congressional campaign resources by CREEP; because he would not suffer the party to be a pliant tool of the arrogant usurpers of party authority.

Yes, Mr. President, he is a partisan; a hard-nosed, effective, honest, human, humorous partisan. The kind that has kept this two-party democracy offering our country's voters a choice at the polls for two centuries.

"Partisan" is an accurate but incomplete description of my colleague from Kansas. He is a courageous legislator, who does not shy from the unpopular but necessary vote. He is an imaginative problem-solver who has designed a mechanism to increase employment without simultaneously increasing inflation. Sensitive to the needs of the Nation's poor, he has fought hard for liberal reform of the food stamp program. His intellectual facility for economics has gained the respect of his colleagues on the Budget and Finance Committees. As ranking minority member of the Agriculture Committee, he has repeatedly shown his readiness to work with Members from both sides of the aisle.

Mr. President, I did not rise to familiarize those in this body with a colleague they already know and respect. My intention is only to express my pride, a Kansan's pride that will soon be shared my the Nation.

A Kansan's pride in the courage and dedication that brought him through the wounds of war; and in the strength that has been demonstrated again and again in his work at peace.

It is a pride fostered over many years. During his 4 terms in the House of Representatives, I quickly recognized the stamina and vigor with which he represented a district that at one point encompassed 58 sprawling counties. Later, during our friendship in the Senate, I watched him tackle campaign reform and advance consumers' concerns. I have seen his innovative work in revenue sharing legislation and his thoughtful attention to the health needs of rural and inner-city America. BOB DOLE is a hard-working servant of the public.

And now, Mr. President, Senator DOLE is about to perform yet another service to the members of both great parties, indeed for all those who vote in November. He is going to force an uncommon clarity from what has been an uncommonly clouded Democrat campaign. Campaign promises can no longer be sanguinely vague and contradictory. BOB is going to assure that the voting citizenry knows in November what to realistically expect in January. And armed with that knowledge, I am confident that those voters will elect BOB DOLE as their Vice President.

PARENTAL RIGHTS IN MINORITY EDUCATION

Mr. BUCKLEY. Mr. President, even though the Senate, during its consideration of H.R. 10612, the Tax Reform Act, declined to approve a tax deduction for tuition paid by the parents of children in elementary and secondary schools, I am confident that this is an idea whose time has come. Thirty-seven Members of the Senate voted for this measure of fairness toward those taxpayers who bear the costs of educating their own children. On behalf of the thousands of parents and students who have written to me in support of this legislation, I want to thank those of our colleagues who gave it their support.

To those who did not do so, I would like to respectfully point out an important and package eye-opening article, "Patterns of Black Excellence," by Thomas Sowell in the "Public Interest," spring, 1976. A distinguished black educator, Dr. Sowell has presented ample evidence to demonstrate that black students can perform academically on a

MONS 029876

level with their white peers—as if that obvious fact ever had to be demonstrated to anyone other than the misguided theorists who have, for the last decade, directed the education policies of the Federal Government.

Parts of Dr. Sowell's article have recently been excerpted in the newsletter of the Catholic League for Religious and Civil Rights. I ask unanimous consent that those excerpts, together with the accompanying editorial commentary from the Newsletter, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PATTERNS OF BLACK EXCELLENCE

(By Thomas Sowell)

[Editor's Note: The contributions of Catholic schools to the educational success of blacks is a largely untold story. T. George Harris, editor-in-chief of *Psychology Today* wrote in the June, 1976, issue that "one of the hidden facts of ghetto education has been the black success in Catholic schools. About 10 percent of Chicago's ghetto kids now go to Catholic schools. Around the U.S. poor families, not just middle-class types, wait for months to get their children into parochial schools in ever-rising numbers.

["There's a deep irony in the situation at Catholic schools," continues Harris. "Their success rate is very high, and their cost is quite low, a fraction of the cost per pupil in public schools. The big difference comes less from the low pay to nuns, priests, and lay teachers, more from the low overhead in Church schools. They do not have the huge and growing bureaucracies that have become a sour joke in city schools. But just as their service to black people has become most obvious, many Catholic inner-city schools are being shut down for lack of money."

[Harris concludes that "nobody protests or helps. Black militants are suspicious of Catholic white ethnics. Liberals are busy busing. Congress worries over church-state tangles. Public educators are afraid of cost-benefit comparisons. Researchers are splitting hairs over the effect of different educational philosophies. ¶Thus,] there's nobody to save the parochial schools that are now badly needed to help meet a national need."

[Though Harris does not mention it, the U.S. Supreme Court has become the major obstacle to aiding the poor in Catholic schools. For example, in the recent *Meek* decision, the Court deprived the poorest of poor black children in Catholic schools of educational and welfare benefits "only because," as Chief Justice Burger charged, these children attend Catholic schools.

[It appears that Harris is not the only one who is sensitive to these issues. In the Spring, 1976 issue of *The Public Interest*, Thomas Sowell documented the successes of (among others) three black Catholic schools. The following is an excerpted version of Mr. Sowell's article]

The history of the advancement of black Americans is almost a laboratory study of human achievement, for it extends back to slavery and was accomplished in the face of the strongest opposition confronting any American racial or ethnic group. Yet this mass advancement is little discussed and seldom researched, except for looking at some individuals or compiling a record of *political* milestones.

One small, but important part of the advancement of black Americans has been educational achievement. Here, as in other areas, the pathology is well known and extensively documented, while the healthy or outstanding functioning is almost totally unknown and unstudied. Yet educational excellence has been achieved by black Americans.

Current speculative discussions of the "prerequisites" for the quality education of black children proceed as if educational excellence were only a remote possibility, to be reached by futuristic experimental methods—indeed, as if black children were a special breed who could be "reached" only on a special wave length. When quality education for black youngsters is seen, instead, as something that has *already* been achieved—that happened decades ago—then an attempt to understand the ingredients of such education can be made on the basis of that experience, rather than as a search for exotic revelations.

ATLANTA: ST. PAUL OF THE CROSS

In many ways, St. Paul of the Cross is a very different school. Its openness was the first of many contrasts [with other schools]. Records just received from a testing service were taken straight from the envelope and spread out on the table for inspection. This confidence was based on years of solid performance.

A sample of I.Q. scores for this Catholic elementary school shows them consistently at or above the national norm of 100—which is to say, significantly above the national average of about 85 for other black children. This school came to our attention as a result of an earlier research project surveying I.Q. scores. The mean I.Q. of the St. Paul student body for the years surveyed (1960–1972) ranged from 99 to 107.

PARENTS' BACKGROUND

St. Paul is located in a middle-class black suburban area of Atlanta, but its students are drawn from various parts of the city. Of all the schools in this study for which we were able to obtain the data, St. Paul has the highest proportion of white-collar and professional occupations among its students' parents. For the period 1960–1972, 40 percent of the parents were either white-collar or professional. But although St. Paul has a substantial proportion of white-collar and professional parents for a black school, it is still not predominantly middle-class, in the usual sense of having children whose parents are doctors, engineers, or professors, or are in similar occupations.

QUIET SCHOOL ATMOSPHERE

Quiet, calm, and orderliness prevail in St. Paul's modern building, even during the changing of class. Yet the students do not seem either repressed or apprehensive. There was talking during the change of classes, but no yelling or fighting. Corporal punishment is one of the disciplinary options, but it is seldom used.

Discipline is usually maintained through individual discussions between the teachers—half nuns and half laity—and the children. For example, a little boy who had spilled his soda in the hall without cleaning it up was told that the cleaning lady works hard to keep the school nice, and it was suggested that he apologize to her for making her job harder—but all this was done very gently without burdening him with guilt.

INDIVIDUALIZED INSTRUCTION

Instruction is highly individualized. Instead of the classic picture of the teacher standing in front of the class lecturing, the more usual scene in the classroom at St. Paul was a teacher very much engaged with an individual student or small group, while the other members of the class worked intently on their respective assignments.

The child's self-confidence is built up in subtle ways. However, there was no single teaching method or formula imposed from above. The usual bureaucratic paperwork was absent at St. Paul. Records were well kept and complete, but not cluttered with trivia. Administrators had time to circulate through the school and get to know the students, rather than being stuck at their desks behind piles of paper. Morale is high enough to attract lay teachers at lower salaries than they receive elsewhere.

NON-CATHOLIC STUDENTS PREDOMINATE

The children are encouraged to take pride in their black heritage, but the curriculum is heavily oriented toward the basics of education—especially reading. There is also religious instruction, but the student body is about 70 percent *non-Catholic*, though it was initially predominantly Catholic. Black non-Catholic students in Catholic schools are common in cities around the country, as black parents seek the education, the discipline, and the sheer physical safety which the public schools often cannot offer. The tuition is . . . $450 per year for the non-Catholics and $360 for Catholics and the school runs a deficit, which is made up from general church funds.

St. Paul has one problem: Some parents think that the school is too intellectually challenging for their children. Interestingly, this view is more common among those parents who are public school teachers.

NEW ORLEANS: ST. AUGUSTINE HIGH SCHOOL

St. Augustine High School is a school for boys founded in 1951 by the Josephite Fathers. Its first principal was a young priest, Father Matthew O'Rourke, with neither experience nor training in education.

The school was neither wedded to tradition nor seeking to be in the vanguard of "innovation." It did whatever worked educationally, and abandoned what did not. The wide range of student preparation led to ability-grouping, and to the jettisoning of the traditional English courses for the least prepared students in favor of an emphasis on reading, at virtually any cost. *Time* magazine was found to be an effective vocabulary tool for many students, and hundreds of St. Augustine students subscribed, at the urging of their teachers. A special summer course featured speed reading, with assignments of a novel per week, including reports.

IMPRESSIVE STUDENT ACHIEVEMENT

The teachers' inexperience and lack of familiarity with educational fashions paid off handsomely. The first Southern Negro student to win a National Merit Scholarship came from St. Augustine. So did the first Presidential Scholar of any race from the state of Louisiana in 1966, and 10 years later, St. Augustine had produced 20 percent of all the Presidential Scholars in the history of the state.

In the National Achievement Scholarship program for black students, St. Augustine has produced more finalists and semi-finalists than any other school in the nation. In 1964—*before* the big college drive to enroll black students—St. Augustine's students won more than $100,000 in college scholarship money. This is all the more remarkable since the total enrollment is less than 700.

The pattern of I.Q. scores over time at St. Augustine shows a generally upward movement, beginning at a level very similar

MONS 029877

to the average for black students and reaching a level at or above that for the United States population as a whole. In its early years, St. Augustine had mean I.Q.'s as low as 86; but during the period from 1964 through 1972, I.Q.'s were just over 100 for every year except one.

TEACHING TRADITIONAL

Teaching methods at St. Augustine are traditional, and both its academic and behavioral standards are strict. Students must wear "a dress shirt with a collar," and the shirttail "must be worn inside the trousers at all times." The general atmosphere at St. Augustine is relaxed, but serious. Its halls are quiet and its students are attentive and engrossed in what they are doing, as are the teachers.

Yet it is not a wholly bookish place. Its athletic teams have won many local championships in football, basketball, and baseball. At lunch time, the students were as noisy as any other high school students, and the boys in the lunch room were visibly appreciative of a shapely young woman who was part of our research team. One of the real accomplishments of St. Augustine has been to give education a masculine image so that black youths need not consider intellectual activity as "sissy."

PARENTS NOT MIDDLE-CLASS

The achievements of St. Augustine cannot be explained by the usual phrase of dismissal, "middle-class." Although it is a private school, its modest tuition ($625 per year) does not require affluence, and about 15 percent of the students pay no tuition at all, while others pay reduced tuition because of their parents' low income. The school runs a chronic deficit, despite the low pay scale for those teachers who are clergy.

Our statistical tabulation of parents' occupations covers only the years from 1961 to 1967, but in each year during that span more than half of the known parental occupations were in the "unskilled and semi-skilled" category, and the parents with professional or white-collar jobs added up to less than one fourth as many.

While the students are seldom from the lowest poverty level, there is only occasionally the son of a doctor. Many come from families where the father is a bricklayer, carpenter, or other artisan, and has only a modest educational background. They are not middle-class in income, career security, culture, or lifestyle.

NEW ORLEANS: XAVIER PREP

Xavier Prep is an all-girl Catholic school run by the Sisters of the Blessed Sacrament. It was founded in 1915, and was coeducational until 1974. It had 19 graduating seniors in 1916, and the enrollment increased to about 300 in 1940. It has about 900 students today, after the male students were phased out in the 1960's.

Even when it was coeducational, it had more female than male students. One of the reasons for the difficulty of maintaining a masculine image for education among black youths is that, throughout the country and down through the years, Negro girls have out-performed Negro boys by a wide margin on grades, tests, and virtually every measure of intellectual ability. Studies of high I.Q. black students have consistently found the girls outnumbering the boys, by from two-to-one to more than five-to-one.

STUDENTS' COLLEGE BOUND

Over 90 percent of the graduates of Xavier Prep go on to college. Until the 1960's, almost all went to Xavier University in New Orleans, run by the same order of nuns. Today about 60 percent of the graduates go to either Xavier University, Loyola, or Tulane—all in New Orleans—even though their academic preparation would make them eligible for many other colleges and universities in other parts of the country.

In the earliest years of Xavier Prep, many of the students were from Creole backgrounds. But today the colors and conditions of the students represent a cross section of black America. Over the years, about 40 to 50 percent of the students have come from low-income families, many entering with serious educational deficiencies, requiring remedial work. More than 60 percent of its students are eligible for the free lunch program. While Xavier is a private school, its tuition is only $35 a month.

AGAIN, NOT MIDDLE-CLASS

Our statistical tabulation of parental occupation shows that from one half to four fifths of the parents' occupations have been in the "unskilled or semi-skilled" category, in the period from 1942 to 1972 for which we have data. Parents in professional or white-collar occupations put together added up to only seven percent of the total during that same span. The principal, Sister Anne Louise Beckfeld, recalls "one dentist" this year and "one lawyer last year" among the parents, but no engineers or college professors, and a small percentage of public school teachers—and otherwise parents of very modest socioeconomic backgrounds, with some of the mothers being domestics or store clerks and the fathers in similar occupations.

Unlike middle-class parents, the parents of Xavier students tend to be very cautious about their input into the school—even when invited and encouraged to participate. They seek discipline and an emphasis on basic education, and seem particularly pleased when their children's teachers are nuns.

REMEDIAL WORK EMPHASIZED

Classes at Xavier Prep in the past tended to be large (35-40 students), but since boys were phased out in the mid-1960's, classes have been reduced to about 25 to 30 students. These students are "tracked" by academic ability. The less prepared students are given intensive and imaginative remedial work.

Nuns and lay teachers are about equally represented on its faculty, and it principal is a nun. It is a quiet, low-key place where the changing of classes produces swarms of black teenagers in the halls but little noise. The classroom scenes have studious and teacher-absorbed in mutual endeavor, but with a certain relaxed geniality. Discussions with Xavier teachers indicate that they put much thought and work, on their own time, into the preparation of their classes.

Although subject to the guidance of superiors both inside and outside the school, the teachers seem to have more scope for personal initiative than do public school teachers. Among alumni of the school, their teachers' personal interest in them is a factor often cited as having given them the inspiration and self-confidence that came before the educational achievements themselves.

CONCLUSIONS AND QUALIFICATIONS

Contrary to current fashions, it has not been necessary (or usual) to have a special method of teaching to "reach" black children in order to have high-quality education. Teaching methods used in the schools studied here have varied enormously from school to school, and even in particular schools the variation from teacher to teacher has been so great as to defy general characterization.

Everything from religious principles to corporal punishment has been used to maintain order. The buildings have ranged from the most dilapidated wrecks to a sparkling plate-glass palace. The teachers and principals have been black and white, religious and secular, authoritarian and gentle, community leaders and visitors from another social world. Their only common denominators have been dedication to education, commitment to the children, and faith in what it was possible to achieve.

FOUNDATION HYPOCRISY

Perhaps the most disturbing aspect of contemporary education is the extent to which the very process of testing ideas and procedures by their actual *results* has been superseded by a process of testing them by their consonance with existing *preconceptions* about education and society. Father Grant, even after his remarkable success as principal of St. Augustine, found no receptivity at the Ford Foundation either to his appeals for money for the school or to his ideas about education. He was out of step with the rhetoric of his time and did not use the "innovative" methods that were preconceived to be necessary or beneficial to black students.

Xavier Prep, even after more than half a century of demonstrable results, is still looking for a modest sum of money to improve its library, but libraries are not "exciting" or "imaginative"—as "black English" or "black studies" are.

[*Addendum:* Some state legislatures have made efforts to give poor parents a choice of schools, including Catholic schools. New York, for example, passed a law giving poor black, Hispanic and white parents grants to pay tuition in private schools—a kind of GI Bill or voucher plan for poor parents.

[But the Supreme Court ruled in *Nyquist* (1979) that poor parents were not entitled to a choice of schools because the tuition grants New York gave them were an "incentive" to send their children to Catholic schools—like St. Paul, St. Augustine and Xavier—and that giving such an "incentive" violated the Establishment Clause of the First Amendment. In other words, the Court said that poor parents, unlike better-situated parents, have no right to choose an education with values different from those inculcated in the public schools because poor parents "predominantly" choose Catholic schools. That choice, the Court ruled, it would not approve.

[Thus, quality education of most poor black, Hispanic and white children is sacrificed by a Supreme Court that is hostile to poor parents—including Protestants—who (given a state grant) choose to send their children to Catholic schools.

[Clearly, until the Supreme Court stops its campaign to force poor parents to subject their children to the inculcation of the moral, religious, educational and behavioral values espoused by state schools, the vast majority of black, Hispanic and white poor parents will never enjoy the fundamental constitutional right to send their children to schools like St. Paul, St. Augustine and Xavier Prep. They will continue to suffer the denial of this right because, as Chief Justice Burger said in *Nyquist*, they exercise their religious freedom rights in the choice of Catholic schools.]

MONS 029878

1975-76 ENROLLMENT BY ETHNIC GROUPS IN CATHOLIC SCHOOLS SERVING INNER-CITY AREAS OF LARGER METRO DISTRICTS

Metropolitan area	Schools	Students	Minority groups: Blacks Number	Blacks Percent	Spanish-surnamed Number	Spanish-surnamed Percent	Others Number	Others Percent	Total Number	Total Percent	Non-Catholics Number	Non-Catholics Percent
1. New York City	121	97,999	9,995	11.9	19,221	23.0	1,157	2.9	23,773	47.9	2,314	4.0
2. Brooklyn	61	43,000	8,179	19.0	10,228	24.0	439	1.0	18,826	44.0	860	2.0
3. New Orleans	69	32,169	11,298	35.0	983	3.0			12,201	38.0	6,743	21.0
4. Chicago	218	125,947	14,288	11.0	6,987	23.0	1,698	1.0	21,773	35.0	10,117	19.0
5. Philadelphia	131	72,144	9,388	13.0	984	3.0	221	1.0	10,195	45.0	2,714	10.0
6. Boston	46	20,969	1,849	9.0	624	4.0	206	1.0	2,679	13.0	618	3.0
7. San Francisco	62	18,226	1,728	9.0	1,672	10.0	2,809	15.0	6,218	48.0	2,788	15.0
8. Cleveland	54	16,223	1,969	14.0	467	3.0	182	1.0	2,618	28.0	1,169	13.0
9. Los Angeles	75	14,836	1,595	9.0	3,956	25.0	148	1.0	5,341	35.0	297	2.0
10. Washington, D.C	33	10,686	6,885	65.0	535	5.0			7,420	70.0	2,756	26.0
Total	695	246,057	63,556	25.7	43,495	17.5	6,261	2.5	113,302	45.7	30,929	12.5

Source: Data compiled from diocesan questionnaire by Rev. Msgr. Edward F. Spiers, Catholic University of America, February 1976.

GROWTH IN THE OZARKS

Mr. BUMPERS. Mr. President, in recent years the Ozark region in northwestern Arkansas and southwestern Missouri has been one of the fastest growing rural areas in the United States. The reconciliation of growth policy with the existing folkways of the area was the subject of a conference held by the U.S. Community Services Administration's Office of Human Concern in Eureka Springs, Ark. The conference was organized by Mr. Edd Jeffords, a new resident in the area. Mr. Jeffords' views on development of rural areas were included in a recent article in the National Observer, and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OZARKERS FIGHT IN OZARKS—AS FORMER CITY FOLK ARRIVE, RURAL ARKAS TAKE STOCK

For more than 100 years this Ozark Mountain village has boasted that it's good for what ails you. In the last century its mineral waters built a reputation for soothing the body's aches and pains, and the village became a well-known health spa. Today its clean air, green lushness, twisting and mountainous streets, Victorian aura, and remoteness from skyscrapers, asphalt, and the suburban squeeze offer spiritual relief.

But, like a quick-acting aspirin, the relief may be only temporary. It was just a year ago that this isolated chunk of northwestern Arkansas and southwestern Missouri was identified as one of the nation's fastest-growing rural areas. In the 12 months, enough problems have surfaced to force the new migrants to begin taking a look at what they've done.

"NOT A FEW"

A few of them did just that at a Conference on Ozark In-Migration here recently. It may be the forerunner of similar conferences in far-off corners of the nation. The view that emerged may be a lesson for the nation's half-dozen or so other rural areas that are finding themselves awash with former city folks—retirees, youthful back-to-the-landers, leisure seekers, and fast-buck operators.

These other areas include: northern Michigan and the Upper Peninsula along with northern Wisconsin and north-western Minnesota; the southern Appalachian area of southeastern Kentucky and southern West Virginia; the Rocky Mountains from New Mexico to the Montana and Idaho borders with Canada; northern New England; the central hill country of Texas; and the old Gold Rush areas of northern California.

Says Calvin L. Beale, a U.S. Department of Agriculture demographer who first spotted this back-to-the-country move, "It's difficult for people to accept this as permanent—that it's not some massive fad or aberration." Growth in the boondocks is approaching—and even surpassing—3 per cent a year, he says. This is more than four times the national growth rate. Here in the Ozarks the growth rate is an astonishing 8.5 per cent a year.

People are overwhelming housing, schools, jobs, roads, and the delivery of essential health and welfare services. Says Beale, who favors a slowdown in growth: "They're suffering from too much of a good thing to be short a time. No one really understood what the effects of large numbers of retired people would have on an area such as the Ozarks." Nor, he adds, "could one foresee the youth and environmental revolutions" that have ignited this back-to-the-land movement. Add to this the boom in recreation and leisure homes and you have Ozark hills and hollows chock full of people.

Beale notes that the population in the 21-county area of the Arkansas Ozarks increased 17.8 per cent between 1970 and 1975. The nation's growth during this same period was only about 4 per cent. Beale believes there is no way an area can cope with a 8 per cent annual growth rate without Government assistance and executive planning.

That's one reason the U.S. Community Services Administration's Office of Human Concern brought together here about 150 Federal, state, and local officials, and local residents (old and new) to call attention to what some of them see as crippling growth.

LEARNING TO ADAPT

Ed Jeffords, a 30-year-old dropout from main-stream society who organized this conference, supports the difficulty: "Most people seem to want the economic benefits, services, and conveniences afforded by growth, but they don't want the problems that accompany it."

This is generally true, says Jeffords, of both the native Ozarkers and the recent arrivals. "The difference is that the new migrants, particularly the young, are accustomed to dealing with information and technology," he says. "They are learning to adapt the old ways to the new—they plant by the signs, never whittle toward themselves, never spit toward the wind, and heat their homes with solar panels. They are, for the most part, exponents of alternative energy sources, low-impact technology, intensive organic gardening, self-sufficiency, and environmental protection. They value their personal independence, they pride themselves on their resourcefulness, and in the best conservative tradition, they resist that sort of change that would see the mountains bulldozed into oblivion."

The example they cite is a proposed corridor expressway linking Kansas City and New Orleans that would slice through a corner of the Ozarks.

For some of the have-nots, the opening up of such a highway would mean economic progress to the area and is a good thing. Kevin Blanton, a school librarian in Bentonville, points out that the Ozarks are still poor and that the people who have fought poverty for two generations deserve the benefits that economic growth would bring.

That is one clash of values. Another is the conservative religious heritage, hardly shared by the youthful free spirits building their homes and tepees in the woods.

INTERNECINE CONSERVATISM

Thus one of the sharpest divisions is between the natives who finally see a "piece of the pie" coming their way and the new migrants who see growth as bringing all the things for which they fled Chicago, Los Angeles, Seattle, Miami, New York, and New Orleans.

Still, there are signs the two cultures may be able to work out their differences. Says Jeffords: "Traditionally independent, conservative, the region attracts like-minded migrants. While values and definitions are in a state of flux throughout the nation, many retirees and others some here specifically because of the region's inherent conservatism."

Adds Jeffords: "And it's not just the Midwestern retirees who profess that conservatism. It is, paradoxically, shared by many of the younger migrants, who, a few years back, would have been labeled radical. In fact, the entire rural migration I view as basically conservative, in that it appears to derive from people's need for stability, security, and simplicity in an increasingly complex and changing world." He calls the young back-to-the-landers the "vanguard of a new ruralism." Another way to look at it is the "Turbanization" of America, he says.

Jeffords and his boss, William Brown, deputy director of the Office of Human Concern for a three-county area in the Ozarks, are pioneering co-operative ventures that may be models for rural areas elsewhere. Among them are community canneries, co-operative marketing, a return of the Grange, and a skills inventory that will enable neighbor to use neighbor to get jobs done.

THREE SMALL CANNERIES

Shortly, for example, there will be a small cannery each in Carroll, Benton, and Madison counties that will enable area housewives to bring in their homegrown produce and can it themselves in half the time it would take at home.

Each unit costing $7,000 can serve from 50 to 200 families. They are produced by the Rail Chop. of Mounds, Ind., and are sold at discount to non-profit groups such as the Ozark Office of Human Concern.

By harvest season, Brown says, he expects

MONS 029879

800 families of widely divergent backgrounds to be involved in the canning and marketing operations: "They'll be working side by side, sharing thoughts and values, and saving money by doing it yourself.

"We are establishing a sense of community here," says Brown. "We are learning co-operation. This is one of the things we have missed in our Twentieth Century life. It may be irony that we are discovering it here in the Ozarks."

CONFERENCE REPORT ON H.R. 14232 LABOR-HEW APPROPRIATION BILL

Mr. BAYH. Mr. President, in a few days the Senate will decide whether or not to accept the conference report on H.R. 14232, the Labor-HEW appropriations bill for fiscal 1977.

The House agreed to the conference report on August 10, and also agreed to insist upon disagreement on amendment No. 68. This amendment, included in the House bill, provides that no funds shall be used "to pay for abortions or to promote or encourage abortions." The Senate bill entirely deletes this language. I strongly and vigorously support the Senate position on this issue.

Mr. President, although I disagree with the House on the important matter of amendment No. 68, I wish to compliment both the House and Senate Appropriations Committees on their actions on this bill—and particularly Representative FLOOD and Senator MAGNUSON, chairmen of the Labor-HEW Appropriations Subcommittees.

This is a huge and complex bill. It appropriates more than $56 billion for the fiscal year which begins on October 1. As my colleagues are well aware, the appropriations contained in this bill are for health research and health delivery; for immunization, rat control, and lead-based paint programs; for elementary and secondary education assistance, including specialized programs such as environmental, drug abuse and bilingual education; for handicapped, occupational, and adult education; for library assistance; for public assistance, child welfare, and rehabilitation services and facilities; for the Department of Labor and the Community Services Administration; for related agencies such as ACTION, the Corporation for Public Broadcasting, the National Labor Relations Board; for special institutions such as Gallaudet College and the American Printing House for the Blind.

It is very much to the credit of the leadership of both Houses, and to the chairman of the Appropriations Committees and subcommittees, that this bill is before us at such an early stage. Its speedy enactment will allow agency and department heads, and project administrators at the Federal, State, and local level to plan efficiently for the coming year.

Yet, Mr. President, the threat of a veto looms over this bill. Criticism has already been heard because the conference figure is $4 billion over the administration budget request. But I must repeat a comment I have made before—the budget request is not a magic figure.

Each and every appropriation which this Congress makes should be analyzed, first, in terms of its merits, and second, in terms of overall spending policy. In this context, it should hardly be necessary for me to note that each Labor-HEW Subcommittee conducted many days of hearings. In the Senate, for example, the hearing record of the Labor-HEW Subcommittee fills eight thick volumes. Markup at the subcommittee and full committee stage consumed several days. The Senate subcommittee considered more than 200 amendments. Additional amendments were debated in the full committee and on the floor. The House-Senate conference lasted a full week; there were 76 amendments in disagreement.

With respect to overall budgetary constraints, it is important to note that this bill is well within the targets of the first budget resolution passed by this Congress in May. I repeat, then, that the budget request is not a magic figure. It does not remove from the Congress either the right or the obligation to scrutinize the adequacy of recommended appropriations.

The President's budget request for Labor-HEW totaled about $52.618 billion for fiscal 1977—less than $1 billion more than the comparable appropriation for fiscal 1976. Now I do not believe that "more is always better." But I do believe that when inflation is running at a rate of 6 percent for the past year, I want to be presented with solid justifications for accepting a budget request that amounts, in terms of real spending power, to a cutback compared to the previous year. The administration has failed to convince me—and the majority of my colleagues in both Houses—that good reason exists for such a cutback.

Mr. President, the Labor-HEW appropriations bill has often been referred to as a "peoples bill" because it provides funds for so many humanitarian purposes. While it is true that this appropriations bill supports many programs representative of the compassionate instincts of our country for the disadvantaged, the sick, the undereducated, the handicapped—it is equally true that most of these programs are extremely cost effective. To put it bluntly: a dollar which is spent today teaching children to read, or preventing illness or disability, or training people for jobs, means the saving of many more taxpayers' dollars tomorrow in the payment of welfare costs or unemployment benefits.

One example of this cost effectiveness is research carried on at the National Eye Institute. Ninety-four million Americans are afflicted by eye disease in varying degrees; 10 million Americans—or 1 out of 20—suffer from uncorrectable visual impairment. One-half million of these are functionally blind; and one-half million are so severely impaired that they cannot read a newspaper even with glasses.

Blindness costs Americans billions of dollars each year. One billion dollars of income is lost annually due to blindness; another $500 million is spent by public welfare agencies for services to the blind. It has been estimated that visual problems cost this country a total of $5.2 billion annually.

The fiscal 1976 appropriation for the Eye Institute was $50 million. For fiscal 1977, the President requested a cutback to $46.9 million. Fortunately, both Houses of Congress rejected that request, and the conference report recommends a funding level of $64 million. This appropriation—and the benefits which flow from it in the prevention and treatment of vision defects—is a mere drop in the bucket compared to the lost income and public costs incurred by vision impairment.

I want to take note of several other items in this bill of particular interest to me. One of these is the appropriation for family planning. From fiscal 1973 through 1976, the funding level for family planning project grants remained at $94.5 million. This year, I recommended full funding of $122.6 million for the program, and this level was included in the Senate bill. Unfortunately, the conference produced a compromise figure of $113.6 million.

The importance of this item is underscored by the controversy surrounding amendment No. 68, and by the veto threat. Regardless of one's stand on the abortion issue, I think we can all agree that family planning is preferable to abortion for preventing the birth of unwanted children—and statistics indicate that 20 to 25 percent of all births are unplanned or unwanted at the time of conception.

With respect to the budgetary impact, it is important to point out that every dollar invested in family planning services in 1 year results in a $2 saving during the next year in maternal costs, infant care, and public assistance. Considering the fact that, out of approximately 10 million women in need of subsidized family planning service, nearly 3½ million women of low and marginal income remain unserved, I can think of few more cost-effective expenditures of Federal funds.

This bill contains some $51 million for the newly authorized National Health Promotion and Disease Prevention Act of 1976. This important piece of legislation provides for the immunization of children against diseases such as measles, rubella, mumps, diphtheria, and whooping cough, and for control of veneral disease, rat-born diseases and lead-based paint poisoning. What could be more cost effective, and more humane, than administering shots to children—shots which range in cost from $0.065 for diphtheria—tetanus—pertussis, $0.71 for measles, $0.60 for rubella, $2.92 for mumps—to prevent a recurrence of epidemics which cripple and even kill. And we are not talking about simple childhood diseases which only cause discomfort. For example, rubella—or german measles—if passed from a child to a pregnant woman can cause terrible deformities in the unborn child.

There is a relatively small item in this bill which deserves mention: $9 million for hypertension formula grants. Together with other members of the Labor-HEW Appropriations Subcommittee, I pressed for a full appropriation of $15 million for this item in the Senate bill—which finally provided $10 million.

Hypertension strikes 23 million Amer-

MONS 029880

teans—14 percent of the population. Some 29 percent of Americans who have high blood pressure don't know it. Undetected and untreated, hypertension is responsible for at least 200,000 deaths each year; it frequently leads to stroke, heart attack, heart failure and kidney failure.

In the past few years, clinical and educative programs of the National Heart, Lung and Blood Institute have made great progress in the field of hypertension control. For example, the proportion of Americans who have hypertension, but are unware of it, has declined from 50 to 29 percent since 1971. Even more impressive is the fact that, between 1973 and 1975, the death rate from hypertension alone declined by 21 percent.

The appropriation provided in this bill for hypertension formula grant moneys will enable the States to bring treatment services to millions of people who cannot now afford them. The result will be the saving of many lives, of much suffering, and a tremendous addition to our human—and consequently, economic resources.

Mr. President, there are many excellent items in this bill in addition to those I have mentioned. Many difficult decisions were made by members of the Appropriations Committee and the Conference. I want to complement the Committee staff for their most able assistance at every stage.

I shall vote to accept the conference report on H.R. 14232, and shall vote to insist on the Senate position on amendment No. 68.

ON THE EIGHTH ANNIVERSARY OF THE SOVIET INVASION OF CZECHOSLOVAKIA

Mr. BUCKLEY. Mr. President, 8 years ago, on August 21, 1968, the Soviet Union committed an atrocity against freedom. Its troops stormed into the Republic of Czechoslovakia, ending that country's brief reassertion of its independence. While the world watched in horror, Leonid Brezhnev's armored legions desecrated the streets of Prague with their presence. It was a ruthless performance worthy of Joseph Stalin himself.

There was a time when American officials could offer to the Czechoslovak people strong words of sympathy and support in their silent determination to regain their national independence. But this year, those words do not come easily. Not after Vietnam, after Cambodia, after Laos. Not after the conquest of Angola by Marxists and the transformation of Mozambique into a totalitarian state.

And yet, this is not the time to be discouraged; for as the Czechoslovak people know, history has a momentum of its own. The millions of persons in Eastern Europe and in this country who hope for a new dawn of freedom in Czechoslovakia should remember the example of Thomas Masaryk, father of the Czechoslovak Republic. Against overwhelming odds, his courage and determination persisted. Against the certainty of failure, his faith in the future prevailed. In the few glorious months before Soviet forces occupied his country 8 years ago, Masaryk's grave became a place of national pilgrimage, ringed with flowers and candles. Two generations after his death, he had not been forgotten by his people. He has not been forgotten now. The Soviet occupiers may keep pilgrims from his grave, but they cannot still the voice that comes from within it. It echoes through the halls of the Kremlin. It rings through the rooms of Hradcany Palace to disturb the slumber of Gustav Husak. It still speaks to the Czechoslovak nation.

That is why the eighth anniversary of the Soviet invasion is observed as the "Soviet Day of Shame" by the people of Czechoslovakia and by their friends in the United States. Like Masaryk, we know that tyranny does not endure forever. And so, in his memory, let us join his countrymen again this year in reaffirming the inevitability of Czechoslovak independence.

The national anthem of the Czechoslovak Republic asks, "Kde domoj muj?"—"Where is my home?" As if in answer to that question, Tom Paine once wrote, "Where liberty dwells, there is my country." From our American haven of liberty, which has been a refuge to thousands of Czechoslovaks fleeing from Hapsburg repression, Nazi terror, and Communist slavery, we look across the ocean and across the years to the day when liberty will again dwell in their land. For that day will begin a new "Prague springtime" of liberation which will warm all of Eastern Europe.

ROCKWELL'S MASSIVE LOBBYING CAMPAIGN FOR THE B-1 BOMBER

Mr. PROXMIRE. Mr. President, on August 13 I wrote a letter to Secretary of Defense Donald Rumsfeld asking that an investigation be made to determine if tax funds are being used by Rockwell International in support of their massive nationwide campaign for the B-1 bomber.

Within recent weeks Rockwell International has accelerated an already massive public relations campaign in support of the $22 billion B-1 program. Advertisements have been placed in major newspapers throughout the country including the Wall Street Journal, four times, the New York Post, Seattle Post Intelligencer, six times, and Seattle Times, six times, Providence Evening Bulletin and Providence Journal, Wilmington Morning News and Wilmington Evening Journal, three times, the Atlanta Constitution and Atlanta Journal, six times, St. Louis Post-Dispatch and St. Louis Globe Democrat, six times, Springfield Illinois Journal Register, Chicago Daily News, 13 times, the Chicago Sun Times, Chicago Tribune, and many others.

In addition, there are a number of other Rockwell practices which may have been written off for tax purposes as business expenses and thus borne by the American taxpayers. For example:

Rockwell employees touring the country to speak with newspaper editors encouraging support for the B-1.

Major advertising in aerospace publications such as Aviation Week and Space Technology and the Air Force magazine.

The payment of dues or membership fees to organizations which actively encourage support for the B-1 and/or lobby for the B-1, such as the Air Force Association, and the American Security Council.

The production and distribution of slide shows and films extolling the B-1. For example, the production of a film on the Rockwell Chief Test Pilot and his first flight in the B-1, as distributed by Paramount Pictures Co.

The costs of Rockwell's Washington office, including overhead personnel, travel, publicity, and consultants if any part of such funds were used for lobbying activities or in support of pro-B-1 forces during periods of legislation dealing with the B-1.

The sponsorship or financial support of research organizations or public relations firms which then either publicize the merits of the B-1 and /or encourage lobbying in behalf of the B-1 program.

The establishment and funding of Operation Common Sense by Rockwell International in 1974 as an internal lobbying organization designed to influence veterans organizations, provide pro-B-1 speakers to citizens groups, counter anti-B-1 activities and conduct public relations in support of the B-1.

Letters to all Rockwell stockholders and employees recommending that they write to Congress in support of the B-1.

Public relations and lobbying activities by themselves are a normal part of private enterprise and contribute to a healthy debate on national issues. Furthermore, it is not known if Rockwell has used tax funds in these cases.

Under no circumstances, however, should such activities be supported by tax funds or claimed under Government contracts. That results in the taxpayer financing a lobbying campaign against himself.

To be sure that this media blitz by Rockwell is not using tax funds, I have asked the Secretary of Defense to conduct a thorough inquiry into the facts.

Mr. President, I ask unanimous consent that a copy of a Rockwell letter to shareowners be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ROCKWELL INTERNATIONAL,
Pittsburgh, Pa., August 13, 1976.

DEAR SHAREOWNER: Because I believe the B-1 bomber, which is being developed by your Company for the Air Force, is of great importance to the future security of our country, I am taking this opportunity to bring to your attention some factual information about the program.

I believe you, as a Rockwell International shareowner, will be interested in reading Air Force Secretary Thomas Reed's enclosed comments made in response to an inaccurate and distorted article which appeared in a recent issue of Barron's, the financial publication. There is no question that Secretary Reed and other civilian and military leaders believe the B-1 program is essential.

It is most unfortunate, as Secretary Reed points out, that much of the information used about the B-1 "is outdated or badly misinterpreted. This leads to inaccurate conclusions and unwarranted allegations about the way the B-1 program is proceeding."

MONS 029881

Whether the B-1 goes into production may well depend upon those who believe the program is necessary for the defense of this country and the maintenance of peace, but who have not been heard from by members of Congress.

There is an extremely vocal and well-organized group of individuals and organizations who are using every means possible to influence Congress to vote against the program. They are literally bombarding the congressional offices in Washington with mail urging that the B-1 be killed. You may recall that some of these same individuals attempted to disrupt our last shareowners meeting in Los Angeles.

Their immediate target is a Joint House-Senate Conference committee which will be meeting soon to resolve differences in the Military Appropriations Bill. The House of Representatives has authorized and appropriated funding for initial production go-ahead as requested by the DOD. The Senate also has authorized production but an amendment to the senate version of the Appropriations Bill calls for the production decision to be delayed until February of next year.

Make no mistake. The opponents of the B-1 believe that if they can delay the start of production, they will be able to kill the program entirely. The Air Force has warned that such a delay will cost approximately $400 million.

If you believe, as I do, that production of the B-1 is critical to the defense of this nation and the Free World, I urge you to make your views known immediately to the U.S. representatives and senators of your state.

For your letter or wire to be effective, it should be written as soon as possible. I hope you will agree that this matter is of extreme importance to you as an individual and to the nation.

Sincerely,

W. F. ROCKWELL, JR.

Enclosure.

HOW TO CONTACT YOUR CONGRESSMAN

Telephone his office in your state or place a call to (202) 224-3121. That's the Capitol operator who can connect you with your senator or representative. To telegraph via Western Union, send the message to the Honorable ——. For senators, the address is: U.S. Senate, Washington, D.C. 20510. For representatives, the address is: House of Representatives, Washington, D.C. 20515. A Public Opinion Message of 15 words costs $2 and can be delivered within hours. A 100-word "Mailgram" costs $3.55 and will be delivered the following day. The charges can be billed to your home phone. Contact your local Western Union office.

EMERGENCY JOBS PROGRAM

Mr. BAYH. Mr. President, I support H.R. 12967, the Emergency Jobs Program Extension Act of 1976, which was passed by the Senate on August 10. The Federal Government's central role in moving this Nation toward economic recovery is no longer questioned by a majority of Americans. This bill goes a long way toward achieving that economic recovery.

Unemployment figures released August 6 by the Bureau of Labor Statistics show the nationwide unemployment rate climbing for the second month in a row. The 7.8-percent unemployment figure for July should be a cautionary sign for those who assume that we can turn our backs on efforts to stimulate further economic recovery.

A close examination of unemployment rates among various subsections of our workforce does not paint such a reassuring picture either. Unemployment rates for teenagers—16 to 19 years—was 18.1 percent, among construction workers, 17.7 percent, and 7.8 percent among manufacturing workers. For black teenagers the percent was still a staggering 34.1 percent.

These figures demonstrate the clear and compelling need to quickly approve the Emergency Jobs Program Extension Act of 1976. This legislation has four basic purposes: First, to extend the authorization for title VI of the Comprehensive Employment and Training Act—CETA—through fiscal 1977; second, to provide employment projects for the long-term unemployed; third, to provide unemployment compensation benefits to public service employees under CETA; and fourth, to establish a National Commission on Employment and Unemployment Statistics.

Mr. President, under CETA, approximately 320,000 previously unemployed persons have been hired to meet locally determined public service needs throughout the Nation. The program has been administered by some 430 State and local government prime sponsors. With this Nation still facing chronic unemployment, few question the need of continuing this vital program.

The legislation is more than a simple extension of title IV CETA programs however. It makes a number of changes in the administration of CETA programs which are designed to benefit both State and local sponsors as well as the jobless. For example, the bill provides that State and political subdivisions shall be reimbursed for the costs of providing unemployment benefits to workers directly from the special unemployment assistance program rather than through money provided under CETA for the creation of public service jobs.

The process of putting people back to work is a slow and frustrating one, but it is the most important economic task facing us today. The National Commission for Manpower Policy concluded its interim report to the Congress by commenting that the American people would no longer tolerate a government that would do nothing to stem the ravage that unemployment brings in its wake. CETA programs have been a vital step in stemming these ravages. I urge the Congress to move quickly in approving this legislation.

THE TURNING OF THE PRESS, OLYMPICS, AND OTHER INTERNATIONAL INSTITUTIONS INTO POLITICAL INSTRUMENTS

Mr. CASE. Mr. President, the 1976 Olympics have given us a further reason to examine the trend toward converting international events and institutions into political tools.

From the playing fields of Montreal to the meeting rooms of San Jose, Costa Rica—site of a recent UNESCO conference on the press—there have been renewed efforts by some governments to corrode channels of international exchange which should not be clogged by politics. The governments responsible for turning athletic games into political games and news coverage into political coverups should take a hard look at where they are heading.

The same mentality which has been seeking to misuse the educational and cultural efforts of UNESCO for political purposes would similarly pervert the Olympic games and—far more serious—the institution of a free press.

The resolutions adopted by the recent UNESCO conference on the press in San Jose and the attitudes expressed in some of the discussions point to a growing attempt to censor the flow of news and information. Under the guise of fighting "cultural imperialism," some of the developing countries reflect not just a misunderstanding of how news organizations operate, but a basic rejection of the value of the truth in ultimately helping their causes and the cause of justice and peace throughout the world.

We all want to help the developing nations reach their potential. But development cannot justify destruction of the institution of free speech which has been forged at such great cost.

Yet the UNESCO conference heard such statements as that of the agency's Director General, Amadou Mahtar M'Bow who said:

> When mass communications media instill standards of value alien to any given region they threaten to eradicate or nullify that region's own values.

With Mr. M'Bow's speech setting the tone, the UNESCO conference passed a resolution calling for government control over the kinds of information distributed in the Latin American and Caribbean region via communications satellites. Another resolution called for the creation of a news agency for the region. Earlier, there had been discussions of proposals to make third world nations responsible for control of news dispatches from their area.

These ideas call for a curb on the flow of information to suit the convenience and political comfort of incumbent governments. Already, in some nations, all incoming news agency reports have to go through a government-controlled news agency before being distributed to newspapers and broadcasters.

These systems, combined with tightening controls on reports from such countries as India which until recently had been considered a leading democracy in the developing world, reflect a disturbing trend toward censorship. Contrary to Mr. M'Bow's impression, the mass communications media do not attempt to instill values—they try to report what is happening. Their only treat is the impact of the truth upon a dictatorship which does not want its people or the outside world to know what is going on.

Not only is this evil in itself, it works to the disadvantage of the developing countries in the long run. Unless correspondents are able to compile their dispatches from more than just a government's self-interested version, there can be no confidence that the government is telling the truth. Who believes Uganda

MONS 029882

radio for example? In losing their credibility, the censoring governments also can hurt their financial and political support from other countries. Thus it can be to the long-term disadvantage of the governments of developing nations to use the press for their political purposes.

The world already has enough political forums. The disrespect into which the United Nations has fallen, and the cheapening of the value of its resolutions, should be a warning sign that efforts to turn nearly every international activity into a political assertion only undermines more serious efforts to advance worthwhile causes.

I ask unanimous consent that several articles on the issue be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, July 22, 1976]

LATIN NEWS PANEL BACKS SATELLITE-RELAY CONTROLS

SAN JOSE, COSTA RICA, July 21.—A proposal that Latin American and Caribbean governments determine what information should be distributed by satellite in their regions was approved here today at a United Nations-sponsored conference.

The resolution, offered by Bolivia, Brazil, Honduras and Venezuela, was adopted at the final session of a communications conference organized by the United Nations Educational, Scientific and Cultural Organization.

It said the governments of Latin America and the Caribbean should meet "to define a concerted policy with respect to the information content that should circulate via satellite between Latin American countries, and between our region and other parts of the world."

The resolution was the most specific one approved here suggesting government control of the flow of information in the area.

Several Latin American countries have their own satellite systems. Others receive news by satellite from agencies in other countries.

Among other resolutions at the conference was one recommending the creation of a Latin American news agency or pool. The proposal asserted that most of the news circulated in the region was distributed by foreign agencies "not greatly concerned or interested in reflecting the real motivations, whole truth or background of regional events."

It added:

"It *is* the duty of the countries of the region to equip themselves with systems of their own, capable of counter-balancing the serious imbalance existing in communication and giving the world a true, objective and complete image of their own realities."

Another resolution called for the creation of national communications policies.

It said "social responsibilities" of the public and private mass communication sectors should be clearly defined. Governments were urged to guarantee "access to and joint participation" in mass communications and "full exercise of the freedom of expression and information" in accordance with national laws.

Emphasis was placed on the establishment of regional centers to upgrade the training of what was called "communicators" and radio and television journalists.

Other recommendations encouraged informative radio, television and movie programs, low-cost radio and television receivers and a Latin American common market for books.

[From the Bergen County, N.J. Record, Aug. 12, 1976]

THE THIRD WORLD OPTS FOR "DEVELOPMENTAL JOURNALISM"

(By Dial Torgerson)

"Why do our people persist in listening to the BBC?" asked an information department staffer in one of the developing countries of Africa. "Why don't they listen to our government radio?"

"I'll bet you," said an American journalist, "that the first item on your next news broadcast will be about some government official dedicating a cattle dip."

Although the next newscast did not lead off with a cattle dip, the journalist's point was made: The first item was about the opening of a new school for the handicapped. The BBC meanwhile, was telling about whether or not the Olympic Games would be held.

Anyone who could get the BBC in Africa would, of course, listen to it — to the distraction of local government officials who have a different idea of what is news. To them, news is the stuff of which young nations are made. People should be told what the government considers to be good for them and not simply exposed to the facts about what actually is going on in the world.

Philosophers of such Third World journalism call it "developmental journalism." They insist that their countries need a different framework of journalism from the free-press nations. In country after country and at international meetings in different parts of the world, it is becoming apparent that information ministries of the developing world would like to handle news along these lines:

The government must control the flow of news within its own country. A government news agency will release approved information, and it will be broadcast by government radio and TV stations and published in newspapers which are increasingly more government-controlled. Nationalization of independent newspapers is recommended.

There must be a curb on the free flow of news reports from agencies not under control of the government. "Foreign news agencies" like the Associated Press, United Press International, Reuters, and Agence France Press must not be allowed to compete with the government-run wire services. To bring news in from outside there should be a government news organization which will provide only approved news.

This government news agency, it was suggested at the Nonaligned Conference on News Agencies in New Delhi last month, could be organized by a consortium of Third World governments. Each country would submit its version of domestic news, and, through the agency, the member nations would share their versions of news with one another.

The news report would then be government propaganda. Western journalists have pointed out. It would have limited value as news. Its credibility would be meager.

Better this, say the proponents of "developmental journalism," than the "sensationalism" of the international news agencies which wish to tell only bad news about the Third World—natural disasters, stories suggesting the disasters were exacerbated by crooked or ineffective local relief officials, reports of coup attempts, tribal battles, and crime waves.

The international news agencies, in the view of Third World spokesmen, are a relic of colonialism: The former colonial masters run them (the British run Reuters; the French, the AFP), and the shafters, they say, are disposed to make the new governments look bad.

For government-run news agencies to succeed, something obviously has to be done about the news reports filed by the major international news agencies. Few will read reports from a government propaganda machine if those from the fiercely competitive and politically unshackled international agencies are available, any more than people will listen to the local radio station's dull recitation of nation-building news when the BBC is available.

A chilling forecast of how these outside agencies might be handled was among the proposals made to a meeting July 13 to 21 at San Jose, Costa Rica. Sponsored by UNESCO, the conference discussed "mass communications policies" for Latin American nations. It was suggested that laws be passed providing for the arrest of correspondents from international press organizations if their agencies published articles critical of the country where they were based.

Whatever happened to the free press—as called for in the United Nations Charter?

Government officials in the developing countries will tell you that Daniel Patrick Moynihan was wrong when he said that "none of the nations of the Third World is so poor that it can't afford a free press." Developing countries have fragile governments. Watergate-style reporting probably would bring down 100 of the 120 presidents of the developing world—and destroy the existing government structure, as well.

It does no good to argue that many are military dictatorships which deserve to topple: The people in power simply cannot afford to face the threat posed by a free press.

Another factor is the influence of the Russian school of press control on the Third World. The young ministers of the new nations admire it for the tidy sense of discipline it provides. Even those who are anti-Communist can agree that, controlling the press—and those troublesome reporters asking bedevilling questions—is a great way of facilitating the work of a shaky regime. "Beat the Press" is a favorite exercise among dictatorships of both the Left and Right.

But what about UNESCO? Why is the United Nations getting mixed up in matters of mass communications control? UNESCO maintains that it has not wavered in its dedication to "freedom of expression." But like other United Nations agencies, it is sensitive to the desires of the majority, which in the United Nations is the Third World, supported ideologically by the Communist bloc.

If the United Nations majority wants to curb the wire services, it soon will have the secretariat of UNESCO trying hard to find ways that "freedom of expression" can be deemed to be what the majority calls "freedom of expression."

A developmental-journalism theories will argue that nation-building stories are denied freedom of expression by free-press journalism because the reader's interest is preempted by stories of sex, crime, war, coups, and disaster.

In Addis Ababa, Ethiopia, where the people's revolutionary government is in control, the newspaper is filled with government releases and padded with handouts from Eastern European nations ("Bulgaria's New Five-Year Plan") dull enough to cause brain damage if read beginning to end.

In contrast, a copy of Nairobi's breezy tabloid Daily Nation—which gives world news highlights from news agencies and describes the Kenya capital smartly as it is, beset with crime, bright with cinemas, bubbling with sex, and outrageously capitalistic—is passed from hand to hand until it rots.

If Ethiopia had a Daily Nation, who would read the Ethiopian Herald? Except, perhaps, the Bulgarian ambassador?

Papers like the Daily Nation infuriate the information ministers of countries with-

MONS 029883

out Kenya's free press. Our papers, they say, should not describe the way we are, but the way we should be; news is a commodity for nation-building.

And so in these developing countries, people cast aside the government's version of good news and turn on the BBC to see how close to home the latest disaster is striking.

[From the Washington Post, July 24, 1976]

PRESS GROUP SITS THIRD WORLD CONTROLS

(By Joan Krauter)

The Inter-American Press yesterday condemned a UNESCO conference on "communication policies" as an attempt to promote the control and manipulation of all news media in Latin America and the Caribbean.

In the statement released here today, IAPA said the decisions reached at the UNESCO conference confirm its conviction "that the peoples' right to be fully and freely informed is threatened today more than ever before."

The conference the first of its kind—was held July 12-21, in San Jose, Costa Rica, for Latin American nations. Its purpose was to form "mass communications policies."

The result, in the view of its critics, is a new and potentially more frightening kind of "big brotherism" control of the Third World's press freedom.

IAPA, strongly objected to most of the conference's recommendations, from the establishment of national councils that would issue "guidelines" to the press, to a proposal that government agencies be established to screen and veto or censor the "content of news dispatches" sent into the country from outside via satellite.

IAPA had criticized the conference before it opened, predicting that some of the delegates would seek to legitimize government management of the news.

Supporters of the trend toward exclusively government-controlled media in these countries claim that international news agencies distort what they report concerning the developing countries.

Journalists already have difficulties obtaining entry visas in many Third World Countries as a matter of routine, and often must show a favorable attitude to a nation's policies to be sure of having visa rights. Inside the country, the foreign correspondent often is shut off from sources of information and is not allowed to visit areas where there are sensitive situations or unrest.

The UNESCO resolutions further threaten the flow of information in these countries, IAPA charged. "Almost all the recommendations adopted in San Jose show that we are in the presence of a deliberate effort, backed by a strange alliance of popularly elected governments and totalitarian or authoritarian regimes, to deprive man of its right to arrive at intelligent decisions on matters that affect his daily life," it said.

Another recent development in the same area was a resolution passed in New Delhi last week by 36 developing countries, to merge their press agencies, most of which are owned or controlled by the governments.

Such a pool would then distribute the government's official version of each country's events. In Third World countries served by Western news agencies, the government version could then be substituted.

The San Jose conference declared that the governments should "define a concerted policy with respect to the information content that should circulate via satellite between Latin American countries, and between our region and other parts of the world."

The conference ended Wednesday with another resolution saying, "It should be the state and the citizens to establish plans and programs for the extensive and positive use of communication media within the framework of development policies."

"National communications policies should be conceived in the context of national realities, free expression of thought, and respect for individual and social rights."

IAPA, however, charged that UNESCO's communications philosophy discarded such traditional principles as "freedom of the press" and "freedom of information" for concepts "made to order for those governments that seek absolute power."

IAPA said it did not object to a proposal for the establishment of national and regional news services controlled by governments, so long as existing independent news agencies are not restricted.

It expressed the fear, however, that the governments eventually would force newspapers to publish official dispatches against their will, accepting "uncritical information or outright propaganda."

UNESCO representatives earlier suggested that newspapers be forced to devote a certain percentage of space to official news.

[From the Wall Street Journal, July 28, 1976]

MUZZLING THE WORLD'S PRESS

With freedom everywhere under assault, it is hardly surprising that freedom of the press is having a rough time of it. It's hard enough keeping government's hands off the press in democratic nations, much less in states where civilian or military dictatorships hold sway. Yet whatever the future of freedom generally, all the available signs point to rougher going than ever for the unfettered gathering and dissemination of news.

The first clear sign surfaced early this month when representatives of 33 Third World nations met in New Delhi and resolved to pool their government-controlled news agencies. At first, delegates talked about "replacing" coverage by the principal independent news gathering organizations, although now the talk is of "supplementing" that coverage with the "authorized" version of events. This is not likely to be decided officially until the proposal is ratified next month in Sri Lanka.

An equally disturbing sign of news management emerged from the 10-day conference of Latin American nations that ended this week in Costa Rica, sponsored by the UN Education, Scientific and Cultural Organization. Delegates recommended creation of a Latin American and Caribbean news agency to correct "the existing imbalance" in the flow of news in and out of the region by entrusting to it the "positive use of communications media within the framework of development policies."

Delegates were properly vague about how to go about this, but the thrust of the resolutions and the underlying philosophy point unmistakably to increased government control of the press.

The UNESCO conference resolutions likely would have been far more blatant, except for prior warnings raised by the Inter-American Press Association and Freedom House. Officials of the latter widely publicized earlier background papers prepared by UNESCO "experts"—many of them government officials—making it clear that their prime motivation was not news or information but ideology. And why not, since the original directive for the UNESCO guidelines was proposed by the Soviet Union and Byelorussia? Subsequent recommendations at a UNESCO-sponsored media meeting in Bogota in 1974 ranged from expropriation of the news media to direct and indirect controls.

If the resolutions were not as bad as they might have been, it is no doubt because they are viewed as only the opening wedge of concerted efforts to brainwash the media into obedient instruments of government policy. Serious discussion was given to holding correspondents personally responsible if their employers publish anything critical of the country where the correspondent is stationed; nationalizing print and broadcast media not yet under the government thumb; establishing "official communications policy" for resident newsmen and foreign correspondents, and licensing journalists.

The talk about licensing journalists is more than just talk, unfortunately. Colombia, ironically one of only two South American nations with an elected government and a free press, recently adopted regulations enabling a National Press Council dominated by government to issue credentials to journalists and revoke credentials of "unethical" journalists. Even foreign correspondents, unless subsequently exempted, must also be licensed.

Those who would make government the arbiter of what news is to be dispatched to the rest of the world claim, not surprisingly, that existing news agencies "distort" coverage. Subjectivity can never be entirely eliminated from communication, but the International news services do strive hard for objectivity, not only out of professional pride, but out of self-interest, because they are acutely aware that they are serving a worldwide audience with highly diverse attitudes and ideologies. Are we expected to believe that government snoops would exercise the same concern for truth and objectivity?

It is of course obvious that what's really at issue here is an attempt to prevent the independent press from reporting news to the world that might prove to be embarrassing to governments and draw critical world opinion. It is but another of signs of the world the UN charter and declarations that UNESCO is involved in this shabby game.

There still is a chance such efforts will fail. For one reason, there are substantial costs involved. For another, it will surely dawn on at least some nations that the price tag for controlling their own news will be a lot more than what's happening in the countries around them. History has shown that such ignorance can be dangerous.

Still, it is disheartening to think that if the plans fail it will be for such narrow reasons rather than any concern for the rights of men and women everywhere to have the most dependable information possible about the world they live in.

[From the Washington Post, July 29, 1976]

UNESCO'S ASSAULT ON NEWS

UNESCO is at it again, trampling on the high principles it was created to serve. Its constitution commits all members to "recommend such international agreements as may be necessary to promote the free flow of ideas by word and image." But UNESCO is currently working up international agreements to block that vital flow. Its regional conferences have begun to act formally to convert news—which the Universal Declaration of Human Rights defines as something which "everyone" has a right to seek, receive and impart "through any media and regardless of frontiers"—into a nationalist commodity which it is any government's right to exclusively control.

Just last week, for instance, UNESCO's Latin-Caribbean sub-group proposed that regional governments "define a concerted policy" on what information should be distributed by satellite, and that the governments create a Latin news pool to "counterbalance" foreign-agency news. Another resolution called on governments to define the "social responsibilities" of the public and private mass communications sectors. Reinforcement is being given to these and other UNESCO moves by the conference of "nonaligned" states due to meet next month in Sri Lanka. Its members are expected to call for a pool of national news agencies so as to be in a position to counter, if not to

excludes, the Western agencies now providing much of their news.

The Russians and the other Communist states, of course, have long treated news as a state commodity—that is to say, as propaganda. What is new and unfortunate is the degree to which large parts of the Third World are moving toward the Russian position. They are asserting a claim to control not only news about themselves in their own media but—by restricting the correspondents and copy of Western media—news about themselves in the media of other nations. And UNESCO, instead of defending the principles to which its charter commits it, is instead allowing itself to be used to lend the coloration, status and mutual encouragement of international legitimacy to news restrictions heretofore asserted chiefly on a national basis.

Now, this newspaper, which offers its news product for foreign sale, has an undeniable self-interest in nourishing an international climate in which the commercial opportunities for Western media are maintained. But this, of course, is no different from the vested interest that the American media—being free, competitive institutions—have in maintaining the same commercial opportunities at home. It s a simple matter of principle coinciding with commercial self-interest, and the principle involved here, of course, was set forth at a rather early stage in our history, in the First Amendment to the Constitution. And if it is a sound principle for us in this country, it follows, or so it seems to us, that it is also a good rule to apply to the communication of ideas abroad: government sponsorship of the gathering or distributing of news, no matter whether the news originates inside a country or from outside, promotes propaganda and deforms the whole idea of a free press. And so, like just about everybody else in our business, we reject the notion that a state should exercise exclusive control—or any control, for that matter—over what news should be published. It is saddening, though perhaps, given its record, not entirely surprising, that this principle should be lost on UNESCO and that such an organization, with so much potential for the promotion of free communication, should allow itself to be converted from an instrument for the transmission of ideas into an instrument for the national regulation of ideas.

We are not insensitive to the feeling in some Third World places that they are swamped by the Western media—news agencies, satellites or what have you. In our judgment, however, their proper response is to strengthen their own media, as many (with Western aid) have done. To convert all news to propaganda in the name of combatting "cultural imperialism" is simply to follow the Russian example of tailoring mass communications to the convenience of the ruling elite. Obviously the model appeals to a growing number of Third World states. And this, we submit, is a dangerous and dispiriting trend.

[From the Bergan Record, July 21, 1976]

MORE DANGEROUS NONSENSE

The United Nations Educational, Scientific, and Cultural Organization is concluding today in San Jose, Costa Rica, a conference whose outcome is certain to have disturbing consequences for the free flow of international news.

The conference, which is attended only by Latin American nations, is expected to produce a resolution that would call for state control of the news media, allow Third World governments to screen news coming into or going out of their countries, and sanction the arrest of foreign correspondents whose organizations publish articles critical of the country they cover.

The Latin American resolution would then be used as a model for presentation at UNESCO's fall conference in Nairobi, Kenya, which would have global scope.

For Americans, the UNESCO move may ultimately mean that the only news they receive from Africa, Asia, and South America will be news that will have received a government censor's approval. For developing nations, it may not mean much, since the free flow of information there is already severely restricted by their governments. The intent of the UNESCO conference on press censorship becomes clear when one considers that the idea was originated by the Soviet Union and that one of the prime movers behind the conference was India, where official censorship has been the policy since Prime Minister Indira Gandhi abandoned the pretense of running a democracy.

Since UNESCO has a built-in majority of developing nations, much like its parent organization, the Costa Rica resolution is likely to pass easily. Its chief provision would make Third World governments responsible for the content of news dispatches originating within their jurisdiction. This dovetails with the theory within UNESCO that international news organizations like the Associated Press, United Press International, Reuters, and Agence France-Presse have engaged in "cultural imperialism" by reporting news that places Third World nations in a bad light. The only solution, according to proponents of this theory, is to make sure that all information about developing countries comes directly from their governments, which would be empowered to screen all news dispatches.

Such claims and theories, of course are pure hogwash. But it would be foolish to dismiss them lightly. In all probability, UNESCO will approve the resolution. It may not mean much immediately, but it would give every tyrant and comic-opera despot in the Third World the chance to legitimize suppression of the news.

UNESCO's declaration would lend spurious dignity to the favorite tool of totalitarian regimes—state control of all information and the perversion of news into propaganda.

Just like the General Assembly at the United Nations, UNESCO is succumbing to pressure from its politicised membership, substituting repression for reason.

[From the New York Times, July 19, 1976]

PRESS WORRIED BY THIRD WORLD'S MOVE TO RESTRICT FLOW OF NEWS

(By Deirdre Carmody)

A major movement appears to be under way by third-world and Latin American countries that would restrict the free flow of news reporting in and out of these areas and eventually replace it exclusively with government-controlled information.

The trend is called "developmental journalism" by those who espouse it. Its rationale, in the view of its adherents, is that most news about developing countries comes from international news agencies and that this news is distorted.

The theory goes on to state—and it is this which horrifies Western news organizations—that the only way to report the cultural, economic and social development of these countries accurately is to have the information come directly from the governments themselves.

THIRD SERIES WATCHED

The trend is being closely watched by a number of press and broadcasting groups and associations concerned with freedom of information such as Freedom House and the Anti-Defamation League of B'nai B'rith. The move toward developmental journalism is producing a situation of "extreme gravity," in the words of George Beebe, associate publisher of The Miami Herald, who is chairman of the executive committee of the Inter-American Press Association and of the World Press Freedom Committee.

One of the most recent causes of concern was a resolution last week by 56 developing countries, which met in New Delhi, to form a pool of their press agencies. The news organizations in most of these countries are owned by governments or controlled by them.

This pool of government-controlled news, which would represent official versions of events in each country, would then be substituted for the coverage that is now circulated by Western news agencies, such as The Associated Press, United Press International, Reuters and Agence France-Presse.

A draft constitution of the news pool was approved at the New Delhi conference its conclusions are to be ratified at a meeting of the heads of state of third-world countries next month in Colombo, Sri Lanka.

Of even greater concern to Western news agencies is a conference now being held by the United Nations Educational, Scientific and Cultural Organization in San Jose, Costa Rica, for Latin American nations with the purpose of forming "mass communications policies." The conference, from July 12 to 21, has become the source of controversy because papers submitted in preparation for it included the following alternatives:

Government-run news agencies "exclusively empowered" to disseminate information from outside the country.

Legal measures that would permit the arrest of correspondents from international press organizations if their newspapers or wire services published anything critical of the country where the correspondent was stationed.

Nationalization of independent print and broadcast news.

DISAVOWED BY UNESCO

When this information was made public earlier this month, UNESCO replied that these measures did not represent its policy but were simply the views of experts who had prepared papers for the San José meeting. However, the Inter-American Press Association, which met with members of the United Nations agency in San José, issued a statement saying that despite its disclaimers, "UNESCO's tendency to recommend official communications policy that could undermine freedom of the press remains unchanged."

"The highest authorities of UNESCO have repeatedly stated that it is not their intentions to limit or undermine freedom of expression," the statement went on to say. "It is clear, however, that freedom of expression means one thing to UNESCO and another to the Inter-American Press Association."

UNESCO officials in San José could not be reached for comment.

PARALLEL LANGUAGE NOTED

Although there does not seem to be an overt connection between the New Delhi meeting and the meeting sponsored by the United Nations agency, one of the stated purposes of the San José session was to set up "national communications policy guidelines" in Latin America that could be a model for African and Asian nations.

"The language used in Delhi and the language in the background papers for UNESCO are parallel—the exact arguments, the same phrases, the same references to 'cultural imperialism,' which is strictly a Marxist approach to journalism," said Leonard R. Sussman, executive director of Freedom House.

The original directive for the UNESCO guidelines was proposed by the Soviet Union and Byelorussia in 1972. Reports further defining these guidelines were given at meetings in Bogotá, Colombia, in 1974 and in Quito, Ecuador, in 1975.

This year's meeting was scheduled to have been held in Quito, but was called off after

MONS 029885

some Latin American journalists protested that government control of the press was implicit in background papers being circulated to participants.

NO DIRECT CRITICISM

One of the most threatening aspects of all of this, according to Mr. Sussman, is that "there is now a sense of regional solidarity on the issue so that the left and the right now have one thing in common—they know how to repress the press."

"This is the one thing we fear so much," he said. "The one thing they will always have in common will be that they will not want to see the A.P. and the U.P.I. have the role they now have."

The A.P. and the U.P.I. said that whereas a lot of general allegations had come out of the New Delhi meeting and during the preparations of the UNESCO meeting, neither press agency had been approached directly with specific criticisms about its coverage.

"We have for years been criticized for alleged failure to present views of the local governments in the ways they would like them presented" said Roderick W. Beaton, the U.P.I. president.

PROPAGANDA AIM SEEN

"But I can't see for the life of me how the kind of thing they are now proposing could have any credibility," he said. "The information that would be sent out would be sent into a void by governments and then distributed. It would essentially be propaganda. But the thing that disturbs us most is the UNESCO sponsorship—they are going against the United Nations Charter."

Wes Gallagher, president and general manager of the A.P., pointed out that "these nationalization talks have gone on sporadically for years now and nothing much ever seems to come of them."

"First of all, when you get to forming a news service you're talking about millions of dollars," he said. "Then, if two national news services get together and give their government's version of the news, what happens if they get into a dispute? Country A's reports are not going to be very well received in Country B."

STATEMENT BY REUTERS

Gerald Long, managing director of Reuters, said:

"We welcome anything that would increase the flow of information within regions of the world and between those regions. If the idea behind these projects is to increase the flow of information, then we welcome them.

"I think it is a pity that each time these countries meet to discuss these projects some of the participants, usually the same ones, begin by attacking those organizations which already distribute information around the world.

"I consider these attacks to be largely rubbish. It is said that existing world news organizations are poisoning the minds of nonaligned countries.

"If the amount of information from world news organizations reaching the citizens of these countries were known, it would be seen that there is not enough of it to poison anyone's mind. The only people who see large amounts of such news services are presumably government ministers and officials and I would expect them to be secure against any sort of outside influence."

RESTRICTIONS ON REPORTERS

The threat to freedom of information comes at a time when much of the third world is joining the Communist nations and closing itself off from critical inquiry. Entry visas for journalists are no longer a matter of routine in many countries and are often dependent on what a nation regards as a positive attitude to its policies.

Once in the country, the foreign correspondent often finds that he is denied access to sources of information and that he is not allowed to visit areas where there are critical situations or unrest.

One New York Times correspondent, for instance, went to Tanzania to write an article about the Tanzanian approach to development. He was told on arrival that he should have submitted his precise program in writing so that a special government committee could rule on his request.

He was told that he could not leave the capital and that he would be unable to see any government officials. The sole official contribution to his piece was a collection of the speeches of President Julius K. Nyerere. The most recent of the speeches was three years old.

[From the New York Times, Aug. 2, 1976]

THIRD WORLD VERSUS PRESS—A MEETING IN LATIN AMERICA RAISES QUESTIONS ABOUT FREE FLOW OF NEWS

(By Deirdre Carmody)

Serious questions about the future of freedom of information in Latin America are being raised in the aftermath of a UNESCO conference in San Jose, Costa Rica, last month * * * of 21 Latin American governments met to draw up communications policies for the region.

The recommendations that emerged from the nine-day conference—for which the United Nations Educational, Scientific, and Cultural Organization had spent two years in preparation—are contained in a 60-page, single-spaced report that is still in draft form. But the language of the report is so rambling and filled with ambiguous phrases that those who are studying it find it difficult to determine exactly what the San Jose recommendations mean.

The first recommendation, for instance, states that "the free flow of messages throughout the world should be based upon juster criteria for the exchange between nations, as being a principle likely to hasten the new international order being sponsored by the United Nations."

In another instance, the report refers to "the need to demystify the media through experimental activities in alternative forms of communications"—a sentence that seems to need a bit of demystifying itself.

OUTCOME DISPUTED

As a result of the ambiguous wording, no one seems to agree on whether or not the conference continued warnings issued by some groups beforehand. They had asserted that its real purpose was to establish new government controls over the news media in Latin America.

Leonard R. Sussman, executive director of Freedom House, a national nonpartisan public affairs organization, had watched preparations for the conference with concern and has labeled the report "absolutely devastating." He said that its effect would be to "tie up the communications system of the hemisphere to the slowest extent possible for control by individual countries."

On the other hand, Dr. Paul Fisher, head of the freedom of information center at the University of Missouri, who attended the conference as head of the United States observer delegation, said that he had expected the delegates to take a much harder line toward government control of the news media. He called the report "fairly mild and fairly exploratory."

THIRD CAUSES CONCERN

What is perhaps most disturbing to adherents of freedom of information is the theme that appears repeatedly in the report: that the news media "is one of the most effective instruments for promoting the development of peoples" and that it should be used to help bring about social change. * * * bland until it becomes apparent in the context of the report as a whole that it has replaced the concept of a "free flow of information." The aim of a balanced flow of information is to bring about "the new economic and social order" to which the participating countries aspire. It thus refers to a system of information inextricably linked to government, which implies government control of the news.

The logical extension of this, in the view of several people who have studied the report, is that negative news about a country should be suppressed because it can only cause the nation harm and that only news beneficial to the government should be communicated.

One of the recurring phrases in "the balanced flow of information," which is seemingly. * * *

REGIONAL AGENCY SOUGHT

There is also a recommendation for the establishment of a Latin American or Caribbean news agency with the purpose of counterbalancing the serious imbalances" attributed to existing news agencies. That recommendation specifically states that the establishment of the news agency should "in no way impair the free operation of existing agencies or their future development."

Another recommendation calls for the establishment of national councils that would insure "guidelines" to the press. This again implies the kind of control of news that is inimical to a free press.

The report will be presented to the general conference of UNESCO when it meets in Nairobi, Kenya, in October. The organization can then vote to accept, reject or amend the recommendations. Member nations whose governments were represented at the conference must also approve recommendations before they go into effect.

The conference reflects a consensus that has been repeatedly voiced by third world countries—that existing news agencies do not cover developing countries adequately. At the San Jose conference, this was stated repeatedly—at times with considerable hostility as delegates accused foreign news services of "cultural aggression" that kept or tried to keep the developing countries in a state of dependence with respect to the nations whose economic and political power was concentrated."

FOREIGN SERVICES CRITICIZED

Delegates complained that foreign agencies concentrated only on news of revolutions or natural disasters and paid little attention to educational and cultural news coming out of the developing countries. They said that there was so little emphasis on local news that they often would be ignorant of what was happening in neighboring countries if they depended on the foreign wire services.

Specialists in the news media here contend for the most part that these may be debatable points. What they object to, however, is the extension of this argument by a number of delegates who say that foreign agencies cannot adequately cover the third world and that the only way to communicate accurate information is for the government to control the news.

"The conference has been useful on one point," said Dr. Pedro Ximenenia, president of the Argentine Broadcasting Association and a delegate to the conference. "It has awakened the international organizations to be more alert than ever about what is going on behind the scenes that could make it impossible a few years from now to have any kind of free America."

REMARKS BY CHARLES ROSEN OF THE MIAMI HERALD AT OEA SAN JOSE, COSTA RICA SPECIAL CONSULTIVE SESSION OF THE IAPA EXECUTIVE COMMITTEE, JULY 12, 1976

The UNESCO-sponsored conference here this week not only is a threat to free communication to the free press of the Americas, but carries potential danger to the press of the entire world.

MONS 029886

We would like to think that our concern is unwarranted; that the conference will back away from the previously drawn guidelines that would bring new government controls over the news media.

But we have been given no assurance that the recommendations adopted by a group of so-called UNESCO experts at meetings in Bogota and Quito will not be approved by the intergovernmental conference here.

Then the next step is to bring the declaration before UNESCO's 19th general conference in Nairobi, Kenya, in the Fall.

We are particularly bothered because this whole UNESCO thrust was generated in 1976 by Third World countries with the encouragement of the Soviet Union.

In fact, it is the Soviet-authored Article XII which says that "states are responsible for the activities in the international sphere of all mass media under their jurisdiction."

This declaration undoubtedly be approved at the African meeting, and while it is not legally binding, it is bound to be used by governments as authority to suppress the news media, especially the international wire services.

We are also interested in proposals of these UNESCO-sponsored conferences that national news agencies be organized in each Latin American and Caribbean country. We do not object to such agencies, but we are disturbed by the suggestion that these agencies control the news flow in and out of the country, including that of the international wire services.

The final report from the Quito meeting said in part:

"It is recommended that the respective governments take the necessary steps to insure that the national news agencies are exclusively empowered to disseminate news from outside the region referring to the internal affairs of each country, in order to avoid the distortion of news that is so frequent on the part of international agencies."

And that report also states that "objectives of a national news agency would be in line with the general intentions and aims governing the overall development strategy of the individual countries concerned."

Yes, they would institute news agencies paid for and supervised by governments, which would control the news flow in and out of a country.

Nowhere does the report show concern for strengthening freedom of the press or insuring the people's right to know.

We can hardly be so far being concerned about the present and future when we review what UNESCO conferences have advocated in the past.

If the inter-governmental conference here this week persists in promoting the dangerous direction set in preliminary sessions, I as Chairman of the World Press Freedom Committee will seek to make IAPA's indignation of the entire journalistic world.

The World Press Freedom Committee now is composed of 11 international journalistic organizations, including the IAPA, International Press Institute, Press Foundation of Asia, Caribbean Broadcasters Association, the Netherlands Newspaper Editors Association, American Newspaper Publishers Association, the American Society of Newspaper Editors and other leading journalistic groups.

No longer will any of these have to fight alone the abuses to a free press in their regions.

Our voices will be raised louder than ever before in condemning such a devious course.

As I indicated earlier, I hope that this will not happen. I believe the government representatives attending this conference will sense the dangers if these recommendations are adopted—recommendations that in the long run can only be harmful to their own freedoms.

DECLARATION OF SAN JOSE

SAN JOSE, COSTA RICA.—Following is text of the "Declaration of San Jose," approved by the closing session of UNESCO on Wednesday:

The representatives of the governments of the states of Latin America and the Caribbean, members of the United Nations Educational, Scientific and Cultural Organization (UNESCO).

Meeting at the intergovernmental conference on communication policies in Latin America and the Caribbean, convened in San Jose (Costa Rica) from 12 to 21 July 1976, hereby declare: That man has a vital need to express himself and that therefore his free and spontaneous right to establish relations within his own community should be guaranteed; that this human attitude is encountered at all times, everywhere and in every type of society; that man, in his urge to communicate, has created a diversity of forms and media that constitute the whole range of cultural expression; that access to the entire range of cultural resources and the free and democratic participation of all men in the diverse manifestations of the spirit is a human right; that the growth of the population and the consequent increase of information and material needs have led men to apply their scientific talent to the creation of more and more efficient media and instruments that facilitate closer relations and communication between human beings; that those media form part of the resources of society and the scientific heritage of mankind and therefore constitute fundamental components of universal culture; that there are sectors of the population which have yet to emerge from the isolation in which they live and be helped to communicate with one another and to be informed about national and world-wide affairs; that all the members of a society are responsible for ensuring the peaceful and beneficial use of communication media; the states have social, economic and ethical obligations and responsibilities in all matters relating to stimulation, support, promotion and dissemination of the resources of the community in the interest of its overall integrity and cohesive development that they should therefore encourage individuals and peoples to become aware of their present and future responsibilities and their capacity for autonomy, by multiplying opportunities for dialogue and community mobilization; that it should be the joint responsibility of the state and the citizen to establish plans and programmes for the extensive and positive use of communication media within the framework of development policies; that national communication policies should be conceived in the context of national realities, free expression of thought and respect for individual and social rights; that communication policies should contribute to knowledge, understanding friendship, cooperation and integration of peoples through a process of identification of common goals and needs, respecting national sovereignties and the international legal principle of non-intervention in the affairs of states as well as the cultural and political plurality of societies and individuals, with a view to achieving world solidarity and peace; that the United Nations and the agencies of its system, especially UNESCO, should contribute, to the fullest extent that their possibilities allow, to this universal process.

SENATOR HARRY F. BYRD

Mr. STENNIS. Mr. President, last June, on the grounds of the capitol at Richmond, Va., a statue was unveiled honoring the memory of a great American and a distinguished public servant and U.S. Senator. I refer to the late HARRY F. BYRD, who was the father of our present distinguished colleague, Senator HARRY F. BYRD, JR.

It was my privilege to serve with Harry F. Byrd and to number him among my close personal friends. A former Governor of the Commonwealth of Virginia, he was long an outstanding U.S. Senator in every sense of the word. He always put a high level of patriotism, honor, and duty above all else. The Nation has benefited greatly and will continue to benefit from his long and dedicated career of public service.

On the occasion of the unveiling of his statue, a distinguished journalist, Henry J. Taylor, wrote an article or column in tribute to the late Senator Byrd. In this splendid article, Mr. Taylor accurately described the Senator's many talents and virtues and painted a clear picture of this outstanding man and the noble ideals that he stood for. It will remind countless thousands of Americans, including a number of us of the many accomplishments of our departed friend and colleague. Therefore, I ask unanimous consent that Mr. Taylor's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SENATOR HARRY F. BYRD'S STATUE UNVEILED IN RICHMOND, VA.

(By Henry J. Taylor)

RICHMOND.—I was invited here for the unveiling of the statue of the late Sen. Harry F. Byrd, bless this great land, native Virginian.

The lovely statue—10 feet high—stands among the magnificent trees that grace the Capitol grounds, facing the equestrian statue of Virginia's George Washington. It is extremely difficult to obtain this honor. The Commonwealth of Virginia was one of the original 13 states and the nominations are legion. But the Commonwealth legislature has accepted only six or seven on the Capitol grounds.

The unveiling ceremony, the soft-spoken recollections of long-time friend E. Blackburn Moore, the presentation by able Virginia Gov. Mills E. Godwin Jr. and the response by Sen. Harry F. Byrd Jr., the chip-off-the-old-block son were deeply touching. For as naval hero Stephen Decatur said of naval hero James Lawrence: "He always stood with his conscience; his conscience told him his duty and he had no more dodge in him than the mainmast."

This might well be said of the great Sen. Harry F. Byrd.

We see on all sides the sorry sight of many contriving men who worship power and cease to believe that the end justifies the means. They manipulate the peoples' emotions, beliefs and hopes in their own interest. Harry F. Byrd was not one of them.

It is shamefully easy to latch onto popular give-aways too complex for the public to understand, always in the stance of the humanitarian, the donor, the man indispensable to you, you and you. They know how to get for themselves the most out of the public by giving the public what it wants without letting the people know they are paying for it. Sen. Byrd never did this.

Yet he was elected to this state's Senate in 1915, served there until 1925, was the youngest governor of his state since Thomas Jefferson and, until his failing health forced him to resign in 1965, served in the United States Senate longer than any Virginian—32 years. Moreover, Sen. Byrd received in his last reelection the largest majority in his entire career.

MONS 029887

This treasured friend was exasperated and alarmed by Washington's calculated expansion of centralized government. He agreed that a large increase was indispensable, but from his sentry post saw that much of the expansion was contrived for personal political purposes.

Sen. Byrd was convinced that Big Brother is the road to autocratic government and that this means not the balance of legal rights but a confrontation of power. Even the little man needs help from some insider to be left alone.

He felt that government should unify, not dominate; it should be a catalyst, not an absorbant. This is the true liberal concept and he supported it in the fighting way that makes true liberalism's name synonymous with justice.

Yet the professional liberals and image-makers everlastingly complained about Sen. Byrd Sr. as they complain today about Sen. Byrd Jr.

Thomas Jefferson's personal seal appears on the Mace of the University of Virginia. It bears the quotation: "Rebellion to tyrants is obedience to God." This favorite quotation of that Virginian, attributed to Benjamin Franklin's tongue, is on Capt. John Bradshaw's monument, one of the three English judges who sentenced King Charles I.

It is the libertarian sort of stock from which Sen. Byrd sprang and in his 50 years in public life nobody ever captured his battle flag or silenced his drums.

It is very, very hard to say goodbye to a man like that.

Hardly known to the public, still another attribute among men's virtues was woven into him. Sen. Byrd was not only gracious and forthright. He was incredibly kind.

Although French President Charles de Gaulle said of aging Marshal Henri Philippe Petain, "life is a shipwreck," Sen. Byrd's life was precisely the reverse. Born June 10, 1887 he died among his orchards at his lovely "Rosemont" home Oct. 20, 1966, age 79. And until the very last days of his life the years that passed over his head left only their springtimes behind.

NATIONAL MEALS-ON-WHEELS ACT

Mr. BAYH. Mr. President, I take this opportunity to express my support for the National Meals-on-Wheels Act of 1976, which now has 25 co-sponsors. This bill, which was initially inspired by the good will and unceasing efforts of private organizations and individuals, provides a mechanism by which 2.5 to 4 million of America's shut-in, homebound elders can avoid the debilitating physical effects of malnutrition as well as the mental anguish and dignity-robbing effect of the nursing home environs.

The thrust of S. 3585 is to provide elders with hot meals in their own houses, and thereby avoid the necessity of nursing home care. It has been estimated that as many as 40 percent of those presently in nursing homes require food preparation service only; if it could be provided for them at their own homes, they would not need to enter a nursing facility. Thus it is estimated that the $80 million authorized for fiscal 1977, and the $100 million fiscal 1978 authorization could, if expended as provided for in this bill, save $300 to $400 million per year in nursing home expenditures. Thus, by making a small expenditure now, we avoid unnecessary expenditures in the future. Considered as a fiscal and social investment, it is a small price to pay for the benefits that will be reaped by America's shut-in and homebound elders.

As each and every one of us knows—or at the very least can imagine—a nursing home is no resort community. Many who are effectively, if not literally, forced to live in them consider them to be impersonal *dormitories as opposed to new homes.* And this is so unnecessarily wasteful—not only of lives but also of dollars—dollars which could be used to serve America's elders in a manner more conducive of the enrichment, as opposed to the mere preservation, of lives.

The meals-on-wheels program, as proposed in S. 3585, provides elders with hot meals on a daily basis. This simple service is one of the most difficult for elders to provide for themselves. Shopping, preparation, cooking, and cleaning is an exhausting task for many, and is impossible for some. For those who live alone, this task is often a depressing reminder of a spouse departed and/or of a family unable or unwilling to care. It is these abandoned Americans, who have given so much and now ask for so little, who so desperately need the assistance that this bill provides, whom we must not neglect. How easy and convenient it would be to forget them; they have no political "pull," no one to protect and to lobby for their interests. Too old to fight and too proud to beg, this segment of our population easily slips from the forefront of our thoughts as more vocal and visible groups make their claims for recognition and assistance.

This bill provides the Senate with the opportunity to take a needed *step forward* in this area. The Older Americans Act of 1974 was a step in the right direction but, by its language, cannot reach the very persons who are most in need of its benefits.

Title VII of the Older Americans Act allows for a limited amount of moneys to be allocated for meals-on-wheels programs. Its emphasis has been and should continue to be on congregate meals. Any further diversion of title VII funds to the meals-on-wheels programs would not be constructive because of existing, long, waiting lists of elders anxious to participate in the title VII congregate meals program.

Nor has title XX of the Social Security Act been available as a source of funding for the meals-on-wheels programs. According to a report issued in June 1976 by the National Council on the Aging—

Title XX provides a limited amount of service dollars over which groups in need of service are forced to compete at the local and State levels. Traditionally, the elderly have never fared very well under such a program. Thus, while 35 States report the inclusion of Meals on Wheels programs in their State Title XX plans, almost half do not provide this service state-wide and the percentage of Title XX monies being expended is less than one percent in most of these States. The number of persons estimated to be served by these Title XX Meals on Wheels programs is small and includes all age groups in need of service. At the same time these Title XX programs have been developed in too many cases outside the comprehensive planning program which is mandated by the Older Americans Act, making coordination with the Title VII program almost impossible.

Mr. President, I would, therefore, like to take this opportunity to announce my wholehearted enthusiasm for and support of the national Meals-on-Wheels Act. It represents a long overdue commitment to a small but nonetheless important segment of the population, America's elders.

A BLACK "CONSERVATIVE" DISSENTS

Mr. BUCKLEY. Mr. President, ours is a society which prides itself on a receptiveness to dissenting views, to those whose opinions challenge what we call the conventional wisdom. Thomas Sowell is one such man. In his open opposition to busing, to affirmative action programs and to what he calls the caretaker class—those Federal bureaucrats who have grown affluent as mercenaries in the war on poverty, this self-styled black conservative has much to tell us. A fellow at the Center for Advanced Study in the Behavioral Sciences at Stanford University in California, Mr. Sowell challenges our conventional ideas of what the majority of black Americans think about the well-intentioned but often counterproductive efforts made by Washington bureaucrats in their behalf.

I ask unanimous consent that an article by Mr. Sowell, "A Black 'Conservative' Dissents," that appeared in the August 8 ,1976, New York Times Magazine, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A BLACK "CONSERVATIVE" DISSENTS

(By Thomas Sowell)

Being a black "conservative" is perhaps not *considered as bizarre as being a transvestite,* but it is certainly considered more strange than being a vegetarian or a bird watcher. Recently a network television program contacted me because they had an opinions coming up that included a black conservative as one of the characters, and they wanted me to come down to the studio so that their writers and actors could observe such an exotic being in the flesh.

Am I a black conservative? Is it hard enough to know what a "liberal" or a "conservative" is, without the additional racial modifications. Supposedly a "conservative" is satisfied with the status quo, but in more than 40 years of listening to people, ranging from welfare recipients to the President of the United States, I have never come across this mythical being who is satisfied with the status quo. I know of no statistical research, or even casual observations, that would lead to the conclusion that so-called "conservatives" are more content, complacent, or less outraged than people who carry the label "liberal." Some of the angriest people I know are called "moderates." Since truth-in-labelling laws do not apply to politics, there is little that can be done about all this.

Once it is realized that "liberal" and "conservative" are simply arbitrary designations for opposing political teams (more elegant but not more meaningful than "Dodgers" and "Mets"), we can turn to the substance of the issues between them. From this point of view, a so-called "conservative" is nothing more than a dissenter from the prevailing liberal orthodoxy. A "radical" would simply

be someone who carries the liberal orthodoxy to further extremes.

Why would a black man dissent from the prevailing liberal orthodoxy, and especially on such racial issues as busing, "affirmative action" and the like? The question itself shows how pervasively the mass media have stereotyped and filtered the news. Most black people oppose busing. Polls that showed a black majority in favor of busing a few years ago have begun to show black pluralities and, finally, an absolute majority of blacks against busing. What is rare is to see any black opponent of busing in the media. The media-created black "spokesman" usually shares media-created values. The impression is insinuated that such "spokesmen" represent the "grass roots," or "authentic" ghetto blacks, while black dissenters from the liberal orthodoxy are from a remote "middle class" fringe. This impression must be *insinuated*, because there is little *evidence* for it—and a tremendous amount of evidence to the contrary. Many of the most fiery "militants" are middle-class Negroes now trying to live down their past by being blacker-than-thou, like true converts.

When the Supreme Court struck down state-imposed segregation in 1954, the decision was justifiably hailed as the climax of a struggle of many decades against Jim Crow laws and gross discrimination in the availability of public services, including education as a crucial necessity. Two more decades of bad faith, foot dragging and evasion produced ever tighter judicial control, culminating in court-ordered busing to achieve racial "balance." In short, we have arrived at a position that was not implicit in the original decision, and in many ways goes counter to the original concern for insuring individuals constitutional rights *without regard* to color or other group characteristics.

The prevailing liberal orthodoxy insists that busing is essential for black children to receive their constitutional rights—and that they are to have their rights if it kills them. King Solomon is said to have chosen the true mother of a disputed infant by asking the two women concerned whether each would agree to having the baby cut in half to satisfy their rival claims. It was perhaps the first confrontation between principles of humanity and statistical "balance." Fortunately, King Solomon did not rely on H.E.W. guidelines for a solution.

Remarkably little attention has been paid to the black children who are supposed to benefit from busing. Certainly, little attention has been paid to the facts about their educational or psychological well-being before or after court-ordered "integration." It was assumed from the outset in 1954 that separate schools are inherently inferior. Anyone familiar with the history of numerous all-Jewish or all-Oriental schools could have exposed this for the sheer nonsense it was, and there also a number of all-black schools that would have exposed this fallacy. All-black Dunbar High School in Washington had an average I.Q. of 111 in 1960, compared with the national average of 100—and this 15 years before sociological stereotypes were enshrined as the "law of the land."

The really crucial assumption behind involuntary busing is that some tangible benefit will result—presumably to black children, but, one would hope, to white children as well, and to the cause of racial understanding and mutual respect. The hard evidence does not support any of these assumptions. One can select isolated pieces of data to support the assumptions, but at least as much evidence can be found showing declining academic performances, lower self-esteem by black children and greater racial antagonism on the part of both black and white children after busing is imposed.

Busing is not a policy but a crusade. For a policy, one can ask, "Does it work?" At what cost?" What is the human impact?" For a crusade, the relevant questions are: "Whose side are you on?" "Is your courage failing?" "Can we dishonor the sacrifices of those who went before by turning back now?" The last thing a crusader wants to hear is cost-benefit analysis, and if the crusader is a white liberal whose own children are in private schools, his courage knows no bounds.

One of the last refuges of those who admit the sorry academic and social record of involuntary busing is the so-called "hostage" theory of integration. According to this view, the only chance black children have for getting a fair share of educational resources is to be mixed in with white children, so that discrimination is thwarted. This assumes that it is easier for courts to control racial "balance"—in the face of "white flight"—than to control dollars and cents paid from a central fund. It also assumes a great educational effect from differences in per-pupil expenditures than existing studies substantiate.

Finally, there is the simple vested interest of civil-rights lawyers and leaders who have a heavy personal stake in pursuing the courses of action that brought them success and prominence in the past. There is nothing peculiar in this. It is, in fact, all too human. Generals have long been known for fighting the last war. In view of history, it may be too much to expect any organization to stop on a dime and then head off in another direction in high gear. But it is not too much to expect the rest of us to be able to see when a given approach has made its contribution, served its purpose and become counterproductive. We certainly need not repeat the mistake of Vietnam by sacrificing the younger generation to spare leaders the embarrassment of losing face.

The question may once have been "segregation" versus "integration" but it is that no longer. Neither Federal, state nor local government may segregate any longer. "Racial balance," however, is in most cases a will-o'-the-wisp, as changing neighborhoods, private schools and exodus to the suburbs repeatedly defeat the numerical goals of busing. In some cases, there is more racial separation in the classroom after years of busing than before. As for "integration" in some more meaningful social and psychological sense, going beyond racial body count, compulsory transportation is the least likely process for achieving that goal. It is a tragic commentary on the liberals' misunderstanding of their fellow human beings that they cannot grasp the difference between the effects of voluntary interracial associations and involuntary placement in the same buildings. It is true that, prior to the 1954 Supreme Court decision, much evidence showed greater tolerance and better educational results for black children when going to schools—usually neighborhood schools—with white classmates. But these were black and white schoolchildren who chose to live and go to school in the same neighborhood, and who grew up around one another—not strangers confronting strangers in an atmosphere of compulsion, anxiety and heightened racial defensiveness.

The grand delusion of contemporary liberals is that they have both the right and the ability to move their fellow creatures around like blocks of wood—and that the end results will be no different than if people had voluntarily chosen the same actions. It is essentially a denial of other people's humanity. It is a healthy sign that those assigned these subhuman roles have bitterly resented it, though it may ultimately prove a social and political catastrophe that this anger at judicial and bureaucratic heavy-handedness finds a target in blacks as scapegoats.

The same statistical approach to human problems found in the busing controversy is applied to the labor market in the Federal "affirmative action" program. There is also the same heavy reliance on assumptions, the same disregard of facts and the same crusading assurance that whatever one does in a noble cause is right.

One of the first things that is done in many noble causes is lying. "Affirmative action" is no exception. The racial, ethnic and sex quotas that are set under "affirmative-action" hiring are denied by calling them "goals" and attempting to make elaborate scholastic distinctions between the two. We are told that "goals" are not "really" quotas because goals are flexible while quotas are rigid. But this revision of the English language ignores both facts and usage. "Quota" is no new or exotic word the liberal missionaries must explain to the heathen. There are immigration quotas, import quotas, production quotas and all kinds of other quotas—and whether those quotas happen to be met or not during a particular time period, no one denies that they are quotas. Quotas are quantitative rather than qualitative criteria. Everybody knows that, and that is precisely what critics object to.

"Affirmative action" quotas are supposed to compensate minorities and women for past injustices, but before any benefit can compensate anybody for anything, it must first be a benefit! There is very little hard evidence that "affirmative action" has that net effect, just as there is very little hard evidence that busing benefits black schoolchildren. Black income as a percentage of white income reached its peak in 1970—the year before mandatory quotas ("goals and timetables") were established—and has been below that level ever since (due largely to the recession). In short, blacks achieved the economic advances of the 1960's once the worst forms of discrimination were outlawed, and the only additional effect of quotas was to undermine the legitimacy of black achievements by making them look like gifts from the Government.

Undoubtedly, here and there some individuals have gotten jobs they would never have been eligible for otherwise. But however striking such examples might be, the overall picture depends on two other factors—what proportion of the labor force such people constitute, and the extent to which "affirmative action" has the offsetting consequence of actually reducing job opportunities for minority or female applicants. Since quotas apply not only to hiring but also to pay and promotion, some employers choose to avoid later problems by minimizing the initial hiring of nonwhite or female applicants. This is particularly true where there is a substantial risk that any applicant—of whatever race or sex—may have to be let go later on. For example, in the academic world, the "up-or-out" promotion system means that the top universities are constantly firing many junior faculty members at the end of their contracts, without any specific "cause" being alleged. The legal and political dangers in applying this policy to minorities and women give universities an incentive either to avoid hiring minorities and women or to sidetrack them into special administrative jobs where this policy does not apply. Other industries also create "special" or "token" jobs for similar reasons, with the net effect of reducing the career prospects of minorities and women—as a result of Government pressures designed to have the opposite effect.

Despite a tendency to consider women as a "minority," both the history and the present situation of women are quite different. Contrary to a fictitious history about having come a long way, baby, women today have less representation in many high-level positions than 30 or 40 years ago. In earlier times, women made up a higher proportion

MONS 029889

of doctors, academics, people in Who's Who, and in professional, technical and managerial positions generally. If you plot on a graph the proportion of women in high-level jobs over the past several decades, and on a parallel graph the number of babies per woman, you will see almost an exact mirror image. That is, as women got married earlier and earlier and had more and more babies, their careers declined. In recent times, as the "baby boom" passed and both marriage rates and child-bearing declined, women have started moving back up the occupational ladder relative to men—though in many cases not yet achieving the relative position they held in the 1930's. This upturn was apparent before "affirmative action" quotas.

If you go beyond the sweeping comparisons of "men and women" that are so popular, it is clear that marriage and childbearing have more to do with women's career prospects than employer discrimination. In 1970—before mandatory "goals and timetables"—single women in their 30's who had worked continuously since high school averaged higher earnings than single men in their 30's who had worked continuously since high school. In the academic world, single women with Ph.D.'s achieved the rank of full professor more often than single men who received their Ph.D.'s at the same time—and this again, before quotas.

These are among the many facts ignored by proponents of "affirmative action." Such facts are relevant to policy but they do not support a crusade, which requires an identifiable enemy, such as male chauvinist employers. A much stronger case can be made that career women are discriminated against in the home, where they are expected to carry most of the domestic burdens, regardless of their jobs. But there is no crusade to mount, and no political mileage to be made, from advising women to go back and tell their husbands to shape up. Both messiahs and politicians have to be able to promise people something, and very often that involves misstating the original problem, in order to make the promise sound plausible.

The grand assumption that body count proves discrimination proceeds as if people would be evenly distributed in the absence of deliberate barriers. There isn't a speck of evidence for this assumption, and there is a mountain of evidence against it. Even in activities wholly within each individual's control, people are not evenly distributed: The choices made as to what television programs to watch, what games to play, what songs to listen to, what candidates to vote for, all show the enormous impact of social, cultural, religious and other factors. One-fourth of the professional hockey players in the United States come from one state;[1] more than a quarter of all American Nobel prize winners are Jewish; more than half of all professional basketball stars are black.

Can one state discriminate against the other 49? Can Jews stop Gentiles from getting Nobel prizes, or blacks keep whites out of basketball? Obviously there are reasons of climate, tradition and interest that cause some groups' attention to be drawn strongly toward some activities, and that of other groups toward other activities. It need not even involve "ability." Some groups that have been tremendously successful in some activities have been utter failures in other activities requiring no more talent. Even such an economically successful ethnic group as American Jews had an unbroken string of financial disasters in farming, while immigrants from a peasant background succeeded, even though peasant immigrants could not begin to match the Jews' performance in an urban setting. As a noted historian once said, "We do not live in the past, but the past in us."

[1] Minnesota.

It takes no imagination at all to see the heavy weight of the past among both minorities and women. Even those minority and female individuals who are able to take advantage of higher education opportunities do not specialize in the same fields as others, but disproportionately choose such fields as education and the humanities—where most people are poorly paid, regardless of sex or race. There are good historical explanations for such choices, but these are not necessarily good economic reasons. However, unless we are prepared to deny free choice to the supposed beneficiaries of "affirmative action," it is arbitrary social dogma to expect an even distribution of results.

Should we do nothing? That is the bogeyman of unbridled discrimination that "affirmative-action" spokesmen try to scare us with. But we were not doing "nothing" before quotas came in. The decade of the 1960's saw some of the strongest antidiscrimination laws passed anywhere, backed up by changing public opinion and by a new awareness and militancy among minorities and women. The dramatic improvement in the economic position of blacks was just one fruit of these developments. Despite the tendency of "affirmative action" proponents to conjure up images of discrimination in decades past, the question is, what existed just before the quotas, and what has happened since? That is the relevant question, and the answer shows a mountain laboring to bring fourth a mouse—and often not succeeding. As we have seen, the ratio of black income to white income has never been as high since mandatory quotas as it was just before such "goals and timetables."

Why is "affirmative action" so ineffective, despite all the furor it stirs up? Simply because its shotgun statistical approach hits the just and the unjust alike. Just as the crime does not consist of demonstrable discrimination against someone, but of a failure to meet governmental preconceptions, so the punishment does not usually consist of penalties imposed at the end of some adjudicatory process but of having to go through the process itself. For example, the University of Michigan had to spend $350,000 just to collect statistics for "affirmative action." For all practical purposes, that is the same as being assessed a $350,000 fine without either a charge or proof of anything. Most "affirmative action" proceedings do not end up in proof of guilt or innocence, or in any penalty, though many end up settled by "pacts with honor" in the form of elaborate plans with good intentions spelled out in statistical detail: 1.8 more black accountants per year, 2.7 more female chemists, etc. If King Solomon had operated under "affirmative action," he would have promised each woman 0.5 children, and gone back to business as usual.

It has long been known that the road to hell is paved with good intentions, and that is where they lead in this case. And since many of the quotas were virtually impossible of achievement from the outset, there is even less reason than usual to expect much from such statements under such circumstances. Just as television the medium is the message, so under "affirmative action" the process is the penalty. And since this penalty falls on the guilty and the innocent alike, it provides no reason for even the worst bigot to change. Nor will it exempt even the purest heart from the harassments and uncertainties. Indiscriminate penalties do not produce change but only resentment. As in the case of busing, resentment against Government heavy-handedness is often misplaced as hostility to the supposed beneficiaries. The fact that there is really very little benefit to any group only compounds this tragic farce.

One of the reasons why many programs that don't work still keep going strong is that they sound so noble. Moreover, championing the disadvantaged is not only an inspiration but an occupation. To be blunt, the poor are a gold mine. By the time they are studied, advised, experimented with and administered, the poor have helped many a middle-class liberal to achieve affluence with Government money. The total amount of money the Government spends on its many "antipoverty" efforts is three times what would be required to lift every man, woman and child in America above the official poverty line by simply sending money to the poor. Obviously, there are a lot of middlemen who get theirs: administrators, researchers, consultants, staffers, etc. These are the army of people who "take care" of the poor in a variety of ways. Such caretakers are the modern equivalent of the missionaries who came to do good and stayed to do well. It is no accident that the highest income counties in the United States are in the suburbs of Washington, D.C. Poverty is the cause of much of that affluence.

Central to the costly "caretaker" approach to helping the poor—by paying money to someone else—is an image of the poor as too helpless to make it was mere money. A picture is said to be worth a thousand words, but this particular image is worth billions of dollars to the caretaker class. Public resentment at the tax cost of the "antipoverty" establishment takes the form of disenchantment with the poor and minorities, though most of the money ends up in the pockets of people who are neither.

Like every army, the army of caretakers requires both material and moral support. The taxpayers supply the material support. The moral support comes from those who accept the image of the helpless poor and who project that image—and the corresponding "need" for caretakers—through the mass media in the colleges, and to a captive audience of millions in "social studies" in the public schools. Since many who project such an image are themselves products of years of the same kind of sociopolitical conditioning, something very close to perpetual motion has been created.

The image of the helplessness of the poor is repeatedly invoked to defeat proposals for income maintenance, educational vouchers and any other reforms that would enable the poor to make their own decisions and eliminate the caretakers. How helpless are the poor? And—since I am speaking as a black "conservative"—specifically, how helpless are blacks?

History shows that one of the most massive internal migrations in this country has been the movement of millions of blacks out of the South in the last two generations, in order to seek a better life for themselves. This was a spontaneous decision of millions of individuals, not organized by indigenous "leaders" nor promoted by outside caretakers. Going even further back in history, to 1850, the census of that year showed that most of the half-million "free persons of color" were literate, despite (1) being denied access to the public schools in most parts of the country, (2) being forbidden by law to go to any schools in many Southern states, and (3) having very low incomes and occupations and few opportunities to cash in on the education. Private and even clandestine schools for blacks existed all over the United States in 1850, most of them supported by blacks themselves out of meager incomes. Today, many ghetto blacks in cities across the country are sending their children to Catholic schools—though the blacks in question are usually Protestants—in order to seek better education than the public schools provide.

For example, it has been estimated that more than 10 percent of all black children in Chicago go to Catholic schools. If educational vouchers were to make education free at both private and public institutions,

MONS 029890

would black parents be too helpless to make a choice among the various schools available to them? Or is the real problem that many caretakers in the educational bureaucracies would find themselves out of a job?

At a time when every silly trend in education is proclaimed in the media as an "innovation," the struggle of thousands of poor black families to send their children to private schools is a monument for those who shape public opinion. Where these private schools are Catholic, they are often in ghetto neighborhoods abandoned by earlier Catholic immigrant minorities; and it is not uncommon today for the bulk of the student body in these schools to be non-Catholic. Some of the Catholic schools have achieved remarkable educational success with black students, at far lower cost per pupil than the public schools. But it isn't news.

Indeed, black advancement in general isn't news. The research team of Scammon and Wattenberg was roundly denounced in the media when it reported very substantial gains of blacks across a broad front, in education, income, occupation and housing in the decade of the 1960's. In olden times, messengers were sometimes killed for bringing bad news to the king. Today those who bring good news are in jeopardy, for they are threatening the whole caretaker industry and undermining an image supported by the caretakers' allies in the media and in politics.

How unusual is a so-called "black conservative"? Not very. Being an exception to a media image is not being an exception in real life. The real opinions of flesh-and-blood black people have repeatedly been found to be completely different from the "black" opinions of media-selected "spokesmen."

An Ebony magazine poll comparing the views of blacks with those of college students found blacks consistently more "conservative" than the college students. The great majority of blacks considered this country worth defending against foreign enemies and rejected violence as a means of achieving social change. A Gallup poll found that a substantial majority of blacks regard the courts as too lenient on criminals. Still another survey found that more than three-quarters of the blacks describe themselves as "sick and tired" of hearing attacks on "traditional American values."

So being a black "conservative" is not quite as distinctive as it might seem.

HUMAN RIGHTS AND THE POLICY OF TORTURE

Mr. McGOVERN. Mr. President, one of the most revolting facts of life in today's world is the prevalence of torture as official policy in many parts of the globe. The systematic, brutal torture practiced by many countries has shocked my sensibilities more than any other human perversion.

The editors of Time magazine have given us a graphic, astounding account of torture in a number of countries. An article in the August 16 issue of Time, entitled "Torture as Policy: The Network of Evil," should be read and pondered by every Member of Congress.

I think we should make clear in the most forcible terms that no American aid will be granted to any government that is known to practice torture as an official policy. We ought to protest these barbaric practices in the most forceful possible way. I intend to increase my own efforts to separate American aid from any government where torture takes place as a matter of government policy. Any sense of decency demands that we do no less.

I ask unanimous consent that the excellent article appearing in Time be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TORTURE AS POLICY: THE NETWORK OF EVIL

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.—The Universal Declaration of Human Rights

Virtually every nation on earth subscribes to that straightforward principle. Yet like most other U.N. pledges, the clause is widely and brutally ignored. It is one of the grim truths of the second half of the 20th century that rarely before in history has torture been in such widespread use. Amnesty International, the widely respected human rights organization headquartered in London, estimates that in the last decade torture has been officially practiced in 60 countries; last year alone there were more than 40 violating states. From Chile, Brazil, Argentina, Uruguay and Paraguay to Guinea, Uganda, Spain, Iran and the Soviet Union, torture has become a common instrument of state policy practiced against almost anyone ruling oligues see as a threat to their power. Torture, says Marc Schreiber, director of the U.N.'s Commission on Human Rights, "is a phenomenon of our times."

Throughout much of the world, army barracks, police stations, offices and special wards in hospitals have been turned into interrogation centers, whose express purpose is inflicting hideous and often unbearable pain. There is a new subculture of terror with its own language and rituals (*see box*). There is also a new technology, involving sophisticated devices that can destroy a prisoner's will in a matter of hours, but leave no visible signs or marks of brutality.

OVERWHELMING EVIDENCE

Governments that routinely use torture as an instrument of state policy generally deny that such practices exist. At the same time, the difficulty of making unhindered investigations of conditions in closed societies and police states is virtually guarantees that many abuses remain uncovered. Torture, moreover, is a most murky area, rife with exaggerated claims, politically motivated propaganda and just plain misinformation. Nonetheless, independent human rights organizations, reporters and others have managed through interviews and on-the-scene investigations to compile a credible and apparently accurate record of torture in many parts of the world.

In some places the evidence of torture is overwhelming and irrefutable. The brutality of General Augusto Pinochet Ugarte's *regime in Chile, for example*, has become something of an embarrassment to the Ford Administration. Last May, Treasury Secretary William Simon helped secure the release of at least 40 political prisoners. Shortly afterward, at the June meeting of the Organization of American States in Santiago, Secretary of State Henry Kissinger made his strongest statement yet on human rights. "A government that tramples on the rights of its citizens denies the purpose of its existence," Kissinger announced, adding: "There are several states where fundamental standards of human behavior are not observed."

Carrying Kissinger's sentiments further than he wanted them to go, Congress passed an amendment to the 1976 foreign military aid and arms sales bill that would have required reports on human rights conditions in countries receiving U.S. aid. President Ford vetoed the entire bill, but the rider's sponsor, Democratic Representative Donald Fraser of Minnesota, says the measure will come up before the White House again early next year.

Next to murder, torture is the most egregious violation of personal rights one human being can inflict on another. Sadly, the practice is almost as old as history. During the Middle Ages, suspected heretics were racked, scourged and burned by representatives of the Inquisition in order to make them recant, while in this century Hitler's concentration camps and Stalin's Gulag Archipelago institutionalized torture and brutality on a scale hitherto unknown. The 1948 United Nations' Declaration of Human Rights condemning torture was one notable reaction of the world community to the excesses of the Third Reich. But torture did not stop. The French used it systematically during the eight-year Algerian War. The British relied on torture to gain information about I.R.A. terrorists in Northern Ireland, while the Saigon regime brutally mistreated suspected Communists throughout most of the Viet Nam War.

WORST PERPS

Of the dozens of nations accused of practicing torture today, it is difficult to single out the worst violators. The examples most frequently cited by experts are Chile and Iran.

In the three years since the overthrow of the Marxist Allende government, according to respected church sources, an estimated 1,000 Chileans have been tortured to death by the ruthlessly efficient secret police, the DINA. In one wave of arrests 18 months ago 2,000 people were brought in; 370 have never been seen again. These gruesome statistics confirm the worst fears of many Chileans, that certain suspects are marked first to be tortured—generally for information about their political associations—and then executed.

The torture takes place in standardized and ever changing places of imprisonment; one center is the Villa Grimaldi in Santiago, a former discothèque. Many suspects who live through their tortures are simply transferred to a detention camp, like Tres Alamos in Santiago. According to one report by reliable groups within the country, there were 86 female prisoners at Tres Alamos as of May; 72 of them insisted that they had been tortured. The most common methods: beating, rape (sometimes by trained dogs), electric shock and burnings with lighted cigarettes.

The DINA is fairly ecumenical in finding victims: former parliamentarians and army officers have been tortured, as well as suspect leftist terrorists. Recounts Carlos Pérez Tobar, once a lieutenant in the Chilean army arrested by the junta after he tried to resign his commission: "I was tortured with electric shock, forced to live in underground dungeons so small that in one I could only stand up and in the other only lie down. I was beaten incessantly, dragged before a mock firing squad, and regularly told that my wife and child and relatives were suffering the same fate."

As for Iran, since a coup restored Shah Mohammed Reza Pahlavi to his throne in 1953, says the Geneva-based International Commission of Jurists, human rights violations, including torture, "are alleged to have taken place on an unprecedented scale." Estimates of the number of political prisoners range from 25,000 to 100,000; it is widely believed most of them have been tortured by the SAVAK, secret police, which French lawyer Jean Michel Braunschweig, who investigated conditions in Iran last January, claims has 20,000 members and a network of some 100,000 paid informers. The country's repertory of tortures includes not only electric shock and beatings, but also the insertion of bottles in the rectum, hanging weights from testicles, rape, and such apparatus as a

MONS 029891

helmet that, worn over the head of the victim, magnifies his own screams.

SAME METHODS

Last week TIME Correspondent Christopher Ogden, in Iran with Secretary Kissinger, took up the torture allegations with the Shah. "We don't need to torture people any more," the Shah replied. "We use the same methods some of the very highly developed nations of the world are [using], psychological methods. We put them [prisoners] in front of confessions; when faced with a confession of their comrades, they tell us everything obviously." The Shah also rejected claims about the number of political prisoners in the country, saying that it was closer to 3,600 or 3,500. "But [those are] not political prisoners," he added. "Those are Marxists, either terrorists, killers, or just people who have no allegiance to this country."

In fact, however, one group that SAVAK seems to have concentrated its attention on consists of writers, artists and intellectuals. Among those arrested and tortured in the past two or three years: Vida Hadjebi Tabrizi, a distinguished woman sociologist; Gholam-hussein Sa'edi, a renowned Iranian playwright, and Writer Fereydoun Tonokaboni.

Perhaps the most terrifying feature of torture in Chile and Iran is its institutionalization, the fact that it has become the almost private domain of huge, semiautonomous police agencies. Once embroiled in the torture monolith, the individual has no appeal, no recourse to the kind of legal authority provided by functioning courts. But whether or to an equal or lesser degree, torture is very much a part of life in many other countries as well. Some recent instances:

In Paraguay, the dictatorial regime of Alfredo Stroessner this year reportedly launched a new wave of political arrests involving several hundred people. It is the third such wave since late 1974. Witnesses to conditions in Paraguay's primitive jails claim that detainees are regularly tortured. One recent victim was internationally known Anthropologist Miguel Chase Sardi, who was released in June after seven months in prison. Chase Sardi says he was dragged, beaten and dipped upside down in water to the point where his hearing may have been permanently damaged. Other methods of torture include electric shock, the extraction of fingernails and forcing a prisoner to drink water until he faints.

In Uruguay, once the democratic Switzerland of South America, it is estimated that an astonishing one out of every 50 citizens has been either interrogated detained or jailed since 1973. "Half the prisoners have been tortured," says former Senator Wilson Ferreira Aldunate, "by which is meant they have been submitted to electric shock or submerged in water until they passed out." Another common method is the "plantan," whereby a prisoner is forced to stand for hours or even days with his weighted arms outstretched and feet spread far apart.

In India, claims of torture used against political prisoners have steadily increased since Prime Minister Indira Gandhi declared a state of emergency 18 months ago. The New York-based International League for Human Rights charged last June that Indian jailers have been guilty of "torture, brutality, starvation and other mistreatment of prisoners." Common methods: beatings with steel rods and rifle butts, electric shock and burning with candles.

In the Philippines, President Ferdinand Marcos has declared that "no one but no one has been tortured." An investigation by the Association of Major Religious Superiors, representing the leaders of the country's Roman Catholic orders, charged that prisoners in a military and army network of detention centers and "safe houses" have been tortured by beatings, electric shock and other methods. In an unreleased report that was presented to the Philippine government for comment last fall, Amnesty International charges that torture is used in the Philippines "freely and with extreme cruelty, often over long periods."

In Spain, the torture of political suspects, especially Basque separatists, apparently continues despite King Juan Carlos' seemingly genuine wish to liberalize political life. This is in part because the notorious Guardia Civil, the most feared of Spain's law-enforcement agencies, is virtually a law unto itself in the four Basque provinces. One common torture method used by the Guardia is bastinado, the continual flogging of the soles of the feet with a rubber truncheon.

Unfortunately, the list of countries continues to stretch across the globe. There have been several well-documented cases of torture and even death during interrogation in South Korea. According to Amnesty International, there have been numerous charges of brutal, disfiguring tortures in Iraq, especially in Baghdad's Kasr-al-Nihaya Prison. In many black African countries, few torture victims survive to tell their stories. In such one-man dictatorships as Francisco Macías Nguema's Equatorial Guinea, Idi Amin's Uganda, Jean Bédel Bokassa's Central African Republic and Ahmed Sekou Touré's Republic of Guinea, unimaginably cruel, capricious and unpredictable tortures are everyday occurrences. In tiny Equatorial Guinea, which has suffered a reign of terror since gaining independence eight years ago, political prisoners have had their eyes gouged out by torturers of the notorious Macías Youth. Other prisoners have been forced to stand for days in a pit, up to their necks in mud and water.

INTIMIDATING AIM

In Guinea, a common torture is confinement in a cell too small to allow a prisoner either to stand up or lie down. "The cell they put me in was about 4 ft. by 3 ft.," testifies Mouah Abou, 46, one of Sekou Touré's victims who now lives in France. "It had a tin roof and a metal door. There was no window, only some ventilation holes. There was no light, no bed, no place to go to the bathroom. For eight days I had no food or water."

The aim of torture is virtually the same everywhere: to gain information about subversives, terrorists, opposition groups, and to intimidate would-be dissidents. A show of brutality can be a devastatingly effective way of keeping people in line. Yet in many Communist nations this is simply not necessary: the torture chamber, anti-Communists argue is countrywide. All-powerful, ever vigilant party apparatus, supported by huge secret police forces, make opposition almost impossible; thus torture on a grand scale is superfluous.

Communist countries like China, North Korea, Cuba and others nevertheless have their networks of "labor reform" camps for "re-educating" dissidents. The harsh life of these camps, with their meager diets, minimum time for sleep and long hours of labor, can be unbearably hording ord, torture.

Among Communist states that use torture, the Soviet Union is probably the worst offender. A common method of dealing with dissidents is to declare them insane and lock them away for years in mental hospitals, like the notorious Serbsky Institute in Moscow. There low-calorie diets and drug treatments produce pain-racking illnesses. Psychiatric new beatings applied to other patients. He himself received insulin and heavy doses of sulfur which caused discomfort so intense that all you could do was endlessly search for a new position."

How do nations justify torture? The most common argument is that the practice is an unfortunate but indispensable means of combating lawless elements that threaten the security of the state especially terrorist extremists. The argument draws some support from the reckless brutality of recent terrorist movements and from the massive Communist threat—at least as it is perceived in many countries. "Nobody wants to be called a torturer," says one senior Argentine officer. "The word stinks of cowardice. But nobody ever gave away important information because a gentleman came up to him and said: 'Please tell me what you know.'"

The argument justifying torture as a necessary evil is dangerous and flawed. The fact is that the purpose of torture, more often than not is pure and simple repression of all opposition. Moreover, once torture is sanctioned, even against genuine terrorists, the network of torture has a way of becoming a Frankenstein's monster, finding reasons for a continued existence even after its initial tasks have been accomplished.

Last January, for example, Brazilian President Ernesto Geisel dismissed General Eduardo D'Avila Mela, the commander of the second army in São Paulo and a notorious advocate of torture. That seemed to reduce the mistreatment of prisoners in the city, but there was a flurry of new charges that prisoners in Rio were being tortured. Some civil rights activities believe that the São Paulo torturers simply shifted their operations to Rio. "There is a national network of torturers," says one exprisoner and torture victim; "they coordinate their work. It is a system and therefore very powerful."

What, if anything, can be done? "Make torture as unthinkable as slavery," answers David Hawk, the executive director of Amnesty International's New York branch. As Hawk well knows, that laudable goal is not easy to achieve—no easier, certainly, than the abolition of slavery was. Amnesty itself has had some limited success in securing the release of individual prisoners by means of letter-writing campaigns and appeals to conscience directed at government officials.

STILL SENSITIVE

Most countries are at least somewhat sensitive to foreign public opinion, if only because they fear that a bad human rights record could interfere with economic and military aid programs or foreign investments. Secretary Kissinger sensibly argues that U.S. foreign policy cannot be based on personal moral beliefs. Nonetheless, it does seem possible that regimes such as those of South Korea, Chile and Uruguay, which are heavily dependent on American support, could be nudged into loosening some of their grip by threats from Washington to withhold aid.

Little leverage, however, can be brought against such largely self-sufficient and comparatively wealthy states as Iran, Brazil and the Philippines—or for that matter even against such smaller countries as the African dictatorships.

One widespread hope is that torture-prone dictatorships will be overthrown, like the junta in Greece. But generally the odds are against such regimes being replaced by more benign ones, especially in countries where democracy and human rights have feeble roots to begin with. Another hope is that dictatorships will gain enough of a sense of security to cut out at least the routine use of the worst brutalities. Meanwhile, about the only avenues left are publicity and prayer—and, perhaps, keeping alive in memory a statement made by Vladimir Herzog, a Brazilian journalist found dead a few hours after being detained in São Paulo last October. Said Herzog: "If we lose our capacity to be outraged when we see others submitted

MONS 029892

to atrocities, then we lose our right to call ourselves civilized human beings."

MACABRE WORLD OF WORDS AND RITUAL

Asudi is just like
Genghis Khan when he walks
he walks on a pile of fresh corpses
the Khan did not clean his teeth either
the Khan also belched the Khan
did not take off his boots either Asudi
has shattered the mouths of twenty poets today*

In these savage lines Iranian Poet-Critic Reza Baraheni describes one of the men who tortured him in Iran's notorious Committee Prison, where Baraheni was held without charge for 102 days in 1972. Baraheni, who now lives in exile in New York City, recognized in torturers like Asudi the "typical thick-necked Iranian Jahel [ignoramus], fat and tall and dirty and, at the same time, shrewd, irrevocable, irresistibly virile and strong." Asudi learned that prisoners address him with the honorific title "doctor," as do equally brutal thugs who run torture centers in Brazil and did so formerly in Greece. The title, apparently, confers on the torturer a kind of legitimacy vis-a-vis his victim.

The interrogator's need to be respected by his victims is one notable feature of a vague, inchoate subculture that exists in every country where torture is an established practice. This shadowy netherworld is marked most obviously by a mocking language of euphemisms and code words. Some former prisoners report, for example, that at the notorious São Paulo torture center of the Brazilian political police, a torture session has been called a "spiritual seance," as if it involved a cleansing of impurities. Victims in Chile say that DINA interrogators refer to Santiago's infamous Villa Grimaldi as the Palacio de la Risa—the Palace of Laughter. In Iran, Otagh-e Vanaiyat, or "the room in which you make people walk," is a name for the blood-stained chamber where prisoners are forced to walk after torture to help their blood circulate.

Tortures generally refer to themselves by nicknames, in part because they do not want their victims to know their real identities. Often the nicknames derive from a physical feature, such as "the Tall One," or "the Mustachioed One." In South America, such aliases as El Aleman (the German), Cara de Culebra (Snake Face) and El Carniocero (the Butcher) are common. One particularly brutal torturer at Chile's Tejas Verdes camp near San Antonio used to tell prisoners his name was Pata en la Raja, meaning Kick in the Ass.

The torturer's lexicon also includes mordant, mocking names for their techniques and instruments. The Wet Submarine, for example, means near-suffocation of a prisoner by immersing him in water, or, frequently, urine; the Dry Submarine is the same thing, except that a plastic bag is tied over the victim's head to deprive him of oxygen. In the Grill, the victim is stretched out face up on a metal frame while a "message" of shocks is delivered to various parts of the body.

A Brazilian invention called the Parrot's Perch is used in many countries; it consists of a horizontal stick from which the prisoner is hung by the knees, with hands and ankles tied together. Another common technique, called the Telephone, consists of delivering sharp blows to both ears simultaneously, which often causes excruciatingly painful rupture of the ear drums. In the Hook, the victim is hoisted off the ground by his hands, which are tied behind his back in such a way that the stretching of the nerves often causes paralysis of the arms. Says one Uruguayan torture victim: "People on the Hook cannot take a deep breath or hardly any breath. They just moan; it's a dreadful, almost inhuman noise."

The torture subculture has its own rules and rituals, which sometimes parody the daily routine of infinitely less brutal professions. "It was just sort of a job to them," says former Methodist Missionary Fred Morris, who was tortured for 17 days in Recife, Brazil, in 1974. "These people had 9-to-5 jobs, except that their business was to torture for a living." There are often specific times of the night or day when victims are picked up by their torturer-interrogators. The prisoner is usually hooded or blindfolded. Sessions often begin quietly; physical torture starts only after the interrogator has built himself up to a feigned or genuine anger, which Andrew Blane of Amnesty International calls "an emotional state of furious self-righteousness." Some Chilean prisoners have reported torturers calling a prisoner to an interrogation session with the phrase "It's time to go to work." In Iran, where, as in many other countries, women are routinely raped during torture sessions, Reza Baraheni once watched a 18-year-old female prisoner calmly introduce her interrogator to her visiting family as "my rapist."

The prevalence of rape (of both men and women) as a torture technique indicates that the ranks of torturers contain many sexual psychotics as well as sadists. At the same time, some victims testify that their torturer were visibly strained by the routine and took pills to soothe their nerves; Fred Morris says that one of his torturers, a certain Major Maia, used to explain that he was a fellow Christian who went to Mass every day on his way to work.

Why do people willingly torture their fellow human beings? Oxford University Clinical Lecturer in Psychiatry Anthony Storr argues that often the torturer is motivated not by malice or by sadism but by an overpowering will to obey. "Torturers," says Storr, "are hierarchical people in that they accept and seek authority structures. They are people who obey orders without question. Whether leftist or rightist, many torturers link a fervent patriotism with a fanatical self-righteousness. Their victims often describe these torturers as intelligent but unbalanced, full of moral certitude but viciously vindictive toward people who hold beliefs contrary to their own.

Sadly enough, there seems to be no shortage of torturers; dictatorial regimes always manage to find enough people who—convinced of the righteousness of their cause—will maim or murder under orders from an absolute authority. The torture subculture provides these people with a kind of identity. It is also a dramatic and telling proof of what Historian and Social Critic Hannah Arendt called "the banality of evil." The most inhumane cruelty of man to man can become routine if it is surrounded and buffered by an apparatus of normality.

* From God's Shadow Prison Poems, © 1976 by Indiana University Press, reprinted by permission of the publisher.

EDITORIAL SUPPORT FOR STUDENT'S FREEDOM OF CHOICE ACT

Mr. FANNIN. Mr. President, the editorial response to S. 3595, the Students' Freedom of Choice Act, has been gratifying.

This bill, which I introduced with Senators BARTLETT, CURTIS, HANSEN, HRUSKA, THURMOND, and TOWER, would guarantee to working students a genuine freedom of choice in labor matters. This legislation would provide them an exemption in the Federal labor laws from the onerous requirements of joining a union or paying dues or fees to a labor organization in order to hold a job.

As I emphasized in my statement of introduction, the purpose of this legislation is not to destroy unionism but to protect hard-pressed students enrolled in high school, college, and technical or trade schools who need temporary or summer employment in order to pay for their educational expenses. It is simply wrong to require that working students be required to shell out a portion of their hard-earned wages to a union when they are not eligible for and cannot possibly enjoy benefits negotiated by the union for which compulsory dues are supposed to be used. As pointed out by the Huntington, W. Va., Herald-Dispatch—

You don't have to believe in Right to Work legislation to see the unfairness of compelling students, as a condition of their employment, to make mandatory payments to a union with money that they are trying to earn to finance their education.

Little wonder that students, recognizing the injustice of this situation, are, according to reliable public opinion surveys, even more opposed to compulsory unionism than the average citizen.

Mr. President, I bring to the attention of my colleagues several articles from small-town papers around the country endorsing the concept embodied in the Students' Freedom of Choice Act. I ask unanimous consent that the complete texts of editorials in the Ontario-Upland, Calif., Sun, the Bakersfield, Calif., Californian, the Waukesha, Wis., Freeman, the Huntington, W. Va., Herald-Dispatch, and the Marysville, Calif., Appeal-Democrat be printed in the RECORD.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

[From the Ontario-Upland (Calif.) Daily Report, July 26, 1976]

FULL-TIME UNION DUES

Sen. Paul J. Fannin (R-Ariz.). "The average student works less than 12 weeks during the summer, and most of them hope to earn enough money during that short period to carry them through the following school year," he said.

However, he says, "under the present system, many of these young men and women are required to pay full initiation fees and dues in lieu of membership in a labor union in order to keep that job. Yet, in most instances, they cannot participate in the so-called benefits, such as health insurance, sick pay and wage increases, which have been negotiated by the union and for which compulsory dues are supposed to be used."

Should a student holding down a part-time or vacation job as, for example, a bagger in a grocery store, be required to give up part of his small pay—in some cases as much as 40 per cent—in union dues? In most states he is, but he no longer will be if a bill just introduced in Congress is passed.

Sponsored by seven senators, the legislation would amend the National Labor Relations Act and the Railway Labor Act to exempt all full-time students enrolled in a high school, college or technical or trade school from the requirements of compulsory unionism.

"Students are not especially wealthy individuals," points out the bill's principal sponsor.

MONS 029893

[From the Bakersfield (Calif.) Californian, July 4, 1976]

STUDENTS OUGHT TO BE EXEMPT

Equity demands that Congress approve S. 3080, a bill granting students immunity from closed shop provisions of the National Labor Relations Act if they desire to avoid union membership.

The NLRA works a very real hardship on students whose work is generally part-time. They need every penny they earn to support their education. Union dues may take up to 40 per cent of a student's salary.

In some instances, they choose voluntarily to join a union. But not always, particularly when the job is but one or two days a week. These workers ought to be exempted from the union shop.

Consider the case of the Missouri high school student who was assessed $7 a month dues to work one day per week in a grocery store. One month he was two days late paying his dues and was assessed a $1 fine. Union bylaws required attendance at membership meetings under penalty of an additional $5 assessment.

We note that the Service Employes International Union will represent permanent workers in Yosemite National Park. There is the possibility that summer employes, mostly college students, also may be forced to surrender portions of their paychecks to the AFL-CIO union.

According to the National Right to Work Committee, the average student works less than 13 weeks during the summer. Because of reduced hours of employment, many are not eligible to participate in benefits—health insurance, sick pay and wage increases—negotiated by the union for which compulsory dues are supposed to be used.

Little wonder, then that 83 per cent of the voting age population under 30 years of age polled in a recent Opinion Research Corporation survey opposed mandatory unionization in the private sector. Perhaps some or all of those queried had held a student job and understands, firsthand, the injustice of the NLRA. Sen. Paul J. Fannin, R-Ariz., no doubt has their support in behalf of S. 3080.

[From the Waukesha (Wisc.) Freeman, June 28, 1976]

UNION WINDFALL FROM STUDENT LABOR

Seven U.S. Senators, six of them from Right to Work states, have introduced legislation that would amend the National Labor Relations and Railway Labor acts to exempt students from the requirements of compulsory unionism. There are two formidable arguments for the bill in which this newspaper concurs: (1) the right of individuals to decide for themselves whether or not to join unions; (2) the unfairness of compelling working students as a condition of keeping their temporary jobs, to make mandatory dues payments to a union with money they need for their education.

Under current laws, a single union may be selected to act as the sole bargaining agent for the entire work force of a company or industry. Ordinarily, workers within 30 days of employment, join the union or pay equivalent dues or fees in lieu of membership. Coming from students, this money represents a windfall for organized labor and the practice can't be justified on the usual grounds. Unlike other employes, these students are part-time who can work no longer than 13 weeks during the summer, depending on their good fortune in obtaining work early.

There is no thought on the part of these young men and women, or on the union, that they can participate in any of the benefits for which the money is paid—health insurance, sick pay and wage increases. The irony here is that the unions are taking money away from the people who don't intend to make such part-time employment their life's work, yet they are made to help pay for services from which they can expect no benefits.

Those who are sponsoring the bill point out that in some cases these compulsory dues add up to a third and even 40 per cent of a student's salary.

The case is cited of Brady Rapp, a Missouri High student, who was obliged to pay $7 a month to officials of the retail clerks union in order to work one day a week in a grocery store. Said Rapp, "One month I was late twice and they made me pay a $1 penalty each time. I was also told to attend union meetings or pay a $5 fine."

Sen. Paul Fannin (R-Ariz.) one of the sponsors, points to a study of the Opinion Research Corp., Princeton, N.J., which shows that 78 per cent of the voting age population under 30 years opposes forced unionization of public employes and 83 per cent reject forced unionization of industrial workers in the private sector. The figures are slightly higher than comparable figures among older workers.

The bill has been referred to the Senate Committee for Labor and Public Welfare. It should be reported favorably to the entire Senate and deserves early adoption.

[From the Huntington (W. Va.) Herald-Dispatch, July 8, 1976]

FORCED UNIONISM REQUIREMENTS SHOULD NOT INCLUDE STUDENTS

A new bill introduced in Congress would exempt students from the requirements of compulsory unionism.

Under the National Labor Relations Act, all workers at a factory or other business with a "union shop" contract must, within 30 days of their hiring, either join the union or pay equivalent dues or fees in lieu of formal membership.

Those who oppose the very idea of a "union shop" obviously will welcome the idea of exempting students from such strictures. But you don't have to believe in Right to Work legislation to see the unfairness of compelling students, as a condition of their employment, to make mandatory payments to a union with money that they're trying to earn to finance their education.

Most students work only a few weeks during the summer, seeking money to see them through the coming school year. Under the current law, if their employer has a "union shop" contract, they are required to pay full initiation fees and dues to the union in order to keep their jobs. Yet, at the same time, many are barred from receiving the same benefits—health insurance and the like—that regular union members receive.

Backers of the new legislation—introduced by Sen. Paul J. Fannin, R-Ariz., and co-sponsored by a half dozen other lawmakers—cite the case of a Missouri high school student who was required to pay $7 a month to a union in order to work one day per week in a grocery store. Complained the student: "One I was two days late (with my dues) and they made me pay a $1 penalty. They also said that I must attend their meetings or pay a $5 fine."

Indeed, if a student can only work one or two days a week—as often is the case—and then ends up having to pay $7 or $8 per month to a union that he or she is not even a full-fledged member of, then those payments can add up to a big chunk of his or her meager earnings.

Like other proposed legislation which would exempt high school and college students from the federal minimum wage law (the provisions of which often price students right out of the job market), Fannin's measure could go far in easing the plight of the student who must depend on a part-time job to pay a share of his or her educational expenses.

In today's uncertain economy, students find it hard enough to land part-time jobs, without then requiring them to turn over part of their initial earnings to a union.

[From the Marysville (Calif.) Appeal-Democrat, June 30, 1976]

STUDENT RIGHT-TO-WORK

Compulsory union membership as a condition of employment is insupportable in any case, but in some instances it is more of a glaring injustice than in others.

Students, for example, who work part-time in states that have not adopted right-to-work laws may be compelled to pay union initiation fees and union dues.

Legislation now before congress would exempt full-time students in high school, college, or technical or trade school from the union requirement.

Students are among the least able to pay the fees and dues. Some of them depend on income earned during summer months and part-time work during the school year to pay all of their expenses. Others may depend on it for extra-curricular expenses, but in any case their earnings are used to defray all of their expenses or part of them while they are in school.

Sen. Paul J. Fannin of Arizona, one of the seven senators introducing the legislation, pointed out that "The average student works less than 13 weeks during the summer, and most of them hope to earn enough money during that short period to carry them through the following school year. Under the current system, many of these young men and women are required to pay full initiation fees and dues in lieu of membership to a labor union in order to keep that job. Yet, in most instances, they cannot participate in the so-called benefits, such as health insurance, sick pay and wage increases, which have been negotiated by the union and for which compulsory dues are supposed to be used."

"The irony here," said Reed Larson, president of the National Right to Work Committee, "is that the unions are taking money away from the people who need it the most."

Students themselves, according to a study by the Opinion Research Corporation, are even more opposed to compulsory unionism than the public in general. The study showed that 72 percent of the voting age population under 29 years of age opposed forced unionization of public employes and 83 percent opposed forced union unionization of industrial workers in the private sector.

The legislation would alleviate the injustice of compulsory unionism in relation to students. Even the unions should be able to comprehend the rightness of the bill.

JOINT ECONOMIC COMMITTEE HEARINGS ON CAPITAL FORMATION NEEDS

Mr. HUMPHREY. Mr. President, I wish to share with Members of Congress and the public some of the main points made in testimony before the Joint Economic Committee at a hearing on June 9 on U.S. capital formation needs. The witnesses included representatives of some of our most capital-intensive industrial sectors plus the banking industry and independent economic observers. The following persons testified:

Frederick G. Jaicks, chairman of the board, Inland Steel Corp., Chicago.

James J. O'Connor, executive vice president, Commonwealth Edison Corp. of Chicago.

Leif Olsen, senior vice president and chief economist, Citibank, New York.

MONS 029894

Robert Eisner, professor of economics, Northwestern University, Evanston, Ill.

Peter L. Bernstein, Peter L. Bernstein, Inc., New York.

Norman B. Ture, Norman B. Ture, Inc., Washington, D.C.

CAUSES OF THE 1974 ECONOMIC MALAISE

The testimony of Mr. Olsen and Mr. Bernstein was very interesting for its historical perspective and its analytical approach to the present and future situation regarding capacity and investment needs. Their statements tended to concur on many important points. Their main points are of great interest for the current debate on capital needs, and I would like to quote from them at some length. For instance, Mr. Olsen elucidated the causes of the 1973–74 inflation in the following terms:

The most common explanation tends to emphasize the role of inadequate capacity growth in recent years. This conclusion is not without some substance if you look at increases in manufacturing capacity that grew only 2% a year between 1969 and 1973 in contrast to an average of 3% between 1954 and 1969 . . .

Over a long period of time we observe that capital investment tends to move in cycles covering spans as long as seven or eight years. Investment tends to rise overall in response to improved rates of return and decline with diminishing rates of return. What is more, the presence of excess or unutilized capacity tends to produce relatively poor rates of return on capital investment. As a result of unusually rapid growth in investment—and in capacity—during the 1965–69 Vietnam war period, capacity utilization in manufacturing was somewhat low in the early 1970s. Hence, rates of return were not particularly conducive to continued strong investment growth . . .

There exists another line of reasoning that offers us far better explanation of the traumatic events of 1973 and 1974. We begin with the imposition of price controls and devaluation of the dollar in the summer of 1971 . . .

Mid-year seventy one was a recovery year from the recession of 1969–70. The imposition of price controls in the summer of 1971 caught many basic materials industries with cyclically low prices. This is not true of finished goods prices, however. As a result, under the controls period, basic materials prices were less sensitive to finished goods prices. This tended to increase the demand for basic materials . . .

During the final period of price controls late in 1973 and early 1974, you may recall that controls were eased gradually. This led to widespread expectations of price increases once decontrol occurred and encouraged inventory hedging against these price increases . . .

Another event occurred in this country as well as internationally that helps to explain the extraordinary explosion of spending throughout the world. In 1971 and 1972, the rate of growth of the money stock for the United States accelerated sharply following the recession of 1969–70. This above would have contributed to U.S. final demand and GNP growth. But in 1971 and 1972 the fixed exchange rate system was in its terminal phase. In an effort to continue to maintain fixed exchange rates, foreign central banks paid out large amounts of their own currencies in a futile effort to support the dollar exchange rates and this—in conjunction with other forces—accelerated the growth of the world's money stock to a rate of growth nearly double that of our long-run historic experience. The surge in new money creation and, consequently, income led to a worldwide buying spree that encompassed the spectrum from beef to automobiles, and the demand pressures in final products were then manifested back through stages of processing to the basic materials. This boom touched off a wave of speculative inventory buying that added more high powered fuel for price inflation.

The devaluation of the dollar, coupled with price controls and an expansionary monetary policy, pushed U.S. prices down below those of the rest of the world, and that added substantially to the demands for U.S. products and basic raw materials.

The evidence strongly supports a conclusion that the events of 1973 and 1974 were not the product of insufficient capacity but rather the extraordinary demand heightened by price controls and the anticipated end of those controls—industry-by-industry—that encouraged extraordinary inventory accumulation.

Concern over capital adequacy typically springs forth during periods of historically high interest rates because inflation stimulates strong bidding for available funds necessarily squeezing out a large number of potential borrowers. Capital is perceived to be in short supply and the condition is extrapolated into the indefinite future. When inflation accelerates rapidly, departing from its expected trends, borrowers with short-term need such as those who roll over inventories bid aggressively. They can afford to pay rates of interests equal to the expected short-run rate of inflation plus a real rate of about 2½%.

Long-term borrowers on the other hand, expecting inflation to be higher over the long-term life of their investment than they did at an earlier date, do not expect that it will be as high as in the year in which it accelerates. Consequently, these borrowers are thrust into the credit market as they are outbid by short-term borrowers. Among those who are squbid are housing, corporate issuers of long-term bonds and states and municipalities.

Mr. Bernstein regarded the decline in profitability and investment in the early 1970's to be largely a cyclical consequence of the high profitability and feverish investment of the late 1960's. He stated that he comes down squarely on the side of the optimists who believe that the economy's capacity to adjust automatically, left to itself, is going a long way toward solving these problems. The following excerpt from Mr. Bernstein's testimony is especially interesting:

While no one would argue with the unfavorable impact of the stagflation of recent years on corporate performance . . . these difficulties appear to be a natural result of unsustainably high rates of profitability during the mid-1960s in a generally euphoric environment during which capital costs were low and risk premiums virtually nonexistent. This set of conditions led to an equally unsustainable rapid growth in fixed capital—much of it in the wrong place. This was a massive waste of precious resources on assets that turned out to be essentially unproductive . . . no wonder that profitability subsequently slumped, as the most profitable opportunities were exhausted and as growing disregard for risk led businessmen into unwise and ultimately unproductive investments . . . (author's italics).

The conclusion of that euphoric period can still astound us, although many of them have at great cost been written off the corporate balance sheets . . . Massive overexpansion in commercial real estate and retailing is only the most apparent and painful heritage of that period. We can also point to the ill-fated ventures of RCA and Xerox into the highly capital-intensive field of computers, the entire conglomerate madness, the movement of chemical companies into the oil business (an extremely expensive move that was bailed out only by the totally unpredictable decision of the OPEC countries to quadruple the price of oil at a moment when some of the chemical companies either had just, or were attempting to unwind their ventures into oil producing), automobile industry miscalculations about the nature of the market for their product, and so on.

Seen from this vantage point, much of the data on investment activity in the late 1960s is spurious: it should be included in current consumption rather than formation of capital. As a consequence, I believe it is fair to assume that a much higher proportion of capital spending will be productive in the current environment, when risk premiums are high, rates of return are at depressed, long-term interest rates are flirting with 8 percent, and price-earnings ratios for common stocks average only about 10. In other words, the odds are that one percent of GNP going to nonresidential fixed investment today is likely to be significantly more productive in the future than one percent of GNP was in 1966 or 1969 (author's italics).

This possibility takes a great deal of the edge off the argument that pollution abatement expenditures dilute the significance of current levels of capital expenditures. Commerce Department estimates suggest that business capital outlays for pollution abatement now amount to about 4 percent of total expenditures for plant and equipment . . . the magnitude of unproductive investment undertaken during the second half of the 1960s would seem to have been at least as great as 4 percent of the total, and probably higher than that.

. . . Corporate management has done an outstanding job in rectifying the errors and overexuberance of the late 1960s. The quality of both the investment expenditures and the profits now being achieved is markedly higher than it has been, with every indication that these favorable trends still have a long way to go.

CAPACITY ADEQUACY IN THE BASIC INDUSTRIES

Mr. Jaicks of Inland Steel told the committee that capacity utilization in the steel industry has risen from 57 percent at last summer's low point to 91.4 percent in the latest period. Since then, however, it has fallen below 90 percent again. Mr. Jaicks forecast total steel shipments of 98 million tons for 1976, up 12 percent from the recession year 1975. He foresees shipments next year of 108 million tons, which is just short of the all-time record of 111.4 million tons set in 1973. This is based, however, on an expectation of a substantial rise in business investment and other construction spending, which has yet to begin. Mr. Jaicks concludes that the outlook indicates tight supply conditions for flat rolled products later this year and a general tightness over the whole range of steel products in 1977.

Turning to capital requirements in the industry, Mr. Jaicks reiterated the industry's position that—

All in all, it appears that the consensus forecast of a 2½ percent annual growth in domestic demand for steel is still valid. Studies done at the American Iron and Steel Institute and confirmed by [illegible] Professor Marshalls review, indicate that under this conservative steel demand projection the steel industry will have to install sufficient capacity to provide an additional 20 million tons of raw steel capacity by 1980. Using this

estimate, we can confront our subject of capital adequacy in the steel industry head-on. To meet all of its requirements, the steel industry will have to spend, each year, between now and 1985, a minimum of $6.0 billion, applied as follows:

About $1.8 billion annually to install additional capacity that our nation will need. This assumes a growth in steel consumption averaging 2½ percent per year.

About $2.0 billion per year to maintain existing capacity.

About $1.0 billion annually to meet pollution control requirements.

And, about $0.5 billion per year for non-steel activities.

. . . The steel industry's record cash flow (that is, reinvested profits plus depreciation) was achieved in 1974—$3.6 billion. If steel companies were to continue to generate cash flow at this record level (and during 1975, with with net cash flow of $2.5 billion, we fell far short of it), and if we were to continue to add new long-term debt of about $600 million per year (and thus maintain present debt-equity ratios), steel companies would nevertheless have only about $4.0 billion available annually toward their $6.0 billion needs—a billion dollars short of our average needs every year. . . .

Some additional capital quite likely could be obtained through the sale of new shares.

Inland was successful in raising equity funds recently, but I share Professor Marshall's view that equity financing will play a rather small role in steel industry expansion over the near-term.

I would note, however, that the estimated need for 30 million tons of new capacity has not been revised since 1974. I have therefore asked the staff of the Joint Economic Committee to reevaluate the future demand for steel and for other raw materials in light of the across-the-board size reductions being made in automobiles and failure of the construction sector to regain its 1972–73 activity levels.

Mr. O'Connor of Commonwealth Edison testified that the Edison Electric Institute has projected that electric power consumption will grow by some 5.3 to 5.5 percent annually, given moderate overall economic growth. This rate is somewhat lower than that of the 1960's. Mr. O'Connor told the committee furthermore that, in 1964, the electric utilities provided 64 percent of their investment funds from internal sources but only half this proportion in 1974. Of course, the rapid inflation of fuel prices and other costs, together with regulatory lag in revising electric rates, squeezed utilities profits severely in the latter year. This squeeze is now being relieved, and the utilities now are on somewhat firmer financial ground.

Mr. O'Connor stated that 181,000 megawatts of generating capacity were delayed or removed from the construction schedule during the economic slump and financial crisis of 1974–75. Some two-thirds of these were nuclear units due to be completed in 1980 or after. While the 2-year setback in electric power consumption growth and the reduction in projected future growth rates will obviate the need for some of this capacity, Mr. O'Connor warned that there may be shortages of power unless many of the deferred projects are restored.

Mr. Bernstein, on the other hand, has done analysis of recent industrial investment and capacity utilization that suggests that the basic industries in general, have rectified the capacity shortages that existed in 1973 relative to fabricating and finished goods sectors. He testified that:

My measurement calculates nonfarm business gross domestic product in dollars of 1972 purchasing power as a percentage of gross corporate stocks of structures and equipment . . . It is in other words an output/capital ratio . . .

While . . . capacity strains in the basic materials or advanced processing sectors were much greater in 1978 than in the finished goods sectors, more recent data indicate that these imbalances have been substantially eliminated and should cause no serious problems in the foreseeable future . . .

Since 1973 . . . capacity growth has been significantly greater in the basic materials area. From the end of 1973 to the first quarter of 1976, the annual rate of growth in the basic materials sector has been 4.6 percent; for total manufacturing, it has been only 3.8 percent. As a result of this disparity in growth rates since 1973, growth rates measured from 1966 to early 1976 have been substantially even: 4.2 percent for basic materials and 4.6 percent for total manufacturing.

Indeed, 1973 output of basic materials would utilize only 83 percent of current capacity—or ten percentage points less than it used in fact during 1973 . . .

From the end of 1966 to the end of 1972, capacity utilization rates in the primary-processed goods area averaged two to three percentage points higher than in the advanced-processed goods area. The two rates were the same in late 1966, late 1971, and early 1973, but the "upstream" sector's utilization rate never fell below the "downstream" sectors' utilization rate during this period.

By the end of 1974, however, the gap had narrowed to only two percentage points; by the second quarter of 1975, the primary-processed sector was operating three percentage points *below the finished goods sector, for the first time in the history of this series.* (Italics in original).

. . . expenditures for plant and equipment by manufacturers of primary metals, paper, chemicals and petroleum currently account for 35 percent of such outlays by all manufacturing industries, up from only 15 percent in 1972–73.

In absolute dollar terms, plant and equipment expenditures by these four basic materials industries in 1976 will be just about double 1972–73 average, compared with a rise of less than 40 percent for all manufacturing and less than 50 percent for all business.

FINANCING FUTURE INVESTMENT NEEDS

Mr. Ture presented to the committee his estimates of economywide investment and savings needs through 1985. Assuming that the capital-labor ratio continues to increase at its postwar rate, he calculated that business will need $443 billion—in 1975 dollars—for capital expansion. If replacement investment continues at its postwar rate, another $1,800 billion will be needed to maintain and replace existing capital. To these amounts Mr. Ture added a conservatively estimated $350 billion to meet Government-mandated environmental and OSHA requirements. These items, together with projected inventory accumulations total $2.77 trillion in business investment for the decade.

To cover these outlays, plus housing requirements and a Government deficit assumed to average $10 billion per year, Mr. Ture calculated that gross private saving would have to total $3.82 trillion through 1985. Such an amount would require an increase in private savings rates, according to his calculus, from the 15.5 percent postwar average to 19.3 percent for the coming decade.

To increase savings, Mr. Ture called for reversal of what he termed "the tax bias against savings." In fact, he urged the elimination of taxes on savings by converting the entire income tax system to an expenditure tax levied on individuals only. Short of this, he proposes a savings tax credit for individuals with a limit of, say, $1,000 per taxpayer and a series of other measures benefiting savers and investors. In this appeal he was joined by Mr. Jaicks and Mr. O'Connor, who argued for lower taxes on corporate profits, especially for quicker capital recoupment provisions through a higher investment tax credit and higher depreciation allowances.

I think that there is general agreement that savings and investment rates will have to go up from the levels of the past decade if full employment is to be reached and living standards are to resume a satisfactory rate of growth. This is largely because of the rapid current labor force growth. Some new savings incentives, particularly those benefiting the millions of modest individual savers, would seem to warrant sympathetic examination.

I would point out, however, that the private savings rate was at 17.6 percent in 1975 and remains high. The personal savings rate has risen steadily over the past 15 years and may rise more, and the corporate savings rate is now rising rapidly from its recent depressed levels as a result of today's swelling business profits. In the meantime, investment continues to lag. We seem to be caught in the paradox in which people increase saving by restraining their consumption, but investment remains sluggish because business lacks confidence that consumption will rise in the future sufficiently to utilize expanded capacity. This current paradox has relevance for judging proposals for new savings incentives. In the words of Mr. Bernstein's testimony at the hearing—

Both theoretical and empirical considerations suggest that radical steps to increase our propensity to save may be counterproductive, in that they may result in less rather than more capital formation. On the one hand, capital formation is possible only if consumers and government do release resources. On the other hand, the businessman must expect to sell profitably the increased output that his capital formation will provide; he can justify taking the risks of that capital formation only if he believes that consumers and government are willing to buy more, not less. Thus saving is a necessary condition for capital formation, but it is not a sufficient condition. Growing markets for final demand are also a necessary condition for capital formation in a free enterprise, profit-oriented economy.

In other words, increasing savings in an underemployed economy just depresses the economy more. New measures to boost savings are warranted only to-

MONS 029896

gether with forceful measures to restore full employment.

Professor Eisner made this point more graphically. He stated, "the greatest depressant of business investment is the lack of full employment." He pointed out that a 6.5-percent decline in real output during the last recession coincided with a 32-percent decline in real investment spending and concluded that "the one healthy economic way to stimulate investment is to bring about prosperity and a full employment economy."

Professor Eisner disputed the claim that the tax system discourages saving and investment:

That is very far from clear . . . one big piece . . . where the tax structure is heavily biased in favor of business investment is in the matter of capital gains. The fact is that most people save and most people invest not anticipating their dividend returns. People put their money in the stock market; people buy land; people go into a corporation because they expect the value of that thing to go up. And that gain we don't tax. In fact, we don't tax it one penny unless the gains are "realized," and even when they are realized we tax only a portion, usually, of the total gain.

You have the astonishing loophole for capital gains at death . . . Further, a major amount of business investment is financed by borrowing, borrowing and paying interest and, of course, the interest costs are deductible.

So what it comes down to is that there is really no clear bias against saving or against business investment. There is a considerable discouragement of other kinds of investment, investment in human capital in particular.

We keep talking about taxes discouraging business investment. Yet we have taxes on working people which begin from the very first moment they get a job—the payroll taxes which keep going up . . . So you have a situation where employers are discouraged by the amount of the tax from hiring employees and giving them the training that would prevent them from being unemployed . . .

Finally, Professor Eisner disputed the efficacy of the investment tax credit because, he said, it biases the economy in favor of business expenditures specifically for equipment in preference to other productive inputs. He asked rhetorically:

How has Congress been able to decide that business can produce more efficiently with more equipment? How do you know they couldn't produce more efficiently with more buildings? How do you know they couldn't produce more efficiently with more research and development or by hiring better workers? Why this subsidy for equipment? I've been joking with my good friend, NormanTure, asking him why not a credit for hiring accountants from consulting firms? Why should Congress not decide that that's the better way to increase productivity?

These hearings provided an excellent debate on the main issues of the capital needs problem. The witnesses, of course, did not always agree. Indeed they were intended to represent different points of view on this subject. In closing, let me repeat that I think there is wide accord on the proposition that investment and saving rates should exceed their levels of the past decade and that they are very likely to do so in the natural course of things if the economy continues to recover and grow. There also is basic agreement among reasonable people that a return to full employment is a prerequisite of any vigorous investment boom. The issue to be debated is how, when and to what extent fiscal policy should be tailored in an attempt to boost the total savings and investment levels that will be attained at full employment.

A PROPOSAL TO END INTERNATIONAL TERRORISM

Mr. PERCY. Mr. President, my constituent Luis Kutner, the distinguished lawyer, a few years ago developed an original proposal to meet the threat of international terrorism. He called it constructive notice.

Now, at a time when the danger of international terrorism remains a major concern of the world community, I would like to bring Mr. Kutner's proposal to the attention of my colleagues for their information and consideration.

I ask unanimous consent that excerpts from Luis Kutner's article "Constructive Notice: A Proposal To End International Terrorism," New York Law Forum, fall 1973, be printed in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

EXCERPTS

International terrorism, which has taken root as part of the violence of the twentieth century, threatens the very fabric of civilization, the basic institutions of law, and respect for human life. Conceivably, a contemporary act of terrorism any place in the world could well provoke a rapid series of events resulting in thermonuclear horror.

Modern terrorists "operate with a destructive power often superior to that of the establishment in a 'standardized' society, and on any targets of their own selection." Though piracy and outlawry have long existed outside the law, terrorists claim full recognition as an acceptable political mode under international law. While banditry operates with a profit motive employing terror when necessary, terrorism per se emerges as a violent alternative to legitimate political, economic, and military power.

The recruits for international terrorism can be readily found. The tradition has long roots. The weaponry for international terrorism can be made on the kitchen table, as demonstrated by the republished Anarchist Cookbook by W. Powell. The original recipes, which were formulated in detail by Johann Most over seventy years ago, are still applicable today. The only addition to Most's work are chapters on the use of electronic equipment and drugs.

Up to now individual governments have taken two approaches in dealing with terrorism. Most nations readily surrender to the demands of terrorists. Others refuse to do so, frequently invoking reprisals or undercover operations against terrorist groups. Neither approach has provided a satisfactory solution. Acquiescence to terrorists' demands for ransom payment, or the release of prisoners has set a precedent whereby a terrorist knows that if captured and detained, the execution of a subsequent terrorist act may well secure his release. Accordingly, persons who have committed or conspired to commit murder, after a short period of detention, may be permitted to go free. While the reprisal approach directed against a state harboring terrorists has had some success in curtailing terrorism, it has also bred counter-reprisals adding to the state of international tension and disorder.

REPORTS ON INTERNATIONAL LAW RELATIVE TO INTERNATIONAL TERRORISM

The United Nations General Assembly Resolution on The Declaration on Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the Charter of the United Nations asserts, inter alia, that "no State shall organize, assist, foment, finance, incite or tolerate subversive, terrorist, or armed activities directed towards the violent overthrow of the regime of another State, or interfere in civil strife in another State." This may be regarded as the assertion of an international norm of behavior.

Status of terrorist groups

Although the Geneva Convention of 1949 concerning prisoners of war does not encompass international terrorism, Article 4 provides that guerrilla forces are to be afforded protection. Irregular armed forces are recognized as lawful combatants if they comply with the following conditions: (1) they must be commanded by a person responsible for his subordinates; (2) they must wear a fixed distinctive sign recognizable at a distance; (3) they must carry arms openly; and (4) they must conduct their operations in accordance with the laws of war. The terrorists clearly do not meet these qualifications.

According to the United States Army, the Geneva Conventions of 1949 require that guerrillas must be instructed in the laws and customs of warfare, and must be warned by their superiors against the use of "treachery, denial of quarters, maltreatment of prisoners of war, wounded, and dead, improper conduct towards flags of truce, pillage, and unnecessary violence and destruction." Killing and wounding by treachery include acts of assassination. The use of poison and poisoned weapons is prohibited, as are all arms, projectiles, or material calculated to cause unnecessary suffering. Under no circumstances may prisoners be killed for the sake of mere disposal. Reprisals may be recognized only within narrow limits. Regardless of belligerent status, participants in unconventional internal warfare must comply with minimum standards of humanity. Noncombatants, prisoners, wounded and sick, regardless of race, color, creed, sex, or social standing, must be treated humanely. Theft, murder, mutilation, cruel treatment, and torture are forbidden. The taking of hostages, outrages on personal dignity, and sentences and executions without previous judgment by regularly constituted courts according universally recognized judicial guarantees are also forbidden. Both the government and the insurgents are under a legal obligation to apply these standards.

Terrorists have refused to adhere to these principles in committing acts of international terror. But they do press for recognition as insurgents. The granting of recognition in many instances, depends upon political considerations. In some instances, such recognition has been granted in the most doubtful cases. In one instance, the Santa Maria case, a hijacker seized a Portuguese ship. He claimed that he was supporting a rival to Portugal's leadership, and that the seizure was the beginning of a revolution. The captain was put under arrest, and the crew was terrorized, although the passengers were well treated. The hijacker, claiming to be an insurgent, searched for a port that would grant him asylum. Status as an insurgent is not accorded any citizen merely for the belief that his country's government should be overthrown. Rather, there must be an actual state of insurgency. The Santa Maria was unarmed and incapable of military action. While international law offers no valid precedent for the use of armed force in prosecuting a nonmilitary objective, the Brazilian authorities

MONS 029897

granted asylum, apparently motivated by internal considerations.

The tendency is to grant protective rights and stretch the application of international law principles where there is sympathy for the cause, such as resistance against a dictatorial regime. However, no matter how justified the cause, it may be sullied by the application of barbarous means.

Whether there exists a duty on the part of world nations to prosecute or extradite terrorists for proper disposition, depends on the general acceptance by the world community of the various conventions and agreements setting forth those duties and responsibilities. Such a uniformly accepted covenant is the International Covenant on Civil and Political Rights of December 16, 1966, which recognizes and incorporates the principles of the United Nations Charter and further proclaims the inherent dignity and equal and inalienable rights of all members of the human family. In pursuance of the recognition of the obligation of states under the United Nations Charter to respect and observe human rights and freedoms, the state signatories to the Covenant agree that:

"1. Each State Party to the present Covenant undertakes to respect and insure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant: . . .

"2. [E]ach State Party to the present Covenant undertakes to take the necessary steps, in accordance with its constitutional processes and with the provisions of the present Covenant, to adopt such legislative or other measures as may be necessary to give effect to the rights recognized in the present Covenant."

The duty of a state to protect, respect and further the inalienable rights of human beings is generally accepted. In addition, there have been specific attempts by the international community, in furtherance of this duty, to deal with aircraft hijacking and other associated forms of terrorism.

International attempts to control hijacking

Perhaps the first such attempt was expressed in the Tokyo Convention of September 14, 1963. While the Convention was not aimed specifically at aircraft hijacking *per se*, Article II does not give a general definition of jurisdiction over crime in the air under which hijacking was subsumed, to wit:

"2. When a person onboard has unlawfully committed by force or threat thereof an act of interference, seizure, or other wrongful exercise of control of an aircraft flight or where such an act is about to be committed, Contracting States shall take all appropriate measures to restore control of the aircraft to its lawful commander or to preserve his control of the aircraft."

While the Tokyo Convention is a major step forward in the prevention of aircraft hijacking, it has several critical shortcomings. There is nothing in the agreement that creates an obligation to extradite a hijacker. Further, Article 8 states, *inter alia:*

"[N]o provision of this Convention shall be interpreted as authorizing or requiring any action in respect to offenses against penal laws of a political nature . . . ."

Without the duty to extradite in the face of the ever-present possibility of political asylum, the Convention lacks the fortitude in the case of its own national, or to preserve the right of an individual to seek asylum in certain circumstances.

More recently the ICAO has called for universal jurisdiction to try the international crime of aircraft hijacking. This indicates a desire on the part of the international air transport community to view this crime as *hostis humani.* Such realization underscores the serious nature of aircraft hijacking and provides a method of dealing with asylum concepts in light of the fact that the United Nations Declaration on Territorial Asylum provides:

"(2) The right to seek and enjoy asylum may not be invoked by any person with respect to whom there are serious reasons for considering that he has committed . . . a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes."

Like the ICAO, the United Nations has also come to recognize that the political offense doctrine (precluding extradition) must be limited if terrorism is to be effectively combatted. This enlightened recognition was set forth in a resolution of the General Assembly stating:

"*Mindful* that such acts may endanger the life and health of passengers and crew in disregard of commonly accepted humanitarian considerations,

"*Aware* that international civil aviation can only function properly in conditions guaranteeing the safety of its operations and the due exercise of the freedom of air travel. . . . 2. *Urges* States in particular to insure that persons on board who perpetrate such acts are prosecuted."

Article 1 of the 1970 Hague Convention for the Suppression of Unlawful Seizure of Aircraft provides that:

"Any person who on board an aircraft in flight:

"(a) unlawfully, by force or threat thereof, or by any other form of intimidation, seizes, or exercises control of, that aircraft, or attempts to perform any such act, or

"(b) is an accomplice of a person who performs or attempts to perform any such act commits an offence (herein referred to as 'the offence')."

Article 4 obligates that:

"1. Each Contracting State shall take such measures as may be necessary to establish its jurisdiction over the offence and any other act of violence against passengers or crew committed by the alleged offender in connection with the offence, in the following cases:

"(a) when the offence is committed on board an aircraft registered in that State;

"(b) when the aircraft on board which the offence is committed lands in its territory with the alleged offender still on board;

"(c) when the offence is committed on board an aircraft leased without crew to a lessee who has his principal place of business or, if the lessee has no such place of business, his permanent residence, in that State.

"2. Each Contracting State shall likewise take such measures as may be necessary to establish its jurisdiction over the offence in the case where the alleged offender is present in its territory and it does not extradite him pursuant to Article 8 to any of the States mentioned in paragraph 1 of this Article.

"3. This Convention does not exclude any criminal jurisdiction exercised in accordance with national law."

Supplementing the efforts of the United Nations and the ICAO are several recent initiatives by the members of the world community to suppress aircraft hijacking. Among them is the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, signed at Montreal on September 23, 1971, and the Hague Convention for the Suppression of Unlawful Seizure of Aircraft. But, as with the Tokyo Convention, the majority of nations have refrained from signing these conventions primarily for political reasons.

Manifestly, the various conventions, resolutions and agreements presently before the international community delineate and perpetuate the duty of nations to prosecute and extradite terrorists of any kind. Various members of the world community have come to recognize the *jure gentium* nature of terrorist activities and it remains for the rest of the family of nations to accept the legal and political realities of terrorism and assume their now well defined duty to respond effectively to this latest threat to world peace.

ACCOUNTABILITY OF HEADS OF STATE FOR CRIMES AGAINST HUMANITY

The acceptance of the international community, via the United Nations, of the principles set forth in the London Agreement, indicates individual criminal responsibility exists for the commission of crimes against humanity. Individual liability for crimes *hostis humani*, by its very nature, implies certain inherent and inalienable rights concomitant with human dignity. These rights, reciprocal in nature to liability, have been affirmed by the international community in the Universal Declaration of Human Rights, The International Covenant on Civil and Political Rights, and The European Convention for the Protection of Human Rights and Fundamental Freedoms.

Referring to the prosecution of Nazi officials, the London Agreement states:

"The official position of the defendants, whether as Heads of State or responsible officials in Government Departments, shall not be considered as freeing them from responsibility or mitigating punishment."

The willingness of the international community to hold individuals, particularly heads of state, responsible for their nation's conduct with respect to crimes against humanity, reflects the philosophy that individuals ultimately compose the repository of mankind. Increasingly, international legal thinking is moving away from the archaic Hegelian doctrines which postulated the State as the total integration of the individual and the necessary protector of his freedom and responsibility.

Recognizing this, and to facilitate the right of the individual to enforce those inherent rights which are his by virtue of human dignity, the European Court of Human Rights was created so that individuals might invoke its jurisdiction to redress violations of basic human rights. The European Convention for the Protection of Human Rights and Fundamental Freedoms expressly provides that individuals may submit their grievances to the European Court.

International legal theory once having established the individual as a subject of international law, with the associated rights and duties this connotes, might extend individual liability to reach terrorist activities on the basis of accepted principles of law. One such principle is that of constructive notice. According to this principle, knowledge of a fact is imputed by law to a person because he could have discovered the fact by proper diligence and his situation was such as to cast upon him the duty of inquiring into it. This theory of liability is well established in the Anglo-American common law. The theory is not one of absolute liability since it only requires a reasonable standard of diligence.

An individual as a head of state or chief executive is charged with the responsibility of securing due observance of the law. In international affairs, he represents his nation and is accorded the dignity and respect that nation-states inherently acquire upon attaining statehood. Heads of state, by virtue of the office they hold, should be aware of affairs within their state's territorial domain. It is reasonable to expect that the law should impute to them notice of terrorist activities within their jurisdiction. Having the requisite knowledge, the head of state is therefore duty bound to take appropriate action in accordance with international law to eliminate the activities. The community of nations recognizes that international law, as a higher level of authority, must take precedence over the laws of individual nations. All states and their backers must adhere to the obligations

MONS 029898

imposed by world law. Clearly, if heads of state are placed on constructive notice of terrorist activities and fail to take appropriate measures to prosecute or prevent the commission of an international crime they should be treated as principals to such crimes as though they had actually aided and abetted their commission.

World acceptance of the principles set forth in the London Agreement, which specifically hold heads of state criminally liable for international crimes, would serve to furnish the needed precedent. But at present there exists no international body capable of taking criminal jurisdiction over such individuals. What is needed is an International Criminal Court of Justice before which such matters could be adjudicated. International legal scholars, government experts and representatives of nongovernmental organizations, met recently at Wingspread, Racine, Wisconsin to draft a Convention on International Crimes and to propose a Statute for a World Court of Criminal Justice, for consideration by world governments and the United Nations. According to Professor Robert Woetzel, President of the Foundation for the Establishment of an International Criminal Court, the "proposed Convention and Statute would provide governments with an alternative to trying individual offenders in national courts."

RESPONSIBILITY OF STATES

One of the most highly developed branches of international law relates to the responsibility of states for injuries to aliens. Where an alien is injured, the offending state may be held responsible to the claimant state of which the alien is a national. On the traditional basis that only states and not individuals are objects of international law—a concept that is rapidly becoming outdated—the responsibility under international law of the state for injuries to an individual is owed to another state and not to the individual. The legal basis for the responsibility to another state rests upon the legal fiction that a state is injured through the injury to its citizens. But in the hundreds of claims cases adjudicated by international tribunals only lip service is paid to this principle with the inescapable realization that it is the individual who has been injured. The state bears responsibility for paying over the sum of money with the usually unexpressed assumption that the claimant state will pay the recovery over to the proper individual.

ENFORCEMENT AND SANCTIONS

When a nation has failed to take appropriate action to eliminate terrorist activities of which it had constructive notice, it would be fitting for the Security Council of the United Nations to impose sanctions against the offending nation in accordance with established international agreements and principles and those presently under consideration by the international community. While it is highly unlikely that member states would take military action, appropriate economic and diplomatic sanctions pursuant to Chapter VII of the United Nations Charter, would appear manifestly reasonable.

The majority of the world nations have indicated they consider hijacking and other forms of terrorism a threat to world peace and order. Pursuant to Article 39 of the Charter, the Security Council shall determine the existence of any threat to peace and shall decide what methods shall be taken to maintain or restore international peace. Article 41 sets forth those measures that may be employed short of the use of armed force, which include "complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations." Such sanctions directed at the offending governments would appear more feasible than those employed by nations to suppress terrorist activities. The terrorist groups themselves have become notoriously immune from such sanctions.

Aside from direct action by the Security Council, the Convention on International Civil Aviation (Chicago Convention) provides in Article 93 that the General Assembly of the United Nations can exclude a state from the ICAO, resulting in the withholding of civil aviation benefits from territory and flag lines.

The employment of internationally approved sanctions *does not prevent the individual states* from responding appropriately to the international crises of terrorism. The United States Senate, for example, has passed a bill which imposes a minimum sentence of 20 years for the crime of hijacking.

Hopefully, concepts of liability will increase the sense of responsibility necessary to deal with this world-wide problem. Responsible nations have indicated through their acceptance of various international agreements and conventions, that terrorism and more specifically, aircraft hijacking present an awesome threat to the safety of air travel and intentionally provokes tenuous political stability between nations. But before administering punishment to the aircraft hijacker, nations would do well to examine the recent medical data on these "criminals", for while some of the most spectacular incidents of hijacking are politically motivated, the majority appear to manifest the increased sense of alienation, importance and loneliness pervading the entire world community.

Finally, as regards sanctions, attempts at economic boycott of a country that harbors hijackers are dangerous where such actions do not have the support of the entire international community. In the past, unilateral and multilateral actions have failed with respect to Italy, Rhodesia and South Africa as coercive measures to force political change. Therefore, *not until all states realize* it is in their best interest to take affirmative action against international terrorism, can such efforts hope for more than a modicum of success.

SUMMATION FOR CONSTRUCTIVE NOTICE

International law may properly be invoked as a means for obtaining international cooperation. As an acting legal advisor of the United States Department of State (C. N. Brower) stated:

"[International law] has graduated from being a somewhat esoteric discipline incident to the conduct of international affairs to become an important instrument of national policy in the United States and around the world. This world-wide expansion is abetted by a growing realization within most governments that many of the common problems *affecting states can only* be solved by international cooperation. In a number of fields we in the State Department have found that the development of international law can be one of the primary weapons used to develop an international climate favorable to the accomplishment of our national aims, and we are happily participating in this considerable expansion of the role of international law."

He cited terrorism as one aspect of this expansion as the State Department sought world cooperation by drafting international conventions.

The concern of international law with terrorism is an important aspect of the emergence of international criminal law. International criminal law may involve accommodation arising out of a commission of a public wrong by a member of one jurisdiction against a member of another jurisdictional unit. Mutual assistance or accommodation arises. Another type of international criminal law exists where nations for the sake of the common good of a greater community of interest cede part of their municipal criminal law to a larger jurisdictional unity without surrendering their sovereignty. In a process that has taken place for several hundred years, international criminal jurisdiction has been established over piracy, war crimes, crimes against humanity, genocide, drug traffic, and other international crimes as provided by treaty and convention. The emergence of international standards of human rights has added to the growing body of international conduct norms encompassed as part of international criminal law. Some *offenses will require an optimum jurisdictional* unit. Such is the case with international terrorism. A world agency will emerge as a co-existing jurisdictional unit.

One problem is that of sanctions. But there is no need to be limited to traditional concepts of sanctions. Education and propaganda are important means for the implementation of norms. These may be accompanied by national compliance reporting, (as has been undertaken regarding compliance with the Universal Declaration of Human Rights), verification of on-the-spot investigation, publication of data and the use of impartial ad hoc groups.

Judicial enforcement may also be applied. A model for such enforcement may include an agency which would receive and investigate complaints and would possess machinery for indictment and a tribunal for adjudication.

Accordingly, international terrorism, including hijacking, would be declared a crime under international criminal law. The terrorist who commits an offense would, be branded a criminal as would any head of a state who had aided and abetted the terrorist activity or who had failed to indict and punish a terrorist. By the doctrine of state responsibility and the herein presented concept of constructive notice, the head of state would be held responsible for the commission of the act.

Under the proposed system, a *state* would be required to take measures and cooperate with other states to prevent and punish terrorism, *e.g.*, the protection of aircraft from hijacking, police protection to foreign visitors and others who would be susceptible to terrorist attack, and restriction of the movement and activities of persons and groups reputed to be engaged in terrorist activities. Where a state authority fails to take adequate security precautions where there is reason to anticipate the commission of acts of terrorism, the head of state would be held personally liable for *the consequences of his nonfeasance*. Where subsequent to an act of terrorism the state authority fails to invoke its criminal proceedings, the head of state and the state would be deemed criminally responsible. Likewise, a head of state would be personally liable and the state would be held responsible where it has accorded sanctuary to a terrorist and failed to either extradite him or undertake criminal proceedings.

Nations of the Asian-African bloc, in all proposals regarding the combating of terrorism, have urged that an exception be made as to resistance groups fighting colonialism. Arab representatives, notably Saudi Arabia, have proposed exempting Palestinians. In the western countries there may be a tendency to exclude persons who resist dictatorial regimes.

Such attitudes ignore the basic issue. *International terrorism* cannot be condoned, regardless of motivation. Under no circumstances may the lives of passengers on a civilian aircraft be threatened, nor may the lives of civilians anywhere be endangered. The laws of a third state, or states not directly involved in a conflict whether internal or international may not be flaunted. Terrorism cannot be regarded as a legitimate or acceptable means for the achievement of goals, no matter what ideals are involved. In outlawing terrorism, the world would be taking a first

MONS 029899

step in the move to lessen the prevalence of violence.

The motivation for an act may be considered as mitigating circumstances for the imposition of punishment. For example, where individuals have hijacked a plane with its crew as a means for escaping from behind the Iron Curtain, extradition could be considered inhumane. Yet, criminal proceedings for the hijacking should be instituted. The penalty which would be imposed should be mitigated, especially if no passengers were threatened. Likewise, in the *Cheng* case the United States would consider the motivation and background as mitigating circumstances. A similar principle might apply to the struggles of African liberation movements. In each instance, however, the seriousness of the offense would also be weighed. For example, an act of premeditated murder, *e.g.*, the murders of the diplomats at Khartoum or the indiscriminate killing of civilians, would not merit mitigation of punishment.

In applying the principle of constructive notice and state responsibility, a terrorist should be extradited or tried within 30 days after the commission of the offense. The state involved would have the option to transfer the terrorist to the jurisdiction of a specially formed International Criminal Court.

In taking any action, the head of state would be required to duly inform an international agency of what action the state has taken. Observers may be permitted to attend the trial of the terrorist, who, regardless of the horror of his act, would be accorded the elementary principles of international due process of law. The punishment should be proper in accordance with the circumstances of the case.

Where a state fails to undertake any measures against the terrorists or has aided and abetted in the undertaking of the act, the state whose nationals were injured, or the individuals themselves who are injured (or persons acting on their behalf), may properly protest to the duly constituted international agency. Such an agency, functioning similarly to the European Commission on Human Rights, would investigate the complaint and seek to resolve the matter by negotiation. Failing such efforts, appeal would be taken to the International Criminal Court which would hear the matter and adjudge the head of state or the state itself to be responsible under the doctrine of constructive notice or the doctrine of responsibility of states. The state would be required to compensate the victims and to take action forthwith to prosecute the terrorist or implement other measures as may be appropriate.

The ad hoc International Criminal Court, on the presentation of a complaint, could itself try the terrorist and brand him on outlaw. States and heads of states which aided and abetted in the act of terrorism would also be tried. The judgments of the courts as well as findings by investigating bodies would have the sanction of world public opinion. International law is essentially a means for international communication and adjudication would be one means of such communication.

A state whose interests had been injured by a terrorist act committed with the aiding and abetting of another state or by its condonation can upon adjudication freely engage in reprisal actions to capture the terrorists or deter further action. Reprisal would be undertaken only if all effective measures of international sanction are absent. However, such reprisal, as distinguished from the present situation, would be undertaken within the framework of a considered judgment by an international agency.

Some countries may rightly be skeptical and distrustful of the efficacy of international legal institutions. Past experience has not been encouraging, particularly considering the biased decisions of the agencies of the United Nations. However, in its evolution, international institutions will invariably become impartial, comprised of judges and officials who dedicate themselves as civil servants of mankind. In the final analysis, true security for all nations can be found only within a framework of world law.

HUMPHREY-HAWKINS BILL ENJOYS GRASSROOT SUPPORT

Mr. HUMPHREY. Mr. President, I call to the attention of the Senate yet another vigorous expression of broad-based support for the Full Employment and Balanced Growth Act. The president of the International Association of Machinists and Aerospace Workers, AFL-CIO, Mr. Floyd E. Smith, recently presented me with 700 petitions containing 8,321 signatures from 297 local lodges urging quick passage of the Humphrey-Hawkins legislation. Support was not confined to the large cities of the northeast. Petitions arrived from nearly every State in the Union, from Havre, Mont., to Birmingham, Ala.; from Paradise, Calif., to Rutland, Vt.

I am told by union leaders that this is the greatest response in its history to a petition drive of this kind. The magnificent turnout should come as no surprise. The IAM was one of the original backers of full-employment legislation. The industries covered by the union have been particularly hard-hit by the recession. These people are tired of the trickle-down economics of the Nixon-Ford era. They are not pleased with America's latest first—first in the industrialized world in unemployment. The machinists are not fooled by the Phillips curve myth that we must accept intolerably high unemployment to avoid inflation. They are clamoring for immediate action to get America back to work. They want more jobs, not more unemployment compensation handouts. In an article introducing the petition drive in the June issue of the magazine, the Machinist, the IAM reacted with extreme displeasure to President Ford's charge that Humphrey-Hawkins is but a "vast election year boondoggle" whose cost and inflationary impact "defied rational calculation." The article states:

> Any way you slice it, the big issue is jobs in this 1976 election campaign for the Presidency and Congress. More than 25 million Americans will have been unemployed at some time during the 12 months prior to election day. With today's prices, every layoff is a catastrophe for the individual—and for the family. More than 10 million workers are unemployed right now. The official figure is 7,000,000, but that misses 3,000,000 more who have either given up looking for work or are forced to work half-time or less.
>
> Six years ago when the Nixon-Ford leadership thought a little dose of unemployment would cure inflation, only eight of 150 metropolitan areas suffered from serious unemployment with 6 percent of the work force hunting jobs. Today there are 180 such areas and prices are higher than ever . . . Despite this, President Ford has made unemployment his political football. . . .

Now, some point to the youth unemployment rate of over 19 percent and to the fact that the percentage of the labor force made up of young people has increased over the past decade, and conclude that the overall unemployment rate should not cause so much concern. They think that unemployment is mainly for kids. Well, I would just like to read you a letter, one of the many that accompanied the petitions, from Mr. Eugene J. Wehner, a 60-year-old man in St. Louis, Mo., who knows that unemployment is not just kids' stuff: "I am one of the unemployed, a skilled tool room machinist and because of being 60 years of age, I might as well die, as they feel there is no need for a man over 25 years old under these economic conditions." Mr. Wehner's eloquent words need no explanation.

Thank you, Mr. President.

THE LIBERAL TWILIGHT

Mr. FANNIN. Mr. President, one of the most intelligent and perceptive critiques I have seen of Government intervention in the marketplace, of Federal overregulation of business and of deficit spending as a panacea for our Nation's domestic ills was made by columnist M. Stanton Evans in a speech which he delivered on the campus of Hillsdale College.

Among his numerous accomplishments, Mr. Evans is a radio commentator on CBS and an author, the former editor of the Indianapolis News and current chairman of the American Conservative Union.

Mr. Evans has provided a well-written, well-documented indictment of liberalism—of the philosophy and programs that have dominated America's political and social scene for 40 years. Because of the mounting evidence that this philosophy and these programs are bankrupt, have outlived their usefulness, if ever they were useful, and have proven to be unsatisfactory responses to our Nation's mounting problems, Mr. Evans has concluded that we are entering a period of "liberal twilight," in which "the liberal world view as we have known it begins to fade from vision."

To demonstrate his thesis, Evans points to liberal failures in the economic sphere—in such areas as inflation, unemployment, and housing. As he points out, in these and other issues:

> The liberal argument has the situation backwards. It is not government that can cure the problems generated by private enterprise, but private enterprise that alleviates and diminishes problems created by government. . . . The final assurances is not economic but political and constitutional: that it is possible on the one hand to pile up all these powers in the hands of the federal government, eroding the barriers to the exercise of power built into the constitutional system by our founding fathers, and yet maintain our essential freedoms.

In Evans' view, liberals, who emphasize "human rights" as the "core values of a free society," are wrong-headed: You simply cannot separate freedom of expression, for instance, from a free economy. As an illustration, Evans points to regulation by the Federal Communications Commission which, through its licensing power, has been able to impose effective constraints on free speech, under the dubious doctrines of "fairness" and "equal time."

Mr. President, I need not reiterate the other examples cited by Mr. Evans. His excellent discussion of the issue needs no amplification by this Senator. Indeed,

MONS 029900

his argument that liberalism is fading away requires no qualifications: There is ample evidence all around us. The question remains, however, in what direction is our society heading? In Evans' opinion, the controversy surrounding the "quality of life" issues, especially abortion and euthanasia represents:

. . . the ultimate phase of this development in which the liberal mind set becomes transformed into something quite the opposite of liberal: in which the libertarian shell has fallen away, and we're left with the bedrock principles of compulsion and the subjection of human beings to a planning elite.

It is the concern of Mr. Evans and other like-minded critics of the welfare state that a "united front" of conservatives and disenchanted liberals can work together to forge out of decadent liberalism and so prevent "the further erosion of our political system into authoritarian practice." I share that hope, and I commend Mr. Evans' view of our current dilemma to my Senate colleagues.

Mr. President, I ask unanimous consent that the complete text of "Liberal Twilight" by M. Stanton Evans, as it appears in "Imprimis" and was presented at Hillsdale as part of that college's "Ludwig von Mises Lecture Series", be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE LIBERAL TWILIGHT

(By M. Stanton Evans)

In the past four decades, we have seen a dramatic growth in the scope of government power in the United States: a drainage of power upward out of the states into the central government, and within that central government, away from the Congress into the hands of the executive. And, I hasten to stress, not necessarily into the hands of the president, but into the hands of the executive bureaucracy.

As a result, we have established on the banks of the Potomac precisely the kind of unchecked, untethered monolithic power structure that our founding fathers wanted to avoid. This has been done on the basis of a number of arguments and alibis that need examination. One of these is the suggestion that the scope of federal power is not much larger than that which existed forty years ago. As a result of this activity, supposedly, we increase the absolute size of government, but since we are also increasing the productivity of our economy, relatively speaking there isn't that big an increase.

There are lots of ways of looking at that argument, but I think the simplest is to take the spending figures, and trace them down through this period of four or four and a half decades. If you go back to calendar year 1930, you discover that in that year, the entire outlay of the federal government came to less than $3 billion, $3.6 billion to be exact. If you come forward to fiscal '76, you discover that the outlay of the federal government was about $365 or $366 billion. If you round that back down just to $300 billion, you discover that in a span of 46 years, the budget outlays of the federal government increased by 10,000 percent, from $3 billion to $300 billion.

This was a period when the population of the United States was increasing from about 120 million people to perhaps 214 million, an increase of roughly 78 percent. So in those terms it is readily apparent that the compulsory sector of our economy, just measuring the federal component of it, has been increasing at a rate much greater than the growth of the economy as a whole.

Now it is true that the increase in spending is measured in dollars devalued by the process of inflation. But it is possible to correct for that and to take the percentage of government spending in terms of gross national product or personal income, and thus to get a constant measure of what is happening to our economy. If we do that, we discover that in 1930 the percent of gross national product consumed by government at all levels was just about 10 percent. Today, it is 37 percent.

A single proposal now before Congress, the National Health Insurance Plan of Senator Kennedy, would increase that percentage to 45 percent. If the trend of growth that has prevailed for the past two decades continues simply as it has been with no major additions, by the year 2000 the percent of GNP absorbed by government is going to be 67 percent, according to the estimates of the Office of Management and Budget. In terms of personal income, the story is much the same. In 1930, the percent of personal income consumed by governments at all levels was 15 percent. Today it is 44 percent.

And that, I might stress, is only a threshold measurement. On top of the spending measures, you have layer upon layer of regulatory intervention which itself imposes social costs and economic costs not included in the budget figures. We know, for example, that there are, at various levels of government, 585 different agencies which have some species of superintendence over the activities of American businesses. We know that there are about 180,000 government employees at every level involved in that activity. We know that in the federal government alone there are 63,000 employees involved in that activity.

We know that in paperwork alone, the costs to business and taxpayers amount to about $40 billion a year. We know that there are something like 5,000 different federal forms which have to be filled out by American businesses. President Ford's Council of Economic Advisors has estimated that the additional costs to consumers of various federal regulatory programs is $130 billion a year.

If we compare this level of intervention with the level prevailing in the explicitly collectivist countries, we find there is not much difference. The percent of GNP taken in the Scandanavian countries for social programs is not much higher than the percent which is being taken here. I'm not unaware that it's all in your mind, it's all relative and isn't really that big, is mistaken. But if that empirical point can be established, one finds other assurances and explanations forthcoming.

One of these is that the burden of guilt for all this spending is on the military. We experience high taxes and ravaging inflation, allegedly, because we're spending so much money on unneeded military implements and responding to the pressures of the military-industrial complex.

This notion has been sold very effectively in many quarters of the national media and by very articulate politicians. But it is totally unsupportable on the empirical record. If you examine the budget figures for the last decade, you discover that the percentage of the federal budget devoted to the military has been falling like a stone. In 1962, 46.9 percent of the federal budget went for defense, almost half. For fiscal '76, it's 27 percent, just a little over a quarter. Even though there has been an absolute dollar increase in outlays for defense, that proportion has fallen steadily because the major spending increases have been for non-defense items, and mostly for welfare.

It's interesting to note the spending history of the Department of Defense as put up against the spending history of the Department of Health, Education, and Welfare. In the two decades, 1962 to 1972, the DOD budget increased by 74 percent, which in constant dollars was not much of an increase at all. In fact, according to the Brookings Institution, that was roughly keeping even in terms of what could be purchased with the dollars.

In that same two decades when Pentagon spending increased by 74 percent, the spending of the Department of HEW increased 4,837 percent, from $1.9 billion to roughly $100 billion. Today, whatever one may think about the Department of Defense, it no longer has a distinction it once did have. That is, it is no longer the largest department of the federal government. Its budget for '76 is about $93 billion. The budget of the Department of HEW is $119 billion. That is where the truly enormous spending increases have occurred—not for defense but for domestic social welfare programs.

If that empirical point can be driven home, one encounters another explanation which also has its plausible aspects. This is the suggestion that even though we are spending all this money on social welfare programs, at least we are helping poor people. We are taking resources from people who don't need them and putting them into the hands of people who do. This is what all the transfer payment programs are about and indeed they have been growing very rapidly.

There is no question that some proportion of this enormous increase in federal spending has gone to help people who are in need. But I would suggest to you that is not the major impact of what has happened. The major impact is something else altogether.

Again we face the difficulty of how you quantify these things. I have a formula which I think suggests a kind of answer. It is possible to measure the real increase in social welfare spending over a given span of time. If we do that, we discover that between 1960 and 1971, the total level of expenditure on social welfare programs, broadly defined, increased from $60 billion in 1960 to $171 billion in 1971—about a $120 billion increase.

It so happens that, according to the Bureau of the Census, there are about 25 million poor people in the United States, defined as people with an income level of $4,137 or less for a given year, for a family of four. If we take those 25 million poor people and divide them into the $120 billion increase—not the whole thing, just the increase—we discover that if we had simply taken that money and given it to the poor people, we could have given each and every one of them an annual stipend of $4,800 a year, which means an income for a family of four of $19,200. That is, we could have made every poor person in America a relatively rich person. But we didn't. Those poor people are still out there.

What happened to the money? The answer is that some of it did get to the people who are supposed to get it. But a lot of it didn't. I would say the majority of it went to people who are counseling the poor people, working on their problems, examining the difficulties of the inner city, trying to rescue poor families and devise strategies for getting them out of their doldrums. It went to social workers and counselors and planners, and social engineers and urban renewal experts, and the assistant administrators to the administrative assistants who work for the federal government.

Now it is very interesting to note, if we talk about relative impoverishment and affluence in our society, that the level of income among people who work for the federal government is considerably *higher* than the level of income of people who work for private industry. In 1972 the median income for someone working for the federal government in civilian employment was about $12,700. The

MONS 029901

corresponding income for someone working in private industry was about $6,000. This means that whenever these programs are adopted, the gross effect, and I use the word in both its senses, is to transfer money from people who are relatively poor—that is, taxpayers—to people who are relatively well off—that is, people who work for the federal government.

It's also interesting to note the two most affluent counties in the United States. What do you think they are? Westchester County, New York? Dupage County, Illinois? Marin County, California? Orange County, California? No, none of those.

The two richest counties in the United States, according to median family income, are Montgomery County, Maryland, and Fairfax County, Virginia, which happen to be the two bedroom counties for the federal government. That's where the government workers live. The median family income in Montgomery in 1972 was $16,000 plus. In Fairfax, which was not quite so good, it was about $15,700. Every time a program is adopted to enhance the power of the federal government, to cure impoverishment, those are the people who are enriched.

So it seems to me that argument is implausible, although superficially appealing. We simply have not been assuaging poverty by what we're doing. The other justifications are essentially subdivisions of that one. They are contentions that in problem areas throughout our economy, it is necessary to have a federal intervention of some type because the private market economy and the system of voluntary exchange have failed to get the job done.

We need a new health care program, supposedly, because the system of private health care delivery has failed. We need a new spending program to create jobs because the private market economy has failed to provide jobs. We need a new housing program because the private housing construction industry fails to provide new low-income housing. We need environmental constraints, we need energy programs—all allegedly because the system of private exchange doesn't do the job.

It is precisely here, however, that the liberal social philosophy has reached a watershed which even liberal theoreticians have come to recognize as such. If one takes the readouts on all these various programs and all of the difficulties that we allegedly are going to redress by enacting them, two things become apparent.

One is the fact that quite clearly these programs do not solve social problems. They are much more likely to *create* such problems. Second is the fact that in each and every one of these issue categories, you discover that every problem brought forward as a reason for further government intervention is the result of a prior intervention. The issue categories in which this is so are worth examining in a bit of detail because they show the phenomenon of self-generating interventions very clearly.

Inflation: We are being told that we have various kinds of government action because of rising oil prices or rising food prices. We've seen the enactment of a very complicated system of wage and price controls which obviously failed. We still have price controls in the energy field. We have exhortations on occasion to return to the system of full controls, all of this to cure the problem of inflation.

Well, who creates the problem of inflation? The answer is very plain on the record. Inflation, as I am sure the students of economics here are well aware, is essentially a phenomenon of more dollars chasing fewer goods, or an increasing money supply going after a relatively stable volume of production. That is exactly what has happened in the United States in recent years. Take a look at what happened to the money supply between '67 and '73, right through the period of controls. In that span, the money supply increased by 64 percent. The index of industrial production increased only 26 percent. What happened to consumer prices? They were right in between the increase in industrial production and the increase in the money supply, rising by roughly 36 percent. It is very clear on that record, as well as on the theoretical articulation of what causes inflation, that government itself creates the problem government is setting out to cure.

Unemployment: Government wants to cure unemployment through spending programs and job training projects. This is indeed a serious problem. Adolescent unemployment is very high these days; specifically, unemployment among black adolescents has soared to about 40 percent. Now why is black adolescent unemployment that high? What has caused this very serious problem?

The cause of that phenomenon, as it happens, is a "humanitarian" social program called the statutory minimum wage, one of those ideas that sounds great in theory but is not so great in practice. The theory is that we can raise people's wages by *fiat*. We simply pass a law saying employers ought to be paid a living wage and it is inhuman to pay less than that wage, making it illegal to go below it.

Unfortunately, it doesn't work that way, because in the final analysis, everybody's wage is paid by the consumer. If a given employer is hiring people to do the job the skills and the education to generate what he or she is being paid, that employee isn't going to get hired, or will be the first to be laid off when the economic crunch arrives. This means that any statutory floor under wages always works to the disadvantage of marginal workers, the people who can least afford further impediments to employment. Nobody had insufficient education and training.

We see that in our economy precisely in the phenomenon of black adolescent unemployment. In 1954, the federal minimum wage stood at 75 cents an hour. Black adolescent unemployment was 10.8 percent, which was bad enough in itself. By 1968, however, the federal minimum had gone to $1.60 an hour and black adolescent unemployment was 26.5 percent. Now the minimum is $2.10 and it's going to go to $2.30, and black adolescent unemployment is 40 percent.

In this instance as well the federal government in creating the very problem it allegedly is setting about to cure. The answer to that problem is not further intervention into the market, but to please cut the intervention that we have.

Housing: We're told the private housing construction industry has failed. The record is directly the opposite. In the period since the 1930's in which the federal government has been involved in housing programs of one sort or another, what has been the result of those programs? There have been many computations made and they all point to the same conclusions. The net impact of federal involvement in the field of housing has been the destruction of over one million units of housing. Now some of that housing, agreed, was unliveable, but much of it was liveable, and much of it was destroyed by urban renewal programs which went in to inner cities, obedient to the vision of the planners, and knocked down row after row, unit after unit of liveable housing and threw the tenants or the owners of that housing out and packed them into very densely populated neighborhoods elsewhere.

Now while the federal government was creating a net destruction of one million housing units, what was the private construction industry doing? The answer is that it was upgrading American housing in a chronicle of progress, true progress, that is probably unequalled anywhere in the annals of productive enterprise. In 1960, 61 percent of the housing in the United States was rated standard—that is, not in need of major repair, not overcrowded, with indoor plumbing. In the census of 1970 the corresponding figure was over 90 percent.

The same kind of thing is true in the realm of transit, environmental controls, energy, and almost every other "issue" that is being debated in Washington. The liberal argument has the situation backwards. It is not government that can cure the problems generated by private enterprise, but private enterprise that alleviates and diminishes problems created by government.

There is finally, and perhaps most important of all, another assurance whose failure, in my opinion, indicates that we are entering a period of liberal twilight—a period in which the liberal world as we have known it begins to fade from vision.

The final assurance is not economic but political and constitutional: that it is possible, on the one hand, to pile up all these powers in the hands of the federal government, eroding the barriers to the exercise of power built into the constitutional system by our founding fathers, and yet maintain our essential freedoms.

What's important, in the liberal view, are human rights or rights of speech and advocacy and political association and religion. These are the core values of a free society, and we guarantee that even though we are doing all of these things to the economy and to the constitutional system, that all these rights are going to survive.

I regret to say that this final assurance is also unjustified, according to an enormous body of evidence that is piling up before us.

To begin with, it is theoretically impractical to reconcile these propositions. If in fact one can control the economic elements of a society, then one can control political activity as well. To take a very simple example, if one can control the supply of newsprint, one can control the press. It is interesting to recall that the closest we ever came to seeing a mass shutdown of newspapers in this country was in the fall and winter of 1973 when there were labor problems in Canada and the supply of newsprint was diminished. The result was that newspapers all over the Midwest cut back on the number of pages they could print, and there was a very real fear that they would have to stop publishing altogether. As a result of that particular economic constraint, a number of features and opinions and columns were dropped from newspapers—a very clear example of economic factors impinging upon freedom of expression.

But there are other more direct illustrations as well. We know, for example, that there is not freedom of political communication today in a very large segment of the press, namely the electronic media. In that business the basic economic resource, the broadcast frequency, is controlled by the federal government—by the Federal Communications Commission. If you want to operate a commercial broadcasting station, you have to get a license from the FCC and that license is subject to renewal every three years.

If you do not conduct yourself in a manner the FCC considers appropriate, your license can be taken away. There are few instances in which licenses are actually removed but it isn't necessary to have many removed for the point to get across: if you conduct yourself peaceably and don't stir up a lot of fuss and feathers, you probably will get a routine renewal. But if you create problems and become excessively controversial, as has happened in certain cases, then your license can be taken away. Hundreds of thousands, perhaps million of dollars of revenue, can be lost as a result of that political decision.

Above and beyond this threshold con-

MONS 029902

straint, the Federal Communications Commission has added other very explicit constraints through the fairness and equal time doctrines. The Federal Trade Commission has also gotten into the act with its rulings about commercial content. So the range of debate in commercial broadcasting has been severely constricted, principally, because the basic economic resource is in the hands of the government.

During the Watergate controversy, there was a considerable flap when Senator Lowell Weicker of Connecticut, a maverick Republican on the Watergate Committee, came up with a document which allegedly had been drafted by Jeb Stuart Magruder, a functionary with the Committee to Re-elect the President.

In this memorandum, Magruder spelled out a number of ideas for getting at people in the media who disagreed with the administration. He said things like this: The first thing we do when we get Dean Burch appointed chairman of the FCC is to start monitoring what the networks are doing, and build a case that they are not giving out with balanced programming.

Then we can get the Antitrust Division of the Justice Department to take a look at the networks and suggest that there are going to be actions on that score. And then we can get the IRS into the act and start taking a look at the tax situation. There are all kinds of things we can do to intimidate them and back them off a little.

When that came out it caused a tremendous uproar; there was indignation that the Nixon regime was planning to use the powers of government to punish dissenters. It reminded me of a very similar memorandum written back in the early 1960s by a man named Victor Reuther, one of the high officials of the United Auto Workers, addressed to then Attorney General Robert Kennedy. In that memorandum Victor Reuther spelled out a scenario very similar to that spelled out by Magruder.

Reuther said, in essence, we should take the FCC and the IRS and other agencies of the government and start putting heat on conservative broadcasters creating problems for the Kennedy administration. He very elaborately suggested some of the things that might be done. That advice was acted upon. The heat now that this program for inhibiting dissent through the political use of the Federal Communications Commission was pursued very energetically by both the Kennedy and Johnson administrations.

I cite these parallel examples not to say that those in the Kennedy administration and the Johnson administration, therefore it's all right under the Nixon administration—no. Both are wrong. The point is otherwise. That point, it seems to me, is that in neither of these memoranda was it suggested that we needed a single new governmental power to control the media in this country. What was being suggested was that *the power is already here.* We have the power. *Just* take it and use it against the people who disagree with us.

Ultimately the Nixon attempt failed because of Watergate. But nonetheless, the power was there and the power is still there. That power has not been dismantled as a result of Watergate. It's still sitting there in Washington, D.C., waiting to be used by somebody who knows how to deploy it in sophisticated fashion.

A second point implicit in what I've been saying is that almost all of these controls are consensus in nature. *All* have to do with constraining some impact of our economic life, either through taxation, antitrust, or the FCC licensing power. By constricting the economy, do control political opposition as well.

Alexander Hamilton said a power over a man's subsistence amounts to a power over his will. A very true and very obvious statement. If I could control the wherewithal of your life, I could control almost everything about you. If I can control your subsistence and I can control your will, I can certainly control your voice or pen.

In essence what the liberals have attempted to do, and it has been a heroic enterprise in its way, has been to abandon the premises of a free society, to adopt the premises of an authoritarian society, and *yet* to avoid authoritarian result: to say that we're going to have a collectivized, regimented society and still maintain our libertarian values. What is happening to us now, in the terminal phase of that experiment, is a final distintegration of libertarian values. We are beginning to see the indications of an authoritarian state—not simply a regimented state, but an explicitly authoritarian state—crop up around us.

I think we see this in some very mundane, very ordinary controversies debated all the time in communities around this country. The issues I pick are essentially three—busing, sex education, and the population issues.

Take a look at those issues. The usual debate on busing, for example, is as follows. The proponents of the neighborhood school start to argue, if you go back and read the Coleman Report, published in 1966 by the Department of Health, Education and Welfare—named for Professor James Coleman, then of Johns Hopkins, now of Chicago—you find the rationale for busing spelled out pretty plainly. And it is articulated even further in another document called *Racial Isolation in the Public Schools*, published in 1967.

The Coleman Report in essence was a review of all the factors entering into public education and the things that resulted from those factors. It found that the enormous increase in spending for public schools over the past several decades had not resulted in a corresponding increase in learning gains, and in particular had not produced any diminution in the black-white learning gap which was observed at the beginning of school and was still observed at the end of school.

The problem as it was perceived by these researchers, and those explaining their research, was that we were sending black kids into these wonderfully appointed, very expensive public schools with all the right facilities and all the right preparation, and there we were programming into them the good things they ought to know. But then at night they were going home and going back to their ignorant parents, where the good effects of the official programming were being washed away. They were slipping back into the same culture pattern from which they had originally emerged.

The conclusion drawn from that—to put it in its most brutal, but I think most accurate, form—was that we had to break the link between the black *child and his or her* parents. We had to take that child and get him as fully as possible in an artificial environment created by planners who had the proper credentials and the proper expertise and the backing of the state.

Coleman said it very plainly in an article in *The Public Interest* in the summer of 1968. He said that what is needed in a school that begins very early in the day and ends very late in the day, a school that preferably would begin very early in life. We had to replace the home environment by an official environment.

Now that's a very interesting idea, and it is particularly interesting when it is proposed in the name of civil rights—to take the black child as an experimental guinea pig in cultural homogenization, and to say that we're going to get that child away from his family and to mold him according to a design desired by official planners.

It is this same idea that is apparent beneath the surface in these other controversies. We see it in the sex education debate—and again the superficial level is one thing and the actual level is something else. The superficial, public level is: My kid is being exposed to pornography because they are showing him pictures of frogs copulating. On the other side is the school saying the kids have to learn hygiene and how to avoid getting pregnant, and it's important that we teach them these things.

Again, I'm not downplaying the importance of such issues, but they're not the real issues. The real issues are essentially the same as in the busing controversy. If you push that one far enough, you invariably reach a point where people on the side of the sex education programs say: Look, *let's face* it. These parents are too dumb. They don't know what is right for their own kids. They've got all these hang-ups and can't talk to the kids about this. They don't know how to shape them emotionally and physically. We know. We've got the credentials. We studied this. We've got the degrees and we've got the state backing us up.

The population question is the ultimate version of this whole controversy. A pluralistic rhetoric about the "quality of life" would have us suppose that the issue here is numbers of people. And, without taking a particular side, that is an issue worth discussing. But it isn't the real issue. The real issue isn't the *number* of people. It's the *kind* of people. Read the literature that has emerged from the abortion and euthanasia movements and examine the meaning of the phrase "quality of life." Sounds good, doesn't it? Everyone wants a better quality of life. Well what that means is something rather different. It *means that some lives are better than others*, that there is such a thing as a life that isn't worth living and that it is up to those of us who have the expertise to make the decision as to which lives are worth living and which aren't. And that is the payoff. That is the ultimate phase of this development in which the liberal mind set becomes transformed into something quite the opposite of liberal: in which the libertarian remnants that have persisted through these forty years fall away, and we see the emergence of an authoritarian state.

If one adopts the authoritarian premises, ultimately one is going to emerge with the authoritarian conclusions. The libertarian shell has fallen away, and we're left with the bedrock principles of compulsion and the subjection of human beings to a planning elite.

It doesn't have to be that way and some liberals have turned back in the other direction. It is my hope that those who have become disenchanted with the liberal formula will join with those who have criticized this approach for many years, and that between them they will be able to attack, in an intelligent way, the economic distresses which have afflicted our society and prevent the further erosion of our political system into authoritarian practices.

If such a united front can be, then I think there is some hope that emerging from this liberal twilight will be a more libertarian product than that I have been describing, and that those of us who are concerned for

MONS 029903

the future of our society can restore it to the ways of freedom intended for it by its founders.

EIGHTH ANNIVERSARY OF SOVIET INVASION OF CZECHOSLOVAKIA

Mr. PELL. Mr. President, August 20–21 was the eighth anniversary of what has appropriately come to be known as the Soviet Day of Shame—the brutal invasion of Czechoslovakia in 1968 by 600,000 Soviet and other Warsaw Pact troops. It is lamentable that in the current atmosphere in the United States of skepticism—and even cynicism—about the course of East-West détente our memory of what the peoples of the small and peace loving country of Czechoslovakia tried to do 8 years ago seems to have dimmed.

In the spring and summer of 1968, the Czech and Slovak peoples, acting in accordance with the U.N. Charter's principle of "the sovereign equality" of all U.N. members, tried to humanize the Communist system under which they had lived for 20 years. This was a purely internal matter which threatened no other nation; yet the Soviet Union, apparently believing that some sovereign U.N. members are more equal than others, violated article 2(4) of the U.N. Charter which states that—

All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.

I have long had an interest in and personal acquaintance with Czechoslovakia. It seems only a short time ago when, as a young Foreign Service officer, I opened the American Consulate in Bratislava shortly before the Communist putsch of February 25, 1948. Through the years since then, I have sought to visit Czechoslovakia as often as I could and to stay in touch with conditions in that country. I was there just prior to and just following the Soviet invasion of 1968. I observed at the time that the fact that the Soviet Union did not have to use force directly to make Czechoslovakia a Communist country but had to employ a major military force to keep it Communist says something dramatic about the appeal of communism after two decades of exposure to it.

Mr. President, on August 1, 1975, the 35 participants in the Conference on Security and Cooperation in Europe signed a Final Act in Helsinki relating to security in Europe, and economic and humanitarian cooperation. I was encouraged at the time by the fact that among the principles to which the participants, including the Soviet Union, subscribed, was one which stated that "no consideration may be invoked to serve to warrant resort to the threat or use of force" against the territorial integrity or political independence of any state. My colleagues may recall that in 1968, the Soviets justified their invasion in the name of "proletarian internationalism"—also known as the Brezhnev doctrine.

The fact remains, however, that some 50,000 to 70,000 Soviet forces remain in Czechoslovakia with the principal mission of insuring that no more Prague springs occur. Until the Soviet occupation of Czechoslovakia ends, there is no realistic prospect for the Czechs and Slovaks to exercise their sovereign rights as set forth in the U.N. Charter and reiterated in the Helsinki Final Act.

A Commission on Security and Cooperation in Europe was set up by an act of Congress this past June, and signed by President Ford, to monitor compliance with the Helsinki Final Act. That Commission, of which I am proud to serve as cochairman along with Congressman DANTE FASCELL of Florida, will play an important role in the U.S. Government's effort to insure that the principles agreed to at Helsinki—including the nonuse or threat of force—will mean something to the peoples of both East and West.

While there is hope—and it is only that for now—that Soviet aggression in Eastern Europe may be a thing of the past, we must not forget what happened in 1968 nor allow the Soviet Union to forget that its invasion and continued occupation of a neighboring country is in contravention of solemn obligations.

Mr. President, I ask unanimous consent that a statement prepared by the Czechoslovak National Council of America and issued each year beginning in 1971 be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

FREEDOM IS INDIVISIBLE

On this sad occasion of the eighth anniversary of the brutal Soviet-led invasion and occupation of peaceful and freedom-loving Czechoslovakia, we American citizens of Czech, Slovak and Subcarpatho-Ruthenian descent, again remind the entire world of this Soviet violation of key principles of international law incorporated into the Charter of the United Nations:

The brutal Soviet aggression and occupation:

(1) violated the sovereignty of a member state of the United Nations (Article 2, Section 1);

(2) was carried out in violation of Article 2, Section 4, which prohibits the use of military force in the relations between individual members of the United Nations;

(3) violated the principle of self-determination of peoples (Article I, Section 2);

(4) was in conflict with Article 2, Section 7, which prohibits outside intervention in matters essentially within the domestic jurisdiction of any state;

(5) was in conflict with a number of resolutions of the General Assembly of the United Nations, particularly with Resolution 2131 (XXI) adopted at the meeting of December 21, 1965, upon the Soviet Union's own motion, prohibiting any intervention in the domestic affairs of any state and guaranteeing its independence and sovereignty.

The continued Soviet occupation of Czechoslovakia is another crime against the right of a small country to determine its own destiny and aspirations. The invasion was an intervention by the forces of reactionary communism to prevent the Czechs and Slovaks from establishing their own social order that did not endanger anyone and sought to contribute to the building of bridges across the discords of a divided world and to lend aid to a better understanding and cooperation among all nations on the basis of true progress and humanity.

The people of Czechoslovakia have not resigned themselves to these aggressive plans of Moscow. The day of August 21, is being commemorated in Czechoslovakia as a Day of Soviet Shame in a mighty and disciplined resistance against Soviet pressure. We are joining our friends in Czechoslovakia in asking the entire civilized world to support the people of Czechoslovakia in their effort to achieve.

"The Withdrawal of Soviet Troops From Czechoslovakia."

August 21, 1976.

Czechoslovak National Council of America, Chicago, Illinois.

ADDRESSES BY GEN. A. C. WEDEMEYER, U.S. ARMY (RETIRED)

Mr. THURMOND. Mr. President, one of the truly outstanding soldier-statesmen of this century is Gen. Albert C. Wedemeyer. In World War II, he established a distinguished record as commander of American forces in the China Theater and as Chief of Staff to Generalissimo Chiang Kai-shek. Although the might of America's industrial and material strength was generally channeled to other theaters, General Wedemeyer demonstrated brilliance of command and of diplomacy in conducting the difficult assignments that were his.

After the war and with the additional rank of Ambassador, General Wedemeyer surveyed the entire situation in China and Korea with respect to U.S. policy in that part of the world. His advice should have been more closely followed. Today, the division of China with the Communists in control of the mainland and the Nationalist Chinese centered on Taiwan has immense consequences for the rest of the world.

Mr. President, General Wedemeyer's knowledge of Chinese history and its effect on the world is profound. He is particularly effective in relating it to U.S. policy and this Nation's own history. Significantly, he has delivered three addresses in recent times which reveal so clearly the wisdom of his views.

First, he prepared the commencement address for the June graduating class at the Fu Jen University in Taipei, Taiwan. In these well-chosen remarks he traced the pattern of freedom and opportunity which the graduates were inheriting.

A little over a year earlier, General Wedemeyer delivered a memorial tribute to the late President Chiang Kai-shek in services at Washington National Cathedral. His words on that occasion blend so well with the commencement address at Fu Jen University that, together, they provide a probing perspective on Chinese development.

Additionally, General Wedemeyer delivered a Fourth of July address this year which demonstrates thoroughly that his understanding of foreign affairs, in general, and Chinese affairs, in particular, is founded on a complete background in American history and principles. His remarks on that occasion, entitled "A Tribute to the Father of Our Country and the 56 Signers of the Declaration of Independence," are a splendid

MONS 029904

tribute to America's founders and the purposes they fostered.

Mr. President, in order that my colleagues of the Senate may also have the opportunity to profit from these enlightened addresses by General Wedemeyer, I ask unanimous consent that they be printed in the RECORD.

There being no objection, the addresses were ordered to be printed in the RECORD, as follows:

WEDEMEYER'S ADDRESS AT DOCTORATE CEREMONY

(Gen. A. C. Wedemeyer, a long-time friend of the Republic of China, was presented with an honorary doctorate at the Fu Jen University graduation ceremony yesterday in Taipei.

(Dr. Frederick Chien, vice foreign minister of the Republic of China, accepted the honor and gave a speech on Gen. Wedemeyer's behalf. Full text of the speech is as follows:)

Chancellor, Your Eminence Cardinal Yu-Pin, members of the faculty, distinguished guests, members of the graduating class, ladies and gentlemen:

Circumstances beyond my control have prevented me from joining you personally on this joyful occasion. His Eminence Cardinal Yu-Pin kindly suggested that I send my address to be read by someone whom I would designate. For many years I have heard glowing reports concerning the enlightened academic policies and the spiritual environment of Fu-Jen University in Taiwan. A few years ago while visiting the Eternal City, I was honored by an audience in the Vatican with His Holiness Pope Paul VI. As you can well appreciate, this was a memorable experience. It confirmed my personal impression of the Pope's deep spirituality and his compassionate interest in mankind. We discussed many subjects, including the Far East. His Holiness referred warmly to President and Madame Chiang Kai-shek, to His Eminence the late Thomas Cardinal Tien, and to His Eminence Paul Cardinal Yu-Pin. I told His Holiness of my previous associations with these distinguished citizens, and of the high regard I bore for them. Knowledgeable concerning the turbulent history of China, His Holiness expressed kindly interest in the future well-being and the freedom of the Chinese people.

FUTURE

In 1911 the future looked promising when the decaying Manchu Empire was overthrown, and the dedicated leader, Dr. Sun Yat-sen, introduced a progressive, program for the unification and modernization of China. Dr. Sun faced an enormous task. The unjust system of concessions and privileges, which foreign powers had arrogantly imposed, weakened and divided the country. There were irreconcilable war lords who not only had to be subdued, but also had to be convinced that a strong central authority would mean security for themselves and for the Chinese people who had endured years of humiliating aggressions. Political and administrative institutions had to be created throughout a country wherein modern means of transport and communication scarcely existed. Economic and land reforms had to be established in order to lift the cruel burden of want and famine from the suffering millions. Dr. Sun, in his struggle to achieve these goals, was guided by three major principles: San Min Chu-I—Nationalism, Democracy, and the People's Livelihood.

CHALLENGES

The challenge was staggering. Even in the best of times progress would have been slow. Before Dr. Sun's revolutionary programs had progressed very far, China found herself again tragically the victim of Japanese aggression. During the 1930's, an expansionist Japan projected her economic and military power onto the continent with increasing force. The ensuing warfare sapped the strength of the young Republic, and deferred most hopes of progress for many bitter years. A dangerous internal force, Communism, was taking root in China at the same time. The revolutionary movement dedicated to the alien philosophies of Marx and Lenin was threatened by the life of Sun's Republic from within its borders, even as the Japanese sought to crush it from without. With the attack on Pearl Harbor in 1941, the United States immediately became involved in the rapidly developing global war with Allied nations resisting Japan in the Far East and the Fascist dictatorship in Europe.

Although the Western Allies decided to concentrate on winning victory in Europe first, they conducted limited operations against the Japanese, helping to some extent the hard-pressed Chinese. As the tide of battle turned against the German-Japanese alliance, however, and when it became evident that ill-equipped, ill-supplied, and often undernourished Chinese forces became an almost hopeless task, in spite of the heroic efforts of the late President Chiang Kai-shek. The miseries of a seemingly endless war had simultaneously strained the social fabric of China, and taxed the energies of her brave people to the outermost limits of endurance.

OUTSIDERS BLAME

Meanwhile, the Communists in China pursued their ruthless plans for power and conquest. They made no effort to help their countrymen against the Japanese. Instead, they conserved their strength, and with consummate skill they carried forward a program of subversion and propaganda against the Nationalist Government. When the war against Japan ended in 1945, the Republic of China teetered on the brink of exhaustion. As an additional blow to its morale and strength, the military and economic aid which had been expected from the United States was at the critical moment drastically reduced or cut off entirely. Sensing that the hour of decision had arrived, the Communists struck. Rigidly controlled by their disciplined totalitarian ideology, supported generously by the Soviet Union, and with forces relatively fresh and strong, the Chinese Communists launched an all out military attack against the Republic. Two years later, the entire mainland was in their hands.

FALL OF CHINA

In the quarter century which has elapsed since 1949 the world has constantly sought to explain "the fall of China." A fashionable interpretation, as you know, is content with placing primary blame on the faults and mistakes of the Nationalist regime. Even before the end of the war in 1945, a tendency had grown in the West to dwell on the shortcomings of the Nationalists. By way of contrast, the Communists were portrayed as honorable, efficient, and deserving men who truly represented the interest of the Chinese people. Much but not all of this criticism had its source in the political left. Countless persons of liberal outlook also joined the cry. As the record reveals, I was not unmindful of things which impressed me as weaknesses in the structure and policies of the Nationalist government, nor was I silent concerning them. I tried to serve the Chinese people, both during and after the war, as an utterly straight forward but friendly and constructive critic. However, I always remained convinced that the Nationalist cause was China's best hope, and that its leaders continued to deserve the understanding and firm support of my government, in fact of democratic regimes everywhere. The relentless onslaughts of the left-liberal critiques therefore struck me as unfair and ultimately self-defeating.

Such personal conviction had not been reached in a vacuum. My earlier military career had taken me to the Far East for almost a decade during the nineteen twenties and thirties. A tour of duty in Tientsin (1929–31 had provided an especially favorable opportunity to study the history of China, and to follow the course of unfolding events. Among the many Chinese whom I met and admired at that time were the distinguished scholars Wellington Koo and Hu Shih. In 1943, in the midst of World War II, I returned to the Far East. A year later, I was sent to Chungking as Commander of American Forces in China, and as Chief of Staff to Generalissimo Chiang Kai-shek.

In this latter post, the opportunities presented to observe and evaluate the situation in war-torn China were of course exceptional. I travelled widely in those sections of the country not held by the Japanese, including areas under Communist control. I met and talked with most of the Republic of China's senior officials, military and civilian, and with many of the Communist leaders. I conferred almost daily with Generalissimo Chiang Kai-shek, either alone or in the company of members of our staffs, over a period of almost two years. The times were extremely difficult, and the problems we faced often seemed insurmountable. Although differences of opinion sometimes arose between us, they always were resolved in a spirit of mutual respect and good faith. Throughout the entire period, I found the Generalissimo an unfailingly honorable soldier and a staunch ally. His considerable administrative and political abilities were at the same time abundantly apparent. I was greatly impressed, then and later, with the obvious depth and sincerity of his love for the Chinese people. He often spoke to me of his hopes for their future. The programs he envisioned included land reform, industrial development, and a system of universal education aimed at creating the social basis of increasingly democratic institutions.

REMINISCENCES

These, then, were some of the experiences which sustained my faith in the Republic of China. When I shift my attention from the struggles and disappointments of the past to the Taiwan of 1976, I see further support for that faith. This always lovely but previously under-developed island has become a picture of heartening success. It has experienced extraordinary growth and transformation. Industries have flourished here through hard work, imaginative management, and increasingly sophisticated technology. The Republic of China has become an important factor in world trade. Its population has multiplied; its educational system has expanded from primary through college levels, the standards of health and prosperity of the people have risen to unprecedented heights. In spite of constant threats to the security of the island, civil liberties have survived, and gradual progress has been made in the direction of representative democracy. These achievements are an impressive testament to the wise leadership and faith of the late President Chiang Kai-shek and of the many able men who have loyally assisted him and successors President C. K. Yen and Premier Chiang Ching-kuo. They epitomize the exceptional vitality and talents of the Chinese people.

LESSONS

I believe, moreover, that the miracle of Taiwan contains lessons of contemporary significance for all the world. It affirms once more the superiority of free over regimented

MONS 029905

societies. One aspect that superiority obviously lies in higher economic productivity and greater abundance for all. By contrast with the perennial drabness and deprivation which characterize life in totalitarian societies, standards of living in Taiwan have steadily improved. Far from being "exploitative," as the Communists insist, your economic system gives scope to individual aptitude and opens a wide door of opportunity for all to prosper.

FACTORS

Although material factors are important, they do not comprise the essential qualities of a free society. More important by far are the opportunities freedom gives one to develop individual destinies and potential as moral beings. Freedom to read, to think, to speak, to practice the religion of our choice, to come and go as we wish, to engage in whatever occupations our talents and interests permit, to equality under the law, to be secure in our persons and property—these are the true and priceless blessings of liberty. Your families and friends on the mainland could tell you that these are precisely the things which are destroyed under Communism. The persecutions suffered by this University under Communist edict in Peking confirm these truths, as does evidence from countless sources around the world. The fact that freedom marches with progress on Taiwan surely suggests "what might have been" on the mainland. That fact must shine forth as a beacon of promise to the millions of Chinese temporarily enslaved in the People's Republic of China.

NEW FORCES

We continue to live in an uncertain and perilous world. New forces have arisen and new adjustments are constantly taking place. The United States has in recent years followed a policy of so-called "detente" with the Soviet Union and the People's Republic of China. This policy, aimed at promoting international stability and peace, has, I am sure, been well-intentioned. Its premise application and tendencies, however, have troubled many observers, including myself. Whether the security of free nations and the cause of peace will be served through "detente" remains to be seen. I speak, of course, as a private citizen, with no official status or sanction whatsoever. For my own part, I unequivocally oppose any policy, any agreements or any action which would result in the loss of one more free man, or an additional square inch of territory, to the domains of Communism.

As we look to the future, it is my fervent wish, and indeed my confident prediction, that the Republic of China will continue to grow in prosperity and freedom. Further trials will be inevitable. And who can say that the reverses of the past shall not, in the fullness of time, prove instruments of perfection? "A gem," Confucius is reported to have taught, "is not polished without rubbing, nor a man perfected without trials." Surely a nation's institutions, like a man's character, can be purified and strengthened by adversity. You, therefore, citizens of the Republic of China—each and every one of you—will, I know, carry on with good spirit, confident in the knowledge that on this island flows the authentic mainstream of the great civilization of China.

REMARKS

Before I close, may I address a few remarks to you, the members of the graduating class. The future of your country—and indeed of all Asia—will be strongly influenced by you. The generation of your grandfathers is passing with the hurrying years; the generation of your fathers now bears the major burden. You and your contemporaries must prepare yourselves with all possible forbearance for the responsibilities that soon will be yours. I speak to the young women as well as to the men. The world finally is awakening to an awareness of the long unused talents of women and their capacities for advancing human endeavors in all fields.

PATTERNS

I realize that one generation should not—indeed can not—arbitrarily impose its own patterns on the lives of its children. Even in a culture which, like the Chinese, has always honored the past, every generation must develop anew a distinctive outlook and sense of self. Change is inevitable in history; and only by constant renewal and reintegration can life remain dynamic and whole. It is a wise generation, however, which refuse to be swept off its feet by every fashionable shift of doctrine; which refuses, most importantly, to be seduced by the glittering but false promises of radical utopias.

You, the members of the graduating class, are now members of an elite group—eminently qualified to accept any challenge in fulfilling your duties as citizens of the Republic of China. I congratulate you and gladly join your families and friends in wishing you every success and happiness. I am confident that you will create and fulfill opportunities to preserve the dignity, the freedom, and the wholesome progress of your families, communities and country.

CHIANG KAI-SHEK—DEFENDER OF FREEDOM

(By Gen. A. C. Wedemeyer)

On the last day of October, 1887, in the Province of Chekiang, a boy was born who was destined to become one of the great leaders of China and the modern world. We pay tribute to him today. Chiang Kai-shek's forebears had worked the land for centuries, perpetuating the rich heritage of the "Good Earth." When the boy was eight, his father died, and his mother assumed full responsibility for his upbringing. He often recalled his mother's admonition, "All that I pray for you is that you love your country and preserve the good name of your ancestors, who were men of repute." He credited his mother with inculcating a strong moral code, a sense of duty, and the ability to face hardships with stoicism. After studying in the village school, the youthful Chiang went to Fenghua for higher education. Later he went to Japan, and for four years led the Spartan life of a cadet in a Japanese military school. There he came in contact with students who, like himself, were interested in political and social as well as military affairs.

Japan also was the scene of Chiang's introduction to the progressive ideas then agitating his own country. He not only became acquainted with the well-known Chinese revolutionary, Chen Chi-mei, but, by an eventful turn of fate, met and favorably impressed Dr. Sun Yat-sen, Father of the Republic of China.

Dr. Sun Yat-sen's new order envisioned the application of three great principles—San Min Chu-I. The first principle referred to national unity. In order to overcome the forces that had kept China weak and divided, this principle would unify the people in a spirit of common destiny. The second principle conveyed the importance of "the peoples sovereignty" or democracy. It affirmed the ideal of universal participation of the people in the affairs of government. The third principle, "the people's livelihood," dealt with increased economic opportunity, an equitable distribution of land, and the development of industry.

The intuitive Dr. Sun, pointing a finger at Chiang, told Chen Chi-mei, "That young man will one day be the hero of our revolution." And as it came to pass, Dr. Sun and Chiang dedicated to the three noble principles, San Min Chu-I, collaborated as joint architects and builders of the New China. Dr. Sun in the role of philosopher and theoretician, Chiang in the role of strategist and doer.

The aims of the movement, as laid down in the three principles, were ambitious ones and worthy of the great humanistic traditions of East and West alike. To achieve these aims, however, in the context of the time and place, and under the politically fragmented conditions prevailing but a century ago in China, was a task of superhuman dimensions.

It was under such conditions that Dr Sun and Chiang Kai-shek launched their program to implement the three principles—San Min Chu-I. Until 1925 they worked effectively in eliminating or gaining the support of the majority of powerful and independent war lords. Further, they boldly countered the sinister political influence of Russian Communists who had been accepted as purely military advisors.

After the untimely death of Dr. Sun in 1925, Chiang alone bore, with courage and dedication, the burdens of leadership. He instituted many constructive programs, always within the framework of Sun Yat-sen's three principles. Progress was notable—so much so that throughout the Far East the period 1927–1937 was often referred to as "the Golden Decade."

Tragically, all of these constructive steps were abruptly halted in 1937. The Japanese, determined to prevent the development of a strong, unified government in China, and aware of China's military weakness, created an incident that inexorably led to war. For four embattled years, Chiang and his people fought bravely. They were no match, however, for the modern, well-equipped, and numerically superior Japanese invaders, who advanced steadily. All the seaports and communications in the eastern third of the country were soon overrun by the enemy. China's future was bleak. Then in December, 1941, the Japanese attacked Pearl Harbor, an event which dramatically changed the entire array of forces in the Far East. The hard-pressed Chinese were no longer isolated in their struggle against aggression. The war had expanded to global dimensions.

President Roosevelt and Prime Minister Churchill enthusiastically accepted Generalissimo Chiang as a co-equal partner, and he was designated the Supreme Commander for the Allied Powers in the Far East. America and Britain began to send military supplies which, though limited in quantity, greatly heartened the Generalissimo and his people. Crisis after crisis occurred as Japanese aggression continued. Nonetheless, the Chinese kept fighting—even when the Japanese, alarmed by early American successes in the Pacific, twice offered the Generalissimo very favorable terms of peace. If he had accepted those peace terms, more than a million veteran Japanese soldiers who were fighting in China could have been released for immediate employment against American forces under Admiral Nimitz and General MacArthur.

Chiang attended the Cairo Conference in 1943 as a member of the Allied Big Four. It should be emphasized that Stalin was not present. During the deliberations, Mr. Roosevelt and Mr. Churchill unequivocally recognized Chinese sovereignty over Manchuria, Taiwan and the Pescadores. After one of the sessions in Cairo, I heard President Roosevelt describe Chiang Kai-shek as a man of great courage and vision, with a remarkably keen understanding of the problems of today and tomorrow.

The next conference of Allied leaders occurred almost two years later at Yalta. Chiang was not invited—nor was China represented. Completely repudiating the Cairo understanding regarding China, the conferees at Yalta granted the Soviet Union 50% control of the Chinese Eastern Railway in Manchuria, and control of the Chinese terri-

MONS 029906

tories of Port Arthur and Darien. Chiang was subsequently informed and reluctantly accepted these decisions, bitter and humiliating as they were. His foreign policy had uniformly been based on cooperation with and reliance on the United States, China's traditional friend.

After eight long years of debilitating war, the Japanese were decisively defeated. Unfortunately, the victory celebration in China was short-lived. Chiang and his Nationalist forces were immediately confronted with another serious threat, the Chinese Communists. The Communists had not contributed to the defeat of Japan, but had used the long crisis to arm themselves, with the support of the Soviets, in preparation for the eventual seizure of power. Now in the hour of victory they struck. It soon became apparent to the Generalissimo that his government—which withstood for many years the savage attacks and exploitation at the hands of the Japanese—was no longer able to withstand the new onslaught. Weakened and demoralized, he and his loyal followers withdrew to the island stronghold of Taiwan and established a government in exile.

Today Taiwan exists as a showplace of freedom in the Far East. The same rehabilitation program which President Chiang had envisaged for mainland China at the close of World War II was promptly inaugurated on Taiwan. This program included land reform, compulsory education for all children, a modernized, well-trained army, and universal suffrage. Today the seventeen million people on Taiwan enjoy freedom, prosperity, and the unintimidated opportunity to exercise their God-given talents. Millions of Chinese have defected to Taiwan and elsewhere in the free world from mainland China, while millions more hopefully await their release from bondage and the opportunity to enjoy the freedom of Sun Min Chu-I.

May I briefly recount my personal experience with Generalissimo Chiang Kai-shek during nearly two years of almost daily association as his Chief of Staff and American Commander. During the closing years of World War II, and several months thereafter, China experienced many problems, both military and diplomatic. During these difficult times, my respect and esteem for President Chiang as a gentleman, as a patriot, and as a dedicated leader steadily grew. People really come to know each other when they strive together to turn the millstones and grind out the decisions where the lives, the destinies, and the treasure of a nation are involved.

I pay tribute to this great man, Chiang Kai-shek, with deep and abiding sympathy for his bereaved widow and loved ones, and for the Chinese people. They, and we, have lost a friend who symbolized the hope of millions of liberty-loving people throughout the world.

Chiang knew that human freedom was the foundation on which the modern state must be built. He knew that in the large sphere of international relations, where there is freedom, there is little danger of war and a greater possibility of peace. He once wrote:

"If when I die I am still a dictator, I will certainly go down into the oblivion of all dictators. If, on the other hand, I succeed in establishing a truly stable foundation for a democratic government, I will live forever in every home in China."

It was not given to him, during his life, to establish such a foundation on the mainland of Asia. Who can doubt, however, that he laid a cornerstone of freedom on Taiwan, a foundation upon which future generations can build with confidence?

A TRIBUTE TO THE FATHERS OF OUR COUNTRY AND THE 56 SIGNERS OF THE DECLARATION OF INDEPENDENCE

(By Gen. A.C. Wedemeyer)

It is a pleasure to join neighbors and friends in celebrating the 200th birthday of our beloved country. For most Americans the Fourth of July recovers valued memories of fireworks, parades and political oratory. If you lived in a small town, as I did, the glorious Fourth meant a double-header played on a local sandlot, after which there were picnics with hot dogs, homemade ice cream and watermelon. Today across the nation millions of fellow Americans are celebrating in various ways our nation's birthday and commemorating the signing of the Declaration of Independence.

In Maryland there were four signers of the historic Declaration: Charles Carroll, Samuel Chase, William Paca, and Thomas Stone. With pride we honor these courageous sons of Maryland; in fact we pay tribute to all of the men who had the courage and dedication to sign that momentous document. With a firm reliance on the protection of Divine Providence, those men proclaimed, "We mutually pledge our lives, our fortunes, and our sacred honor." Back in England, King George III was infuriated. He immediately denounced every signer as a traitor. Throughout the thirteen colonies they were continuously hunted down as criminals by the King's representatives.

There were 56 men who signed the Declaration of Independence. They were all men of stature—lawyers, teachers, merchants and farmers. The British Government offered each signer rich rewards and complete amnesty if he would but break his pledged word, renounce the Declaration of Independence, and publicly acclaim allegiance to His Majesty King George III. Not one signer changed his courageous stand in the struggle for independence, even during the darkest hours of the Revolution. Of these 56 brave men, 9 died of wounds or of severe hardships; 6 were imprisoned and subjected to terrible brutalities; the wives, sons and daughters of some were jailed, persecuted and, in one instance, a wife was killed; the homes of 12 were burned to the ground. That gallant band of patriots understood what it means to pledge one's sacred honor.

In June 1775 the American Minute Men routed the British Redcoats at Lexington. But more than a year elapsed before effective steps toward separation from England became a reality. Allegiance to the autocratic King of England ended with the signing of the Declaration of Independence on July 4, 1776.

Many of the Colonials were proud to be considered British subjects. Consequently they experienced mixed emotions comparable to those which occurred in America just before our Civil War. Loyalties were severely tested and friendships strained. In many cases families were divided. Some of the American leaders, including Washington, Adams and Franklin, had kinsmen among the Tories or Royalists. All the bonds of memory which bring loved ones and friends together were traditionally connected with English names, places and events. However, the sudden appearance of a remarkable pamphlet published by Thomas Paine, titled "Common Sense" served as a catalyst and, perhaps more than any other factor, strengthened the resolve of the majority of the people to fight for independence. In a letter to a friend, George Washington expressed his horror at the prospect of fraternal conflict, then added, "Can a virtuous man hesitate in his choice?"

Immediately after his appointment as Commander-in-Chief, Washington conducted a survey of the over-all situation. He knew that the British forces greatly outnumbered his own, further, that they were well-equipped and trained. Accordingly he decided to play for time so that he could mobilize, equip, and train additional forces. He decided whenever possible to avoid decisive, large-scale operations and resorted to guerrilla tactics, making surprise attacks against the enemy's flanks and rear, thereby limiting the British freedom of maneuver. Washington experienced considerable difficulty in obtaining action by the Continental Congress. Repeatedly he requested more men, money and materials. The wretched condition of his army at Valley Forge particularly reflected the neglect, or at least the inability, of the members of Congress to comply promptly and adequately. An English officer reported that the Americans who had captured him were upstanding men—slender, wiry, and of fine military bearing. He also noted that they were poorly armed. A French observer reported their ragged appearance but emphasized that they had plenty of courage. The professional military leaders from Europe who were voluntarily helping the Americans, including Lafayette, Kosciusco, Pulaski and von Steuben, expressed the opinion that no European Army would have endured the hardships experienced by our soldiers in the Continental Army.

Von Steuben received a letter from Berlin asking how the American soldiers compared with the Germans. He replied, "They compare favorably with any soldiers in the world," pointing out that they were brave, energetic and self-reliant. He emphasized, however, that "There is one fundamental difference between the American soldier and the German. The American invariably wants to know why he is ordered to do something, and if he isn't told why, he wants to know why he isn't told why."

The lack of transportation and communications throughout the colonies added to General Washington's difficulties in training and supplying the soldiers. Land transportation, for example, by stagecoach was exhausting and unpredictable. The dispatch of messages was understandably slow and often unreliable. From the beginning of the war the British controlled the sea and blocked every Atlantic point of entry. During the winter of 1780–81 when American morale was at its lowest ebb, George Washington was constantly pleading to the Congress for desperately needed men, food, equipment and munitions. The members of the Continental Congress were sympathetic, but they had difficulty in taking concerted action quickly. Their dilemma was much the same as Abraham Lincoln's in the early stages of our Civil War. At that time Congress dared not draft men or approve huge outlays of money without the consent of the people they represented.

Fortunately, in the late summer of 1781, the members of Congress made generous provisions for additional men, equipment, munitions and clothing. Also there was most heartening news from abroad. Persuaded by Benjamin Franklin, King Louis XVI of France decided to dispatch a large naval force to American waters, including 20 battleships under Admiral de Grasse and also 7,000 French Regular Army troops under General Rochambeau. The British General Cornwallis had assembled a very strong force at Yorktown, Virginia. Washington boldly exploited this, his first opportunity for decisive, large-scale action. While French warships effectively contained the British along the Atlantic coast, Generals Washington and Rochambeau converged their forces on Cornwallis in Virginia. The British were surrounded. There were gallant sorties and counterattacks. On the 19th of October, realizing that further resistance would be useless, the British General Cornwallis surrendered. A dispatch to the Continental Congress in Philadelphia, announcing the greatest victory of the war, arrived at 8 a.m. on October 22nd. Windows flew open, candles were lighted, and bonfires appeared. Excited citizens in their night-clothes poured into the streets and embraced one another. Congress assembled in the morning and attended a service of thanksgiving. The victory news spread. It was one month later, however, before the British Prime Minister, Lord North, received the news of the Cornwallis sur-

MONS 029907

render. He immediately dispatched a message to King George, stating, "Sire, it is all over," expressing also the futility of further fighting.

The British people were glad to end the fighting, for they had been at war not only with the American colonies but with France, Spain, and the Netherlands. Throughout Europe the creation of a new American Republic was hailed with enthusiasm. Many felt that the American colonies' victory had saved England from a king who was becoming a royal despot. The English historian, Lord Acton, stated, "It was from America that the plain ideas were revealed with emphasis that men ought to mind their own business, and that a nation can never abandon its fate to an authority it can not control." The historic result—no subsequent British monarch ever aspired to the power that King George III exercised between 1776 and 1781.

In the colonies, following widespread celebrations of victory, the people and the Continental Congress applied themselves in forming a truly representative government—establishing law and order, and promoting trade at home and abroad. The veterans of the Continental Army, who had fought so bravely and well under General Washington, now have sought their prompt discharge and return to their homes. Unfortunately, the Continental Congress had failed to appropriate money for their pay due and for the bounty and clothing they had been promised. This resulted in considerable unrest and disillusionment. Senior and junior officers throughout the Continental Army—loyal to their soldiers—strongly appealed to members of the Congress and to the people in general. Secret meetings were held, and there were even suggestions that the Continental Congress be bypassed and a monarchy be established at once with George Washington as King. The reaction of General Washington to the suggestion that he now be made King was swift and unequivocal. He announced, "If you have any regard for your country, concern for yourself or posterity, or respect for me, banish such thoughts and never communicate to anyone a sentiment of like nature." George Washington's strong opposition to a monarchy or to the establishment of him or anyone else as King met with enthusiastic acclaim throughout the thirteen colonies.

The Continental Congress finally made provisions for the soldiers, including their back pay, bounty and clothing, the victorious Continental Army was demobilized. After bidding his soldiers and friends a fond farewell, Washington returned to his plantation at Mount Vernon, Virginia. It was inevitable that he would be called upon again to participate in the convention at Philadelphia, called in 1787 to revise the Articles of Confederation and to forge a new government under a Constitution.

In 1789 the Constitution was approved by the thirteen colonies. George Washington was then unanimously chosen as the first President of the United States. Serving eight tempestuous years with dignity and wisdom, he was strongly urged by his grateful countrymen to continue as Chief Executive for a third term. However, he gracefully withdrew from such consideration, and in his farewell address to the people he urged the continued support of the Constitution.

In paying tribute to early Americans, we invariably place George Washington in the highest role as Father of Our Country. Throughout the long struggle for independence, he proved to be a peerless leader on the battlefield as well as in the political forum. He exhibited fortitude and courage under conditions more difficult than any American leader experienced throughout our history. His natural dignity, patience and calm demeanor inspired the trust and respect of his fellow men.

This tribute to George Washington would not be complete without emphasizing his loyalty—his deep feeling of respect and affection—for his comrades in the Army and for those gallant patriots and steadfast citizens who supported him in the struggle for independence. If he were present today, I believe he would want us to pay special tribute to Adams, Jefferson, Franklin, Hamilton, Madison, and the many other true patriots who rendered outstanding public service in the colonial period.

While we are setting off the fireworks and staging all of the reenactments, there is one thing we must all remember. That is the source of our American traditions. More than 100 years ago a brilliant young French philosopher, Alexis de Tocqueville, came to America in search of the genius that made it a great nation. After visiting various places in the country, he wrote substantially as follows: "I came to America to search for her greatness. I did not find it in her legislative halls nor in her courts of justice. I did not find it in her libraries, art galleries or institutions of learning. I did not find it even in her Constitution, as noble as that document is. Nor did I find it in other historical documents. I found America's greatness in her pulpits, flaming with righteousness. America is great because America is good. When America ceases to be good, America will cease to be great."

That young Frenchman was not expressing an original thought—simply his impression of over country 100 years ago. He was paraphrasing a prophet of old who said, "Righteousness exalteth a nation, but sin is a reproach of any people." If ever a nation needs to remember its origins and traditions, its basic founding principles, it is the United States of America in this year of 1976.

PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

Mr. HUMPHREY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification was received on August 11, 1976.

Interested Senators may inquire as to the details of this preliminary notification at the office of the Committee on Foreign Relations, room S-116 in the Capitol.

PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

Mr. HUMPHREY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification was received on August 13, 1976.

Interested Senators may inquire as to the details of this preliminary notification at the offices of the Committee on Foreign Relations, room S-116 in the Capitol.

PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

Mr. HUMPHREY. Mr. President, section 36(b) of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of pro-

posed sale shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that five such notifications were received on August 17, 1976.

Interested Senators may inquire as to the details of this preliminary notification at the offices of the Committee on Foreign Relations, room S-116 in the Capitol.

PRELIMINARY NOTIFICATION PROPOSED ARMS SALES

Mr. HUMPHREY. Mr. President, section 36(b), of the Arms Export Control Act requires that Congress receive advance notification of proposed arms sales under that act in excess of $25 million or, in the case of major defense equipment as defined in the act, those in excess of $7 million. Upon receipt of such notification, the Congress has 30 calendar days during which the sale may be prohibited by means of a concurrent resolution. The provision stipulates that, in the Senate, the notification of proposed sale shall be sent to the chairman of the Foreign Relations Committee.

Pursuant to an informal understanding, the Department of Defense has agreed to provide the committee with a preliminary notification 20 days before transmittal of the official notification. The official notification will be printed in the RECORD in accordance with previous practice.

I wish to inform Members of the Senate that such a notification was received on August 19, 1976.

Interested Senators may inquire as to the details of this preliminary notification at the offices of the Committee on Foreign Relations, room S-116 in the Capitol.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

POSTAL REORGANIZATION ACT AMENDMENTS OF 1976

The ACTING PRESIDENT pro tempore. At this time, under the previous order, the Senate will resume consideration of H.R. 8603, the unfinished business, which the clerk will state by title.

The second assistant legislative clerk read as follows:

A bill (H.R. 8603) to amend title 39, United States Code, with respect to the organizational and financial matters of the United States Postal Service and the Postal Rate Commission, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. PONG. Mr. President, I ask unanimous consent that Mr. Larry Nakatsuka of the Post Office and Civil Service Committee staff be granted privilege of the floor.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McGEE. Mr. President, in the same context, I ask unanimous consent that privilege of the floor be granted the following staff people and committee members of the Post Office and Civil Service Committee: Joe Jacobson and Steve Merrill.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

UP AMENDMENT 988

Mr. McGEE. Mr. President, I send to the desk three technical amendments and ask unanimous consent that they be agreed to en bloc.

The ACTING PRESIDENT pro tempore. The amendments will be stated.

The legislative clerk read as follows:

The Senator from Wyoming (Mr. McGEE) proposes three technical amendments, unprinted amendment No. 988.

The amendments are as follows:

On page 59, line 18, strike out "compensation"; and insert in lieu thereof "compensation"

On page 38, line 21, strike out the colon and insert in lieu thereof a semicolon.

On page 94, line 1, strike out "subparagraph" and insert in lieu thereof "subparagraph".

The ACTING PRESIDENT pro tempore. Without objection, the amendments are considered en bloc.

The amendments were agreed to en bloc.

Mr. McGEE. Mr. President, I wish to take just 4 or 5 minutes to lay before the Senate the pending legislation with a brief statement in regard to what it is we have here that is being presented and what the conditions are that produced it, because therein hangs the real explanation of the business at hand and our procedures in coping with it.

Mr. President, in January of this year in a statement on the Senate floor, I invited the attention of Members to S. 2844, a bill which I sponsored as a vehicle for restoring the fiscal stability of the Postal Service. After 7 days of public hearings during the winter and spring, numerous discussions among members of the Senate and House Post Office and Civil Service Committees, the Postmaster General and representatives of the Office of Management and Budget, S. 2844 evolve considerably in its provisions as various options have been weighed and considered.

On June 11, 1976, the committee approved S. 2844 by a vote of 8 to 1 and ordered favorably reported to the Senate H.R. 8603, a House-passed postal bill amended to contain only the language of S. 2844 which the committee agreed to. This measure, representing the sometimes diverse views of those concerned, goes a long way toward resolving the major problems of the Postal Service; and it lays the groundwork for followup legislation next year.

First, H.R. 8603, as reported by the committee, addresses itself to the immediate financial problems of the Postal Service.

Between 1972 and 1976, the Postal Service accumulated a deficit of $1.6 billion. The estimated deficit for fiscal year 1976 is $1.4 billion and for the transitional quarter, $425 million, making a total at the beginning of fiscal year 1977 of $3.4 billion. The Postal Service estimates that the deficit for fiscal year 1977 will amount to another $1 billion.

The bill authorizes the appropriation of $500 million for Postal Service use in fiscal year 1977; and another $500 million for its use in fiscal year 1978.

As it provides financial relief to the Postal Service, the bill also gives the mail user a respite from increased postal rates and service cuts which have had an unsettling effect upon the Nation's communication system during the past several months. Specifically, beginning on the date on which the first $500 million authorized is actually appropriated until February 15, 1977, the Postal Service may not have in effect any permanent or temporary rate increases.

Further, under the bill, the Postal Service may not provide levels and types of service less than the levels and types provided on July 1, 1976; and it may not close any post office where 35 or more families regularly receive their mail.

Finally, the bill provides that during the period of the moratorium—from the appropriation date until February 15, 1977—the Postal Service will be required to provide door delivery or curbline delivery to all permanent residential addresses, other than apartment building addresses.

Part and parcel of the moratorium on rate increases and service cuts is the establishment by the bill of a Commission on Postal Service, members of which would be appointed 15 days after the date of enactment to serve until February 15, 1977. The 12-member Commission would be required to identify and study the problems facing the Postal Service and recommend to the President and the Congress actions to be taken to resolve those problems. The Commission would not be limited to any particular subject areas, but it is anticipated that rates, appropriate service levels, modes of residential delivery, procedures for financing the Postal Service, and means of retiring the postal deficit would be among the subjects reported upon by the Commission.

A further important provision of the bill is the requirement that 10 months must elapse between rate increases. Under current law, the Postal Service may impose temporary rate increases if the Postal Rate Commission does not issue a recommended decision on permanent rates within 90 days after a request is made. Under H.R. 8603 as reported by the committee, the Postal Service would be required to allow the elapse of 10 months after making its request before it could impose temporary rates. Since the Commission is mandated to issue its recommended decision within 10 months by the bill, it is possible that temporary rate authority will not be utilized.

Thus, in addition to its financial support of the Postal Service, the bill also offers substantial relief to the ordinary user of the mails—a moratorium until February 15, 1977, on rate increases and

MONS 029909

service cuts and permanent relief in that 18 months must elapse before any rate increases can be imposed. It is my belief that these benefits to the mail user will provide a stability to the Postal Service which will be further enhanced by the substantial monetary appropriations authorized.

Mr. President, as committee hearings progressed this year and as exploration of an increased appropriation for the Postal Service continued, no witness opposed the additional appropriation provision, except the Office of Management and Budget. As committee consideration proceeded, however, Senator Powe and I kept open the lines of communication between the committee and the OMB. After compromises on both sides, OMB accepts the provisions of H.R. 8603 as reported by the committee, agreeing to the two $500 million authorizations already described, to the moratorium, and to the establishment of the Commission on Postal Service.

It is my understanding and I believe that of Senator Powe that if H.R. 8603 is enacted in a form substantially similar to the provisions reported to the Senate by the committee, the President will not veto the bill and OMB will transmit a request to the Congress from the Postal Service for the funding authorized. As part of our negotiations with OMB, we included members of the leadership of the House Post Office and Civil Service Committee, who have participated in many of our discussions with OMB. We are aware of no serious objection on the part of the House committee leadership to the major provisions of H.R. 8603 as it has been amended by the Senate committee. In short, Mr. President, the committee recommends to the Senate a viable measure which has broad support in both Houses and in the executive branch. I urge Members to support it in its present form.

At its inception in July of 1971, the Postal Service had assets of $3.4 billion, with a capitalization balanced between liabilities of $1.7 billion and equity of $1.7 billion. It will end fiscal year 1977, in the absence of relief, with an accumulated deficit of approximately $6.5 billion.

If the Postal Service were truly a business, this parlous fiscal condition would spell almost certain bankruptcy. But the Postal Service is not a business. Although it was intended that the Service would use modern business methods in organizing its activities, the Congress, in the Postal Reorganization Act of 1970, specifically provided that:

> The United States Postal Service shall be operated as a basic and fundamental service provided to the people by the Government of the United States, authorized by the Constitution, created by Act of Congress, and supported by the people.

Some of the reasons for the fiscal problems of the Postal Service were provided by the Postmaster General in his testimony before the Committee. He said:

> One major factor has been a breakdown in the ratemaking process established under the Postal Reorganization Act. In September, 1975, the Postal Service filed its application for a 10-cent first-class stamp. Had this rate been approved in a reasonable time, we would have been able to obtain a 13-cent first-class stamp when it was needed—in July, 1975. Instead, we were forced to wait for this essential increase until late December. Had we been able to obtain a 13-cent stamp last July, we would not have the better-than-a-billion-dollar deficit we have already accrued this year.

As I have described, H.R. 8603 as reported by the committee obviates this problem by requiring that the Rate Commission make its recommended rate decision within 10 months. In the most recent rate case, the Commission, under the able leadership of its Chairman, Clyde DuPont, has demonstrated the feasibility of the new time limitation. The Commission made its latest determination of 9½ months.

The Postmaster General continued:

> The increased cost of energy has hastened the rise of postal costs. Our public service appropriation, fixed at $920 million per year, has declined in real value. Clearly a substantial factor in the accumulation of the deficit is a reduction in the funds appropriated since Fiscal Year 1971. Total appropriations to the Postal Service for Fiscal Year 1975 came to about $1.82 billion, which was less than 12 percent of the cost of running the postal system. In contrast, for the last year of the old Post Office Department, Fiscal Year 1971, the Congress pumped almost $3.2 billion into the postal system, which was over 34 percent of the cost of running the system.

Postmaster General Bailar said:

> I suggest to you today that any emergency legislation reported by the Committee should have two basic components—the creation of a group to study issues related to postal service, costs, and funding, and the authorization of appropriations to assure adequate postal financing for the life of the study group."

Essentially, the committee has followed his recommendation.

Mr. President, in March of 1974, the Post Office and Civil Service Committee published a report on the committee's investigation of the Postal Service. The report was issued in accordance with Senate Resolution 61, which authorized an intensive investigation on the part of the committee, an investigation occasioned chiefly by the breakdown of postal services in the Christmas season of 1972. One of the findings of the committee's 1974 report:

> If the postal system is going to maintain service at levels which are comparable with what the public can reasonably be expected to pay, it will probably be necessary for the Congress to provide a greater degree of support through Treasury financing than was envisioned in the original provisions of the 1970 Act.

H.R. 8603 as reported by the committee responds to that finding.

The Postal Service as currently organized under the Postal Reorganization Act as an independent Government agency is in need of no radical revisions or reorganizations. Given the breathing space which this bill would provide, the Postal Service under its present organization provides a sound structure on which it can continue to build. In testimony before the committee, the General Accounting Office addressed itself to the question of whether the Congress should "take back" the Postal Service. GAO expressed the hope that the Congress would not lose sight of the problems plaguing the old Post Office Department which of course was under close congressional surveillance.

Then GAO cited the following as among those problems: A severe inability to obtain capital for needed improvements resulting in excess costs and service deficiencies; a lack of incentive to control operating costs when losses are routinely covered by appropriations; and an inability to take reasonable risks for new products, in research, new equipment and facilities; and lack of customer orientation.

GAO continued:

> The Postal Reorganization Act created the Postal Service as an independent agency in an effort to overcome these problems. As a result, the Service:
>
> Has been able to obtain the capital needed to upgrade its plant and equipment.
>
> Possesses a strong incentive to control costs because of the need to live within its own resources while keeping postage rate increases to a minimum.
>
> Has taken risks in offering new products and developing new equipment, and
>
> Does have a decided desire to please its customers.
>
> The Service has had problems, but of a different nature. In weighing the need to undo the Postal Reorganization Act because of them, we hope the Congress will consider the advantages of the Service's present independence.

Mr. President, I hope the Senate will pass H.R. 8603 as reported.

Last winter, the Senate Post Office and Civil Service Committee began a series of extended hearings on the fiscal plight of the Postal Service, that plight being simply that its indebtedness was steadily mounting.

The reason for the deficit in the Post Office was explained by the Postmaster General and ultimately verified by the GAO in its investigation of the problem as deriving from two factors: One factor, perhaps the largest single factor, was inflation. In the Postal Reorganization Act of 1970 we failed to make an allowance for double digit inflation. The result is that the public service formula was fixed at an arbitrary figure of $920 million instead of being adjusted to the inflationary factor. Thus, the 40 to 45 percent inflationary factor at all levels that swept through the private sector as well as the public sector had disastrous consequences for the Service.

The second factor that seems to be beyond doubt had to do with the slow rate of the rate adjustment process. Under the Postal Reorganization Act of 1970 a Postal Rate Commission was set up for the first time to accept requests for postal rate changes, to hear the litigants discuss the merits of those changes, or demerits, whatever the case may be, and then to make adjustments. The time it took in this new process, breaking new ground, setting precedents, was much longer than had been anticipated when the Commission had been created. The result was that the relevance of rate adjustments to the very sharp increase in cost of all facets of the Postal Service was lagging far behind the realities of cost changes. Therefore, these two factors explain the substance of the steadily mounting postal deficit.

The committee's hearings were aimed at adjusting the mechanism by modern-

MONS 029910

in certain cases if acceptable substitutes are not yet developed.

For example, an electric company must show that continued use of PCB's in transformers is necessary to guarantee safety from fire and that they are making a good faith research effort to find substitutes.

Mr. Chairman, the amendment which has been drawn by the gentleman from Michigan and myself is well thought out.

It provides a timetable which will speedily eliminate the introduction of additional PCB's into the environment without damage to the citizens and industry.

The Japanese people suffered a terrible tragedy from PCB poisoning; probably because of the centralized system of their government they were able to move swiftly and eliminate this product from the industrial and business technology of their country. Because of the need for conformance of State regulations and requirements that would provide for PCB substitutes the amendment my colleague, the gentleman from Michigan (Mr. DINGELL), and I have offered will give a strong impetus to the phasing out of the manufacture and distribution of all PCB's.

This is a bad problem; it has already caused millions of dollars of damages to the fisheries across the Nation. It is a problem that has been identified by the State and Federal governments—let's act before we have another environmental tragedy.

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

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

(Mr. ECKHARDT asked and was given permission to revise and extend his remarks.)

Mr. ECKHARDT. Mr. Chairman, we have today in the legislation of the United States four environmental and safety laws of major significance. We have the Clean Air Act, the Water Pollution Control Act. We have OSHA and we have the Product Safety Act. This would be a fifth major piece of legislation to protect the environment and the safety of the people. But we are now just initiating a new act in an extremely important field and we have not ordinarily, when we enacted legislation in any of these fields, attempted to address specifically particular scientific questions. I think we have done well not to do so here.

Why should we, in enacting this act, move specifically to deal with PCB's and not PBB's? We are not attempting to, and of course it is a little too late to deal with vinyl chlorides by preventing their entry into the market. Nor are we attempting to regulate CMB's, a pernicious and persistent toxin that got in the legislative environment. I do not think we should try to anticipate each specific danger to the environment. If we do, we will overly encumber this bill.

Suppose it is discovered that in the entire range of dangerous substances some type of pattern of removing them from the marketplace or limiting their use to control the environment is desirable; then the agency may set up regulations in which the treatment of PCB's is specifically dealt with in a different way than the present pattern of control which may ultimately seem the most desirable. Why carve out one chemical to treat in this manner? There are many other chemicals that presently pose potential danger. I think that we would be well advised to let the agency chart its course in the same manner that we have let other agencies with like authority chart their courses, and not foist upon a preconceived manner of control before we find whether they will in due course address the question.

As has been pointed out before, the EPA has already indicated its willingness to move in this direction.

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

Mr. ECKHARDT. Certainly I yield to the gentleman from Michigan.

Mr. DINGELL. Mr. Chairman, I thank the gentleman from Texas. I would like to ask the gentleman some questions. I would like to ask the gentleman whether under section 6 of the bill the Administrator has not the authority during the pendency of the administrative law making the function of immediately prohibiting the manufacturing or processing of chemical substances such as PCB's?

Mr. ECKHARDT. When he goes through the procedures provided by section 6, he has, yes.

Mr. DINGELL. But he may not do it during the pendency, even though the peril is as great as it is in PCB's?

Mr. ECKHARDT. No. He is required to give due process to the person against whom the rule may be issued, and I think that is most desirable.

Mr. DINGELL. The answer to the question is he may not during the pendency of the rulemaking rule out substances like PCB's?

Mr. ECKHARDT. Wait just 1 minute. He can use the imminent hazard technique of stopping PCB's if he can in fact prove they are hazardous.

Mr. DINGELL. But in that, that action is subject to long and sustained court review which may drag out over a period of years.

Mr. ECKHARDT. Not unless a higher court actually stays the action of a lower court. One can easily get the same instant relief that one can get in other cases involving a court's peremptory authority to enjoin.

Mr. DINGELL. The gentleman is very carefully and I think very prudently, and in a very lawyer-like fashion, pointing out that the failure to rule this out would be dependent upon the prudence of a higher court upon appeal. That is, there is not immediate power in the administrator to move them out except subject to court review; am I correct in that statement?

Mr. ECKHARDT. Except subject to court action, I think that the only way that the agency can finally outlaw PCB's or limit them under section 6 is after a rather complete due process-oriented type of hearing.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. ECKHARDT. But if during the pendency of the rulemaking, the continued release of PCB's into the environment would constitute an imminent hazard, the agency may go into court and by proving that such is the case, may get an injunction which would immediately stop the complained of activity.

Mr. DINGELL. This is a matter, though, which is time consuming and which is subject to judicial review and which could take a substantial amount of time.

Mr. ECKHARDT. It is not time consuming from the time the action is brought in court until the time the court has the power to act; it may be time consuming in the long run, but that may work against either the manufacturer of the PCB's or against the public. The question has to be decided by the court as to whether or not a preliminary injunction will be granted, or whether action will be upheld pending the ultimate ruling.

Mr. DINGELL. The gentleman is a very able lawyer and valuable Member of the House. The hard fact of the matter is that the committee bill, as opposed to the amendment offered by my friend and colleague, the gentleman from Maryland (Mr. GUDE) and me, regarding PCB's which are a proven hazard—this would much more quickly and expeditiously remove them from the environment than would be the situation under the committee bill.

Mr. ECKHARDT. That is right. Of course, we can legislatively do anything to anybody as long as we comply with due process of law. I suppose that is done, but I think judicial process would be preferable in this case.

The CHAIRMAN. The time of the gentleman has expired.

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

(Mr. DENT asked and was given permission to revise and extend his remarks.)

Mr. DENT. Mr. Chairman, I am not going to take time on the PCB's except to give the Members a related situation which I think many Members—most Members of this Congress—have heard something about.

If this type of legislation had been brought before this House 3 years ago, there would probably be a group of citizens who would have some hope of living out their lives in an orderly and normal fashion. Kepone was a chemical. It was known to be a dangerous chemical. It was known to be the kind of chemical that could not be restrained in any given course. It could not be held within any confined area. Yet with warning after warning and appeal after appeal to various State, local, and Federal Government inspection agencies, nothing was done. It took two committees of this House, the gentleman from New Jersey's, Mr. DANIELS, and my own, to spend a weekend after a great deal of research at the homesite of the Kepone manufacturer.

MONS 029911

To the best of our knowledge, this entire family of workers—and I mean family by going into not *only* the worker himself but the family and the children—was *affected*. We saw before us children whose eyes flickered constantly. The workers were told that they had some sort of Parkinson's disease.

However, they could not get any evidence in the town from any of the medical authorities or from the Federal or State or local inspection officials that it was the kind of toxic material which ought to be investigated thoroughly and on which work ought to be stopped immediately and that they should not be permitted to continue.

There is no hope for any of the workers who worked in that plant, as far as we know. The people have had to go to the extreme precaution of completely burning down the plant and cleaning that up. Now, there is a suit pending and a plea and an admission of guilt on the part of one of the officers of the company, which may result in hundreds of millions of dollars of damages—but these damages will do no good for the sick people.

This kind of action should have been taken whenever there was any reasonable cause to expect that by stopping and investigating we could avoid that kind of disaster. And it is a disaster. The folks today are nothing but living dead.

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

(Mr. LEGGETT asked and was given permission to revise and extend his remarks.)

Mr. LEGGETT. Mr. Chairman, I rise in support of the amendment. As chairman of the Subcommittee on Fisheries and Wildlife Conservation and the Environment, this issue has been of particular concern to our Members. The subcommittee held 3 days of oversight hearings in January 1976, to examine the impact of polychlorinated biphenyls—PCB's—and similar toxic substances on fisheries and wildlife resources. Witnesses from the administration and from the industry presented us with startling evidence of the critical levels of PCB residues found in samples of birds and fresh water fish all over the United States. Consequently, the survival of some threatened and endangered species is involved. PCB contamination appears to severly reduce the reproductive success of the bald eagle, along with other waterfowl and mammals, according to the U.S. Fish and Wildlife Service.

The adverse and far-reaching effects of PCB's are most vividly demonstrated in the Great Lakes region. In the past decade, Canada and the United States have invested solidly in restoring the fishery resources of the Great Lakes, and their programs—such as trout restoration—are threatened by PCB levels in Great Lakes fish which now exceed the permissible amount established by the FDA. Many species are close to being considered unmarketable, raising the potential spectre of the closing of the $95 million commercial fishing industry and the $900 million sport fishing industry of the Great Lakes. This is no exaggerated speculation, as Lake Michigan and the Hudson River have already been closed for given periods to commercial fishing because of high levels of PCB's.

PCB's are difficult to regulate as they are used in widely different industries for a variety of uses. They contaminate our rivers and waterways through the dumping of waste materials—such as plastic bottles, ink, papers—containing toxic substances. Although the only American manufacturer of PCB's Monsanto, has voluntarily restricted its production to enclosed uses—such as in electrical transformers—such industrial self-regulation and existing laws have failed to prevent the seepage of 10 million pounds of PCB's into the environment, and even greater quantities through sewage treatment systems and imported products. In view of the fact that PCB's cannot be removed from the environment and are not readily biodegradable, it will take years before our contaminated waterways will be ready again for commercial and recreational fishing if PCB's were eliminated now.

The flexibility of the Dingell-Gude amendment is shown by its exemption provisions, which recognize that some uses of PCB's outweigh safety considerations. Feasibility of PCB elimination has been shown by the example of Japan's almost complete PCB ban and its successful use of substitutes.

It is significant that the executive departments' involved voice strong support of this amendment. The U.S. Fish and Wildlife Service supports a complete ban of PCB's. Russell Train, Administrator of EPA, told us:

> So far as I am concerned, there is absolutely no disagreement whatsoever that PCB's should be eliminated, all uses should be gotten rid of just as rapidly as we can."

I stress today just the sense of emergency that Russell Train did in January. If PCB's were abolished tomorrow, it would be 100 to 200 years before they would allow a decision on PCB's to undergo the review process of H.R. 14032. PCB's will continue to seep into the environment, endangering human health, our wildlife resources, and our freshwater fishing industries for several years. The Dingell-Gude amendment will give us a program immediately, setting the mandatory deadline for a phase-out of PCB's.

I trust that my colleagues will recognise the profound detrimental effects this one toxic substance has on our environment, and will realize the need to clarify the phase-out of PCB's as a priority under the Toxic Substances Act of 1976, as this amendment would do.

There is no partisan division in the subcommittee with respect to the urgency and importance of solving this PCB problem. Therefore, I would urge that the House support this amendment.

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

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

Mr. OTTINGER. Mr. Chairman, I have been told, and I would like to have the gentleman confirm it, that in many places in the United States, mothers' milk is now so contaminated with PCB's that it would not be allowed to be shipped in interstate commerce if it were in any other container. Is that correct?

Mr. LEGGETT. I have not heard that, but if the gentleman makes that assertion I am sure it is worthy of review.

The CHAIRMAN. The time of the gentleman from California (Mr. LEGGETT) has expired.

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

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

Mr. LEGGETT. I yield to the gentleman from Maryland.

Mr. GUDE. Mr. Chairman, I want to commend the gentleman for his remarks, particularly in drawing attention to the widespread dispersal of this contaminate in our environment.

To further illustrate, Mr. Chairman, I would like to just quote from a telegram from the Georgia Game and Fish Division:

> Serious polychlorinated biphenyls (PCB) contamination problem just encountered at Lake Hartwell with harsh impact affecting sport fishermen and businesses dependent thereon. PCB ubiquitous in the environment and posing serious threat to human health and all living natural resources.

Mr. Chairman, I think we have ample testimony that we have a mad dog, in the form of PCB, on our hands. We must pen him up and I urge support of this amendment.

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

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

Mr. DELLUMS. Mr. Chairman, I thank my distinguished colleague and would like to associate myself with the gentleman's remarks.

Mr. Chairman, I also would like to point out, I think the distinguished gentleman from Pennsylvania (Mr. DENT) made a very telling and important statement, that is, where there is reasonable documentation as to the danger of a substance to life in general and to human life specifically, there is no obligation more important than the human responsibility to protect that life.

It would seem to me almost incredible as I have sat here quietly and patiently listening to the debate for any person to raise the legal argument or the political argument or the economic argument that in any way transcends the important responsibility we have to protect human life under conditions which are injurious or a danger to human life and we have a responsibility, clinical and moral, to protect the citizens.

Mr. LEGGETT. Mr. Chairman, the gentleman is exactly correct.

Mr. MURPHY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, during the debate in the committee, I supported this amendment. I supported it because polychlorinated biphenyls have been proven today to be a highly toxic and persistent chemical. It causes skin ailments, liver ail-

MONS 029912

ments, and undersized infants. In laboratory animals they have produced skin cancer and genetic effects.

True, the substances are necessary at the present time for use in capacitors and transformers. We have heard the debate on what the Japanese have done and what they have been forced to do because of the effects on their environment.

This amendment seems reasonable. It gives at least 2 years to the industry to come up with substances other than PCB's. I think 2½ years is certainly a reasonable compromise and warning to the industry. The EPA Administrator is given the flexibility to extend, if necessary, that period of time. PCB's are a highly persistent and toxic chemical. They have caused great damage to the Great Lakes, and irreparable damage in the Hudson River. The State of New York estimates it will take over $20 million to correct the damage at the present time to bring back the fisheries areas that have been so harmfully affected.

Mr. Chairman, I hope we adopt this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan (Mr. DINGELL).

The amendment was agreed to.

The CHAIRMAN. Are there further amendments to section 6?

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

Very briefly, I ask the chairman of the committee, since my amendment was not adopted which would require preference be given to nonanimal tests, it does appear that that is the intent of the committee in the report on page 19 which reads as follows:

However, the Committee does not intend that the Administrator needlessly require whole animal tests. The Administrator should consider alternative test methods. With the development of reliable non-animal tests for predicting the long-term effects of chemicals on health, the need for animal test data to determine if a substance or mixture causes or significantly contributes to an unreasonable risk will diminish.

The report also says that the committee opposes the amendment only so as not to put a legal restriction on the Administrator, though it agrees with the thrust of the amendment that nonanimal tests should be preferred where adequate. I take it that the gentleman would stand behind the language of the report?

Mr. MURPHY of New York. The committee did intend that the Administrator not needlessly require animal testing.

Mr. OTTINGER. I thank the gentleman.

The CHAIRMAN. Are there further amendments to section 6? If not, the Clerk will read.

The Clerk read as follows:

IMMINENT HAZARDS

SEC. 7. (a) ACTIONS AUTHORIZED AND REQUIRED.—(1) The Administrator may file an action in a district court of the United States—

(A) for seizure of an imminently hazardous chemical substance or mixture or any article containing such a substance or mixture,

(B) for relief (as authorized by subsection (b)) against any person who manufactures, processes, or distributes in commerce an imminently hazardous chemical substance or mixture or any article containing such a substance or mixture, or

(C) for both such seizure and relief.

An action may be filed under this paragraph notwithstanding the existence of a rule under section 4, 5, or 6, and notwithstanding the pendency of any administrative or judicial proceeding under any provision of this Act.

(2) If the Administrator has not made a rule under section 5(a) immediately effective (as authorized by subsection 5(d)(2)(A)(i)) with respect to an imminently hazardous chemical substance or mixture, the Administrator shall file in a district court of the United States with respect to such substance or mixture or article containing such substance or mixture an action described in subparagraph (A), (B), or (C) or paragraph (1).

(b) JURISDICTION OF COURT.—(1) The district courts of the United States in which an action under subsection (a) is brought shall have jurisdiction to grant such temporary or permanent relief as may be necessary to protect health or the environment from the unreasonable risk associated with the chemical substance, mixture, or article involved in such action.

(2) In the case of an action under subsection (a), brought against a person who manufactures, processes, or distributes in commerce a chemical substance or mixture or an article containing a chemical substance or mixture, the relief authorized by paragraph (1) may include the issuance of a mandatory order requiring (A) in the case of purchasers of such substance, mixture, or article known to the defendant, notification to such purchasers of the risk associated with it; (B) public notice of such risk; (C) recall; (D) the replacement or repurchase of such substance, mixture, or article; or (E) any combination of the actions described in the preceding clauses.

(3) In the case of an action under subsection (a) against a chemical substance, mixture, or article, such substance, mixture, or article may be proceeded against by process of libel for its seizure and condemnation. Proceedings in such an action shall conform as nearly as possible to proceedings in rem in admiralty.

(c) VENUE AND CONSOLIDATION.—(1)(A) An action under subsection (a) against a person who manufactures, processes, or distributes a chemical substance or mixture or an article containing a chemical substance or mixture may be brought in the United States District Court for the District of Columbia or for any judicial district in which any of the defendants is found, resides, or transacts business; and process in such an action may be served on a defendant in any other district in which such defendant resides or may be found. An action under subsection (a) against a chemical substance, mixture, or article may be brought in any United States district court within the jurisdiction of which the substance, mixture, or article is found.

(B) In determining the judicial district in which an action may be brought under subparagraph (A) in instances in which such action may be brought in more than one judicial district, the Administrator shall take into account the convenience of the parties.

(2) Subpenas requiring attendance of witnesses in an action brought under subsection (a) may run into any judicial district.

(3) Whenever proceedings under subsection (a) involving identical chemical substances, mixtures, or articles are pending in courts in two or more judicial districts, they shall be consolidated for trial by order of any such court upon application reasonably made by any party in interest, upon notice to all parties in interest.

(d) ACTIONS UNDER SECTION 6.—Where appropriate, concurrently with the filing of an action under subsection (a) or as soon thereafter as may be practicable, the Administrator shall initiate a proceeding for the promulgation of a rule under section 6(a).

(e) REPRESENTATION.—Notwithstanding any other provision of law, in any action under subsection (a), the Administrator may direct attorneys of the Environmental Protection Agency to appear and represent the Administrator in such an action.

(f) DEFINITION.—For purposes of subsection (a), the term "imminently hazardous chemical substance or mixture" means a chemical substance or mixture which causes or significantly contributes to an imminent and unreasonable risk of serious or widespread harm to health or the environment. Such a risk to health or the environment shall be considered imminent if it is shown that the manufacture, processing, distribution in commerce, use, or disposal of the chemical substance or mixture or any combination of such actions is likely to result in such harm to health or the environment before a final rule under section 6 can protect against such risk.

REPORTING AND RETENTION OF INFORMATION

SEC. 8. (a) REPORTS.—(1) The Administrator shall promulgate rules under which—

(A) each person (other than a small manufacturer or processor) who manufactures or processes or proposes to manufacture or process a chemical substance (other than a chemical substance described in subparagraph (B)(i)) shall maintain such records, and shall submit to the Administrator such reports, as the Administrator may reasonably require, and

(B) each person (other than a small manufacturer or processor) who manufactures or processes or proposes to manufacture or process—

(i) a mixture, or

(ii) a chemical substance in small quantities (as defined by the Administrator by rule) solely for scientific experimentation or analysis or for chemical research on or analysis of such substance or another substance, including such research or analysis for the development of a product,

shall maintain records and submit to the Administrator reports but only to the extent the Administrator determines the maintenance of records or submission of reports, or both, is necessary for the effective enforcement of this Act.

The Administrator may not require in a rule promulgated under the paragraph the maintenance of records or the submission of reports with respect to changes in the proportions of the components of a mixture unless the Administrator finds that the maintenance of such records or the submission of such reports, or both, is necessary for the effective enforcement of this Act. For purposes of the compilation of the list of chemical substances required under subsection (b), the Administrator shall promulgate rules pursuant to this subsection not later than one hundred and eighty days after the effective date of this Act.

(2) The Administrator may require under paragraph (1) reporting with respect to the following:

(A) The common or trade name, the chemical identity, and the molecular structure of each chemical substance or mixture for which such a report is required, insofar as known to the person making the report or insofar as reasonably ascertainable.

(B) The categories or proposed categories of use of each such substance or mixture, insofar as known to the person making the report or insofar as reasonably ascertainable.

(C) Reasonable estimates of the amount of each such substance and mixture to be manufactured or processed and, insofar as known to the person making the report or insofar as reasonably ascertainable, a reasonable es-

MONS 029913

timate of the amount of each such substance and mixture to be manufactured or processed for each of its categories or proposed categories of use.

(D) A description of the byproducts resulting from the manufacture, processing, use, or disposal of each such substance or mixture, insofar as known to the person making the report or insofar as reasonably ascertainable.

(E) All existing data concerning the adverse environmental and health effects of such substance or mixture, insofar as known to the person making the report.

(F) Estimates of the number of persons who will be exposed to such substance or mixture in their places of employment and the duration of such exposure, insofar as known to the person making the report.

To the extent feasible the Administration shall not require under paragraph (1) unnecessary or duplicate reporting.

(2)(A)(i) The Administrator may by rule require a small manufacturer or processor of a chemical substance to submit to the Administrator such information respecting the chemical substance as the Administrator may require for publication of the first list of chemical substances required by subsection (b).

(ii) The Administrator may by rule require a small manufacturer or processor of a chemical substance or mixture—

(I) subject to a rule proposed or promulgated under section 4, 5(c), 5(g), or 6, or

(II) with respect to which relief has been granted pursuant to a civil action brought under section 7, to maintain such records on such substance or mixture, and to submit to the Administrator such reports on such substance or mixture, as the Administrator may reasonably require. A rule under this clause requiring reporting may require reporting with respect to the matters referred to in paragraph (1).

(B) The Administrator, after consultation with the Administrator of the Small Business Administration, shall by rule prescribe standards for determining the manufacturers and processors which qualifying as small manufacturers and processors for purposes of this paragraph and paragraph (1).

(b) INVENTORY.—(1) The Administrator shall compile, keep current, and publish a list of each chemical substance which is manufactured or processed in the United States. Such list shall at least include each chemical substance which any person reports, under section 5 or subsection (a) of this section, is manufactured or processed in the United States or was manufactured or processed in the United States within three years before the effective date of the rules promulgated pursuant to the last sentence of subsection (a)(1). In the case of a chemical substance for which a notice is submitted in accordance with section 5, such chemical substance shall be included in such list as of the earliest date (as determined by the Administrator) on which such substance was manufactured or processed in the United States. The Administrator shall first publish such a list not later than one year after the effective date of this Act. The Administrator shall not include in such list any chemical substance which is manufactured or processed only in small quantities (as defined by the Administrator by rule) solely for scientific experimentation or analysis or for chemical research or analysis on such substance or another substance, including such research or analysis for the development of a product.

(2) To the extent consistent with the purposes of this Act, the Administrator may, in lieu of listing, pursuant to paragraph (1), a chemical substance individually, list a category of chemical substances in which such substance is included.

(c) RECORDS.—Any person who manufactured, processes, or distributes in commerce or proposes to manufacture, process, or distribute in commerce any chemical substance or mixture shall, as required by the Administrator by rule, maintain records of adverse reactions to health or the environment alleged to have been caused by the substance or mixture. In such a rule the Administrator may require that—

(1) records of adverse reactions to the health of employees be retained for a period of not more than fifty years from the date such reactions were first reported to or known by the person maintaining such records, and

(2) any other record be retained for a period not more than five years from the date the information contained in the record was first reported to or known by the person maintaining the record.

Records required to be maintained under this subsection may include records of consumer allegations of personal injury or harm to health, reports of occupational disease or injury, and reports or complaints of injury to the environment submitted to the manufacturer, processor, or distributor in commerce by individuals or governmental agencies. Upon request of an officer or employee duly designated by the Administrator, each person who is required to maintain records under this subsection shall permit the inspection of such records and shall submit copies of such records.

(d) HEALTH AND SAFETY STUDIES.—The Administrator shall promulgate rules under which the Administrator may require any person who manufacturers, processes, or distributes in commerce or who proposes to manufacture, process, or distribute in commerce any chemical substance or mixture (or with respect to paragraph (2), any person who has possession of a study) to submit to the Administrator—

(1) lists of health and safety studies conducted or initiated by or for such person at any time or known to such person; and

(2) copies of any such studies appearing on a list submitted pursuant to paragraph (1) or (3), or otherwise known by such person.

(e) NOTICE TO ADMINISTRATOR OF UNREASONABLE RISKS.—Any person who manufactures, processes, or distributes in commerce a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture causes or significantly contributes to a substantial risk to health or the environment shall immediately inform the Administrator of such information unless such person has actual knowledge that the Administrator has been adequately informed of such information.

(f) DEFINITIONS.—For purposes of this section, the terms "manufacture" and "process" mean manufacture or process for commercial purposes.

RELATIONSHIP TO OTHER FEDERAL LAWS

SEC. 9. (a) LAWS NOT ADMINISTERED BY THE ADMINISTRATOR.—(1) If the Administrator has reason to believe that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture or any combination of such actions causes or significantly contributes to or is likely to cause or significantly contribute to an unreasonable risk to health or the environment and determines that such risk may be prevented or reduced to a sufficient extent by action taken under a Federal law not administered by the Administrator, the Administrator shall submit to the agency which administers such law a report which describes such risk and includes in such description a specification of the activity or combination of activities which the Administrator has reason to believe so causes or contributes to such risk. Such report shall also request such agency—

(A)(i) to determine if the risk described in such report may be prevented or reduced to a sufficient extent by action taken under such law, and

(ii) if the agency determines that such risk may be so prevented or reduced, to issue an order declaring whether or not the activity or combination of activities specified in the description of such risk causes or significantly contributes to such risk; and

(B) to report such determination and order to the Administrator.

Any report of the Administrator shall include a detailed statement of the information on which it is based and shall be published in the Federal Register. The agency receiving a request under such a report shall make the requested determination, issue the requested order, and make the requested report within such time as the Administrator specifies in the request, but such time specified may not be less than ninety days from the date the request is received. A report of an agency in response to a request of the Administrator shall be accompanied by a detailed statement of the findings and conclusions of the agency respecting the order and determination requested to be made and shall be published in the Federal Register.

(2) If the Administrator makes a report under paragraph (1) with respect to a chemical substance or mixture and the agency to which such report was made either—

(A) issues an order declaring that the activity or combination of activities specified in the description of the risk described in the report does not cause or significantly contribute to the risk described in the report, or

(B) initiates, within ninety days of the publication in the Federal Register of the report of the agency under paragraph (1) in response to the Administrator's report, action under the law (or laws) administered by such agency to protect against such risk, the Administrator may not take any action under section 6 or 7 with respect to such risk.

(3) If the Administrator has initiated action under section 6 or 7 with respect to a risk associated with a chemical substance or mixture which was the subject of a report made to an agency under paragraph (1), such agency shall before taking action under the law (or laws) administered by it to protect against such risk consult with the Administrator for the purpose of avoiding duplication of Federal action against such risk.

(b) LAWS ADMINISTERED BY THE ADMINISTRATOR.—The Administrator shall coordinate actions taken under this Act with actions taken under other Federal laws administered in whole or in part by the Administrator. If a risk to health or the environment associated with a chemical substance or mixture could be eliminated or reduced to a sufficient extent by actions taken under the authorities contained in such other Federal laws, the Administrator shall use such authorities to protect against such risk unless the Administrator determines that it is in the public interest to protect against such risk by actions taken under this Act. This subsection shall not be reviewable by any court. Administrator of any requirement imposed on the Administrator by such other Federal laws.

(c) OCCUPATIONAL SAFETY AND HEALTH.—In exercising any authority under this Act, the Administrator shall not, for purposes of section 4(b)(1) of the Occupational Safety and Health Act of 1970, be deemed to be exercising statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.

(d) COORDINATION.—In administering this Act, the Administrator shall consult and coordinate with the Secretary of Health, Education, and Welfare and the heads of any

MONS 029914

other appropriate Federal executive department or agency, any relevant independent regulatory agency, and any other appropriate instrumentality of the Federal Government for the purpose of achieving the maximum enforcement of this Act while imposing the least burdens of duplicative requirements on those subject to the Act and for other purposes. The Administrator shall report annually to the Congress on actions taken to coordinate with such other Federal departments, agencies, or instrumentalities, and on actions taken to coordinate the authority under this Act with the authority granted under other Acts referred to in subsection (b).

RESEARCH, COLLECTION, DISSEMINATION, AND UTILIZATION OF DATA

SEC. 10. (a) AUTHORITY.—The Administrator shall, in consultation and cooperation with the Secretary of Health, Education, and Welfare and with other heads of appropriate departments and agencies, conduct such research and monitoring as is necessary to carry out the purposes of this Act. The Administrator may enter into contracts and may make grants for such research and monitoring. Contracts may be entered into under this subsection without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529, 41 U.S.C. 5).

(b) DATA SYSTEMS.—(1) The Administrator shall establish, administer, and be responsible for the continuing activities of an interagency committee which will design, establish, and coordinate an efficient and effective system, within the Environmental Protection Agency, for the collection, dissemination to other Federal departments and agencies, and use of data submitted to the Administrator under this Act.

(2)(A) The Administrator shall, in consultation with the Secretary of Health, Education, and Welfare and other heads of appropriate departments and agencies design, establish, and coordinate an efficient and effective system for the retrieval of toxicological and other scientific data which could be useful to the Administrator in carrying out the purposes of this Act. Systematized retrieval shall be developed for use by all Federal and other departments and agencies with responsibilities in the area of regulation or study of chemical substances and mixtures and their effect on health or the environment.

(B) The Administrator, in consultation with the Secretary of Health, Education, and Welfare, is authorized to make grants and enter into contracts for the development of a data retrieval system described in subparagraph (A). Contracts may be entered into under this subparagraph without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529, 41 U.S.C. 5).

INSPECTIONS

SEC. 11. (a) IN GENERAL.—For purposes of enforcement of this Act the Administrator, or any representative of the Administrator, duly designated by the Administrator, may inspect any establishment, facility, or other premises in which chemical substances or mixtures are manufactured, processed, stored, or held before or after their distribution in commerce and any conveyance being used to transport chemical substances or mixtures in connection with distribution in commerce. Such an inspection may only be made upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge of the premises or conveyance to be inspected. A separate notice shall be given for each such inspection, but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness and shall be conducted at reasonable times, within reasonable limits, and in a reasonable manner.

(b) SCOPE.—(1) Except as provided in paragraph (2), an inspection under subsection (a) shall extend to all things within the premises or conveyance inspected (including records, files, papers, processes, controls, and facilities) bearing on whether the requirements of this Act applicable to the chemical substances or mixtures within such premises or conveyance have been complied with.

(2) No inspection under subsection (a) shall extend to—

(A) financial data,

(B) sales data other than shipment data,

(C) pricing data,

(D) personnel data, or

(E) research data (other than research data required by this Act),

unless the nature and extent of such data are described with reasonable specificity in the written notice required by subsection (a) for such inspection.

REPORTS

SEC. 12. (a) GENERAL.—(1) Except as provided in paragraph (2) and subsection (b), this Act (other than section 8) shall not apply to any chemical substance, mixture, or an article containing a chemical substance or mixture if—

(A) it can be shown that such substance, mixture, or article is being manufactured, processed, sold, or held for sale for export from the United States, unless such substance, mixture, or article was, in fact, manufactured, processed, or distributed in commerce, for use in the United States, and

(B) such substance, mixture, or article when distributed in commerce, or any container in which it is enclosed when so distributed, bears a stamp or label stating that such substance, mixture, or article is intended for export.

(2) Paragraph (1) shall not apply to any chemical substance, mixture, or article if the Administrator finds that the substance, mixture, or article will cause or significantly contribute to an unreasonable risk to health within the United States or to the environment of the United States. The Administrator may require, under section 4, testing of a chemical substance or mixture exempted from this Act by paragraph (1) to determine whether or not such substance or mixture causes or significantly contributes to an unreasonable risk to health within the United States or to the environment of the United States.

(b) NOTICE.—(1) If any person exports or intends to export to a foreign country a chemical substance or mixture for which the submission of data is required under section 4 or 5(d)(1), such person shall notify the Administrator of such exportation or intent to export and the Administrator shall furnish to the government of such country notice of the availability of the data submitted to the Administrator under such section for such substance or mixture.

(2) If any person exports or intends to export to a foreign country a chemical substance or mixture for which a rule has been proposed or promulgated under section 5 or 6, or with respect to which an action is pending, or relief has been granted under section 7, such person shall notify the Administrator of such exportation or intent to export and the Administrator shall furnish to the government of such country notice of such rule, action, or relief.

ENTRY INTO CUSTOMS TERRITORY OF THE UNITED STATES

SEC. 13. (a) IN GENERAL.—(1) The Secretary of the Treasury shall refuse entry into the customs territory of the United States (as defined in general headnote 2 to the Tariff Schedules of the United States) of any chemical substance, mixture, or article containing a chemical substance or mixture offered for entry if—

(A) it fails to comply with any rule in effect under this Act, or

(B) it is offered for entry in violation of section 5, a rule or order under section 5 or 6, or an order issued in an action brought under section 5 or 7.

(2) If a chemical substance, mixture, or article is refused entry under paragraph (1), the Secretary of the Treasury shall notify the consignee of such entry refusal, shall not release it to the consignee, and shall cause its disposal or storage (under such rules as the Secretary of the Treasury may prescribe) if it has not been exported by the consignee within ninety days from the date of receipt of notice of such refusal, except that the Secretary of the Treasury may, pending a review by the Administrator of the entry refusal, release to the consignee such substance, mixture, or article on execution of bond for the amount of the full invoice of such substance, mixture, or article, as such value is set forth in the customs entry, together with the duty thereon. On failure to return such substance, mixture, or article for any cause to the custody of the Secretary of the Treasury when demanded, such consignee shall be liable to the United States for liquidated damages equal to the full amount of such bond. All charges for storage, cartage, and labor on substances, mixtures, or articles which are refused entry or release under this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future entry made by such owner or consignee.

(b) RULES.—The Secretary of the Treasury, after consultation with the Administrator, shall issue rules for the enforcement of subsection (a) of this section.

DISCLOSURE OF DATA

SEC. 14. (a) IN GENERAL.—Except as provided by subsection (b), any information reported to, or otherwise obtained by, the Administrator (or any representative of the Administrator) under this Act, which is exempt from disclosure pursuant to subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of such section, shall not be disclosed by the Administrator or by any officer or employee of the United States, except that such information may be disclosed—

(1) to officers and employees of the United States—

(A) in connection with their official duties under laws for the protection of health or the environment, or

(B) for specific law enforcement purposes;

(2) to contractors with the United States and employees of such contractors if in the opinion of the Administrator such disclosure is necessary for the satisfactory performance by the contractor of a contract with the United States entered into on or after the effective date of this Act for the performance of work in connection with this Act; or

(3) when relevant in any proceeding under this Act, except that disclosure in such a proceeding shall be made in such manner as to preserve confidentiality to the extent practicable without impairing the proceeding.

(b) DATA FROM HEALTH AND SAFETY STUDIES.—(1) Subsection (a) does not prohibit the disclosure of—

(A) any health and safety study submitted under this Act with respect to—

(i) any chemical substance or mixture which on the date the study is to be disclosed has been offered for commercial distribution, or

(ii) any chemical substance or mixture for which testing is required under section 4 or for which notification is required under section 5, and

(B) any data reported to, or otherwise obtained by the Administrator from a health and safety study which relates to a chemical substance or mixture described in clause (i) or (ii) of subparagraph (A).

MONS 029915

This paragraph does not authorize the release of data which discloses processes used in the manufacturing or processing of a chemical substance or mixture or, in the case of a mixture, the release of data disclosing the portion of the mixture comprised by any of the chemical substances in the mixture.

(2) A request is made to the Administrator under subsection (a) of section 552 of title 5, United States Code, for information which is described in the first sentence of paragraph (1) and which is not information described in the second sentence of such paragraph, the Administrator may not deny such request on the basis of subsection (b) (3) or (b) (4) of such section.

(c) DESIGNATION OF CONFIDENTIAL DATA; DISPUTES.—(1) In submitting data under this Act, a person may (A) designate the data which the person believes is entitled to confidential treatment under subsection (a), and (B) submit such designated data separately from other data submitted under this Act.

(2) If the Administrator proposes to release for inspection data which has been designated under paragraph (1)(A), the Administrator shall notify, in writing and by certified mail, the person who submitted such data of the intent to release such data. If the release of such data is to be made pursuant to a request made under section 552(a) of title 5, United States Code, such notice shall be given immediately upon approval of such request by the Administrator. The Administrator may not release such data until the expiration of thirty days after the person submitting such data has received the notice required by this paragraph.

(d) CRIMINAL PENALTY FOR WRONGFUL DISCLOSURE.—(1) Any officer or employee of the United States or former officer or employee of the United States, who by virtue of such employment or official position has obtained possession of or has known or, material the disclosure of which is prohibited by subsection (a), and who knowing that disclosure of such material is prohibited by such subsection, willfully discloses the material in any manner to any person not entitled to receive it, shall be guilty of a misdemeanor and fined not more than $5,000 or imprisoned for not more than one year, or both. Section 1905 of title 18, United States Code, does not apply with respect to the publishing, divulging, disclosure, or making known of, or making available, information reported or otherwise obtained under this Act.

(2) For the purposes of paragraph (1), any contractor with the United States who is furnished information as authorized by subsection (a)(2), and any employee of any such contractor, shall be considered to be an employee of the United States.

(e) ACCESS BY CONGRESS.—Notwithstanding any limitation contained in this section or any other provision of law, all information reported to or otherwise obtained by the Administrator (or any representative of the Administrator) under this Act shall be made available, upon written request of any duly authorized committee of the Congress, to such committee.

PROHIBITED ACTS

SEC. 15. It shall be unlawful for any person to—

(1) fail or refuse to comply with (A) any rule or order promulgated or issued under section 4, (B) any requirement prescribed by section 5, or (C) any rule or order promulgated under section 6 or 8;

(2) use for commercial purposes a chemical substance or mixture which such person knew or had reason to know was manufactured, processed, or distributed in commerce in violation of section 6, a rule or order under section 5 or 6, or an order issued in an action brought under section 5 or 7;

(3) fail or refuse to (A) establish or maintain records, (B) submit reports, notices, or other information, or (C) permit access to or copying of records, as required by this Act or a rule thereunder; or

(4) fail or refuse to permit entry or inspection as required by section 11.

PENALTIES

SEC. 16. (a) CIVIL.—(1) Any person who violates a provision of section 15 of this Act shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each such violation. Each day such violation continues shall for purposes of this subsection constitute a separate violation of section 15.

(2)(A) A civil penalty for a violation of section 15 shall be assessed by the Administrator by an order made on the record after opportunity (provided in accordance with this subparagraph) for a hearing in accordance with section 554 of title 5, United States Code. Before issuing such an order, the Administrator shall give written notice to the person to be assessed a civil penalty under such order of the Administrator's proposal to issue such order and provide such person an opportunity to request, within fifteen days of the date the notice is received by such person, such a hearing on the order.

(B) In determining the amount of a civil penalty, the Administrator shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require.

(C) The Administrator may, in the Administrator's discretion, compromise, modify, or remit, with or without conditions, any civil penalty which may be imposed under this subsection. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

(3) Any person who requested in accordance with paragraph (2)(A) a hearing respecting the assessment of a civil penalty and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may only be filed within the thirty-day period beginning on the date the order making such assessment was issued.

(4) If any person fails to pay an assessment of a civil penalty after it has become a final order and does not file a petition for judicial review of the order in accordance with paragraph (3) or after a court in an action brought under paragraph (3) has entered final judgment in favor of the Administrator, the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from such date) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

(b) CRIMINAL.—Any person who knowingly or willfully violates any provision of section 15 shall, in addition to or in lieu of a civil penalty which may be imposed under subsection (a) of this section for such violation, be subject, upon conviction, to a fine of not more than $25,000 for each day of violation, or to imprisonment for not more than one year, or both.

(c) INJUNCTIVE ENFORCEMENT, AN IMPLICATION.—If in a proceeding for the assessment of an order under paragraph (2) to assess a civil penalty against a person the Administrator determines that such person manufactured, processed, or distributed in commerce a chemical substance or mixture in violation of a requirement applicable to such substance or mixture under paragraph (1) or (2) of section 5(a) or otherwise determines by order made on the record after opportunity for agency hearing that a person has so violated such a requirement, the Administrator may, in such order, require such person (1) to give notice of the risk associated with the chemical substances or mixture subject to such requirement to processors or distributors in commerce of such substance or mixture, or to both, and, to the extent reasonably ascertainable, to any other person in possession of or exposed to such substance or mixture; (2) to give public notice of such risk; (3) to either replace or repurchase such substance or mixture, as determined by the person (or persons) to whom the requirement is directed, in the manner prescribed by the Administrator; or (4) to take any combination of the actions described in the preceding clauses.

SPECIFIC ENFORCEMENT AND SEIZURE

SEC. 17. (a) SPECIFIC ENFORCEMENT.—(1) The district courts of the United States shall have jurisdiction over civil actions to—

(A) restrain any violation of section 15,

(B) restrain any person from manufacturing or processing a chemical substance before the expiration of the period before which such manufacturing or processing is prohibited under section 5,

(C) restrain any person from taking any action prohibited by section 5 or by a rule or order under section 5 or 6, or

(D) compel the taking of any action required by or under this Act.

(2) A civil action described in paragraph (1) may be brought—

(A) in the case of a civil action described in subparagraph (A) of such paragraph, in the United States district court for the judicial district wherein any act, omission, or transaction constituting a violation of section 15 occurred or wherein the defendant is found or transacts business, or

(B) in the case of any civil action described in such paragraph, in the United States district court for the judicial district wherein the defendant is found or transacts business.

In any such civil action process may be served on a defendant in any judicial district in which a defendant resides or may be found. Subpenas requiring attendances of witnesses in any such action may run into any judicial district.

(b) SEIZURE.—Any chemical substance, or mixture which was manufactured, processed, or distributed in commerce in violation of this Act or any rule or order promulgated under this Act or any article containing such a substance or mixture shall be liable to be proceeded against by process of libel for the seizure and condemnation of such substance, mixture, or article, in any district court of the United States within the jurisdiction of which such substance, mixture, or article is found. Such proceedings shall conform as nearly as possible to proceedings in rem in admiralty.

PREEMPTION

SEC. 18. (a) EFFECT ON STATE LAW.—(1) Except as provided in paragraph (2), nothing in this Act shall affect the authority of any State or political subdivision of a State to establish or continue in effect regulation of any chemical substance, mixture, or article containing a chemical substance or mixture.

(2) Except as provided in subsection (b)—

(A) if the Administrator requires by a rule promulgated under section 4 the testing of a chemical substance or mixture, no State or political subdivision may, after the effective date of such rule, establish or continue in effect a requirement for the testing of such substance or mixture for purposes

MONS 029916

similar to those for which testing is required under such rule; and

(B) if the Administrator prescribes a rule or order under section 5 or 6 of this Act (other than a rule imposing a requirement described in subsection (a)(2) of section 6) which is applicable to a chemical substance or mixture, and which is designed to protect against a risk to health or the environment associated with such substance or mixture, no State or political subdivision of a State may, after the effective date of such requirement, establish or continue in effect a requirement applicable to such substance or mixture, or an article containing such substance or mixture, and designed to protect against such risk unless such requirement is identical to the requirement prescribed by the Administrator, or unless such requirement is adopted under the authority of the Clean Air Act or any other Federal law.

(b) EXEMPTION.—Upon application of a State or political subdivision of a State the Administrator may by rule exempt from subsection (a)(2), under such conditions as may be prescribed in such rule, a requirement of such State or political subdivision designed to protect against a risk to health or the environment associated with a chemical substance, mixture, or article containing a chemical substance or mixture if—

(1) compliance with the requirement would not cause the manufacturing, processing, distribution in commerce, or use of the substance, mixture, or article to be in violation of the applicable requirement under this Act described in subsection (a)(2), and

(2) the State or political subdivision requirement (A) provides a significantly higher degree of protection from such risk than the requirement under this Act described in subsection (a)(2) and (B) does not, through difficulties in marketing, distribution, or other factors, unduly burden interstate commerce.

JUDICIAL REVIEW

SEC. 19. (a) IN GENERAL.—Not later than sixty days following the promulgation of a rule under section 4, 5, or 6(a) of this Act, any person may file a petition for judicial review of such rule with the United States Court of Appeals for the District of Columbia Circuit or for the circuit in which such person resides or in which such person's principal place of business is located. Copies of the petition shall be forthwith transmitted by the clerk of such court to the Administrator and to the Attorney General. The Administrator shall transmit to the Attorney General, who shall file in the court, the record of the proceedings on which the Administrator based such rule as provided in section 2112 of title 28, United States Code. For purposes of this section, the term "record" means such rule; any transcript required of any oral presentation; any written submission of interested parties; and any other information which the Administrator considers to be relevant to such rule and with respect to which the Administrator, on or before the date of the promulgation of such rule, publish a notice in the Federal Register identifying such information.

(b) ADDITIONAL DATA.—If the petitioner applies to the court for leave to adduce additional data, views, or arguments, and shows to the satisfaction of the court that such additional data, views, or arguments are material and that there are reasonable grounds for the petitioner's failure to adduce such data, views, or arguments in the proceeding before the Administrator, the court may order the Administrator to provide additional opportunity for oral presentation of data, views, or arguments and for written submissions. The Administrator may modify findings or determinations upon which the rule subject to review by such court was based, or make new findings or determinations by reason of the additional data, views, or arguments so taken and shall file such modified or new findings or determinations, and the Administrator's recommendation, if any, for the modification or setting aside of such rule, with the return of such additional data, views, or arguments.

(c) AUTHORITY AND REVIEW STANDARD.—(1) Upon the filing of a petition under subsection (a), the court shall have jurisdiction (A) to review the rule involved, in accordance with chapter 7 of title 5, United States Code, and (B) to grant appropriate relief, including interim relief, as provided in such chapter. Any rule promulgated by the Administrator under section 4, 5, or 6 of this Act and reviewed under this section shall be affirmed, unless the determination or findings required to be made by the Administrator under the applicable section are not supported by substantial evidence on the record taken as a whole.

(2) The judgment of the court affirming or setting aside, in whole or in part, any rule reviewed in accordance with this section shall be final, subject to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

(3) The judgment of the court in an action (a) may include an award of costs of suit and reasonable fees for attorneys and expert witnesses if the court determines that such an award is appropriate. The Supreme Court of the United States in its decision on a review of judgment in such an action may provide for the award of costs of suit and reasonable fees for attorneys if the court determines that such an award is appropriate.

(d) OTHER REMEDIES.—The remedies provided in this section shall be in addition to and not in lieu of any other remedies provided by law.

CITIZENS' CIVIL ACTIONS

SEC. 20. (a) IN GENERAL.—Except as provided in subsection (b), any person may commence a civil action—

(1) against any person (including (A) the United States, and (B) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of this Act or any rule prescribed under section 4, 5, or 6(a) to restrain such violation, or

(2) against the Administrator to compel the Administrator to perform any act or duty under this Act which is not discretionary.

Any civil action under paragraph (1) shall be brought in the United States district court for the district in which the alleged violation occurred or in which the defendant resides or in which the defendant's principal place of business is located. Any action brought under paragraph (2) shall be brought in the United States District Court for the District of Columbia, or the United States district court for the judicial district in which the plaintiff is domiciled. The district courts shall have jurisdiction over suits brought under this section, without regard to the amount in controversy or the citizenship of the parties. In any civil action under this subsection process may be served on a defendant in any judicial district in which the defendant resides or may be found and subpenas for witnesses may run into any judicial district.

(b) LIMITATION.—No civil action may be commenced—

(1) under subsection (a)(1) to restrain a violation of this Act or rule under this Act—

(A) before the expiration of sixty days after the plaintiff has given notice of such violation (i) to the Administrator, and (ii) to the person who is alleged to have committed such violation, or

(B) if the Administrator (or the Attorney General on behalf of the Administrator) has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with this Act or such rule, but if such action is commenced after the giving of notice, any person giving such notice may intervene as a matter of right in such action; or

(2) under subsection (a)(2) before the expiration of sixty days after the plaintiff has given notice to the Administrator of the alleged failure of the Administrator to perform an act or duty which is the basis for such action or, in the case of an action under such subsection for the failure of the Administrator to file an action under section 7, before the expiration of ten days after such notification.

Notice under this subsection shall be given in such manner as the Administrator shall prescribe by rule.

(c) GENERAL.—(1) In any action under this section, the Administrator, if not a party, may intervene as a matter of right.

(2) The court, in issuing any final order in any action brought pursuant to subsection (a), may award costs of suit and reasonable fees for attorneys and expert witnesses if the court determines that such an award is appropriate. The court, in issuing the decision in an action brought to review such an order, may award costs of suit and reasonable fee for attorneys if the court determines that such an award is appropriate.

(3) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of this Act or any rule under this Act or to seek any other relief.

(d) CONSOLIDATION.—When two or more civil actions brought under subsection (a) involving the same defendant and the same issues or violations are pending in two or more judicial districts, such pending actions, upon application of such defendants to such actions which is made to a court in which any such action is brought, may, if such court in its discretion so decides, be consolidated for trial by order (issued after giving all parties reasonable notice and opportunity to be heard) of such court and tried in—

(1) any district which is selected by such defendant and in which one of such actions is pending,

(2) a district which is agreed upon by stipulation between all the parties to such actions and in which one of such actions is pending, or

(3) a district which is selected by the court and in which one of such actions is pending.

The court issuing such an order shall give prompt notification of the order to the other courts in which the civil actions consolidated under the order are pending.

CITIZENS' PETITIONS

SEC. 21. (a) IN GENERAL.—Any person may petition the Administrator to initiate a proceeding for the issuance, amendment, or repeal of a rule under section 4, 5(e), or 6(a).

(b) PROCEDURES.—(1) Such petition shall be filed in the principal office of the Administrator and shall set forth the facts which it is claimed establish that it is necessary to issue, amend, or repeal a rule under section 4, 5(e), or 6(a).

(2) The Administrator may hold a public hearing or may conduct such investigation or proceeding as the Administrator deems appropriate in order to determine whether or not such petition should be granted.

MONS 029917

(B) Within ninety days after filing of a petition described in paragraph (1), the Administrator shall either grant or deny the petition. If the Administrator grants such petition, the Administrator shall promptly commence an appropriate proceeding in accordance with section 4, 5(c), or 6(e). If the Administrator denies such petition, the Administrator shall publish in the Federal Register the Administrator's reasons for such denial.

(4)(A) If the Administrator denies a petition filed under this section (or if the Administrator fails to grant or deny such petition within the ninety-day period) the petitioner may commence a civil action in a United States district court to compel the Administrator to initiate a rulemaking proceeding to take the action requested. Any such action shall be filed within sixty days after the Administrator's denial of the petition or, if the Administrator fails to grant or deny the petition within ninety days after filing the petition, within sixty days after the expiration of the ninety-day period.

(B) If in an action under subparagraph (A) respecting a petition to initiate a proceeding to issue a rule under section 4, 5(c), or 6(e) the petitioner demonstrates to the satisfaction of the court, by a preponderance of the evidence in a de novo proceeding before the court, that—

(i) in the case of a petition to initiate a proceeding for the issuance of a rule under section 4, that the manufacture, distribution in commerce, processing, use, or disposal of the chemical substance or mixture to be subject to such rule may cause or significantly contribute to an unreasonable risk to health or the environment,

(ii) in the case of a petition to initiate a proceeding for the issuance of a rule under section 5(c), that the manufacture, processing, distribution in commerce, use, or disposal of chemical substances petitioned to be included in a list compiled under such rule causes or significantly contributes to or may cause or significantly contribute to an unreasonable risk to health or the environment, or

(iii) in the case of a petition for the issuance of a rule under section 6(e), that there is a reasonable basis to conclude that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture to be subject to such rule causes or significantly contributes to or will cause or significantly contribute to an unreasonable risk to health or the environment,

the court shall order the Administrator to initiate the action requested by the petitioner unless the court finds, after considering the extent of the risk to health or the environment alleged by the petitioner in relation to the extent of risks to health or the environment with respect to which the Administrator is taking action under this Act, the resources available to the Administrator to take the action requested by the petitioner, and other relevant factors, the failure of the Administrator to initiate such action was not unreasonable.

(C) The court in issuing any final order in any action brought pursuant to subparagraph (A) may award costs of suit and reasonable fees for attorneys and expert witnesses if the court determines that such an award is appropriate. Any court, in issuing its decision in an action brought to review such an order, may award costs of suit and reasonable fees for attorneys if the court determines that such an award is appropriate.

(5) The remedies under this section shall be in addition to, and not in lieu of, other remedies provided by law.

NATIONAL DEFENSE WAIVER

SEC. 28. The Administrator shall waive compliance with any provision of this Act upon a request and determination by the President that the requested waiver is necessary in the interest of national defense. The Administrator shall maintain a written record of the basis upon which such waiver was granted and make such record available for in camera examination when relevant in a judicial proceeding under this Act. Upon the issuance of such a waiver, the Administrator shall publish in the Federal Register a notice that the waiver was granted for national defense purposes, unless, upon the request of the President, the Administrator determines to omit such publication because the publication itself would be contrary to the interests of national defense, in which event the Administrator shall submit notice thereof to the Armed Services Committees of the Senate and the House of Representatives.

EMPLOYEE PROTECTION

SEC. 23. (a) IN GENERAL.—No employer may discharge any employee or otherwise discriminate against any employee with respect to the employee's compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee) has—

(1) commenced, caused to be commenced, or is about to commence or cause to be commenced a proceeding under this Act;

(2) testified or is about to testify in any such proceeding; or

(3) assisted or participated or is about to assist or participate in any manner in such a proceeding or in any other action to carry out the purposes of this Act.

(b) REMEDY.—(1) Any employee who believes that the employee has been discharged or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, file (or have any person file on the employee's behalf) a complaint with the Secretary of Labor (hereinafter in this section referred to as the "Secretary") alleging such discharge or discrimination. Upon receipt of such a complaint, the Secretary shall notify the person named in the complaint of the filing of the complaint.

(2) (A) Upon receipt of a complaint filed under paragraph (1), the Secretary shall conduct an investigation of the violation alleged in the complaint. Within thirty days of the receipt of such complaint, the Secretary shall complete such investigation and shall notify in writing the complainant (and any person acting on behalf of the complainant) and the person alleged to have committed such violation of the results of the investigation conducted pursuant to this paragraph. Within ninety days of the receipt of such complaint the Secretary shall, unless the proceeding on the complaint is terminated by the Secretary on the basis of a settlement entered into by the Secretary and the person alleged to have committed such violation, issue an order either providing the relief prescribed by subparagraph (B) or denying the complaint. An order of the Secretary shall be made on the record after notice and opportunity for agency hearing. The Secretary may not enter into a settlement terminating a proceeding on a complaint without the participation and consent of the complainant.

(B) If in response to a complaint filed under paragraph (1) the Secretary determines that a violation of subsection (a) of this Act has occurred, the Secretary shall order (i) the person who committed such violation to take affirmative action to abate the violation, (ii) such person to reinstate the complainant to the complainant's former position together with the compensation (including back pay), terms, conditions, and privileges of the complainant's employment, (iii) compensatory damages, and (iv) where appropriate, exemplary damages. If such an order is issued, the Secretary, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney's fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

(c) REVIEW.—(1) Any person adversely affected or aggrieved by an order issued under subsection (b) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation, with respect to which the order was issued, allegedly occurred. The petition for review must be filed within sixty days from the issuance of the Secretary's order. Review shall conform to chapter 7 of title 5 of the United States Code.

(2) An order of the Secretary, with respect to which review could have been obtained under paragraph (1), shall not be subject to judicial review in any criminal or other civil proceeding.

(d) ENFORCEMENT.—(1) Whenever a person has failed to comply with an order issued under subsection (b)(2), the Secretary shall file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this subsection, the district courts shall have jurisdiction to grant all appropriate relief, including injunctive relief and compensatory and exemplary dammages. Civil actions brought under this subsection shall be heard and decided expeditiously.

(2) Any nondiscretionary duty imposed by this section is enforceable in mandamus proceeding brought under section 1361 of title 28, United States Code.

(e) EXCLUSION.—Subsection (a) of this section shall not apply with respect to any employee who, acting without direction from the employee's employer (or any agent of the employer), deliberately causes a violation of any requirement of this Act.

EMPLOYMENT EFFECTS

SEC. 24. (a) IN GENERAL.—The Administrator shall evaluate on a continuing basis the potential effects on employment (including reductions in employment or loss of employment from threatened plant closures) of—

(1) the issuance of a rule or order under section 4, 5, or 6, or

(2) a requirement of section 5.

(b) (1) INVESTIGATIONS.—Any employee (or any representative of an employee) may request the Administrator to make an investigation of—

(A) a discharge or layoff or threatened discharge or layoff of the employee, or

(B) adverse or threatened adverse effects on the employee's employment,

allegedly resulting from a rule or order under section 4, 5, or 6 or a requirement of section 5. Any such request shall be made in writing, shall set forth with reasonable particularity the grounds for the request, and shall be signed by the employee, or representative of such employee, making the request.

(2) (A) Upon receipt of a request made in accordance with paragraph (1) the Administrator shall (i) conduct the investigation requested, and (ii) if requested by any interested person, hold public hearings on any matter involved in the investigation unless the Administrator determines that there are no reasonable grounds for holding such hearings. If the Administrator makes such a determination respecting a request for a hearing, the Administrator shall notify in writing the person requesting the hearing of the determination and the reasons therefor.

(B) If public hearings are to be held on any matter involved in an investigation conducted under this subsection—

(i) at least five days' notice shall be provided the person making the request for the

MONS 029918

investigation and any person identified in such request,

(ii) a transcript shall be made of the hearings, and

(iii) each employee who made or for whom was made a request for such hearings and the employer of such employee shall be required to present information respecting the applicable matter referred to in paragraph (1) (A) or (1) (B) together with the basis for such information.

(3) Upon completion of an investigation under paragraph (2), the Administrator shall make findings of fact, shall make such recommendations as the Administrator deems appropriate, and shall make available to the public such findings and recommendations.

(4) In connection with any investigation or public hearing conducted under this subsection, the Administrator may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and the Administrator may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this paragraph, the United States district court for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Administrator to appear and produce papers, books, and documents before the Administrator, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

STUDIES

SEC. 25. (a) INDEMNIFICATION STUDY.—The Administrator shall conduct a study of all Federal laws administered by the Administrator for the purpose of determining whether and under what conditions, if any, indemnification should be accorded any person as a result of any action taken by the Administrator under any such law. The study shall—

(1) include an estimate of the probable cost of any indemnification programs which may be recommended;

(2) include an examination of all viable means of financing the cost of any recommended indemnification; and

(3) be completed and submitted to Congress not less than two years from the effective date of this Act.

The General Accounting Office shall review the adequacy of the study submitted to Congress pursuant to paragraph (3) and shall report the results of its review to the Congress within six months of the date such study is submitted to Congress.

(b) CLASSIFICATION, STORAGE, AND RETRIEVAL STUDY.—The Council on Environmental Quality, in consultation with the Administrator, the Secretary of Health, Education, and Welfare, the Secretary of Commerce, and the heads of other appropriate Federal departments or agencies, shall coordinate a study of the feasibility of establishing (1) a standard classification system for chemical substances and related substances, and (2) a standard means for storing and for obtaining rapid access to information respecting such substances. A report on such study shall be completed and submitted to Congress not later than eighteen months after the effective date of this Act.

ADMINISTRATION OF ACT

SEC. 26. (a) COOPERATION OF FEDERAL AGENCIES.—Upon request by the Administrator, each Federal department and agency is authorized—

(1) to make its services, personnel, and facilities available (with or without reimbursement), to the Administrator to assist the Administrator in the administration of this Act; and

(2) to furnish to the Administrator such information, data, estimates, and statistics, and to allow the Administrator access to all information in its possession as the Administrator may reasonably determine to be necessary for the administration of this Act.

(b) FEES.—The Administrator may, by rule, require the payment of a reasonable fee from any person required to submit data under section 4 or 5 of this Act to defray the cost of administering this Act. Such rules shall not provide for any fee in excess of $5,000. In setting such a fee, the Administrator shall take into account the ability to pay of the person required to submit the data and the cost to the Administrator of reviewing such data. Such rules may provide for sharing such a fee in any case in which the expenses of testing are shared under section 4 or 5 of this Act.

(c) ACTION WHEN RISKINESS TO CATEGORIES.—(1) Any action authorized or required to be taken by the Administrator under any provision of this Act with respect to a chemical substance or mixture may be taken by the Administrator in accordance with that provision with respect to a category of chemical substances or mixtures. Whenever the Administrator takes action under a provision of this Act with respect to a category of chemical substances or mixtures, any reference in this Act to a chemical substance or mixture (insofar as it relates to such action) shall be deemed to be a reference to each chemical substance or mixture in such category.

(2) For purposes of paragraph (1):

(A) The term "category of chemical substances" means a group of chemical substances the members of which are similar in molecular structure, in physical, chemical, or biological properties, in use, or in mode of entrance into the human body or into the environment, or the members of which are to some other way suitable for classification as such for purposes of this Act, except that such term does not mean a group of chemical substances which are grouped together solely on the basis of their being new chemical substances.

(B) The term "category of mixtures" means a group of mixtures the members of which are similar in molecular structure, in physical, chemical, or biological properties in use, or in mode of entrance into the human body or into the environment, or the members of which are in some other way suitable for classification as such for purposes of this Act.

(d) ADMINISTRATOR OFFICE.—The Administrator shall establish in the Environmental Protection Agency an identifiable office to provide technical and other nonfinancial assistance to manufacturers and processors of chemical substances and mixtures respecting the requirements of this Act applicable to such manufacturers and processors, the policy of the Agency respecting the application of such requirements to such manufacturers and processors, and the means and methods by which such manufacturers and processors may comply with such requirements.

REPORT AND EVALUATION OF TEST RESULTS

SEC. 27. (a) The Secretary of Health, Education, and Welfare, in consultation with the Administrator and acting through the Assistant Secretary for Health, may conduct, and make grants to public and nonprofit private entities and enter into contracts with public and private entities for, projects for the development and evaluation of inexpensive and efficient methods (1) for determining and evaluating the health and environmental effects of chemical substances and mixtures, and their toxicity, persistence, and other characteristics which affect health and the environment, and (2) which may be used for the development of test data to meet the requirements of rules promulgated under section 4. The Administrator shall consider such methods in prescribing under section 4 standards for the development of test data.

(b) No grant may be made or contract entered into under subsection (a) unless an application therefor has been submitted to and approved by the Secretary. Such an application shall be submitted in such form and manner and contain such information as the Secretary may require. The Secretary may apply such conditions to grants and contracts under subsection (a) as the Secretary determines are necessary to carry out the purposes of such subsection. Contracts may be entered into under such subsection without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

(c)(1) The Secretary shall prepare and submit to the President and the Congress on or before January 1 of each year a report of the number of grants made and contracts entered into under this section and the results of such grants and contracts.

(2) The Secretary shall periodically publish in the Federal Register reports describing the progress and results of any contract entered into or grant made under this section.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 28. There are authorized to be appropriated to the Administrator for purposes of carrying out this Act (other than section 27 thereof) $11,100,000 for the fiscal year ending September 30, 1978, $10,100,000 for the fiscal year ending September 30, 1979, and $11,100,000 for the fiscal year ending September 30, 1980. No part of the funds appropriated under this section may be used to construct any research laboratories.

ANNUAL REPORT

SEC. 29. The Administrator shall prepare and submit to the President and the Congress on or before January 1 of each succeeding year a comprehensive report on the administration of this Act during the preceding fiscal year. Such report shall include—

(1) a list of the testing required under section 4 during the year for which the report is made and an estimate of the costs incurred during such year by the persons required to perform such tests;

(2) the number of notices received during such year under section 5, the number of such notices received during such year under each section for chemical substances subject to a section 4 rule, and a summary of any action taken during such year under section 5(g);

(3) a list of rules issued during such year under section 6;

(4) a list, with a brief statement of the issues, of completed or pending judicial actions under this Act during such year;

(5) a summary of major problems encountered in the administration of this Act; and

(6) such recommendations for additional legislation as the Administrator deems necessary to carry out the purposes of this Act.

EFFECTIVE DATE

SEC. 30. This Act shall take effect October 1, 1977.

MR. MURPHY of New York (during the reading). Mr. Chairman, I ask unanimous consent that the remainder of the bill be considered as read, printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection

MONS 029919

to the request of the gentleman from New York?

There was no objection.

The CHAIRMAN. Are there amendments to the remainder of the bill?

AMENDMENTS OFFERED BY MR. MOORE

Mr. MOORE. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. Moore: Page 216, after line 8, add the following new section:

RULE REVIEW

SEC. 30. (a) Any rule prescribed pursuant to this Act by the Administrator may by resolution of either House of Congress be disapproved, in whole or in part, if such resolution of disapproval is adopted not later than the end of the first period of 90 calendar days when Congress is in session (whether or not continuous) which period begins on the date such rule is finally adopted by the Administrator, Secretary of the Treasury, or Secretary of Health, Education, and Welfare, as the case may be. The authority which prescribes a rule pursuant to this Act shall transmit such rule to each House of Congress immediately upon its final adoption. Upon adoption of such a resolution of disapproval by either House of Congress within such 90-day period, such rule, or part thereof, as the case may be, shall cease to be in effect.

(b) Congressional inaction on or rejection of a resolution of disapproval of a rule promulgation under this Act shall not be deemed an expression of approval of such rule.

Redesignate the succeeding section accordingly.

Page 108, insert after the item in the table of contents relating to section 29 the following new item:

Sec. 30. Rule Review.

Redesignate the succeeding item accordingly.

Mr. MOORE. Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc.

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

There was no objection.

(Mr. MOORE asked and was given permission to revise and extend his remarks.)

Mr. MOORE. Mr. Chairman, one of the biggest problems today in the Federal Government operations is the massive regulatory power of the bureaucracy. Let us not forget that regulations have the full force and effect of law, and often go far beyond what we intend here in Congress, in the act we passed under which the regulations may be issued.

They are made by bureaucrats who are not elected and cannot even be readily removed, as many of them are employees of independent agencies and actually may well answer to no one, especially the people.

Our Government is an ingenuous one of checks and balances. We do have checks and balances for the three branches of Government, and we have had it for 200 years. But there has come upon us a fourth branch of Government, one for which we do not have any checks and balances. That fourth branch is the bureaucracy. We have no effective way today to undo an undesirable regulation, as the court will not touch a regulation if it is in fact legal. Congress itself is not going to pass a law to reverse a regulation as it is far too cumbersome to overturn every undesirable or oppressive regulation.

The fourth branch we have today of the bureaucracy was not contemplated by our Founding Fathers. Indeed, the first regulatory agency that appeared in this country did so after this country was well over 100 years old, in 1887, when the ICC was created. Today we have over 105,000 Federal bureaucrats, according to the Office of Management and Budget, cranking out regulations on every aspect of our lives, at a cost, according to the OMB, of $130 billion a year. But far more important is the cost of our personal freedom infringed upon by the issuance of every regulation. I point out to my colleagues that this is being done without any effective checks or balances of this great power of the rulemaking agencies. I point out to my colleagues that this problem is not just going to go away. It is not one that we can sit here and make speeches about and go home and say, "Yes, bureaucracy is a terrible thing but there is nothing I can do about it." We can do something here and now with the passage of this amendment.

In the last 15 years this Congress created 236 different rulemaking agencies, while disbanding only 21. Today the number of agencies, bureaucrats, rules and regulations are growing at an alarming rate. This problem is becoming more acute. It is not going away. The people, rightfully, want us to do something now to correct this imbalance of power. It is a very real, a very legitimate campaign issue, which we must address.

Some 10,000 people responded so far to my latest questionnaire sent out last month, and 90 percent of the people responding heartily support this proposal. They fear today the very real excessive and unchecked power of regulatory agencies, they feel a loss of personal freedom and they feel a frustration, as they know that nothing is currently being done to check this power. As one of my constituents put it, when he answered the questionnaire, "We often could live better with the problem than we can with the Federal Government's solution to it."

This amendment is not a cure-all solution, but it is a tool with which we can begin to solve this problem. It will help check the imbalance of power by giving either House of Congress at long last, as one of the three legitimate branches of Government, a veto over any rule or regulation issued under this bill by the bureaucracy. It will begin to bring into balance this out-of-balance power of the bureaucracy.

This House during the 94th Congress has already eight times accepted this same amendment to eight other bills. This House has not rejected it once. I will also point out that this is very similar to the Administrative Rulemaking Reform Act (H.R. 12048) which has been reported from the Committee on the Judiciary, and is now pending before the Committee on Rules, which we all hope will soon grant a rule.

According to the Library of Congress, there are 19 other provisions such as this that are currently existing in law, some going back as far as 1946.

I feel very strongly that this amendment should be adopted, to give protection the awesome powers of this bill and more importantly protection from the rulemaking powers of the bureaucracy. We must protect our people from any further loss of personal freedom and to bring into check this out-of-balance power.

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

Mr. Chairman, we are considering one of the most important issues that has been raised here. I would like to say that if we should vote favorably for this amendment, we would put into this bill precisely the same provision that was the expressed reason and the only reason for the veto of the Pesticide and Rodenticide Act by the President the other day.

There may be many Members who disagree with me with respect to the desirability of attaching a yo-yo string to legislative authority. I have always been against that, and in this respect I agree with the President's objection in his veto message. Indeed the attachment of a yo-yo string which may pull back authority by legislative veto has exactly the opposite effect that many of my colleagues think it has. It tends to make Congress grant more irresponsible authority because we feel we can pull it back when in fact we cannot.

But if Members believe in principle in this type of review, in this type of mixing of legislative with executive authority, if Members believe in this retention of a qualified power to change a law after it is enacted, I believe they should nevertheless vote against this amendment in this particular case, because this amendment requires legislative review of every type of rule that is finally adopted by the Administrator, by the Secretary of the Treasury, or by the Secretary of the Department of Health, Education, and Welfare. This includes a testing rule under which the only thing the Administrator has done is to say that "This chemical poses a threat to humans or to the environment, and we think it ought to be tested."

A chemical company that does not want to have it tested, a company that does not want to submit it to testing, then could come up to Congress and lobby before Congress to reject the testing rule. Now, are we not in a fine position to review the question of whether or not testing should be had? And, of course, the EPA has authority in some instances to say that "We want this kind of testing." Should we come in and second-guess the agency and say that we want another kind of testing?

The second review is with respect to a ban under section 6 if ultimately a chemical is found to be dangerous such as PCB. We had this argument, and nearly all the Members voted to ban PCB's legislatively after a given period of time. But would we permit some person or some industry that thinks something similar to PCB's, like PBB's are not dan-

MONS 029920

gerous to come in and lobby before Congress to reverse a rule?

It seems to me that if we provide for a congressional veto in this instance we are inviting every large chemical manufacturer in the country to come in and ask us to veto an administrative act. Why should we encumber ourselves with this kind of provision?

We have been talking here about little business. Who is going to have the money to come up here and lobby for a change, for an amelioration, or for a removal of the limitation with respect to a chemical? Is a little business going to have the money to do that?

When we delegate authority, we ought to delegate it in restricted fields, as we have done in this bill. When we are dealing with a ban, we ought to give full due process, as we have done in this bill. When we are considering prohibiting a person from putting a product that he manufactures on the market, we should permit him to have the opportunity of cross-examination; he should be allowed to cross-examine with respect to the rule, and we have done that here.

But let us not make this a political matter that can be later raised by anyone who has the clout to change the legislative process.

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

(Mr. BROYHILL asked and was given permission to revise and extend his remarks.)

Mr. BROYHILL. Mr. Chairman, I ordinarily agree with amendments that are similar to that offered by the gentleman from Louisiana (Mr. Moore). In fact, I have cosponsored legislation which would require the agencies to submit the rules which subject individuals to criminal penalties and to submit those rules and regulations to Congress for a period of time for review.

However, Mr. Chairman, this amendment actually goes far beyond the terms of that bill. Under this amendment, even nonsubstantial rules, rules of just ordinary procedure of the agency to guide people in their access to the agency, would be subject to this amendment.

I also would point out that there are some very technical rules that are going to come about as a result of section 4. Particularly, these are the rules of the agency which spell out what kind of tests are going to be required on these various chemicals.

Mr. Chairman, I just do not think that the Congress has the expertise to be making these judgments on technical subjects like this.

Furthermore, Mr. Chairman, under this amendment there is no guarantee that the Congress would act. There is no procedure spelled out in this amendment that would require the consideration of these rules by Congress. What I am saying, Mr. Chairman, is that, in considering the way in which this amendment is written, it is reasonable to assume that all of the rules that would be submitted pursuant to this amendment would lie in the committee; and no action will be taken by the Congress. There is no procedure spelled out in this amendment which gives the right to a Member to discharge a committee, for example, from further consideration of that rule or regulation.

For these reasons, Mr. Chairman, I ask that this amendment be rejected. Let us consider this subject in the bill which has been cosponsored by close to 200 Members, which I understand is now pending before the Committee on Rules; and let us consider this idea of congressional review of rules and regulations in one bill under which we can debate the merits of the legislation and not do it piecemeal in this way.

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

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

Mr. SEIBERLING. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from North Carolina (Mr. BROYHILL), as well as with the remarks of the gentleman from Texas (Mr. ECKHARDT).

It seems to me that this is an abdication of the legislative process when we, on a blanket basis like this and without consideration of distinctions between different types of rules and rulemaking situations, would have every one come back to the Congress. We would soon find that we were utterly incapable of coping with the flood and would have to triple the size of our committee staffs if we were to handle it in a proper manner.

Mr. BROYHILL. Mr. Chairman, let me comment. I do not personally go all the way along with the argument of the gentleman from Ohio (Mr. SEIBERLING). I am just speaking in opposition to this particular amendment.

As I pointed out, Mr. Chairman, I have cosponsored legislation which would apply to those rules which would subject the individual to a criminal penalty. This amendment goes far beyond that. This would apply to any rule.

Mr. SEIBERLING. Mr. Chairman, if the gentleman will yield further, I thought that was a particularly good distinction which the gentleman from North Carolina (Mr. BROYHILL) made, and I simply wanted to commend him and associate myself with his remarks.

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

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

Mr. ECKHARDT. Mr. Chairman, I think one thing ought to be pointed out: It was said that we never rejected these matters.

I think, as the gentleman has indicated, we need to consider them individually. We have rejected such an amendment on the Coal Leasing Act.

Each bill raises a different question and makes out a different case. I think the gentleman has very clearly distinguished this case from any of the others in which we have adopted such an amendment.

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

(Mr. MARTIN asked and was given permission to revise and extend his remarks.)

Mr. MARTIN. Mr. Chairman, I want to commend the gentleman from Louisiana (Mr. Moore) for his timely amendment, the arguments of the gentleman from North Carolina (Mr. BROYHILL) and the gentleman from Texas (Mr. ECKHARDT) to the contrary notwithstanding.

Mr. Chairman, in 1771, over 200 years ago, a group of North Carolina farmers, ironically calling themselves regulators, set out to oppose excessive control by the King's agents. Today our people resent those people who are contemporary regulators. It is time, regardless of the opinion of the executive branch, to limit our regulatory agencies, to hold them accountable—in other words, to regulate the regulators.

Congress will respond under this amendment offered by the gentleman from Louisiana (Mr. Moore) only where the cost of the regulators clearly exceeds the benefits.

It seems to me we would reserve the authority to make that judgment. The executive branch should not be allowed to enlarge its power without being subject to elective authority. If we in the Congress are indeed wise enough to judge the necessity to create such an agency as is being proposed here today to regulate the chemical industry, it again seems to me we should need the right to review those regulations and reject them where they exceed our intent.

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

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

Mr. ROUSSELOT. Mr. Chairman, I appreciate my colleague yielding to me. From some of the comments by my colleagues who oppose this amendment they would leave the impression that Congress is mandated to review every single rule issued, and that is not the case. We merely can take up the ones that our appropriate committees think should be taken up, or that we feel are excessive. Is that correct?

Mr. MARTIN. That would be the way it would work out, I can assure the gentleman from California.

Mr. ROUSSELOT. So that there is no demand that we absolutely take up every new rule * * * it merely gives us a reviewing procedure. As the gentleman from Louisiana (Mr. Moore) has wisely tried to provide in his amendment, it gives a veto capability to the Congress that we have needed for some time. Because, unfortunately, so many of our regulatory agencies assume powers by implementing rules which we never intended in original legislation.

I think this would be an excellent practice. I think that 60 days is more than adequate time for our committees to take a hardnosed look at many of these rules and regulations.

Again I compliment the gentleman from North Carolina (Mr. MARTIN) and my colleague, the gentleman from Louisiana (Mr. Moore). We have voted on this amendment many times although I have noticed that my colleague, the gentleman from Louisiana (Mr. Moore) has very carefully worded this amendment to make sure that it does not create any legal problems. I compliment

MONS 029921

both of my colleagues for offering this important amendment.

Mr. MARTIN. Mr. Chairman, I thank the gentleman for his observations. Over the past 15 years it has become the practice of Congress to create agency after agency and charging it to "Go ye forth into ye streets and do ye thing." These agencies have proceeded to do just that, without restraint from any elected officials, and they themselves are not elected and are not accountable for their actions. It is high time for such an amendment as this and other amendments that I have seen to enable the Congress to reserve that authority to review the regulators and give them timely guidance.

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

Mr. MARTIN. I will be glad to yield to the gentleman from California.

Mr. ROUSSELOT. I think the amendment is even more important because this bill affects so many small chemical businesses. The rulemaking power provided in this legislation is very substantial. It is important that the Congress give itself the chance to review this rulemaking power.

Again I congratulate my two colleagues for bringing this amendment before the House.

Mr. MURPHY of New York. Mr. Chairman, I move to strike the requisite number of words, and I rise hopefully so as to close the debate.

(Mr. MURPHY of New York asked and was given permission to revise and extend his remarks.)

Mr. MURPHY of New York. Mr. Chairman, the President vetoed earlier this month the Pesticide Control Act amendments because of an amendment similar to that of the gentleman from Louisiana.

My colleague, the gentleman from Louisiana (Mr. MOORE) has offered his amendment in good faith and I can know and understand the reason surrounding it. But I think the way to approach legislating properly is the way we have done in this bill, and that is to get guidelines for the agency regarding the hearing process.

As a consequence, Mr. Chairman, I would ask that the committee reject this amendment.

Mr. ROUSSELOT. Mr. Chairman, would the gentleman yield?

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

Mr. ROUSSELOT. Mr. Chairman, I appreciate my colleague yielding. I would ask the gentleman from New York, is there any great harm in the Congress taking the prerogative of review? Does the gentleman see any great damage that would be done to the congressional process for us to assume our responsibilities of reviewing what agencies have done under the rulemaking process? Is that harmful?

Mr. MURPHY of New York. I think we have the resolution and the joint resolution route if we want to veto the Administrator's actions. And we have oversight responsibilities. As the Members know, at the beginning of this Congress the majority caucus adopted a resolution to broaden the oversight functions of Congress for just the reason the gentleman has stated.

Mr. ROUSSELOT. Will the gentleman yield further?

Mr. MURPHY of New York. I am happy to yield to the gentleman.

Mr. ROUSSELOT. I thank the gentleman for yielding.

I am not suggesting that we should stop the congressional oversight process. I think that is terribly important. But related to that oversight process, we ought to make sure that agencies do not engage in rulemaking that goes either beyond the legislative intent or maybe has not been properly thought out. Four hundred thirty-five Members of this body hear from their constituents very regularly on this problem of arbitrary rulemaking. They also hear from those affected by legislation we pass. So is the gentleman really agreeing with me that there is no great harm in this amendment?

Mr. MURPHY of New York. I would say the harm is this: This Congress has worked 2 years, the previous Congress 2 years, and the Congress before that 2 years, to try to bring out a Toxic Substances Control Act to protect the health and the environment of Americans. We can see that we can be vetoed after we have worked these 6 years because of amendments such as this. I think to obviate that possibility we have written the regulatory rules so that the Environmental Protection Administrator can bring forth proper rules. Accordingly I would ask that the committee defeat the amendment.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Louisiana (Mr. MOORE).

The question was taken; and on a division (demanded by Mr. MOORE) there were—ayes 19, noes 41.

Mr. MOORE. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

The call will be taken by electronic device.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 913]

Abdnor	de Pont	Passman
Abzug	Hech	Poyser
Adams	Hehleman	Pike
Addabbo	Hvins, Tenn.	Preyer
Anderson, Calif.	Fish	Randall
Anderson, Ill.	Flynt	Rangel
Andrews, N.C.	Green	Rees
Archer	Hanley	Riegle
Aspin	Hansen	Rosenthal
AuCoin	Hays, Ohio	Russo
Badillo	Hebert	Santini
Baldus	Heinz	Schetzer
Beard, Tenn.	Henderson	Schneebeli
Bolling	Hinshaw	Sikes
Brown, Calif.	Holland	Sisk
Brown, Mich.	Holt	Stanton,
Burke, Calif.	Howe	James V.
Burton, John	Jacobs	Steelman
Burton, Phillip	Jarman	Steiger, Ariz.
Carney	Jones, Ala.	Stephens
Chappell	Jones, Okla.	Stuckey
Chisholm	Jones, Tenn.	Sullivan
Clay	Karth	Symington
Collins, Ill.	Landrum	Teague
Conlan	Latman	Van Deerlin
Conyers	McFlnney	Waxman
Corman	Mathis	Wilson, C. H.
de la Garza	Meeds	Wilson, Tex.
Derrick	Mikva	Young, Alaska
Diggs	Mink	Young, Ga.
Dingell	Moorhead, Pa.	
Drinan	Moss	

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill H.R. 14032, and finding itself without a quorum, he had directed the Members to record their presence by electronic device, whereupon 336 Members recorded their presence, a quorum, and he submitted herewith the names of the absentees to the spread upon the Journal.

The Committee resumed its sitting.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

MESSAGE FROM THE PRESIDENT

The SPEAKER resumed the chair.

The SPEAKER. The Chair will receive a message.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Roddy, one of his secretaries, who also informed the House that on the following dates the President approved and signed bills of the House of the following titles:

On August 6, 1976:

H.R. 1558. An act for the relief of Doctor Gernot M. R. Winkler.

On August 9, 1976:

H.R. 1702. An act for the relief of Mrs. Lessie Edwards; and

H.R. 14388. An act making appropriations for the Department of Housing and Urban Development, and for sundry independent executive agencies, boards, bureaus, commissions, corporations, and offices for the fiscal year ending September 30, 1977, and for other purposes.

On August 10, 1976:

H.R. 14614. An act to permit a State which no longer qualifies for hold harmless treatment under the supplemental security income program to elect to remain a food stamp cashout State upon condition that it pass through a part of the 1976 cost-of-living increase in SSI benefits and all of any subsequent increases in such benefits.

On August 12, 1976:

H.R. 5630. An act to increase benefits provided to American civilian internees in Southeast Asia.

On August 14, 1976:

H.J. Res. 736. Joint resolution providing for Federal participation in preserving the Tule elk population in California;

H.R. 1294. An act for the relief of Suk Chin and Hee Suk Chin;

H.R. 1295. An act for the relief of Mee Kyung Cho and Hee Kyung Cho;

H.R. 1296. An act for the relief of Sang Kook Chung and Hwa Soon Chung;

H.R. 1297. An act for the relief of Ae Sook Song and Mi Yun Lee;

H.R. 1403. An act for the relief of Juliet Elizabeth Tomi;

H.R. 1807. An act for the relief of Marina Marzano;

H.R. 1845. An act for the relief of Kevin Patrick Saunders;

H.R. 2112. An act for the relief of Cheryl Lynn V. Camacho;

H.R. 2278. An act for the relief of Mrs. Mary Seaton (Mary Nuku);

H.R. 2290. An act for the relief of Leonard Alfred Browning;

H.R. 2411. An act for the relief of Alinor Anvari Adams;

H.R. 2496. An act for the relief of Miss Malgorzata Kusnisek Czapowski;

MONS 029922

H.R. 2908. An act for the relief of Peter Clay Mesthepe;

H.R. 2965. An act for the relief of Luisa Marilise Hughes, Marco Antonio Hughes, Maria del Cisne Hughes, Maria Augusta Hughes, Miguel Vicente Hughes, Veronica del Rocio Hughes, and Ivan Hughes;

H.R. 2940. An act for the relief of Maria Sylvia Macias Elliott;

H.R. 2941. An act for the relief of Susan Rosemary Harwood;

H.R. 2973. An act for the relief of Tse Tsun Li;

H.R. 6088. An act for the relief of Roderic Patrick Stafford;

H.R. 6062. An act for the relief of Yolanda H. Yen;

H.R. 5500. An act for the relief of Rafael Streshlitz Wursel;

H.R. 5646. An act for the relief of Violetta Cabrera;

H.R. 5698. An act for the relief of Maria D'Arpino;

H.R. 6882. An act for relief of Kovitjka C. Clendeden;

H.R. 6987. An act for the relief of Doo Hoon Park;

H.R. 7404. An act for the relief of Christine Donnelly;

H.R. 7494. An act for the relief of Luigi Santaniello;

H.R. 7883. An act for the relief of Miss Leonor Young;

H.R. 7906. An act for the relief of Edward Drag;

H.R. 8887. An act for the relief of Carmen Thomas;

H.R. 8895. An act for the relief of Eugene Rooney Phillips;

H.R. 10078. An act for the relief of Mrs. Kazuko Scillion;

H.R. 11076. An act for the relief of Ok Ja Choi;

H.R. 12169. An act to amend the Federal Energy Administration Act of 1974 to extend the duration of authorities under such Act; to provide an incentive for domestic production; to provide for electric utility rate design initiatives; to provide for energy conservation standards for new buildings; to provide for energy conservation assistance for existing buildings and industrial plants; and for other purposes;

H.R. 12121. An act to direct the Law Revision Counsel to prepare and publish the District of Columbia Code through publication of supplement V to the 1973 edition, with the Council of the District of Columbia to be responsible for preparation and publication of such Code thereafter; and

H.R. 14294. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1977, and for other purposes.

On August 19, 1976:

H.R. 1408. An act for the relief of John W. Hollis;

H.R. 8782. An act for the relief of Lucie Stein;

H.R. 6186. An act for the relief of Walton T. Thompson;

H.R. 7886. An act to amend sections 2734a (a) and 2734b(a) of title 10, United States Code, to provide for settlement, under international agreements, of certain claims incident to the noncombat activities of the armed forces, and for other purposes;

H.R. 9414. An act for the relief of TV Pinto, Rochester, N.Y.;

H.R. 9668. An act for the relief of Boulder Daily Camera, Boulder, Colo.;

H.R. 10974. An act to amend section 2801 of title 44, United States Code, to change the membership of the National Archives Trust Fund Board; and

H.R. 13359. An act to authorize the government of the Virgin Islands to issue bonds in anticipation of revenue receipts and to authorize the guarantee of such bonds by the United States under specified conditions, and for other purposes.

The SPEAKER. The committee will resume its sitting.

TOXIC SUBSTANCES CONTROL ACT

The Committee resumed its sitting.

RECORDED VOTE

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

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 210, noes 157, not voting 64, as follows:

[Roll No. 643]

AYES—210

Alexander	Gaydos	Moffett
Allen	Gilman	Moorhead
Ambro	Ginn	Mottl
Andrews, N.C.	Goldwater	Moore
Andrews, N. Dak.	Gooding	Moorhead, Calif.
Archer	Grassley	Mottl
Armstrong	Guyer	Myers, Ind.
Ashbrook	Hagedorn	Natcher
Bafalis	Haley	Neal
Baucus	Hall, Ill.	Nedzi
Bauman	Hall, Tex.	Nichols
Beard, R.I.	Hamilton	O'Brien
Beard, Tenn.	Hammerschmidt	O'Hara
Bell	Hannaford	Paul
Bennett	Hansen	Pettis
Bevill	Harkin	Pickle
Biaggi	Harris	Pike
Blanchard	Harsha	Poage
Blouin	Hechler, W. Va.	Pressler
Boggs	Heftel	Pritchard
Bowen	Hightower	Quie
Breaux	Hillis	Railsback
Breckinridge	Hubbard	Regula
Brinkley	Hughes	Roberts
Broomfield	Hungate	Robinson
Brown, Ohio	Hutchinson	Roe
Buchanan	Hyde	Roush
Burgener	Ichord	Rousselot
Burke, Fla.	Jacobs	Runnels
Burke, Mass.	Jarman	Ruppe
Burleson, Tex.	Jeffords	St Germain
Butler	Jenrette	Sarasin
Carr	Johnson, Calif.	Satterfield
Cederberg	Johnson, Colo.	Schroeder
Clancy	Johnson, Pa.	Schulze
Clausen, Don H.	Jones, N.C.	Sharp
Cleveland	Kasten	Shipley
Cochran	Kazen	Shuster
Cohen	Kelly	Sikes
Coleman, Tex.	Kemp	Smith, Iowa
Collins, Tex.	Ketchum	Snyder
Conable	Keys	Spence
Conte	Kindness	Stead
Coughlin	Krebs	Stephens
Crane	Krueger	Stockton
D'Amours	LaFalce	Stokes
Daniel, Dan	Lagomarsino	Symms
Daniel, R. W.	Landrum	Talcott
Daniels, N.J.	Latta	Taylor, Mo.
Davis	Leach	Teague
Devine	Levitas	Thornton
Dickinson	Lloyd, Calif.	Treen
Dodd	Lloyd, Tenn.	Vander Jagt
Downey, N.Y.	Long, La.	Waggonner
Downing, Va.	Lott	Walsh
Duncan, Tenn.	Lujan	Wampler
Early	McDonald	Whitehurst
Edwards, Ala.	McEwen	White
English	Madigan	Whitten
Erlenborn	Mahon	Wilson
Evans, Ind.	Mann	Wirth
Findley	Martin	Wolff
Fish	Mathis	Wright
Fithian	Mazzoli	Wydler
Flowers	Meeds	Wylie
Flynt	Melcher	Yates
Ford, Mich.	Metcalfe	Young, Fla.
Fountain	Meyner	Young, Tex.
Frenzel	Mikva	Zablocki
Frey	Miller, Ohio	Zeferetti
Fuqua	Mills	
	Minish	
	Mitchell, N.Y.	

NOES—157

Addabbo	Harris	Quillen
Annunzio	Hawkins	Rangel
Ashley	Hayes, Ind.	Rees
Badillo	Hechler, Mont.	Rhodes
Bergland	Heinz	Richmond
Bester	Helstoski	Rinaldo
Bingham	Hicks	Rodino
Boland	Holtzman	Rogers
Bonker	Howard	Rooney
Brademas	Jordan	Rose
Brodhead	Kastenmeier	Rosenthal
Brooks	Koch	Rostenkowski
Broyhill	Leggett	Roybal
Burlison, Mo.	Long, Md.	Ryan
Burton, John	McCloskey	Sarbanes
Burton, Phillip	McCollister	Scheuer
Byron	McCollister	Schneebeli
Carney	McCormack	Sebelius
Carter	McDade	Shriver
Clay	McFall	Simon
Collins, Ill.	McHugh	Skubitz
Corcoran	McKay	Solarz
Cornell	Maguire	Smith, Nebr.
Danielson	Mc.calfe	Solarz
Delaney	Meyner	Spellman
Dellums	Moakley	Staggers
Dent	Michel	Stanton, J. William
Derwinski	Mikva	Stanton, James V.
Diggs	Miller, Calif.	Stark
Dingell	Mitchell, Md.	Steiger, Wis.
Drinan	Moakley	Stelger, Ariz.
Duncan, Oreg.	Moorhead, Pa.	Studds
Early	Morgan	Taylor, N.C.
Eckhardt	Mosher	Thompson
Edwards, Ala.	Murphy, Ill.	Thone
Edwards, Calif.	Murphy, N.Y.	Traxler
Eilberg	Murtha	Tsongas
Evans, Colo.	Myers, Pa.	Udall
Fary	Nix	Ullman
Fascell	Nolan	Van Deerlin
Fenwick	Nowak	Vander Veen
Fisher	Oberstar	Vanik
Flood	Obey	Vigorito
Florio	O'Neill	Weaver
Foley	Ottinger	Whalen
Ford, Tenn.	Patten, N.J.	Wiggins
Forsythe	Patterson, Calif.	Wilson, Bob
Fraser	Pattison, N.Y.	Wilson, Tex.
Giaimo	Peyser	Winn
Gibbons	Pepper	Yatron
Gonzalez	Perkins	Young, Alaska
Gude	Preyer	Young, Ga.
Harrington	Price	

NOT VOTING—64

Abdnor	Bush	Moorhead, Pa.
Abzug	Butler	Moss
Adams	Evins, Tenn.	Passman
Anderson, Calif.	Green	Peyser
Anderson, Ill.	Hanley	Randall
Aspin	Hébert	Riegle
AuCoin	Heins	Rosenthal
Beddle	Henderson	Roncalio
Baldus	Hinshaw	Runnels
Boling	Holland	Santini
Brown, Calif.	Holt	Sisk
Brown, Mich.	Howe	Steelman
Burke, Calif.	Jones, Ala.	Steiger, Ariz.
Chappell	Jones, Okla.	Sullivan
Chisholm	Jones, Tenn.	Symington
Conlan	Karth	Van Deerlin
Conyers	Lehman	Wampler
Corman	Lundine	Whalen, C. H.
de la Garza	McKinney	Young, Alaska
Derrick	Meeds	Young, Ga.
du Pont	Mink	

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

So the amendments were agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MAGUIRE

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

The Clerk read as follows:

Amendment offered by Mr. Maguire: Page 208, insert after line 10 the following:

STATE PROGRAMS

SEC. 28. (a) For the purpose of complementing (but not reducing) the authority of, or actions taken by, the Administrator

MONS 029923

under this Act, the Administrator may make grants to States for the establishment and operation of programs to prevent or eliminate unreasonable risks within the States to health or the environment which are associated with a chemical substance or mixture and with respect to which the Administrator is unable to take action under this Act for their prevention or elimination. The amount of a grant under this subsection shall be determined by the Administrator, except that no grant for any State program may exceed 75 per centum of the establishment and operation costs (as determined by the Administrator) of such program during the period for which the grant is made.

(b)(1) No grant may be made under subsection (a) unless an application therefor is submitted to and approved by the Administrator. Such an application shall be submitted in such form and manner as the Administrator may require and shall—

(A) set forth the need of the applicant for a grant under subsection (a),

(B) identify the agency or agencies of the State which shall establish or operate, or both, the program for which the application is submitted,

(C) describe the actions proposed to be taken under such program,

(D) contain or be supported by assurances satisfactory to the Administrator that such program shall, to the extent feasible, be integrated with other programs of the applicant for environmental and public health protection,

(E) provide for the making of such reports and evaluations as the Administrator may require, and

(F) contain such other information as the Administrator may prescribe.

(2) The Administrator may approve an application submitted in accordance with paragraph (1) only if the applicant has established to the satisfaction of the Administrator a priority need, as determined under rules of the Administrator, for the grant for which the application has been submitted. Such rules shall take into consideration the seriousness of the health effects in a State which are associated with chemical substances or mixtures, including cancer, birth defects, and gene mutations, the extent of the exposure in a State of human beings and the environment to chemical substances and mixtures, and the extent to which chemical substances and mixtures are manufactured, processed, used, and disposed of in a State.

(c) Not later than six months after the end of each of the fiscal years 1979, 1980, and 1981, the Administrator shall submit to the Congress a report respecting the programs assisted by grants under subsection (a) in the preceding fiscal year and the extent to which the Administrator has disseminated information respecting such programs.

(d) For the purpose of making grants under subsection (a) there are authorized to be appropriated $1,000,000 for the fiscal year ending September 30, 1978, $1,000,000 for the fiscal year ending September 30, 1979, and $1,000,000 for the fiscal year ending September 30, 1980. Sums appropriated under this subsection shall remain available until expended.

Page 208, line 22, strike out "section 27" and insert in lieu thereof "sections 27 and 28".

Redesignate the succeeding sections accordingly.

Page 209, insert in the table of contents after the item relating to section 27 the following new item:

"Sec. 28. State programs.

Redesignate the succeeding items in the table of contents accordingly.

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

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

There was no objection.

(Mr. MAGUIRE asked and was given permission to revise and extend his remarks.)

Mr. MAGUIRE. Mr. Chairman, I support this landmark legislation and rise to offer an amendment which would provide financial assistance to selected State to complement and augment the EPA efforts authorized under this bill.

My amendment will give the Administrator of EPA the authority to make grants to selected States, with severe problems related to toxic chemicals, like New Jersey, to cover up to 75 percent of the costs of establishing and operating programs to prevent or eliminate unreasonable risks in the States to health or the environment associated with chemical substances or mixtures. The grant money is earmarked for use in ways which will complement the activities already underway or being planned by EPA for the implementation of this Act and for activities which the Administrator is unable to undertake, because of inadequate resources or other higher priorities. It is not intended to, and will not replace, EPA's authority to require reporting, testing, or any other of the authorities given in this act.

We have before us a formidable challenge—to take stock of the chemical substances and mixtures now present in the environment and to undertake, in an equitable manner, the task of determining which substances may pose an unreasonable risk. It is a job so great that the Federal Government cannot be expected to handle it alone. The leadership in this effort properly belongs with the Federal Government but the States too will play an important role in the process.

Under this amendment assistance for programs, in selected States most heavily impacted by chemical pollution problems, will support further innovation and expansion on the existing body of knowledge in this field. The implications are significant for the chemical industry and the Nation. Teamwork of State and Federal Governments in tackling the problem of chemical pollution should ultimately prove more efficient for meeting the purposes of this act and could help to minimize the burden on industry in submitting information and data which will be required of them by this act.

This amendment gives the Administrator the authority to establish rules for evaluating applications for grant assistance. These rules shall take into consideration three basic criteria for determining priority need: first, the seriousness of health effects associated with chemical substances and mixtures including cancer, birth defects and gene mutations; second, the extent of exposure of human beings and the environment in a State to chemical substances and mixtures; and third, the extent to which chemical substances and mixtures are manufactured, processed, used and disposed of within a State. By these criteria we can be assured that a State receiving this assistance has an immediate need and that their experience in developing management procedures and multimedia monitoring and inventorying procedures will bolster EPA's efforts in building a nationwide approach for assessing the impact of chemical pollution on the public health and the environment.

Concern has been expressed that this provision might represent a "foot in the door" whereby the Environmental Protection Agency might take advantage of the grant program to pass some of its testing, monitoring, and enforcement responsibilities on to State agencies. This amendment has been carefully drafted to explicitly eliminate such a possibility.

I have discussed my amendment with the floor manager Chairman MURPHY, and with the majority and minority sponsors and I understand that it is acceptable to them. I would like to add that a similar amendment, sponsored by Senators WILLIAMS and CASE was accepted in the Senate version of the toxic substances bill.

My colleagues from New Jersey (Mr. FLORIO and Mr. RINALDO) join me in urging that this amendment be unanimously adopted.

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

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

Mr. MURPHY of New York. I thank the gentleman for yielding.

I want to compliment my colleague, the gentleman from New Jersey, on a well-thought-out amendment. It does perfect the bill. Some States do have a concentration of chemical industry within the confines of those States. This amendment would permit grants to be given to those States to protect themselves. I think the amendment supplements the legislation, and I will agree to the amendment.

Mr. MAGUIRE. I thank the gentleman.

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

Mr. MAGUIRE. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding.

I understand this is only a 3-year program as envisioned in the bill?

Mr. MAGUIRE. That is correct. The amendment is for 3 years.

Mr. BROYHILL. For 3 years?

Mr. MAGUIRE. For 3 years; that is correct.

Mr. BROYHILL. There are only 3 years of authorization; it is not an unlimited authorization?

Mr. MAGUIRE. The gentleman is correct.

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

The amendment was agreed to.

AMENDMENTS OFFERED BY MRS. FENWICK

Mrs. FENWICK. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mrs. FENWICK: Page 208, line 10, after "(b) FUND.—" and insert "(1)".

MONS 029924

Page 206, line 14, after "$2,500" insert "or, in the case of a small business concern, any fee in excess of $100.00".

Page 206, after line 19, insert the following:

(3) The Administrator, after consultation with the Administrator of the Small Business Administration, shall by rule prescribe standards for determining the persons which qualify as small business concerns for purposes of this subsection.

Mrs. FENWICK. Mr. Chairman, I ask unanimous consent that these amendments be considered en bloc.

The CHAIRMAN. Is there objection to the request of the gentlewoman from New Jersey?

There was no objection.

(Mrs. FENWICK asked and was given permission to revise and extend her remarks.)

Mrs. FENWICK. Mr. Chairman, I will not take the time of the House. These are small, simple amendments merely to make it possile for small businesses for which the $2,500 fee is a very grave difficulty. They are applied to persons required to submit data under sections 4 and 5 on request of the Administrator, and the $2,500 fee maximum is impossible particularly if there is more than one substance to be tested.

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

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

Mr. McCOLLISTER. I thank the gentlewoman for yielding.

I commend the gentlewoman on her amendments and support them.

Mrs. FENWICK. I thank the gentleman.

Mr. MURPHY of New York. Mr. Chairman, will the gentlewoman yield?

Mrs. FENWICK. I yield to the gentleman from New York.

Mr. MURPHY of New York. I thank the gentlewoman for yielding.

The gentlewoman states the case previously debated on protection for small business. It was inherent in the committee's intent in this legislation. We thank her for clarifying these amendments, and we will be happy to accept them.

Mrs. FENWICK. I thank the gentleman.

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

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

Mr. NOLAN. I thank the gentlewoman for yielding.

I commend the gentlewoman for her amendments, and urge their adoption.

(Mr. NOLAN asked and was given permission to revise and extend his remarks.)

Mr. NOLAN. Mr. Chairman, I rise in support of the amendments. The $2,500 filing fee would work a severe hardship on small business enterprises who manufacture chemicals.

Many small manufacturers thrive on limited-volume specialty products. These chemicals are often produced in quantities as small as 2,000 pounds per year. This compares with the thousands of tons which some of the large manufacturers produce.

In addition, small companies often manufacture hundreds of these limited-volume chemicals. One Midwest company, for example, handles 1,000 different chemicals. Others produce an average of 200 or 300 chemical products. To impose repeated filing fees on these companies is destructive, unfair and unnecessary.

Proponents of the bill proudly point to its endorsement by 186 manufacturers who produce 90 percent of our chemicals. This amendment is designed to protect the 11,000 small businesses who produce the other 10 percent. Du Pont with $5 billion in yearly sales or Union Carbide with $3.5 can afford a $2,500 filing fee. But a small manufacturer with a few million dollars in sales will not long survive a series of hefty filing fees.

Mr. Chairman, I believe these amendments are worthy of support and I strongly urge my colleagues to adopt them.

Mrs. FENWICK. I thank the gentleman also for his endorsement and encouragement.

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

Mrs. FENWICK. I yield to the gentleman from New Jersey.

Mr. MAGUIRE. I thank the gentlewoman for yielding.

I commend the gentlewoman on her amendments. My colleague, the gentlewoman from New Jersey, has improved the bill in this respect, and I hope the amendments will be accepted.

Mrs. FENWICK. I thank my colleague for his comments.

The CHAIRMAN. The question is on the amendments offered by the gentlewoman from New Jersey (Mrs. FENWICK).

The amendments were agreed to.

AMENDMENT OFFERED BY MR. HECHLER OF WEST VIRGINIA

Mr. HECHLER of West Virginia. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HECHLER of West Virginia: On page 205, between lines 19 and 20, insert the following new section:

"SUNSHINE IN GOVERNMENT

"Sec. 28. (a) Each officer or employee of the Administrator and the Secretary of Health, Education and Welfare who—

"(1) performs any function or duty under this Act; and

"(2) has any known financial interest (A) in any person subject to this Act, or (B) in any person who applies for or receives any grant, contract, or other form of financial assistance pursuant to this Act;

"shall, beginning on February 1, 1977, annually file with the Administrator or the Secretary of Health, Education and Welfare, as appropriate, a written statement concerning all such interests held by such officer or employee during the preceding calendar year. Such statement shall be available to the public.

"(b) The Administrator and said Secretary shall—

"(1) set within ninety days after the date of enactment of this Act—

"(A) to define the term 'known financial interest' for purposes of subsection (a) of this section; and

"(B) to establish the methods by which the requirement to file written statements specified in subsection (a) of this section will be monitored and enforced, including appropriate provisions for the filing by such officers and employees of such statements and the review by the Administrator and said Secretary of such statements; and

"(2) report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

"(c) In the rules prescribed in subsection (b) of this section, the Administrator and said Secretary may identify specific positions within the appropriate agency which are of a nonregulatory or nonpolicymaking nature and provide that officers or employees occupying such positions shall be exempt from the requirements of this section.

"(d) Any officer or employee who is subject to, and knowingly violates, this section or any regulation issued thereunder, shall be fined not more than $5,000 or imprisoned not more than one year, or both."

Renumbered the succeeding sections.

Mr. HECHLER of West Virginia (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

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

There was no objection.

(Mr. HECHLER of West Virginia asked and was given permission to revise and extend his remarks.)

Mr. HECHLER of West Virginia. Mr. Chairman, I have a "Sunshine in Government" amendment to H.R. 14032, as reported, at the desk which is printed in the August 9, 1976 RECORD at page H8564. The amendment adds a new section 28 and renumbers the present sec-28 and succeeding sections.

Mr. Chairman, the purpose of this amendment is to bring more sunshine into Government. It is the same provision which the Congress adopted last December for the Federal Energy Administration and some of the employees of the Interior Department administering Public Law 94-163—the Energy Policy and Conservation Act. On May 20, 1976, the House adopted this provision for ERDA employees in H.R. 13360, which authorized appropriations for fiscal year 1977 for ERDA. Earlier this year, the House added it to H.R. 9560 for employees of Interior administering the Outer Continental Shelf leasing program and to H.R. 9560 for EPA employees administering the water pollution program. The House also added it to H.R. 1977, the public lands bill, for employees of Interior and to H.R. 13655, the mine health and safety bill, for Interior, HEW, and Labor employees. It was also added to H.R. 88401, the nuclear assurance bill, for ERDA employees. In addition, it is included in H.R. 12112, as reported by three committees, including the Interstate and Foreign Commerce Committee, for ERDA employees and in H.R. 14499 for EPA employees.

My amendment requires officers and employees of the agencies who perform any function under the Toxic Substances Act to file annually statements of any known financial interest in the persons subject to this bill or who receive financial assistance under the bill. Such statements would be available to the public and would have to be reviewed by EPA.

MONS 029925

Positions within EPA that are of a nonregulatory or nonpolicymaking nature could be exempted from this requirement by the Administrator.

The amendment does not prevent any employee from having such interests. It merely requires that they disclose such interests. It does not apply to consultants.

Currently, EPA and other Federal agencies require their employees who are at the GS-13 level or above and in a decisionmaking position to file financial interest statements which are not available to the public. This requirement is not based on any statutory provision but on a 1965 Executive Order No. 11222 and Civil Service Commission regulations. But the Executive order and regulations do not have any teeth. My amendment does.

Moreover, in a series of reports on the effectiveness of the financial disclosure system for agency employees, the GAO has found "deficiencies" in the system at Interior and several agencies, including in the collection and timely review of such statements, and the resolution of problems associated with the statements. In a March 2, 1976, report, the GAO said:

Many USGS employees have financial interests which appear to conflict with their Government duties. Many of these holdings violate the Organic Act of 1879. We believe that the ownership of these conflicting interests is due to deficiencies in the Department's financial disclosure system and that they will have to be corrected to prevent the situation that now exists from continuing.

To improve the effectiveness of the USGS financial disclosure system, we recommend that the Secretary of the Interior:

Review, and take remedial action on, the financial interests of USGS officials which raise conflict of interest possibilities or violate the Organic Act.

Prepare, keep current, and issue to USGS personnel specific guidelines, including a list of prohibited securities, concerning financial interests which may violate the Organic Act.

Require the Bureau Counselor to strictly adhere to the restrictions imposed on USGS employees by the Organic Act.

Ensure that adequately trained and experienced personnel, who are knowledgeable of employees' duties and potential conflicts of interest, are appointed to counsel employees and review financial disclosure statements.

Ensure that officials responsible for reviewing financial disclosure statements are given specific guidelines and reference manuals to assist them in adequately evaluating the statements.

Require reviewing officers to sign and date the financial disclosure statements to indicate they have reviewed them and determined that the financial interests do not violate the Organic Act or raise conflict of interest possibilities.

Require the USGS Counselor to report the results of the annual financial disclosure review to the Department and to note any financial interests questioned and any remedial action taken.

Establish procedures for periodically reviewing financial disclosure statements to ensure that Bureau Counselors adequately enforce conflict of interest regulations.

In a later report of December 1975, the GAO said that Interior was taking steps to improve the situation but the GAO said there were 1,435 additional employees who should file statements, of which 1,100 were below the GS-13 level.

The GAO made similar findings in eight other studies since late 1974.

My amendment makes it clear that the Administrator of EPA must periodically look at the positions to determine who should file and not base his decision on the grade level of the employee. It also mandates annual filing by the affected employee and review by the agency and provides criminal penalties for knowing violation. Adequate provision is made for the Administrator to define what a "known financial interest" is. Indeed, as example of such a definition, Interior published proposed regulations defining this term on March 22, 1976, for the purpose of Public Law 94-163. That definition, which is not yet finalized, of course, is as follows:

Any pecuniary interest of which an officer or employee is cognizant or of which he can reasonably be expected to have knowledge. This includes pecuniary interest in any person engaged in the business of exploring, developing, producing, refining, transporting by pipeline or distributing (other than at the retail level) coal, natural gas, or petroleum products, or in property from which coal, natural gas, or crude oil is commercially produced. This further includes the right to occupy or use the aforesaid business or property, or to take any benefits therefrom based upon a lease or rental agreement, or upon any formal or informal contract with a person who has such an interest where the business arrangement from which the benefit is derived or expected to be derived has been entered into between the parties or their agents. With respect to officers or employees who are beneficiaries of "blind trusts," the disclosure is required only of interests that are initially committed to the blind trust, not of interests thereafter acquired of which the employee or officer has no actual knowledge.

Finally, the regulations would be expected to make it clear that public disclosure of financial statements shall be only for lawful purposes. A violation of this requirement is subject to criminal prosecution.

I urge adoption of my amendment.

Mr. MURPHY of New York. Mr. Chairman, if my colleague will yield, I think this is a worthy and constructive amendment. It would certainly prevent conflicts of interest or even allegations of conflicts of interest. The committee would be happy to accept the amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia (Mr. HECHLER).

The amendment was agreed to.

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

Mr. Chairman, I rise in opposition to pending legislation. I would like to have the Members read and to pay attention to the minority views which appear on page 120 of the report. I will not enlarge on them due to the lateness of the hour.

Also I would like to point out that the administration opposes this legislation as it is now being considered. It objects to the requirement for the premarket notification on all new chemical substances, the reporting requirements on substances prior to manufacture, and the bill's unnecessarily broad definition for requiring testing of chemical substances.

I might add further that the adoption of the Moore amendment a few moments ago, which I voted for, makes the bill, in my opinion, even more objectionable to the administration and I cannot predict what the final outcome might be.

(Mr. DEVINE asked and was given permission to revise and extend his remarks.)

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

(Mr. ROUSSELOT asked and was given permission to revise and extend his remarks.)

Mr. ROUSSELOT. Mr. Chairman, I rise in vigorous opposition to the legislation H.R. 14032, Toxic Substances Control Act. In my estimation, this bill is nothing more than one more attempt to legislate Utopia by an unrealistic and a reckless Congress. The worthy intention of the legislation is good—to protect the health and welfare of the Nation's citizens. But when one considers that this goal is already being accomplished by at least 27 different laws now on the books, that the proposed new law could potentially run about 10,000 small companies out of business, and that the bill may be unconstitutional, one questions whether or not H.R. 14032 is really necessary. I think it is not.

There are at least three reasons why this bill should be soundly defeated. First, the bill has serious constitutional problems. Provisions of this legislation—section 11—provides for unconstitutional search or entry without a warrant. A person can be subjected to fine and imprisonment without trial by jury—section 16. This is a clear violation of the seventh amendment. Section 6 provides that the EPA Administrator may prohibit the manufacture of new chemicals by rulemaking procedures without due process, a violation of the 14th amendment. On constitutional grounds alone, then, this bill should be rejected.

Second, this bill would result in endless delay and would overload regulatory agencies. Similar regulations covering the safety and effectiveness of drugs currently are in effect in the Federal Drug Administration and have served to greatly burden the development and marketing of new drugs and medicines. With passage of this bill, the same type of testing could be required of all new chemicals. The EPA once could be forced by environmental groups to process at least 300 and possibly over 1,000 new chemicals every year.

Third, it has been estimated that enactment of H.R. 14032 could force as many as 10,000 small chemical manufacturers out of business. It has pointed out today that the Toxic Substances Control Act is being supported by the chemical industry. While the Manufacturing Chemists Association, representing 186 of the largest chemical companies in the country, has come out in favor of this bill, the other 10,000 smaller companies involved in the chemical business, cannot possibly comply. The costs associated with compliance with many of the restrictive testing measures—testing costs per product have been estimated at between $50,000 and $800,000—would simply force them out of business.

For these reasons, Mr. Chairman, I urge my colleagues to vote down this unnecess-

MONS 029926

sary, costly, and unconstitutional piece of legislation.

AMENDMENT OFFERED BY MR. MURPHY OF NEW YORK

Mr. MURPHY of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MURPHY of New York: Page 208, in line 22, strike out "$11,100,000" and insert in lieu thereof "$12,625,000"; in line 24 strike out "$10,100,000" and insert in lieu thereof "$10,200,000"; and in line 25, strike out "$11,100,000" and insert in lieu thereof "$17,350,000".

Mr. MURPHY of New York. Mr. Chairman, my amendment increases the authorization levels contained in the legislation. The amendment would increase the authorizations for the 1976 fiscal year from $11.1 million to $12,625,000. It would increase the 1979 authorization from $10 million to $16.2 million, and it would increase the 1980 authorization from $11.1 million to $17.35 million.

The authorizations presently in the bill were based upon estimates made when it was assumed the bill would become effective during the 1975 fiscal year. Time delays and the budget deadlines have resulted in the effective date for the legislation being moved back to October 1977. As a result, anticipated inflation and increased costs of operation make it necessary to increase the levels of authorizations of appropriations for the first 3 years of operation under the bill.

The increased authorizations have been cleared by the Office of Management and Budget. The ranking minority members of our committee support the increase.

There should be absolutely no inflationary impact upon the economy as a result of this minor increase.

The need for the increased authorization is clearly demonstrated if one compares the authorization levels contained in this bill with the sums appropriated for administering other, similar programs. For example, the Congress has appropriated $39 million for administration of the Federal Insecticide, Fungicide, Rodenticide Act. Over $147 million have been appropriated for carrying out the Clean Air Act, and $422 million for operation of the Water Pollution Control Act. As you can see, the sums authorized here are far below those for any of these other similar programs. Even with the increased level of authorization, we will be authorizing the bare minimums necessary for effective implementation of this highly important legislation. I urge my colleagues to support the amendment.

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

The amendment was agreed to.

AMENDMENT OFFERED BY MR. MURPHY OF NEW YORK

Mr. MURPHY of New York. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MURPHY of New York: Page 168, insert "DEVELOPMENT," after "RESEARCH," in line 14.

Page 169, insert ", developments," after "research" in lines 18 and 22.

Page 170, insert after line 20 the following:

(c) SUBSEQUENT TREATMENT.—The Administrator shall coordinate with the Assistant Secretary for Health research undertaken by the Administrator and directed toward the development of rapid, reliable, and economical screening techniques for carcinogenic, mutagenic, teratogenic, and ecological effects of chemical substances and mixtures.

(d) MONITORING.—The Administrator shall establish and be responsible for research aimed at the development, in cooperation with local, State, and Federal agencies, of monitoring techniques and instruments which may be used in the detection of toxic chemical substances and mixtures and which are reliable, economical, and capable of being implemented under a wide variety of conditions.

(e) BASIC RESEARCH.—The Administrator shall establish research programs to develop the fundamental scientific basis of the screening and monitoring techniques described in subsections (c) and (d), the bounds of their reliability of such techniques, and the opportunities for their improvement.

(f) MANPOWER TRAINING.—The Administrator shall establish and promote programs and workshops to train or facilitate the training of Federal laboratory and technical personnel in existing or newly developed screening and monitoring techniques.

(g) EXCHANGES OF RESEARCH AND DEVELOPMENT RESULTS.—The Administrator shall, in consultation with the Secretary of Health, Education, and Welfare and other heads of appropriate agencies, establish and coordinate a system for exchange among Federal, State, and local authorities of research and development results respecting toxic chemical substances and mixtures, including a system to facilitate and promote the development of standard data format and analysis and consistent testing procedures.

Page 208, insert after "other than section 27" in line 23 the following: "and subsections (a) and (c) through (g) of section 10".

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

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

There was no objection.

(Mr. MURPHY of New York asked and was given permission to revise and extend his remarks.)

Mr. MURPHY of New York. Mr. Chairman, this amendment is an amendment that would have been offered by the gentleman from California (Mr. BROWN), who is the chairman of the Subcommittee on Environment and the Atmosphere of the Committee on Science and Technology.

Mr. Chairman, this amendment provides additional guidance to the Administrator regarding research and development work conducted under the bill. It directs the Administrator to develop improved monitoring techniques and instruments for the detection of toxic chemical substances and mixtures. It also directs the Administrator to establish and promote programs to train Federal laboratory and technical personnel in existing or newly developed chemical screening and monitoring techniques. Because the authorization levels in this bill are extremely low, the moneys to carry on this expanded research and training program will come from authorization of appropriations provided in the legislation originating in the Committee on Science and Technology.

Mr. Chairman, this amendment provides constructive guidance and direction to the Environmental Protection Administration in carrying out research and related programs respecting toxic chemicals.

The subcommittee, chaired by the gentleman from California (Mr. BROWN), has invested considerable time and effort in reviewing current EPA research and development activities. This amendment would help overcome some of the shortcomings which exist in the present programs, and it should improve the research activities conducted under the auspices of the toxic substances legislation.

Mr. Chairman, I would urge acceptance of the amendment.

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

Mr. MURPHY of New York. I am happy to yield.

Mr. McCOLLISTER. Mr. Chairman, we have no objection to the amendment.

Mr. HECHLER of West Virginia. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, as a member of the Committee on Science and Technology, I strongly support this amendment.

(Mr. HECHLER of West Virginia asked and was given permission to revise and extend his remarks.)

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

The amendment was agreed to.

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

Mr. Chairman, my purpose in arising is to inquire of the gentleman from Nebraska (Mr. MCCOLLISTER) if the gentleman can explain the effect of the preemption provision on the ability of a State to meet local problems of great magnitude; as for example the Kepone problem, which is not a toxic substance, but one which illustrates a local problem that might arise. Will a State be foreclosed by this legislation from taking effective legislation on their own?

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

Mr. BUTLER. I yield to the gentleman from Nebraska.

Mr. McCOLLISTER. Mr. Chairman, the State law is preempted only when the EPA has issued a rule under section 4, section 5 or section 6. If the EPA has not acted, the States are free to act. If the EPA has acted, then the States must apply for an exemption from the preemption.

Before the State can put a different requirement into effect, it has to ask for an exemption from the preemption.

This provision was designed to discourage differing State requirements which would put an undue burden on those companies that do business in a number of States.

Mr. BUTLER. Mr. Chairman, I thank the gentleman. I judge that in the absence of action by the EPA under section 4, 5, or 6, that the States are free to take

MONS 029927

whatever action they deem appropriate under the circumstances.

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

Mr. BUTLER. I yield to the gentleman from North Carolina.

Mr. BROYHILL. Mr. Chairman, there is nothing in this act that affects the right of States to act in their authority over disposal of hazardous properties or hazardous chemicals, for that matter.

Mr. BUTLER. Mr. Chairman, I recognize that and I appreciate the gentleman's contribution.

The CHAIRMAN. If there are no further amendments, 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. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. MANN, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 14032) to regulate commerce and protect health and the environment by requiring testing and necessary restrictions on certain chemical substances and mixtures, and for other purposes, pursuant to House Resolution 1488, 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. COLLINS OF TEXAS

Mr. COLLINS of Texas. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. COLLINS of Texas. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. COLLINS of Texas moves to recommit the bill H.R. 14032 to the Committee on Interstate and Foreign Commerce.

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.

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 319, nays 45, not voting 67, as follows:

[Roll No. 644]

YEAS—319

Addabbo	Fary	McCormack
Alexander	Fascell	McDade
Allen	Fenwick	McEwen
Ambro	Findley	McFall
Andrews, N.C.	Fish	McHugh
Andrews, N. Dak.	Fisher	McKay
Annunzio	Flood	Madden
Ashley	Florio	Madigan
Bafalis	Flowers	Maguire
Baucus	Flynt	Mahon
Bauman	Foley	Mann
Beard, R.I.	Ford, Mich.	Martin
Bedell	Ford, Tenn.	Mathis
Bell	Forsythe	Matsunaga
Bennett	Fountain	Mazzoli
Bergland	Fraser	Metcalfe
Bevill	Frenzel	Meyner
Biaggi	Frey	Mezvinsky
Biester	Fuqua	Michel
Bingham	Gaydos	Mikva
Blanchard	Giaimo	Milford
Blouin	Gibbons	Miller, Calif.
Boggs	Gilman	Miller, Ohio
Boland	Ginn	Mills
Bonker	Gonzalez	Mineta
Brown	Goodling	Minish
Brademas	Gradison	Mitchell, Md.
Breaux	Grassley	Mitchell, N.Y.
Breckinridge	Guyer	Moakley
Brinkley	Hagedorn	Moffett
Brodhead	Haley	Mollohan
Brooks	Hall, Ill.	Moore
Broomfield	Hamilton	Morgan
Brown, Ohio	Hanley	Mosher
Broyhill	Hannaford	Moss
Buchanan	Harkin	Murphy, Ill.
Burgener	Harrington	Murphy, N.Y.
Burke, Fla.	Harris	Murtha
Burke, Mass.	Harsha	Myers, Pa.
Burlison, Mo.	Hawkins	Natcher
Burton, John	Hayes, Ind.	Neal
Burton, Phillip	Hechler, W. Va.	Nedzi
Butler	Heckler, Mass.	Nichols
Byron	Hefner	Nix
Carney	Heftel	Nolan
Carr	Hicks	Norwalk
Carter	Hightower	Oberstar
Clancy	Hillis	O'Brien
Clausen, Don H.	Holland	O'Hara
Clay	Holtzman	O'Neill
Cleveland	Horton	Patten, N.J.
Cochran	Howard	Patterson, Calif.
Cohen	Hubbard	Pattison, N.Y.
Collins, Ill.	Hughes	Pepper
Conable	Hungate	Perkins
Conte	Hyde	Pettis
Cornell	Jacobs	Pickle
Coughlin	Jeffords	Pike
Crane	Johnson, Calif.	Poage
D'Amours	Jones, N.C.	Preyer
Daniel, Dan	Jordan	Price
Daniel, R. W.	Kasten	Pritchard
Daniels, N.J.	Kastenmeier	Quie
Danielson	Kemp	Quillen
Davis	Ketchum	Railsback
Delaney	Keys	Rangel
Dellums	Koch	Regula
Dent	Krebs	Reuss
Derwinski	Krueger	Richmond
Diggs	LaFalce	Rinaldo
Dingell	Lagomarsino	Roberts
Dodd	Landrum	Robinson
Downey, N.Y.	Latta	Rodino
Downing, Va.	Leggett	Roe
Drinan	Lent	Roe
Duncan, Oreg.	Levitas	Rogers
Duncan, Tenn.	Lloyd, Calif.	Rooney
Early	Lloyd, Tenn.	Rose
Eckhardt	Long, La.	Rosenthal
Edgar	Long, Md.	Rostenkowski
Edwards, Calif.	Lott	Roush
Emery	Lujan	Roybal
Erlenborn	McClory	Ruppe
Evans, Colo.	McCollister	St Germain
Sarasin	Stark	Wampler
Sarbanes	Steed	Weaver
Satterfield	Steiger, Wis.	Whalen
Scheuer	Stephens	White
Schroeder	Stokes	Whitehurst
Schulze	Stratton	Whitten
Sebelius	Studds	Wilson, Bob
Sharp	Talcott	Wilson, C. H.
Shriver	Taylor, N.C.	Wilson, Tex.
Sikes	Teague	Winn
Simon	Thompson	Wirth
Sisk	Thone	Wolff
Smith, Nebr.	Thornton	Wright
Snyder	Treen	Wydler
Solarz	Tsongas	Wylie
Spellman	Udall	Yates
Staggers	Ullman	Yatron
Stanton, J. William	Vander Veen	Young, Fla.
Stanton, James V.	Vanik	Young, Tex.
	Vigorito	Zablocki
	Walsh	Zeferetti

NAYS—45

Archer	Hammer-schmidt	Paul
Armstrong	Hansen	Rhodes
Ashbrook	Hutchinson	Roncalio
Beard, Tenn.	Ichord	Rousselot
Cederberg	Johnson, Colo.	Schneebeli
Clawson, Del	Jarman	Sebelius
Collins, Tex.	Jones, Ala.	Shipley
Crane	Johnson, Pa.	Shuster
Devine	Kelly	Smith, Iowa
Dickinson	Kindness	Stuckey
Edwards, Ala.	Lundine	Symms
English	McDonald	Taylor, Mo.
Evans, Ind.	Montgomery	Treen
Goldwater	Moorhead, Calif.	Wagonner
Grassley	Myers, Ind.	Wiggins

NOT VOTING—67

Abdnor	Esch	Ottinger
Abzug	Eshleman	Passman
Adams	Ey.an, Tenn.	Payne
Anderson, Calif.	Green	Rangel
Anderson, Ill.	Hays, Ohio	Rees
Asp.n	Hébert	Riegle
AuCoin	Henderson	Rosenthal
Badillo	Hinshaw	Runnels
Baldus	Holt	Santini
Boiling	Howe	Sisk
Brown, Calif.	Jones, Ala.	Stubitz
Brown, Mich.	Jones, Okla.	Spence
Burke, Calif.	Jones, Tenn.	Steelman
Burleson, Tex.	Karth	Steiger, Ariz.
Chappell	Lehman	Sullivan
Chisholm	Lundine	Symington
Conlan	McKinney	Van Deerlin
Conyers	Meeds	Vander Jagt
Corman	Mink	Waxman
de la Garza	Moorhead, Pa.	Young, Alaska
Derrick	Moss	Young, Ga.
du Pont	Obey	

The Clerk announced the following pairs:

Mr. Moorhead of Pennsylvania with Mr. Jones of Tennessee.

Ms. Abzug with Mr. Karth.

Mr. Badillo with Mr. Hébert.

Mr. Waxman with Mr. Evins of Tennessee.

Mr. Anderson of California with Mr. Symington.

Mr. Santini with Mr. Riegle.

Mr. Russo with Mr. Baldus.

Mr. Lehman with Mr. Conlan.

Mrs. Chisholm with Mr. Derrick.

Mr. Jones of Oklahoma with Mr. Abdnor.

Mr. Young of Georgia with Mr. du Pont.

Mr. Chappell with Mr. Esch.

Mrs. Burke of California with Mr. Passman.

Mrs. Mink with Mr. Eshleman.

Mr. AuCoin with Mr. Anderson of Illinois.

Mr. Brown of California with Mr. Hays of Ohio.

Mr. Conyers with Mr. Green.

Mr. Corman with Mr. Heinz.

Mr. de la Garza with Mr. Brown of Michigan.

Mr. Lundine with Mr. Henderson.

Mr. Meeds with Mr. Aspin.

Mr. Moss with Mrs. Holt.

Mr. Obey with Mr. Burleson of Texas.

Mr. Ottinger with Mr. Adams.

Mr. McKinney with Mr. Howe.

Mr. Rees with Mr. Jones of Alabama.

Mr. Rosenthal with Mr. Young of Alaska.

Mr. Roncalio with Mr. Randall.

MONS 029928

Mr. Sisk with Mr. Skubitz.
Mr. Spence with Mr. Steelman.
Mr. Van Deerlin with Mr. Steiger of Arizona.
Mr. Vander Jagt with Mrs. Sullivan.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS: Mr. Speaker, pursuant to the provisions of House Resolution 1496, I move that Committee on Interstate and Foreign Commerce be discharged from the further consideration of the Senate bill (S. 3149) to regulate commerce and protect human health and the environment by requiring testing and necessary use restrictions on certain chemical substances, and for other purposes.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from West Virginia (Mr. STAGGERS).

The motion was agreed to.

MOTION OFFERED BY MR. STAGGERS

Mr. STAGGERS. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. STAGGERS moves to strike out all after the enacting clause of the Senate bill S. 3149 and to insert in lieu thereof the provisions of H.R. 14032, as passed, as follows:

SHORT TITLE

SECTION 1. This Act may be cited as the "Toxic Substances Control Act".

TABLE OF CONTENTS

Sec. 1. Short title.
Sec. 2. Findings, policy, and intent.
Sec. 3. Definitions.
Sec. 4. Testing of chemical substances and mixtures.
Sec. 5. Manufacturing and processing notices.
Sec. 6. Regulation of hazardous chemical substances and mixtures.
Sec. 7. Imminent hazards.
Sec. 8. Reporting and retention of information.
Sec. 9. Relationship to other Federal laws.
Sec. 10. Research, collection, dissemination, and utilization of data.
Sec. 11. Inspections.
Sec. 12. Exports.
Sec. 13. Entry into customs territory of the United States.
Sec. 14. Disclosure of data.
Sec. 15. Prohibited acts.
Sec. 16. Penalties.
Sec. 17. Specific enforcement and seizure.
Sec. 18. Preemption.
Sec. 19. Judicial review.
Sec. 20. Citizens' civil actions.
Sec. 21. Citizens' petitions.
Sec. 22. National defense waiver.
Sec. 23. Employee protection.
Sec. 24. Employment effects.
Sec. 25. Studies.
Sec. 26. Administration of Act.
Sec. 27. Development and evaluation of test methods.
Sec. 28. State programs.
Sec. 29. Sunshine in government.
Sec. 30. Authorization for appropriations.
Sec. 31. Annual report.
Sec. 32. Rule review.
Sec. 33. Effective date.

FINDINGS, POLICY, AND INTENT

SEC. 2. (a) FINDINGS.—The Congress finds that—

(1) humans and the environment are being exposed to a large number of chemical substances and mixtures each year;

(2) among the many chemical substances and mixtures constantly being developed and produced are some whose manufacture, processing, distribution in commerce, use, or disposal may cause or significantly contribute to an unreasonable risk to health or the environment; and

(3) the effective regulation of interstate commerce in such chemical substances and mixtures also necessitates the regulation of intrastate commerce in such chemical substances and mixtures.

(b) POLICY.—It is the policy of the United States that—

(1) hazardous and potentially hazardous chemical substances and mixtures should be adequately tested with respect to their effect on health and the environment and that such testing should be the responsibility of those who manufacture and those who process such chemical substances and mixtures;

(2) adequate authority should exist to regulate chemical substances and mixtures which cause or significantly contribute to an unreasonable risk to health or the environment, and to take action with respect to chemical substances and mixtures which are imminent hazards; and

(3) authority over chemical substances and mixtures should be exercised in such a manner as not unduly to impede, or to create unnecessary economic barriers to, technological innovation while fulfilling the primary purposes of this Act to assure that such innovation and commerce in such chemical substances and mixtures do not cause or significantly contribute to an unreasonable risk to health or the environment.

(c) INTENT OF CONGRESS.—It is the intent of Congress that the Administrator shall carry out this Act in a reasonable and prudent manner, and that the Administrator shall consider the environmental, economic, and social impact of any action the Administrator proposes to take under this Act.

DEFINITIONS

SEC. 3. As used in this Act:

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) (A) Except as provided in subparagraph (B), the term "chemical substance" means—

(i) any organic or inorganic substance of a particular molecular identity including a combination of such substances occurring (I) in whole or in part as a result of a chemical reaction, or (II) in nature, or

(ii) any element or uncombined radical.

(B) Such term does not include—

(i) any mixture,

(ii) any pesticide (as defined in the Federal Insecticide, Fungicide, and Rodenticide Act) when manufactured, processed, or distributed in commerce for use as a pesticide,

(iii) tobacco or any tobacco product,

(iv) any source material, special nuclear material, or byproduct material (as such terms are defined in the Atomic Energy Act of 1954 and regulations issued under such Act),

(v) any article the sale of which is subject to the tax imposed by section 4181 of the Internal Revenue Code of 1954 (determined without regard to any exemptions from such tax provided by section 4182 or 4221 or any other provision of such Code), and

(vi) any food, food additive, drug, cosmetic, or device (as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act) when manufactured, processed, or distributed in commerce for use as a food, food additive, drug, cosmetic, or device.

The term "food" as used in clause (vi) of this subparagraph includes poultry and poultry products (as defined in sections 4(e) and 4(f) of the Poultry Products Inspection Act), meat and meat food products (as defined in section 1(j) of the Federal Meat Inspection Act), and eggs and egg products (as defined in section 4 of the Egg Products Inspection Act).

(3) The term "commerce" means trade, traffic, or transportation (A) between a place in a State and any place outside of such State, or (B) which affects trade, traffic, or transportation described in clause (A).

(4) The term "distribute in commerce" or "distribution in commerce" when used to describe an action taken with respect to a chemical substance or mixture or article containing a substance or mixture means to sell, or the sale of, the substance, mixture, or article in commerce; to introduce or deliver for introduction into commerce, or the introducing or delivery for introduction into commerce of, the substance, mixture, or article; or to hold, or the holding of, the substance, mixture, or article after its introduction into commerce.

(5) The term "environment" includes water, air, and land and the interrelationship which exist among and between water, air, and land and all living things.

(6) The term "health and safety study" means any study of any effect of a chemical substance or mixture on health or the environment, including epidemiological studies, studies of occupational exposure to a chemical substance or mixture, toxicological, clinical, and ecological studies of a chemical substance or mixture, and any test performed pursuant to this Act.

(7) The term "manufacture" means to import, produce, or manufacture.

(8) The term "mixture" means any combination of two or more chemical substances if the combination does not occur in nature and is not, in whole or in part, the result of a chemical reaction; except that such term does include a combination which occurs, in whole or in part, as a result of a chemical reaction if each of the chemical substances comprising the combination is not a new chemical substance and if the combination could have been manufactured for commercial purposes without a chemical reaction at the time the chemical substances comprising the combination were combined.

(9) The term "new chemical substance" means any chemical substance not included in the chemical substance list compiled and published under section 8(b).

(10) The term "process" means the preparation of a chemical substance or mixture for distribution in commerce—

(A) in the same form or physical state, or in a different form or physical state from that in which it was received by the person making such preparation, or

(B) as part of an article containing the chemical substance or mixture.

(11) The term "processor" means any person who processes a chemical substance or mixture.

(12) The term "standards for the development of test data" means a prescription of—

(A) the—

(i) health and environmental effects, and

(ii) information relating to toxicity, persistence, and other characteristics which affect health and the environment,

for which test data for a chemical substance or mixture are to be developed and any analysis that is to be performed on such data, and

(B) to the extent necessary to assure that such data are reliable and adequate, the manner in which such data are to be developed, the specification of any test protocol or methodology to be employed in the development of such data, and such other requirements as are necessary to provide such assurance.

(13) The term "State" means any of the

MONS 029929

several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Canal Zone, American Samoa, or the Trust Territory of the Pacific Islands.

(14) The term "United States", when used in the geographic sense, means all the States.

TESTING OF CHEMICAL SUBSTANCES AND MIXTURES

SEC. 4. (a) TESTING REQUIREMENTS.—If the Administrator finds that—

(1)(A)(i) the manufacture, distribution in commerce, processing, use, or disposal of a chemical substance or mixture or any combination of such actions may cause or significantly contribute to an unreasonable risk to health or the environment,

(ii) there are insufficient data and experience upon which the effects of such manufacture, distribution in commerce, processing, use, or disposal or combination of such actions on health or the environment can reasonably be determined or predicted, and

(iii) testing of such substance or mixture with respect to such effects is necessary to develop such data; or

(B) (i) a chemical substance or mixture is or will be produced in substantial quantities, and it enters or may reasonably be anticipated to enter the environment in substantial quantities or there is or may be significant or substantial human exposure to such substance or mixture,

(ii) there are insufficient data and experience upon which the effects of the manufacture, distribution in commerce, processing, use, or disposal of such substance or mixture or any combination of such actions on health or the environment can reasonably be determined or predicted, and

(iii) testing of such substance or mixture with respect to such effects is necessary to develop such data; and

(2) in the case of a mixture, the effects which the mixture's manufacture, distribution in commerce, processing, use, or disposal or any combination of such actions may have on health or the environment may not be reasonably and more efficiently determined or predicted by testing the chemical substances which comprise the mixture;

the Administrator shall by rule require that testing be conducted on such substance or mixture to develop data with respect to the health and environmental effects for which there is an insufficiency of data and experience and which are relevant to a determination that the manufacture, distribution in commerce, processing, use, or disposal of such substance or mixture or any combination of such actions does or does not cause or significantly contribute to an unreasonable risk to health or the environment.

(b)(1) TESTING REQUIREMENT RULE.—A rule under subsection (a) requiring the testing of a chemical substance or mixture shall include—

(A) identification of the substance or mixture for which testing is required,

(B) standards for the development of test data for such substance or mixture, and

(C) a specification of the period (which period may not be unreasonable) within which the persons required to conduct the testing shall submit to the Administrator data developed in accordance with the standards referred to in subparagraph (B).

In determining the standards and period to be included, pursuant to subparagraphs (B) and (C), in a rule under subsection (a), the costs of the various test protocols and methodologies which may be required under the rule and the reasonably foreseeable availability of facilities and personnel for performing testing under the rule. Such a rule may require the submission of preliminary data during the period prescribed under subparagraph (C).

(2)(A) The health and environmental effects for which standards for the development of test data may be prescribed include carcinogenesis, mutagenesis, teratogenesis, behavioral disorders, cumulative or synergistic effects, and any other effect which may cause or significantly contribute to an unreasonable risk to health or the environment, and the characteristics of chemical substances and mixtures for which such standards may be prescribed include persistence, acute toxicity, subacute toxicity, chronic toxicity, and any other characteristic which may cause or significantly contribute to such a risk. The methodologies that may be prescribed in such standards include epidemiology, serial, or hierarchical tests; in vitro tests; and whole animal tests. Before prescribing epidemiology tests in such standards, the Administrator shall consult with the Director of the National Institute for Occupational Safety and Health.

(B) From time to time, but not less than once each twelve months, the Administrator shall review the adequacy of the standards for development of data prescribed in rules under subsection (a) and shall, if necessary, institute proceedings to make appropriate revisions of such standards.

(3)(A) A rule under subsection (a) respecting a chemical substance or mixture shall require the persons described in subparagraph (B) to conduct tests and submit data on such substance or mixture, except that the Administrator may permit two or more of such persons to designate one such person or a qualified third party to conduct such tests and submit such data on behalf of the persons making the designation.

(B) The following persons shall be required to conduct tests and submit data on a chemical substance or mixture subject to a rule under subsection (a):

(i) Each person who manufactures or intends to manufacture such substance or mixture if the Administrator makes a finding described in subsection (a)(1)(A)(ii) or (a)(1)(B)(ii) with respect to the manufacture of such substance or mixture.

(ii) Each person who processes or intends to process such substance or mixture if the Administrator makes a finding described in subsection (a)(1)(A)(ii) or (a)(1)(B)(ii) with respect to the processing of such substance or mixture.

(iii) Each person who manufactures or processes or intends to manufacture or process such substance or mixture for distribution in commerce if with respect to the distribution in commerce of such substance or mixture the Administrator makes a finding describing in subsection (a)(1)(A)(ii) or (a)(1)(B)(ii).

(iv) Each person who manufactures or processes or intends to manufacture or process such substance or mixture if with respect to the disposal of such substance or mixture the Administrator makes a finding described in subsection (a)(1)(A)(ii) or (a)(1)(B)(ii).

(v) Each person who manufactures or processes or intends to manufacture or process such chemical substance or mixture for a use with respect to which the Administrator makes a finding described in subsection (a)(1)(A)(ii) or (a)(1)(B)(ii).

(4) A rule under subsection (a) requiring the testing of a chemical substance or mixture shall expire at the end of the reimbursement period (as defined in subsection (c)(3)(B)) applicable to test data for such substance or mixture, unless the Administrator repeals the rule before such date.

(5) Rules issued under subsection (a) (and any amendment thereto or repeal thereof) shall be promulgated pursuant to section 553 of title 5, United States Code, except that in promulgating, amending, or repealing any such rule (A) the Administrator shall give interested persons an opportunity for the oral presentation of data, views, or arguments, in addition to an opportunity to make written submissions; and (B) a transcript shall be made of any oral presentation. The Administrator may not promulgate a rule under subsection (a) respecting a substance or mixture unless the Administrator makes and publishes with the rule the findings described in paragraph (1)(A) or (1)(B) of such subsection and, in the case of a rule respecting a mixture, the finding described in paragraph (2) of such subsection.

(c) EXEMPTION.—(1) Any person required by a rule under subsection (a) to conduct tests and submit data on a chemical substance or mixture may apply to the Administrator (in such form and manner as the Administrator shall prescribe) for an exemption from such requirement.

(2) If, upon receipt of an application under paragraph (1), the Administrator determines that—

(A) the chemical substance or mixture (including any contaminant present in such substance or mixture) with respect to which such application was submitted is equivalent to a chemical substance or mixture for which data has been submitted to the Administrator in accordance with a rule under subsection (a) or for which data is being developed pursuant to such a rule, and

(B) submission of data by the applicant on such substance or mixture would be duplicative of data which has been submitted to the Administrator in accordance with such rule or which is being developed pursuant to such rule,

the Administrator shall exempt, in accordance with paragraph (3) or (4), the applicant from conducting tests and submitting data on such substance or mixture.

(3)(A) If the exemption of any person from the requirement to conduct tests and submit test data on a chemical substance or mixture is granted on the basis of the existence of previously submitted test data, and if such exemption is granted during the reimbursement period for such test data (as prescribed by subparagraph (B)), then (unless such person and the persons referred to in clauses (i) and (ii) agree on the amount and method of reimbursement) the Administrator shall order the person granted the exemption to provide fair and equitable reimbursement (in an amount determined under rules of the Administrator)—

(i) to the person who previously submitted such test data, for a portion of the costs incurred by such person in complying with the requirement to submit such data, and

(ii) to any other person who has been required under this subparagraph to contribute with respect to such costs, for a portion of the amount such person was required to contribute.

In promulgating rules for the determination of fair and equitable reimbursement to the persons described in clauses (i) and (ii) for costs incurred with respect to a chemical substance or mixture, the Administrator shall consider all relevant factors, including the effect on the competitive position of the person required to provide reimbursement in relation to the persons to be reimbursed and the share of the market for such substance or mixture of the person required to provide reimbursement in relation to the share of such market of the persons to be reimbursed. An order under this subparagraph shall, for purposes of judicial review, be considered final agency action.

(B) For purposes of subparagraph (A), the reimbursement period for any test data for a chemical substance or mixture is a period—

(i) beginning on the date such data was

MONS 029930

submitted in accordance with a rule promulgated under subsection (a), and

(ii) ending—

(I) five years after the date referred to in clause (i), or

(II) at the expiration of a period which begins on the date referred to in clause (i) and is equal to the period which the Administrator determines was necessary to develop such data,

whichever is later.

(4)(A) If the exemption of any person from the requirement to conduct tests and submit test data on a chemical substance or mixture is granted on the basis of the fact that test data is being developed by one or more persons pursuant to a rule promulgated under subsection (a), then (unless such person and the persons referred to in clauses (i) and (ii) agree on the amount and method of reimbursement) the Administrator shall order the person granted the exemption to provide fair and equitable reimbursement (in an amount determined under rules by the Administrator)—

(i) to each such person who is developing such test data, for a portion of the costs incurred by each such person in complying with such rules, and

(ii) to any other person who has been required under this subparagraph to contribute with respect to the costs of complying with such rule, for a portion of the amount such person was required to contribute.

In promulgating rules for the determination of fair and equitable reimbursement to the persons described in clauses (i) and (ii) for costs incurred with respect to a chemical substance or mixture, the Administrator shall consider the factors described in the second sentence of paragraph (5)(A). An order under this subparagraph shall, for purposes of judicial review, be considered final agency action.

(B) If an exemption is granted on the basis of the fact that one or more persons are developing test data pursuant to a rule promulgated under subsection (a) and if after such exemption is granted the Administrator determines that no such person has complied with such rule, the Administrator shall (i) after providing written notice to the person who holds such exemption and an opportunity for a hearing, by order terminate such exemption, and (ii) notify in writing such person of the requirements of the rule with respect to which such exemption was granted.

(d) NOTICE.—Upon the receipt of any test data pursuant to a rule under subsection (a), the Administrator shall, subject to section 14, promptly publish a notice of the receipt of such data in the Federal Register. Each such notice shall (1) identify the chemical substance or mixture for which data have been received; (2) list the uses or intended uses of such substance or mixture and the information required by the applicable standards for the development of test data; and (3) describe the nature of the test data developed. Except as otherwise provided in section 14, such data shall be made available by the Administrator for examination by any person.

(e) PRIORITY LIST.—(1)(A) There is established a committee to make recommendations to the Administrator respecting the chemical substances and mixtures to which the Administrator should give priority consideration for the promulgation of a rule under subsection (a). In making such a recommendation with respect to any chemical substance or mixture, the committee shall consider all relevant factors, including—

(i) the quantities in which the substances or mixture is or will be manufactured,

(ii) the quantities in which the substance or mixture enters the environment,

(iii) the number of persons who will be exposed to the substance or mixture in their places of employment and the duration of such exposure,

(iv) the extent of human exposure to the substance or mixture,

(v) the extent to which the substance or mixture is closely related to a chemical substance or mixture which is known to cause or significantly contribute to an unreasonable risk to health or the environment,

(vi) the existence of data concerning the effects of the substance or mixture on health or the environment,

(vii) the extent to which testing of the substance or mixture may result in the development of data upon which the effects of the substance or mixture on health or the environment can reasonably be determined or predicted, and

(viii) the reasonably foreseeable availability of facilities and personnel for performing testing on the substance or mixture.

The recommendations of the committee shall be in the form of a list of chemical substances and mixtures which shall be listed, either by individual substance or mixture or by groups of substances or mixtures, in the order in which the committee determines the Administrator should take action under subsection (a) with respect to the substances and mixtures.

(B) Not later than twelve months after the effective date of this Act, the committee shall transmit to the Administrator the list required by subparagraph (A) together with the reasons for the committee's inclusion of each chemical substance or mixture on the lists. At least every six months after the transmission to the Administrator of the list pursuant to the preceding sentence, the committee shall make such revisions in the list as it determines to be necessary and shall transmit them to the Administrator together with the committee's reasons for the revisions. The Administrator shall make available to the public the list transmitted by the committee, any revision by the committee in such list (including the date on which such revision was transmitted to the Administrator), and the reasons of the committee for inclusion of a chemical substance or mixture on the list and for any revision in the list. The Administrator shall provide reasonable opportunity to any interested person to file with the Administrator written comments on the committee's list or any revision of the committee of such list and shall make such comments available to the public.

(C) The Administrator may promulgate a rule under subsection (a) with respect to a chemical substance or mixture which is not contained on a list published under this subsection.

(2)(A) The committee established by paragraph (1)(A) shall consist of eight members as follows:

(i) One member (or designee of the member) appointed from the Environmental Protection Agency by the Administrator.

(ii) One member (or designee of the member) appointed by the Secretary of Labor from officers of the Department of Labor engaged in the Secretary's activities under the Occupational Safety and Health Act of 1970.

(iii) One member (or designee of the member) appointed from the Council on Environmental Quality by the Chairman of the Council.

(iv) One member (or designee of the member) appointed from the National Institute for Occupational Safety and Health by the Director of the Institute.

(v) One member (or the designee of the member) appointed from the National Institute of Environmental Health Sciences by the Director of the Institute.

(vi) One member (or designee of the member) appointed from the National Cancer Institute by the Director of the Institute.

(vii) One member (or designee of the member) appointed from the National Science Foundation by the Director of the Foundation.

(viii) One member (or designee of the member) appointed from the Department of Commerce by the Secretary of Commerce. A member may designate an individual to serve on the member's behalf only with the approval of the applicable appointing authority and only if the individual is from the entity from which the member was appointed. A vacancy in the committee shall be filled in the same manner in which the original appointment was made.

(B)(i) The term of office of a member of the committee is four years, except that of the members first appointed, four members shall have initial terms of two years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of such term. If any member of the committee leaves the office or entity from which the member was appointed, such member may not continue as a member of the committee, and, for purposes of the preceding sentence, the member's position shall be considered as being vacant. A member may serve after the expiration of the member's term of office until a successor has taken office.

(ii) Initial appointments to the committee shall be made not later than the sixtieth day after the effective date of this Act. Not later than the ninetieth day after such date the members of the committee shall hold a meeting for the selection of a chairman from among their number and to determine, by lot, the four members who shall have initial terms of two years.

(C) The Administrator shall provide the committee such administrative support services as may be necessary for the committee to carry out its function under this subsection.

MANUFACTURING AND PROCESSING NOTICES

SEC. 5. (a) NOTIFICATION FOR MANUFACTURE OF NEW CHEMICAL SUBSTANCES.—On and after the date on which the Administrator first publishes under section 8(b) a list of chemical substances manufactured or processed in the United States, no person may manufacture a new chemical substances unless (except as provided in subsection (i) (relating to exemptions)) such person—

(1) has, at least ninety days before such manufacture, submitted to the Administrator, in accordance with subsection (f) (relating to notice contents), a notice of such person's intention to manufacture such substance, and

(2) has complied with any applicable requirement of subsection (d) (relating to submission of test data).

(b) NOTIFICATION FOR THE MANUFACTURE OR PROCESSING OF A CHEMICAL SUBSTANCE FOR A SIGNIFICANT NEW USE.—(1) No person may manufacture or process a chemical substance for a use which the Administrator has determined, in accordance with paragraph (2), is a significant new use of such substance unless (except as provided in subsection (i)) such person—

(A) has, at least ninety days before such manufacture or processing, submitted to the Administrator, in accordance with subsection (f), a notice of such person's intention to manufacture or process such substance for such use, and

(B) has complied with any applicable requirement of subsection (d).

(2) A determination by the Administrator that a new use of a chemical substance is a significant new use with respect to which notification is required under paragraph (1) or subsection (c)(1)(B) shall be made by a

MONS 029931

rule promulgated after a consideration of all relevant factors, including—

(A) the projected volume of manufacturing and processing of such substance for such use,

(B) the extent to which such use changes the type or form of exposure of humans or the environment to such substance, and

(C) the extent to which such use increases the magnitude and duration of exposure of humans or the environment to such substance.

The last sentence of section 19(c)(1) shall not apply to judicial review of any rule promulgated under this paragraph.

(c) NOTIFICATION FOR THE MANUFACTURE OR PROCESSING OF LISTED CHEMICAL SUBSTANCES.—(1)(A) No person may manufacture a chemical substance—

(i) which is listed under paragraph (3), and

(ii) which was a new chemical substance at the time of publication of the earliest proposed rule under paragraph (2) listing such substance,

unless (except as provided in subsection (i)) such person has, at least ninety days before such manufacture, submitted to the Administrator, in accordance with subsection (f), a notice of such person's intention to manufacture such substance and has complied with the requirement of subsection (d).

(B) No person may manufacture or process a chemical substance, listed under paragraph (3), for a use which the Administrator has determined, in accordance with subsection (b)(3), is a significant new use of such substance unless (except as provided in subsection (i)) such person—

(i) has, at least ninety days before such manufacture or processing, submitted to the Administrator, in accordance with subsection (f), a notice of such person's intention to manufacture or process such substance for such use, and

(ii) has complied with the requirement of subsection (d).

(2)(A)(i) Within twelve months after the effective date of this Act, the Administrator shall, by rule, compile, and from time to time thereafter revise, a list of chemical substances the manufacture, processing, distribution in commerce, use, or disposal of which, or any combination of such actions respecting which, the Administrator finds causes or significantly contributes to or may cause or significantly contribute to an unreasonable risk to health or the environment.

(ii) In making a finding under clause (i) that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or any combination of such actions causes or significantly contributes to or may cause or significantly contribute to an unreasonable risk to health or the environment, the Administrator shall consider all relevant factors, including—

(I) the effects of the chemical substance on health and the magnitude of human exposure to it; and

(II) the effects of the chemical substance on the environment and the magnitude of environmental exposure to it.

(B) The Administrator shall, in prescribing a rule under subparagraph (A) which lists any chemical substance, identify those uses, if any, which the Administrator determines, in accordance with subsection (b)(3), would constitute a significant new use of such substance. The last sentence of section 19(c)(1) shall not apply to judicial review of any provision of a rule under subparagraph (A) which provision is prescribed pursuant to this subparagraph.

(C) Any rule under subparagraph (A), and any amendment or repeal of such a rule, shall be promulgated pursuant to the procedures specified in section 553 of title 5, United States Code, except that (i) the Administrator shall give interested persons an opportunity for the oral presentation of data, views, or arguments, in addition to an opportunity to make written submissions, and (ii) a transcript shall be kept of any oral presentation. The Administrator may not promulgate under subparagraph (A) a rule listing a chemical substance unless the Administrator makes and publishes with the rule the finding described in such subparagraph.

(d) REQUIREMENT RESPECTING SUBMISSION OF TEST DATA.—(1)(A) If—

(i) a person is required by subsection (a), (b), or (c) to submit a notice to the Administrator before beginning the manufacture or processing of a chemical substance, and

(ii) such person is required to submit test data for such substance pursuant to a rule promulgated under section 4 before the submission of such notice or such person has been granted an exemption under section 4 (c) from the requirement of such rule,

such person may not, before the expiration of the period prescribed by subparagraph (B), manufacture such substance if the person is subject to subsection (a) or (c)(1)(A) or manufacture of process such substance for a significant new use if the person is subject to subsection (b) or (c)(1)(B).

(B) The period referred to in subparagraph (A) is—

(i) in the case of a person required to submit test data pursuant to a rule promulgated under section 4(a) a period of ninety days which begins on the date on which such person submits to the Administrator such data in accordance with such rule, and

(ii) in the case of a person who under section 4(c) is exempt from a requirement to submit test data pursuant to a rule promulgated under section 4(a), a period of ninety days which begins on the date of the submission in accordance with such rule of the test data the submission or the development of which was the basis for the exemption.

(2)(A) If—

(i) a person is required by subsection (c) to submit a notice to the Administrator before beginning the manufacture or processing of a chemical substance, and

(ii)(I) a rule promulgated under section 4 before the submission of such notice requiring the submission of test data for such substance does not require such person to submit such data, or

(II) the Administrator has not promulgated such a rule for such substance before the submission of such notice,

such person may not, before the expiration of the ninety-day period which begins on the date such person submits to the Administrator data prescribed by subparagraph (B), manufacture such substance if such person is subject to subsection (c)(1)(A) or manufacture or possess such substance for a significant new use if such person is subject to subsection (c)(1)(B).

(B) Data submitted pursuant to subparagraph (A) shall be data which the person submitting the data believes show that—

(i) in the case of a substance for which notice is required under subsection (c)(1)(A), the manufacture, processing, distribution in commerce, use, and disposal of the chemical substance or any combination of such actions would not cause or significantly contribute to an unreasonable risk to health or the environment, or

(ii) in the case of a chemical substance for which notice is required under subsection (c)(1)(B), the intended significant new use of the chemical substance would not cause or significantly contribute to an unreasonable risk to health or the environment.

(3) Data submitted under paragraph (1) or (2) shall be made available, subject to section 14, for examination by interested persons.

(e) EXTENSION OF NOTICE PERIOD.—The Administrator may for good cause extend for one additional period of not to exceed ninety days the period, prescribed by subsection (a), (b), (c), or (d), before which the manufacturing or processing of a chemical substance subject to such subsection may begin. Subject to section 14, such an extension and the reasons therefor shall be published in the Federal Register and shall constitute a final agency action subject to judicial review.

(f) CONTENT OF NOTICE; PUBLICATION IN THE FEDERAL REGISTER.—(1) The notice required by subsections (a), (b), and (c) respecting a chemical substance shall include—

(A) the name of the chemical substance;

(B) the chemical identity and molecular structure of the substance, insofar as such are reasonably ascertainable;

(C) the proposed categories of use of such substance, insofar as such are reasonably ascertainable;

(D) a reasonable estimate of the amount of the substance to be manufactured or processed and, insofar as reasonably ascertainable, a reasonable estimate of the amount of the substance to be manufactured or processed for each proposed category of use of the substance;

(E) a description of the byproducts, if any, resulting from the manufacture, processing, use, or disposal of the substance, insofar as such are reasonably ascertainable; and

(F) any test data in the possession or control of the person giving such notice which are related to the effect on health or the environment of any manufacture, processing, distribution in commerce, use, or disposal of the substance or any article containing such substance.

Such a notice shall be made available, subject to section 14, for examination by interested persons.

(2) Subject to section 14, not later than five days (excluding Saturdays, Sundays and legal holidays) after the date of the receipt of a notice under subsection (a), (b), or (c) or data under subsection (d) the Administrator shall publish in the Federal Register a notice which—

(A) identifies the chemical substance for which notice or data has been received;

(B) lists the uses or intended uses of such substance; and

(C) in the case of the receipt of data under subsection (d), describes the nature of the tests performed on such substance and any data which was developed pursuant to subsection (d) or a rule under section 4.

Notice under this paragraph respecting a chemical substance shall identify the chemical substance by generic class unless the Administrator determines that more specific identification is required in the public interest.

(g) REGULATORY PROCESS ENFORCEMENT OR IMPROVEMENT.—(1)(A) The district courts of the United States shall, upon application of the Administrator made through attorneys of the Environmental Protection Agency, have jurisdiction to enjoin in accordance with subparagraph (B), the manufacture, processing, or distribution in commerce of a chemical substance subject to a notification requirement of subsection (a), (b), or (c) if the court finds that—

(i) information available to the Administrator is insufficient to permit a reasoned evaluation of the effects on health or the environment of the manufacture, processing, distribution in commerce, use, or disposal of such chemical substance or any combination of such actions, and

(ii) in the absence of such information, the manufacture, processing, distribution in commerce, use, or disposal of such substance or any combination of such actions may

MONS 029932

cause or significantly contribute to an unreasonable risk to health or the environment.

(B) An injunction issued under subparagraph (A) with respect to a chemical substance subject to a notification requirement under subsection (b) or (c)(1)(B) respecting a significant new use of such substance shall apply only to the manufacture, processing, or distribution in commerce, as the case may be, of the substance for such use.

(C) An injunction issued under subparagraph (A) with respect to a chemical substance shall expire—

(i) upon the expiration of the five-day period beginning on the day after the issuance of the injunction, if the Administrator does not within such period publish the notice required by paragraph (2), or

(ii) if the Administrator publishes such notice within such period, upon the completion or termination of the proceeding begun by publication of such notice.

(2)(A) Within five days after the issuance of an injunction under paragraph (1) with respect to a chemical substance, the Administrator shall publish, in accordance with section 553(b) of title 5, United States Code, a general notice of proposed rulemaking to begin proceedings for the promulgation of a rule to apply to such substance one or more of the requirements described in section 6(a) as is necessary to adequately protect against the risk to health or the environment found by the court under paragraph (1)(A)(ii).

(B) Upon publication of such a notice, the Administrator shall, as expeditiously as possible, provide reasonable opportunity for a hearing (in accordance with paragraphs (2) and (3) of section 6(c)) on such proposed rule, and either adopt such rule (as proposed or with modifications) or by notice published in the Federal Register terminate the proceeding for the promulgation of the rule. If such a hearing is requested, the Administrator shall commence the hearing within fifteen days from the date such request is made unless the Administrator and each person making the request agree upon a later date for the hearing to begin, and after the hearing is concluded the Administrator shall, within thirty days of the conclusion of the hearing, either adopt such rule (as proposed or with modifications) or terminate the proceeding (as prescribed in the preceding sentence).

(3) After a rule promulgated under paragraph (2) has taken effect any person may petition the Administrator to initiate a proceeding to amend or repeal such rule. Within thirty days of the receipt of such a petition, the Administrator shall by order either grant or deny the petition. If the Administrator grants such petition, the Administrator shall promptly initiate a proceeding for the amendment or repeal, as the case may be, of such rule. Such a proceeding shall be conducted in accordance with paragraphs (2) and (3) of section 6(c).

(h) PETITION FOR STANDARDS FOR THE DEVELOPMENT OF TEST DATA.—A person intending to manufacture or process a chemical substance for which notice is required under subsection (a), (b), or (c) and who is not required under a rule under section 4 to conduct tests and submit data on such substance may petition the Administrator to prescribe standards for the development of test data for such substance. The Administrator shall either grant or deny any such petition within sixty days of its receipt. If the petition is granted, the Administrator shall prescribe such standards for such substance within seventy-five days of the date the petition is granted. If the petition is denied, the Administrator shall publish in the Federal Register the reasons for such denial.

(i) EXEMPTION.—(1) The Administrator may, upon application (made in such form and manner as the Administrator may prescribe) exempt any person from the requirement of subsection (a), (b), (c), or (d) or of any combination of such subsections to enable such person to manufacture or process a chemical substance for test marketing purposes—

(A) upon a showing by such person satisfactory to the Administrator that the manufacture, processing, distribution in commerce, use, and disposal of such substance for such purposes would not cause or significantly contribute to any unreasonable risk to health or the environment, and

(B) under such restrictions as the Administrator considers appropriate.

Within forty-five days of the receipt of an application under this paragraph the Administrator shall either approve or deny such application.

(2)(A) The Administrator may upon application (made in such form and manner as the Administrator may prescribe) exempt any person from the requirement of subsection (d)(2) to submit data for a chemical substance. If, upon receipt of an application under the preceding sentence, the Administrator determines that—

(i) the chemical substance (including any contaminant present in such substance) with respect to which such application was submitted is equivalent to a chemical substance for which data has been submitted to the Administrator in accordance with subsection (d)(2), and

(ii) submission of data by the applicant on such substance would be duplicative of data which has been submitted to the Administrator in accordance with such subsection,

the Administrator shall exempt the applicant from submitting such data on such substance. No exemption granted under this subparagraph with respect to the submission of data for a chemical substance may take effect before the beginning of the reimbursement period applicable to such data.

(B) If the Administrator, under subparagraph (A), exempts any person from submitting under subsection (d)(2) data for a chemical substance because of the existence of previously submitted data and if such exemption is granted during the reimbursement period for such data, then (unless such person and the persons referred to in clauses (i) and (ii) agree on the amount and method of reimbursement) the Administrator shall order the person granted the exemption to provide fair and equitable reimbursement (in an amount determined under rules of the Administrator)—

(i) to the person who previously submitted the data on which the exemption was based, for a portion of the costs incurred by such person in complying with the requirements under subsection (d)(2) to submit such data, and

(ii) to any other person who has been required under this subparagraph to contribute with respect to such costs, for a portion of the amount such person was required to contribute.

In promulgating rules for the determination of fair and equitable reimbursement to the persons described in clauses (i) and (ii) for costs incurred with respect to a chemical substance, the Administrator shall consider all relevant factors, including the effect on the competitive position of the person required to provide reimbursement in relation to the persons to be reimbursed and the share of the market for such substance of the person required to provide reimbursement in relation to the share of such market of the persons to be reimbursed. An order under this subparagraph shall be considered final agency action, for purposes of judicial review.

(C) For purposes of this paragraph, the reimbursement period for any previously submitted data for a chemical substance is a period—

(i) beginning on the date of the termination of the prohibition imposed under this section, on the manufacture or processing of such substance by the person who submitted such data to the Administrator, and

(ii) ending—

(I) five years after the date referred to in clause (i), or

(II) at the expiration of a period which begins on the date referred to in clause (i) and is equal to the period which the Administrator determines was necessary to develop such data,

whichever is later.

(3) The requirements of subsections (a), (b), (c), and (d) do not apply with respect to the manufacturing or processing of any chemical substance which is manufactured or processed, or proposed to be manufactured or processed, only in small quantities (as defined by the Administrator by rule) solely for—

(A) scientific experimentation or analysis, or

(B) chemical research or analysis on such substance or another substance, including such research or analysis for the development of a product,

if all persons engaged in such experimentation, research, or analysis for a manufacturer or processor are notified (in such form and manner as the Administrator may prescribe) of any risk to health which the manufacturer or processor has reason to believe may be associated with such chemical substance.

(4)(A) The requirements of subsections (a) and (c)(1)(A) do not apply with respect to the manufacturing or processing of any chemical substance which is the same as a listed chemical substance.

(B) For purposes of subparagraph (A), a chemical substance shall not be considered as different from a listed chemical substance solely because—

(i) the proportion of the inert chemical substances which are present in the listed chemical substance is different from the proportion of such substances present in the chemical substance being compared to the listed chemical substance; or

(ii) an inert listed chemical substance has been added to or deleted from the chemical substance being compared.

(C) For purposes of this paragraph—

(i) the term "inert chemical substance" means a chemical substance which when combined with other chemical substances to produce another chemical substance does not react chemically with such other chemical substances; and

(ii) the term "listed chemical substances" means a chemical substance included in the list compiled and published under section 8(b).

(5) The Administrator may, upon application, by rule exempt the manufacturer of any new chemical substance from all or part of the requirements of this section if the Administrator determines that such chemical substance will not cause or significantly contribute to an unreasonable risk to health or the environment. A rule under this paragraph (and any substantive amendment to, or repeal of, such a rule) shall be promulgated in accordance with paragraphs (2) and (3) of section 6(c).

(j) DEFINITION.—For purposes of this section, the terms "manufacture" and "process" mean to manufacture or to process for commercial purposes.

REGULATION OF HAZARDOUS CHEMICAL SUBSTANCES AND MIXTURES

SEC. 6. (a) SCOPE OF REGULATION.—If the Administrator finds that there is a reasonable basis to conclude that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture

MONS 029933

or any combination of such actions causes or significantly contributes to or will cause or significantly contribute to an unreasonable risk to health or the environment, the Administrator shall by rule apply to such substance or mixture one or more of the following requirements as is necessary to adequately protect against such risk:

(1) A requirement prohibiting the manufacturing, processing, or distribution in commerce of such substance or mixture or limiting the amount of such substance or mixture which may be manufactured, processed, or distributed in commerce.

(2) A requirement—

(A) prohibiting the manufacture, processing, or distribution in commerce of such substance or mixture for (i) a particular use or (ii) a particular use in a concentration in excess of a level specified by the Administrator in the rule imposing the requirement, or

(B) limiting the amount of such substance or mixture which may be manufactured, processed, or distributed in commerce for (i) a particular use or (ii) a particular use in a concentration in excess of a level specified by the Administrator in the rule imposing the requirement.

(3) A requirement that such substance or mixture or any article containing such substance or mixture be marked with or accompanied by clear and adequate warnings and instructions with respect to its use or disposal or with respect to both. The form and content of such warnings and instructions shall be prescribed by the Administrator.

(4) A requirement that manufacturers and processors of such substance or mixture make and retain records of the processes used to manufacture or process such substance or mixture.

(5)(A) A requirement regulating the manner or method of disposal of such substance or mixture or article containing such substance or mixture by its manufacturer or processor or any other person who uses it for commercial purposes.

(B) A requirement under subparagraph (A) may not require any person to take any action which would be in violation of any law or requirement of or in effect for a State or political subdivision, and shall require each person subject to it to notify each State and political subdivision in which a required disposal may occur of such requirement.

(6) If the rule imposes on a chemical substance or mixture a requirement described in paragraph (1) or (2), a requirement directing the manufacturer, processor, or distributor in commerce of such substance or mixture or article containing such substance or mixture or any combination of such persons (A) to give notice of such risk to processors or distributors in commerce of such substance, mixture, or article, or to both, and to the extent reasonably ascertainable, to any other person in possession of or exposed to such substance, mixture, or article; (B) to give public notice of such risk; or (C) to give both such notices.

A requirement imposed under this subsection shall be the least burdensome requirement necessary to adequately protect against the risk with respect to which the requirement was imposed and may be limited in application to specified geographic areas.

(b) PROHIBITION AGAINST ADULTERATION OR CONTAMINATION OF SUBSTANCES AND MIXTURES.—If the Administrator has good cause to believe that a particular manufacturer or processor in manufacturing or processing a chemical substance or mixture in a manner which unintentionally causes the chemical substance or mixture to cause or significantly contribute to or to be likely to cause or significantly contribute to an unreasonable risk to health or the environment—

(1) the Administrator may by order require such manufacturer or processor to submit a description of the relevant quality control procedures followed in the manufacturing or processing of such chemical substance or mixture; and

(2) if the Administrator determines after the issuance of an order described in paragraph (1)—

(A) that such quality control procedures are inadequate to prevent the chemical substance or mixture from causing or significantly contributing to such risk, the Administrator may order the manufacturer or processor to revise such quality control procedures to the extent necessary to remedy such inadequacy; or

(B) that the use of such quality control procedures has resulted in the distribution in commerce of chemical substances or mixtures which cause or significantly contribute to an unreasonable risk to health or the environment, the Administrator may order the manufacturer or processor to (i) give notice of such risk to processors or distributors in possession of any such substance or mixture, or to both, and, to the extent reasonably ascertainable, to any other person in possession of or exposed to any such substance, (ii) to give public notice of such risk, and (iii) to provide such replacement or repurchase of any such substance or mixture as is necessary to adequately protect health or the environment.

A determination under subparagraph (A) or (B) of paragraph (2) shall be made on the record after opportunity for hearing in accordance with section 554 of title 5, United States Code. The manufacturer or processor subject to a requirement to replace or repurchase a chemical substance or mixture may be required to replace or repurchase the substances or mixture and shall take either such action in the manner prescribed by the Administrator.

(c) PROMULGATION OF SUBSECTION (a) RULES.—(1) In promulgating any rule under subsection (a) with respect to a chemical substance or mixture, the Administrator shall consider all relevant factors and make findings with respect to—

(A) the effects of such substance or mixture on health and the magnitude of human exposure to such substance or mixture,

(B) the effects of such substance or mixture on the environment and the magnitude of environmental exposure to such substance or mixture,

(C) the benefits of such substance or mixture for various uses and the availability of other substances or mixtures for such uses, and

(D) the reasonably ascertainable economic consequences of such rule taking into account the impact on small business.

If the Administrator determines that a risk to health or the environment could be eliminated or reduced to a sufficient extent by actions taken under another Federal law (or laws) administered in whole or in part by the Administrator, the Administrator may not promulgate a rule under subsection (a) to protect against such risk unless the Administrator makes a finding that it is in the public interest to protect against such risk under such rule taking into consideration all aspects of the risk, the authorities under this Act and such other law (or laws) to enforce actions taken under this Act or such law (or laws) to protect against such risk, a comparison of the estimated costs of complying with actions taken under this Act and under such law (or laws), and the relative efficiency of actions under this Act and under such law (or laws). In the judicial review of a rule under subsection (a) the last sentence of section 19(c)(1) shall not apply with respect to the determinations and findings required to be made by this paragraph.

(2)(A) Rules under subsection (a) shall be promulgated pursuant to section 553 of title 5 of the United States Code; except that in promulgating any such rule (i) the Administrator shall give interested persons an opportunity for the oral presentation of data, views, or arguments, in addition to an opportunity to make written submissions; (ii) a transcript shall be kept of any oral presentation; and (iii) during any such oral presentation, the Administrator shall include an opportunity for cross-examination as provided in subparagraph (B). The Administrator may not promulgate a rule under subsection (a) respecting a chemical substance or mixture unless the Administrator makes and publishes with the rule the finding described in such subsection.

(B) An interested person is entitled, if the Administrator determines that it is necessary to resolve disputed issues of material fact, to conduct or have conducted by the Administrator such cross-examination of persons as the Administrator determines (i) to be appropriate in view of any need for expedition, the nature of the issues involved, and the number of participants and the nature of their interests, and (ii) to be required for a full and true disclosure with respect to such issues.

(C)(i) If the Administrator determines that a group of persons, each of whom would but for this subparagraph be entitled to conduct (or have conducted) cross-examination, has the same or similar interests in a proceeding, the Administrator may (I) conduct cross-examination on behalf of each group, or (II) require such group to designate a single representative of such interests for purposes of conducting cross-examination in such proceeding and such representative shall, except as provided in clause (ii), conduct such cross-examination. If such group cannot agree upon a single representative for such purposes, the Administrator may limit the representation of such interests for such purposes.

(ii) When any person who is a member of a group with respect to which the Administrator has made a determination under clause (i) is unable to serve upon group representation with the other members of the group, then such person shall not be denied under the authority of such clause the opportunity to conduct (or have conducted) cross-examination as to issues affecting the person's particular interests if (I) the person satisfies the Administrator that the person has made a reasonable and good faith effort to reach agreement upon group representation with the other members of the group and (II) the Administrator determines that there are substantial and relevant issues which are not adequately presented by the group representative.

(D) The Administrator may issue procedural rules for the conduct of any oral presentation (including cross-examination) under this paragraph and may impose such reasonable time limits on each person's oral presentations authorized by this paragraph as may be appropriate in view of any need for expedition, the nature of the issues involved, and the number of participants and the nature of their interests.

(E) In the judicial review of a rule under subsection (a) the last sentence of section 19(c)(1) shall not apply to any determination of the Administrator under this paragraph.

(3)(A) The Administrator may, pursuant to rules prescribed by it, provide compensation for reasonable attorneys' fees, expert witness fees, and other costs of participating in a rulemaking proceeding for the promulgation of a rule under subsection (a) to any person who represents an interest which will substantially contribute to a fair determination of the issues to be resolved in the proceeding taking into account the number

MONS 029934

and complexity of such issues and whether representation of such interest will contribute to widespread public participation in the proceeding and representation of a fair balance of interests for the resolution of such issues if—

(i) the economic interest of such person is small in comparison to the costs of effective participation in the proceeding by such person, or

(ii) such person demonstrates to the satisfaction of the Administrator that such person does not have sufficient resources adequately to participate in the proceeding in the absence of compensation under this subparagraph.

In determining whether compensation should be provided to a person under this subparagraph and the amount of such compensation, the Administrator shall take into account the financial burden which will be incurred by such person in participating in the rule-making proceeding.

(B) The aggregate amount of compensation paid under this paragraph in any fiscal year to all persons who, in rulemaking proceedings in which they receive compensation, are persons who either—

(i) would be regulated by the proposed rule, or

(ii) represent persons who would be so regulated, may not exceed 25 per centum of the aggregate amount paid as compensation under this paragraph to all persons in such fiscal year.

(4) Paragraphs (1), (2), and (3) of this subsection apply to the promulgation of a rule repealing, or making a substantive amendment to, a rule promulgated under subsection (a).

(d) EFFECTIVE DATE.—(1) The Administrator shall specify in any rule under subsection (a) the date on which it shall take effect, which date shall be as soon as feasible.

(2)(A) The Administrator may declare a proposed rule under subsection (a) to be effective upon its publication in the Federal Register and until the effective date of final action taken, in accordance with subparagraph (B), on such proposed rule if—

(i) the Administrator determines that—

(I) the manufacture, processing, distribution in commerce, use, or disposal of the chemical substance or mixture subject to such proposed rule or any combination of such activities is likely to result in an unreasonable risk of serious or widespread harm to health or the environment before such effective date; and

(II) making such proposed rule so effective is necessary to protect the public interest; and

(ii) in the case of a proposed rule to prohibit the manufacture, processing, or distribution of a chemical substance or mixture because of the risk determined under clause (i)(I), a court has in an action under section 7 granted relief with respect to such risk associated with such substance or mixture.

(B) If the Administrator makes a proposed rule effective upon its publication in the Federal Register, the Administrator shall, as expeditiously as possible, give interested persons prompt notice of such action, provide reasonable opportunity, in accordance with paragraphs (2) and (3) of subsection (c), for a hearing on such rule, and either affirm such rule (as proposed or with modifications) or revoke it; and if such a hearing is requested, the Administrator shall commence the hearing within five days from the date such request is made unless the Administrator and the person making the request agree upon a later date for the hearing to begin, and after the hearing is concluded the Administrator shall, within ten days of the conclusion of the hearing, either affirm such rule (as proposed or with modifications) or revoke it.

(e) Polychlorinated Biphenyls.—(1) Within 6 months after the effective date of this Act the Administrator shall initiate proceedings for the promulgation of rules to—

(A) prescribe methods for the disposal of polychlorinated biphenyls, and

(B) require polychlorinated biphenyls to be marked with clear and adequate warnings and instructions with respect to their processing, distribution in commerce, use, or disposal or with respect to any combination of such activities.

Requirements prescribed by rules under this paragraph shall be consistent with the requirements prescribed by or under paragraphs (2) and (3).

(2)(A) Except as provided under subparagraph (B), effective one year after the effective date of this Act no person may manufacture, process, or distribute in commerce any polychlorinated biphenyl for any use other than a use in a totally enclosed manner.

(B) The Administrator may by rule authorize the manufacture, processing, or distribution in commerce (or any combination of such activities) of any polychlorinated biphenyl for any use other than a use in a totally enclosed manner if the Administrator finds that such manufacture, processing, or distribution in commerce (or combination of such activities) will not cause or significantly contribute to an unreasonable risk to health or the environment.

(C) For the purpose of this paragraph, the term "totally enclosed manner" means any manner which will ensure that any leakage of a polychlorinated biphenyl from its enclosure will be insignificant as determined by the Administrator by rule.

(3)(A) Except as provided in subparagraphs (B) and (C), effective two years after the effective date of this Act no person may manufacture any polychlorinated biphenyl, and effective two and one-half years after such effective date no person may process or distributed in commerce any polychlorinated biphenyl.

(B) Any interested person may petition the Administrator for an exemption from the requirements of subparagraph (A) for a particular use of a polychlorinated biphenyl, and the Administrator may grant by rule such an exemption if the Administrator determines that—

(i) the exemption is necessary for the protection of the health or environment, and

(ii) good faith efforts have been made to develop a chemical substance which may be substituted for such polychlorinated biphenyl in such use and which does not cause or significantly contribute to an unreasonable risk to health or the environment.

An exemption granted under this subparagraph shall be subject to such terms and conditions as the Administrator may prescribe and shall be in effect for such period (but not more than one year from the date it is granted) as the Administrator may prescribe.

(C) Subparagraph (A) shall not apply to the distribution in commerce of any article containing any polychlorinated biphenyl if such article was manufactured before two and one half years after the effective date of this Act.

(4) Any rule under paragraph (1), (2)(B), or (3)(B) shall be promulgated in accordance with paragraphs (2) and (3) of subsection (c).

IMMINENT HAZARDS

SEC. 7. (a) ACTIONS AUTHORIZED AND REQUIRED.—(1) The Administrator may file an action in a district court of the United States—

(A) for seizure of an imminently hazardous chemical substance or mixture or any article containing such a substance or mixture,

(B) for relief (as authorized by subsection (b)) against any person who manufactures, processes, or distributes in commerce an imminently hazardous chemical substance or mixture or any article containing such a substance or mixture, or

(C) for both such seizure and relief.

An action may be filed under this paragraph notwithstanding the existence of a rule under section 4, 5, or 6, and notwithstanding the pendency of any administrative or judicial proceeding under any provision of this Act.

(2) If the Administrator has not made a rule under section 6(a) immediately effective (as authorized by subsection 6(d)(2)(A)(i)) with respect to an imminently hazardous chemical substance or mixture, the Administrator shall file in a district court of the United States with respect to such substance or mixture or article containing such substance or mixture an action described in subparagraph (A), (B), or (C) or paragraph (1).

(b) JURISDICTION OF COURT.—(1) The district court of the United States in which an action under subsection (a) is brought shall have jurisdiction to grant such temporary or permanent relief as may be necessary to protect health or the environment from the unreasonable risk associated with the chemical substance, mixture, or article involved in such action.

(2) In the case of an action under subsection (a) brought against a person who manufactures, processes, or distributes in commerce a chemical substance or mixture or an article containing a chemical substance or mixture, the relief authorized by paragraph (1) may include the issuance of a mandatory order requiring (A) in the case of purchasers of such substance, mixture, or article known to the defendant, notification to such purchasers of the risk associated with it; (B) public notice of such risk; (C) recall; (D) the replacement or repurchase of such substance, mixture, or article; or (E) any combination of the actions described in the preceding clauses.

(3) In the case of an action under subsection (a) against a chemical substance, mixture, or article, such substance, mixture, or article may be proceeded against by process of libel for its seizure and condemnation. Proceedings in such an action shall conform as nearly as possible to proceedings in rem in admiralty.

(c) VENUE AND CONSOLIDATION.—(1)(A) An action under subsection (a) against a person who manufactures, processes, or distributes a chemical substance or mixture or an article containing a chemical substance or mixture may be brought in the United States District Court for the District of Columbia or for any judicial district in which any of the defendants is found, resides, or transacts business; and process in such an action may be served on a defendant in any other district in which such defendant resides or may be found. An action under subsection (a) against a chemical substance, mixture, or article may be brought in any United States district court within the jurisdiction of which the substance, mixture, or article is found.

(B) In determining the judicial district in which an action may be brought under subsection (a) in instances in which such action may be brought in more than one judicial district, the Administrator shall take into account the convenience of the parties.

(C) Upon application by the defendant in an action brought under subsection (a) may run into any judicial district.

(2) Whenever proceedings under subsection (a) involving identical chemical substances, mixtures, or articles are pending in courts in two or more judicial districts, they shall be consolidated for trial by order of any such court upon application reasonably made by any party in interest, upon notice to all parties in interest.

MONS 029935

(d) ACTION UNDER SECTION 6.—Where appropriate, concurrently with the filing of an action under subsection (a) or as soon thereafter as may be practicable, the Administrator shall initiate a proceeding for the promulgation of a rule under section 6(a).

(e) REPRESENTATION.—Notwithstanding any other provision of law, in any action under subsection (a), the Administrator may direct attorneys of the Environmental Protection Agency to appear and represent the Administrator in such an action.

(f) DEFINITION.—For purposes of subsection (a), the term "imminently hazardous chemical substance or mixture" means a chemical substance or mixture which causes or significantly contributes to an imminent and unreasonable risk of serious or widespread harm to health or the environment. Such a risk to health or the environment shall be considered imminent if it is shown that the manufacture, processing, distribution in commerce, use, or disposal of the chemical substance or mixture or any combination of such actions is likely to result in such harm to health or the environment before a final rule under section 6 can protect against such risk.

REPORTING AND RETENTION OF INFORMATION

SEC. 8. (a) REPORTS.—(1) The Administrator shall promulgate rules under which—

(A) each person (other than a small manufacturer or processor) who manufactures or processes or proposes to manufacture or process a chemical substance (other than a chemical substance described in subparagraph (B) (ii)) shall maintain such records, and shall submit to the Administrator such reports, as the Administrator may reasonably require, and

(B) each person (other than a small manufacturer or processor) who manufactures or processes or proposes to manufacture or process—

(i) a mixture, or

(ii) a chemical substance in small quantities (as defined by the Administrator by rule) solely for scientific experimentation or analysis or for chemical research or analysis on such substance or another substance, including such research or analysis for the development of a product,

shall maintain records and submit to the Administrator reports but only to the extent the Administrator determines the maintenance of records or submission of reports, or both, if necessary for the effective enforcement of this Act.

The Administrator may not require in a rule promulgated under this paragraph the maintenance of records or the submission of reports with respect to changes in the proportions of the components of a mixture unless the Administrator finds that the maintenance of such records or the submission of such reports, or both, is necessary for the effective enforcement of this Act. For purposes of the compilation of the list of chemical substances required under subsection (b), the Administrator shall promulgate rules pursuant to this subsection not later than one hundred and eighty days after the effective date of this Act.

(2) The Administrator may require under paragraph (1) reporting with respect to the following:

(A) The common or trade name, the chemical identity, and the molecular structure of each chemical substance or mixture for which such a report is required, insofar as known to the person making the report or insofar as reasonably ascertainable.

(B) The categories or proposed categories of use of each such substance or mixture, insofar as known to the person making the report or insofar as reasonably ascertainable.

(C) Reasonable estimates of the amount of each substance and mixture to be manufactured or processed and, insofar as known to the person making the report or insofar as reasonably ascertainable, a reasonable estimate of the amount of each such substance and mixture to be manufactured or processed for each of its categories or proposed categories of use.

(D) A description of the byproducts resulting from the manufacture, processing, use, or disposal of each such substance or mixture, insofar as known to the person making the report or insofar as reasonably ascertainable.

(E) All existing data concerning the adverse environmental and health effects of such substance or mixture, insofar as known to the person making the report.

(F) Estimates of the number of persons who will be exposed to such substance or mixture in their places of employment and the duration of such exposure, insofar as known to the person making the report.

To the extent feasible the Administration shall not require under paragraph (1) unnecessary or duplicate reporting.

(3)(A)(i) The Administrator may by rule require a small manufacturer or processor of a chemical substance to submit to the Administrator such information respecting the chemical substance as the Administrator may require for publication of the first list of chemical substances required by subsection (b).

(ii) The Administrator may by rule require a small manufacturer or processor of a chemical substance or mixture—

(I) subject to a rule proposed or promulgated under section 6, 5(c), 5(g), or 6, or

(II) with respect to which relief has been granted pursuant to a civil action brought under section 7, to maintain such records on such substance or mixture, and to submit to the Administrator such reports on such substance or mixture, as the Administrator may reasonably require. A rule under this clause requiring reporting may require reporting with respect to the matters referred to in paragraph (2).

(B) The Administrator, after consultation with the Administrator of the Small Business Administration, shall by rule prescribe standards for determining the manufacturers and processors which qualify as small manufacturers and processors for purposes of this paragraph and paragraph (1).

(b) INVENTORY.—(1) The Administrator shall compile, keep current, and publish a list of each chemical substance which is manufactured or processed in the United States. Such list shall at least include each chemical substance which any person reports, under section 5 or subsection (a) of this section, is manufactured or processed in the United States or was manufactured or processed in the United States within three years before the effective date of the rules promulgated pursuant to the last sentence of subsection (a)(1). In the case of a chemical substance for which a notice is submitted in accordance with section 5, such chemical substance shall be included in such list as of the earliest date (as determined by the Administrator) on which such substance was manufactured or processed in the United States. The Administrator shall first publish such a list not later than one year after the effective date of this Act. The Administrator shall not include in such list any chemical substance which is manufactured or processed only in small quantities (as defined by the Administrator by rule) solely for scientific experimentation or analysis or for chemical research or analysis on such substance or another substance, including such research or analysis for the development of a product.

(2) To the extent consistent with the purposes of this Act, the Administrator may, in lieu of listing, pursuant to paragraph (1), a chemical substance individually, list a category of chemical substances in which such substance is included.

(c) RECORDS.—Any person who manufactures, processes, or distributes in commerce or proposes to manufacture, process, or distribute in commerce any chemical substance or mixture shall, as required by the Administrator by rule, maintain records of adverse reactions to health or the environment alleged to have been caused by the substance or mixture. In such a rule the Administrator may require that—

(1) records of adverse reactions to the health of employees be retained for a period of not more than fifty years from the date such reactions were first reported to or known by the person maintaining such records, and

(2) any other record be retained for a period of not more than five years from the date the information contained in the record was first reported to or known by the person maintaining the record.

Records required to be maintained under this subsection may include records of consumer allegations of personal injury or harm to health, reports of occupational disease or injury, and reports or complaints of injury to the environment submitted to the manufacturer, processor, or distributor in commerce by individuals or governmental agencies. Upon request of an officer or employee duly designated by the Administrator, each person who is required to maintain records under this subsection shall permit the inspection of such records and shall submit copies of such records.

(d) HEALTH AND SAFETY STUDIES.—The Administrator shall promulgate rules under which the Administrator may require any person who manufactures, processes, or distributes in commerce or who proposes to manufacture, process, or distribute in commerce any chemical substance or mixture (or with respect to paragraph (2), any person who has possession of a study) to submit to the Administrator—

(1) lists of health and safety studies conducted or initiated by or for such person at any time or known to such person; and

(2) copies of any such studies appearing on a list submitted pursuant to paragraph (1) or (3), or otherwise known by such person.

(e) NOTICE TO ADMINISTRATOR OF UNREASONABLE RISKS.—Any person who manufactures, processes, or distributes in commerce a chemical substance or mixture and who obtains information which reasonably supports the conclusion that such substance or mixture causes or significantly contributes to a substantial risk to health or the environment shall immediately inform the Administrator of such information unless such person has actual knowledge that the Administrator has been adequately informed of such information.

(f) DEFINITIONS.—For purposes of this section, the terms "manufacture" and "process" mean manufacture or process for commercial purposes.

RELATIONSHIP TO OTHER FEDERAL LAWS

SEC. 9 (a) LAWS NOT ADMINISTERED BY THE ADMINISTRATOR.—(1) If the Administrator has reason to believe that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture or any combination of such actions causes or significantly contributes to or is likely to cause or significantly contribute to an unreasonable risk to health or the environment and determines that such risk may be prevented or reduced to a sufficient extent by action taken under a Federal law not administered by the Administrator, the Administrator shall submit to the agency which administers such law a report which describes such risk and includes in such de-

MONS 029936

scription a specification of the activity or combination of activities which the Administrator has reason to believe so causes or contributes to such risk. Such report shall also request such agency—

(A) (i) to determine if the risk described in such report may be prevented or reduced to a sufficient extent by action taken under such law, and

(ii) if the agency determines that such risk may be so prevented or reduced, to issue an order declaring whether or not the activity or combination of activities specified in the description of such risk causes or significantly contributes to such risk; and

(B) to report such determination and order to the Administrator.

Any report of the Administrator shall include a detailed statement of the information on which it is based and shall be published in the Federal Register. The agency receiving a request under such a report shall make the requested determination, issue the requested order, and make the requested report within such time as the Administrator specifies in the request, but such time specified may not be less than ninety days from the date the request was made. The report of an agency in response to a request of the Administrator shall be accompanied by a detailed statement of the findings and conclusions of the agency respecting the order and determination requested to be made and shall be published in the Federal Register.

(2) If the Administrator makes a report under paragraph (1) with respect to a chemical substance or mixture and the agency to which such report was made either—

(A) issues an order declaring that the activity or combination of activities specified in the description of the risk described in the report does not cause or significantly contribute to the risk described in the report, or

(B) initiates, within ninety days of the publication in the Federal Register of the report of the agency under paragraph (1) in response to the Administrator's report, action under the law (or laws) administered by such agency to protect against such risk, the Administrator may not take any action under section 6 or 7 with respect to such risk.

(3) If the Administrator has initiated action under section 6 or 7 with respect to a risk associated with a chemical substance or mixture which was the subject of a report made to an agency under paragraph (1), such agency shall before taking action under the law (or laws) administered by it to protect against such risk consult with the Administrator for the purpose of avoiding duplication of Federal action against such risk.

(b) LAWS ADMINISTERED BY THE ADMINISTRATOR.—The Administrator shall coordinate actions taken under this Act with actions taken under other Federal laws administered in whole or in part by the Administrator. If a risk to health or the environment associated with a chemical substance or mixture could be eliminated or reduced to a sufficient extent by actions taken under the authorities contained in such other Federal laws, the Administrator shall use such authorities to protect against such risk unless the Administrator determines that it is in the public interest to protect against such risk by actions taken under this Act. This subsection shall not be construed to relieve the Administrator of any requirement imposed on the Administrator by such other Federal laws.

(c) OCCUPATIONAL SAFETY AND HEALTH.—In exercising any authority under this Act, the Administrator shall not, for purposes of section 4(b)(1) of the Occupational Safety and Health Act of 1970, be deemed to be exercising statutory authority to prescribe or enforce standards or regulations affecting occupational safety and health.

(d) COORDINATION.—In administering this Act, the Administrator shall consult and coordinate with the Secretary of Health, Education, and Welfare and the heads of any other appropriate Federal executive department or agency, any relevant independent regulatory agency, and any other appropriate instrumentality of the Federal Government for the purpose of achieving the maximum enforcement of this Act while imposing the least burdens of duplicative requirements on those subject to the Act and for other purposes. The Administrator shall report annually to the Congress on actions taken to coordinate with such other Federal departments, agencies, or instrumentalities, and on actions taken to coordinate the authority under this Act with the authority granted under other Acts referred to in subsection (b).

RESEARCH, DEVELOPMENT, COLLECTION, DISSEMINATION, AND UTILIZATION OF DATA

SEC. 10. (a) AUTHORITY.—The Administrator shall, in consultation and cooperation with the Secretary of Health, Education, and Welfare and with other heads of appropriate departments and agencies, conduct such research, development, and monitoring as is necessary to carry out the purposes of this Act. The Administrator may enter into contracts and may make grants for such research, development, and monitoring. Contracts may be entered into under this subsection without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529, 41 U.S.C. 5).

(b) DATA SYSTEMS.—(1) The Administrator shall establish, administer, and be responsible for the continuing activities of an interagency committee which will design, establish, and coordinate an efficient and effective system, within the Environmental Protection Agency, for the collection, dissemination to other Federal departments and agencies, and use of data submitted to the Administrator under this Act.

(2) (A) The Administrator shall, in consultation with the Secretary of Health, Education, and Welfare and other heads of appropriate departments and agencies design, establish, and coordinate an efficient and effective system for the retrieval of toxicological and other scientific data which could be useful to the Administrator in carrying out the purposes of this Act. Systematized retrieval shall be developed for use by all Federal and other departments and agencies with responsibilities in the area of regulation or study of chemical substances and mixtures and their effect on health or the environment.

(B) The Administrator, in consultation with the Secretary of Health, Education, and Welfare, is authorized to make grants and enter into contracts for the development of a data retrieval system described in subparagraph (A). Contracts may be entered into under this subparagraph without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529, 41 U.S.C. 5).

(c) SCREENING TECHNIQUES.—The Administrator shall coordinate with the Assistant Secretary for Health research undertaken by the Administrator and directed toward the development of rapid, reliable, and economical screening techniques for carcinogenic, mutagenic, teratogenic, and ecological effects of chemical substances and mixtures.

(d) MONITORING.—The Administrator shall establish and be responsible for research aimed at the development, in cooperation with local, State, and Federal agencies, of monitoring techniques and instruments which may be used in the detection of toxic chemical substances and mixtures and which are reliable, economical, and capable of being implemented under a wide variety of conditions.

(e) HAZARD RESEARCH.—The Administrator shall establish research programs to develop the fundamental scientific basis of the screening and monitoring techniques described in subsections (c) and (d), the bounds of their reliability of such techniques, and the opportunities for their improvement.

(f) MANPOWER TRAINING.—The Administrator shall establish and promote programs and workshops to train or facilitate the training of Federal laboratory and technical personnel in existing or newly developed screening and monitoring techniques.

(g) EXCHANGES OF RESEARCH AND DEVELOPMENT RESULTS.—The Administrator shall, in consultation with the Secretary of Health, Education, and Welfare and other heads of appropriate agencies, establish and coordinate a system for exchange among Federal, State, and local authorities of research and development results respecting toxic chemical substances and mixtures, including a system to facilitate and promote the development of standard data format and analysis and consistent testing procedures.

INSPECTIONS

SEC. 11. (a) IN GENERAL.—For purposes of enforcement of this Act the Administrator, or any representative of the Administrator, duly designated by the Administrator, may inspect any establishment, facility, or other premises in which chemical substances or mixtures are manufactured, processed, stored, or held before or after their distribution in commerce and any conveyance being used to transport chemical substances or mixtures in connection with distribution in commerce. Such an inspection may only be made upon presenting appropriate credentials and a written notice to the owner, operator, or agent in charge of the premises or conveyance to be inspected. A separate notice shall be given for each such inspection but a notice shall not be required for each entry made during the period covered by the inspection. Each such inspection shall be commenced and completed with reasonable promptness and shall be conducted at reasonable times, within reasonable limits, and in a reasonable manner.

(b) SCOPE.—(1) Except as provided in paragraph (2), an inspection under subsection (a) shall extend to all things within the premises or conveyance inspected (including records, files, papers, processes, controls, and facilities) bearing on whether the requirements of this Act applicable to the chemical substances or mixtures within such premises or conveyance have been complied with.

(2) No inspection under subsection (a) shall extend to—

(A) financial data,

(B) sales data other than shipment data,

(C) pricing data,

(D) personnel data, or

(E) research data (other than research data required by this Act),

unless the nature and extent of such data are described with reasonable specificity in the written notice required by subsection (a) for such inspection.

EXPORTS

SEC. 12. (a) GENERAL.—(1) Except as provided in paragraph (2) and subsection (b), this Act (other than section 8) shall not apply to any chemical substance, mixture, or an article containing a chemical substance or mixture if—

(A) it can be shown that such substance, mixture, or article is being manufactured, processed, sold, or held for sale for export from the United States, unless such substance, mixture, or article was, in fact, manufactured, processed, or distributed in commerce, for use in the United States, and

(B) such substance, mixture, or article when distributed in commerce, or any container in which it is enclosed when so distributed, bears a stamp or label stating that such substance, mixture, or article is intended for export.

(2) Paragraph (1) shall not apply to any chemical substance, mixture, or article if the

MONS 029937

Administrator finds that the substance, mixture, or article will cause or significantly contribute to an unreasonable risk to health within the United States or to the environment of the United States. The Administrator may require, under section 4, testing of a chemical substance or mixture exempted from this Act by paragraph (1) to determine whether or not such substance or mixture causes or significantly contributes to an unreasonable risk to health within the United States or to the environment of the United States.

(b) NOTICE.—(1) If any person exports or intends to export to a foreign country a chemical substance or mixture for which the submission of data is required under section 4 or 5(d), such person shall notify the Administrator of such exportation or intent to export and the Administrator shall furnish to the government of such country notice of the availability of the data submitted to the Administrator under such section for such substance or mixture.

(2) If any person exports or intends to export to a foreign country a chemical substance or mixture for which a rule has been proposed or promulgated under section 5 or 6, or with respect to which an action is pending, or relief has been granted under section 7, such person shall notify the Administrator of such exportation or intent to export and the Administrator shall furnish to the government of such country notice of such rule, action, or relief.

ENTRY INTO CUSTOMS TERRITORY OF THE UNITED STATES

SEC. 13. (a) IN GENERAL.—(1) The Secretary of the Treasury shall refuse entry into the customs territory of the United States (as defined in general headnote 2 to the Tariff Schedules of the United States) of any chemical substance, mixture, or article containing a chemical substance or mixture offered for entry if—

(A) it fails to comply with any rule in effect under this Act, or

(B) it is offered for entry in violation of section 5, a rule or order under section 5 or 6, or an order issued in an action brought under section 5 or 7.

(2) If a chemical substance, mixture, or article is refused entry under paragraph (1), the Secretary of the Treasury shall notify the consignee of such entry refusal, shall not release it to the consignee, and shall cause its disposal or storage (under such rules as the Secretary of the Treasury may prescribe) if it has not been exported by the consignee within ninety days from the date of receipt of notice of such refusal, except that the Secretary of the Treasury may, pending a review by the Administrator of the entry refusal, release to the consignee such substance, mixture, or article on execution of bond for the amount of the full invoice of such substance, mixture, or article (as such value is set forth in the customs entry), together with the duty thereon. On failure to return such substance, mixture, or article for any cause to the custody of the Secretary of the Treasury when demanded, such consignee shall be liable to the United States for liquidated damages equal to the full amount of such bond. All charges for storage, cartage, and labor on substances, mixtures, or articles which are refused entry or release under this section shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future entry made by such owner or consignee.

(b) RULES.—The Secretary of the Treasury, after consultation with the Administrator, shall issue rules for the enforcement of subsection (a) of this section.

DISCLOSURE OF DATA

SEC. 14. (a) IN GENERAL.—Except as provided by subsection (b), any information reported to, or otherwise obtained by, the Administrator (or any representative of the Administrator) under this Act, which is exempt from disclosure pursuant to subsection (a) of section 552 of title 5, United States Code, by reason of subsection (b)(4) of such section, shall not be disclosed by the Administrator or by any officer or employee of the United States, except that such information may be disclosed—

(1) to officers and employees of the United States—

(A) in connection with their official duties under laws for the protection of health or the environment, or

(B) for specific law enforcement purposes;

(2) to contractors with the United States and employees of such contractors if in the opinion of the Administrator such disclosure is necessary for the satisfactory performance by the contractor of a contract with the United States entered into on or after the effective date of this Act for the performance of work in connection with this Act; or

(3) when relevant in any proceeding under this Act, except that disclosure in such a proceeding shall be made in such manner as to preserve confidentiality to the extent practicable without impairing the proceeding.

(b) DATA FROM HEALTH AND SAFETY STUDIES.—(1) Subsection (a) does not prohibit the disclosure of—

(A) any health and safety study submitted under this Act with respect to—

(i) any chemical substance or mixture which on the date the study is to be disclosed has been offered for commercial distribution, or

(ii) any chemical substance or mixture for which testing is required under section 4 or for which notification is required under section 5, and

(B) any data reported to, or otherwise obtained by the Administrator from a health and safety study which relates to a chemical substance or mixture described in clause (i) or (ii) of subparagraph (A).

This paragraph does not authorize the release of data which discloses processes used in the manufacturing or processing of a chemical substance or mixture or, in the case of a mixture, the release of data disclosing the portion of the mixture comprised by any of the chemical substances in the mixture.

(2) If a request is made to the Administrator under subsection (a) of section 552 of title 5, United States Code, for information which is described in the first sentence of paragraph (1) and which is not information described in the second sentence of such paragraph, the Administrator may not deny such request on the basis of subsection (b)(3) or (b)(4) of such section.

(c) DESIGNATION OF CONFIDENTIAL DATA; DISCLOSURE.—(1) In submitting data under this Act, a person may (A) designate the data which the person believes is entitled to confidential treatment under subsection (a), and (B) submit such designated data separately from other data submitted under this Act.

(2) If the Administrator proposes to release for inspection data which has been designated under paragraph (1)(A), the Administrator shall notify, in writing and by certified mail, the person who submitted such data of the intent to release such data. If the release of such data is to be made pursuant to a request made under section 552(a) of title 5, United States Code, such notice shall be given immediately upon approval of such request by the Administrator. The Administrator may not release such data until the expiration of thirty days after the person submitting such data has received the notice required by this paragraph.

(d) CRIMINAL PENALTY FOR WRONGFUL DISCLOSURE.—(1) Any officer or employee of the United States or former officer or employee of the United States, who by virtue of such employment or official position has obtained possession of, or has access to, material the disclosure of which is prohibited by subsection (a), and who knowing that disclosure of such material is prohibited by such subsection, willfully discloses the material in any manner to any person not entitled to receive it, shall be guilty of a misdemeanor and fined not more than $5,000 or imprisoned for not more than one year, or both. Section 1905 of title 18, United States Code, does not apply with respect to the publishing, divulging, disclosure, or making known of, or making available, information reported or otherwise obtained under this Act.

(2) For the purposes of paragraph (1), any contractor with the United States who is furnished information as authorized by subsection (a)(2), and any employee of any such contractor, shall be considered to be an employee of the United States.

(e) ACCESS BY CONGRESS.—Notwithstanding any limitation contained in this section or any other provision of law, all information reported to or otherwise obtained by the Administrator (or any representative of the Administrator) under this Act shall be made available, upon written request of any duly authorized committee of the Congress, to such committee.

PROHIBITED ACTS

SEC. 15. It shall be unlawful for any person to—

(1) fail or refuse to comply with (A) any rule or order promulgated or issued under section 4, (B) any requirement prescribed by section 5, or (C) any rule or order promulgated under section 5 or 6;

(2) use for commercial purposes a chemical substance or mixture which such person knew or had reason to know was manufactured, processed, or distributed in commerce in violation of section 5, a rule or order under section 5 or 6, or an order issued in an action brought under section 5 or 7;

(3) fail or refuse to (A) establish or maintain records, (B) submit reports, notices, or other information, or (C) permit access to or copying of records, as required by this Act or a rule thereunder; or

(4) fail or refuse to permit entry or inspection as required by section 11.

PENALTIES

SEC. 16. (a) CIVIL.—(1) Any person who violates a provision of section 15 of this Act shall be liable to the United States for a civil penalty in an amount not to exceed $25,000 for each such violation. Each day such a violation continues shall for purposes of this subsection constitute a separate violation of section 15.

(2)(A) A civil penalty for a violation of section 15 shall be assessed by the Administrator by an order made on the record after opportunity (provided in accordance with this subparagraph) for a hearing in accordance with section 554 of title 5, United States Code. Before issuing such an order, the Administrator shall give written notice to the person to be assessed a civil penalty under such order of the Administrator's proposal to issue such order and provide such person an opportunity, at its request, within fifteen days of the date the notice is received by such person, such a hearing on the order.

(B) In determining the amount of a civil penalty, the Administrator shall take into account the nature, circumstances, extent, and gravity of the violation or violations and, with respect to the violator, ability to pay, effect on ability to continue to do business, any history of prior such violations, the degree of culpability, and such other matters as justice may require.

(C) The Administrator may, in the Administrator's discretion, compromise, modify, or remit, with or without conditions, any civil

MONS 029938

penalty which may be imposed under this subsection. The amount of such penalty, when finally determined, or the amount agreed upon in compromise, may be deducted from any sums owing by the United States to the person charged.

(3) Any person who requested in accordance with paragraph (2)(A) a hearing respecting the assessment of a civil penalty and who is aggrieved by an order assessing a civil penalty may file a petition for judicial review of such order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which such person resides or transacts business. Such a petition may only be filed within the thirty-day period beginning on the date the order making such assessment was issued.

(4) If any person fails to pay an assessment of a civil penalty after it has become a final order and does not file a petition for judicial review of the order in accordance with paragraph (3) or after a court in an action brought under paragraph (3) has entered a final judgment in favor of the Administrator, the Attorney General shall recover the amount assessed (plus interest at currently prevailing rates from such date) in an action brought in any appropriate district court of the United States. In such an action, the validity, amount, and appropriateness of such penalty shall not be subject to review.

(b) CRIMINAL.—Any person who knowingly or willfully violates any provision of section 15 shall, in addition to or in lieu of a civil penalty which may be imposed under subsection (a) of this section for such violation, be subject, upon conviction, to a fine of not more than $25,000 for each day of violation, or to imprisonment for not more than one year, or both.

(c) NOTICE, REPURCHASE, OR REPLACEMENT.—If in a proceeding for the issuance of an order under paragraph (1) to assess a civil penalty against a person the Administrator determines that such person manufactured, processed, or distributed in commerce a chemical substance or mixture in violation of a requirement applicable to such substance or mixture under paragraph (1) or (2) of section 6(a) or otherwise determines by order made on the record after opportunity for agency hearing that a person has so violated such a requirement, the Administrator may, in such order, require such person (1) to give notice of the risk associated with the chemical substance or mixture subject to such requirement to processors or distributors in commerce of such substance or mixture, or to both, and, to the extent reasonably ascertainable, to any other person in possession or control of such substance or mixtures; (2) to give public notice of such risk; (3) be either replace or repurchase such substance or mixture, as determined by the person (or persons) to whom the requirement is directed, in the manner prescribed by the Administrator; or (4) to take any combination of the actions described in the preceding clauses.

SPECIFIC ENFORCEMENT AND SEIZURE

SEC. 17. (a) SPECIFIC ENFORCEMENT.—(1) The district courts of the United States shall have jurisdiction to enter civil actions to—

(A) restrain any violation of section 15,

(B) restrain any person from manufacturing or processing a chemical substance before the expiration of the period before which such manufacturing or processing is prohibited under section 5,

(C) restrain any person from taking any action prohibited by section 5 or by a rule or order under section 5 or 6, or

(D) compel the taking of any action required by or under this Act.

(2) A civil action described in paragraph (1) may be brought—

(A) in the case of a civil action described in subparagraph (A) of such paragraph, in the United States district court for the judicial district wherein any act, omission, or transaction constituting a violation of section 15 occurred or wherein the defendant is found or transacts business, or

(B) in the case of any other civil action described in such paragraph, in the United States district court for the judicial district wherein the defendant is found or transacts business.

In any such civil action process may be served on a defendant in any judicial district in which a defendant resides or may be found. Subpenas requiring attendance of witnesses in any such action may run into any judicial district.

(b) SEIZURE.—Any chemical substance or mixture which was manufactured, processed, or distributed in commerce in violation of this Act or any rule or order promulgated under this Act or any article containing such a substance or mixture shall be liable to be proceeded against, by process, of libel for the seizure and condemnation of such substance, mixture, or article, in any district court of the United States within the jurisdiction of which such substance, mixture, or article is found. Such proceedings shall conform as nearly as possible to proceedings in rem in admiralty.

PREEMPTION

SEC. 18. (a) EFFECT ON STATE LAW.—(1) Except as provided in paragraph (2), nothing in this Act shall affect the authority of any State or political subdivision of a State to establish or continue in effect regulation of any chemical substance, mixture, or article containing a chemical substance or mixture.

(2) Except as provided in subsection (b)—

(A) if the Administrator requires by a rule promulgated under section 4 the testing of a chemical substance or mixture, no State or political subdivision may, after the effective date of such rule, establish or continue in effect a requirement for the testing of such substance or mixture for purposes similar to those for which testing is required under such rule; and

(B) if the Administrator prescribes a rule or order under section 5 or 6 of this Act (other than a rule imposing a requirement described in subsection (a)(5) of section 6) which is applicable to a chemical substance or mixture, and which is designed to protect against a risk to health or the environment associated with such substance or mixture, no State or political subdivision of a State may, after the effective date of such requirement, establish or continue in effect a requirement applicable to such substance or mixture, or an article containing such substance or mixture, and designed to protect against such risk unless such requirement is identical to the requirement prescribed by the Administrator or unless such requirement is adopted under the authority of the Clean Air Act or any other Federal law.

(b) EXEMPTION.—Upon application of a State or political subdivision of a State the Administrator may by rule exempt from subsection (a)(2), under such conditions as may be prescribed in such rule, a requirement of such State or political subdivision designed to protect against a risk to health or the environment associated with a chemical substance, mixture, or article containing a chemical substance or mixture if—

(1) compliance with the requirements would not cause the manufacturing, processing, distribution in commerce, or use of the substance, mixture, or article to be in violation of the applicable requirement under this Act described in subsection (a)(2), and

(2) the State or political subdivision requirement (A) provides a significantly higher degree of protection from such risk than the requirement under this Act described in subsection (a)(2) and (B) does not, through difficulties in marketing, distribution, or other factors, unduly burden interstate commerce.

JUDICIAL REVIEW

SEC. 19. (a) IN GENERAL.—Not later than sixty days following the promulgation of a rule under section 4, 5, or 6(b) of this Act, any person may file a petition for judicial review of such rule with the United States Court of Appeals for the District of Columbia Circuit or for the circuit in which such person resides or in which such person's principal place of business is located. Copies of the petition shall be forthwith transmitted by the clerk of such court to the Administrator and to the Attorney General. The Administrator shall transmit to the Attorney General, who shall file in the court, the record of the proceedings on which the Administrator based such rule as provided in section 2112 of title 28, United States Code. For purposes of this section, the term "record" means such rule; any transcript required of any oral presentation; any written submission of interested parties; and any other information which the Administrator considers to be relevant to such rule and with respect to which the Administrator, on or before the Administrative date of such rule, published a notice in the Federal Register identifying such information.

(b) ADDITIONAL DATA.—If the petitioner applies to the court for leave to adduce additional data, views, or arguments, and shows to the satisfaction of the court that such additional data, views, or arguments are material and that there are reasonable grounds for the petitioner's failure to adduce such data, views, or arguments in the proceeding before the Administrative, the court may order the Administrator to provide additional opportunity for oral presentation of data, views, or arguments and for written submissions. The Administrator may modify findings or the determination upon which the rule subject to review by such court was based, or make new findings or determinations by reason of the additional data, views or arguments so taken and shall file such modified or new findings or determinations, and the Administrator's recommendation, if any, for the modification or setting aside of such rule, with the return of such additional data, views, or arguments.

(c) AUTHORITY AND REVIEW STANDARDS.—(1) Upon the filing of a petition under subsection (a), the court shall have jurisdiction (A) to review the rule involved, in accordance with chapter 7 of title 5, United States Code, and (B) to grant appropriate relief, including interim relief, as provided in such chapter. Any rule promulgated by the Administrator under section 4, 5, or 6 of this Act and reviewed under this section shall be affirmed, unless the determination or findings required to be made by the Administrator under the applicable section are not supported by substantial evidence on the record taken as a whole.

(2) The judgment of the court affirming or setting aside, in whole or in part, any rule reviewed in accordance with this section shall be final to review by the Supreme Court of the United States upon certiorari or certification, as provided in section 1254 of title 28, United States Code.

(3) The judgment of the court in an action brought pursuant to subsection (a) may include an award of costs of suit and reasonable fees for attorneys and expert witnesses if the court determines that such an award is appropriate. The Supreme Court of the United States in its decision on a review of a judgment in such an action may provide for the award of costs of suit and reasonable fees for attorneys if the court determines that such an award is appropriate.

(d) OTHER REMEDIES.—The remedies pro-

MONS 029939

vided in this section shall be in addition to and not in lieu of any other remedies provided by law.

CITIZENS' CIVIL ACTIONS

SEC. 20. (a) IN GENERAL.—Except as provided in subsection (b), any person may commence a civil action—

(1) against any person (including (A) the United States, and (B) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of this Act or any rule prescribed under section 4, 5, or 6(a) to restrain such violation, or

(2) against the Administrator to compel the Administrator to perform any act or duty under this Act which is not discretionary.

Any civil action under paragraph (1) shall be brought in the United States district court for the district in which the alleged violation occurred or in which the defendant resides or in which the defendant's principal place of business is located. Any action brought under paragraph (2) shall be brought in the United States District Court for the District of Columbia, or the United States district court for the judicial district in which the plaintiff is domiciled. The district courts shall have jurisdiction over suits brought under this section, without regard to the amount in controversy or the citizenship of the parties. In any civil action under this subsection process may be served on a defendant in any judicial district in which the defendant resides or may be found and subpenas for witnesses may run into any judicial district.

(b) LIMITATION.—No civil action may be commenced—

(1) under subsection (a)(1) to restrain a violation of this Act or rule under this Act—

(A) before the expiration of sixty days after the plaintiff has given notice of such violation (i) to the Administrator, and (ii) to the person who is alleged to have committed such violation, or

(B) if the Administrator (or the Attorney General on behalf of the Administrator) has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with this Act or such rule, but if such action is commenced after the giving of notice, any person giving such notice may intervene as a matter of right in such action; or

(2) under subsection (a)(2) before the expiration of sixty days after the plaintiff has given notice to the Administrator of the alleged failure of the Administrator to perform an act or duty which is the basis for such action or, in the case of an action under such subsection for the failure of the Administrator to file an action under section 7, before the expiration of tend days after such notification.

Notice under this subsection shall be given in such manner as the Administrator shall prescribe by rule.

(c) COURT.—(1) In any action under this section, the Administrator, if not a party, may intervene as a matter of right.

(2) The court, in issuing any final order in any action brought pursuant to subsection (a), may award costs of suit and reasonable fees for attorneys and expert witnesses if the court determines that such an award is appropriate. Any court, in issuing its decision in an action brought to review such an order, may award costs of suit and reasonable fees for attorneys if the court determines that such an award is appropriate.

(3) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of this Act or any rule under this Act or to seek any other relief.

(d) CONSOLIDATION.—When two or more civil actions brought under subsection (a) involving the same defendant and the same issues or violations are pending in two or more judicial districts, such pending actions, upon application of such defendants to such actions which is made to a court in which any such action is brought, may, if such court in its discretion so decides, be consolidated for trial by order (issued after giving all parties reasonable notice and opportunity to be heard) of such court and tried in—

(1) any district which is selected by such defendant and in which one of such actions is pending,

(2) a district which is agreed upon by stipulation between all the parties to such actions and in which one of such actions is pending, or

(3) a district which is selected by the court and in which one of such actions is pending.

The court issuing such an order shall give prompt notification of the order to the other courts in which the civil actions consolidated under the order are pending.

CITIZENS' PETITIONS

SEC. 21. (a) IN GENERAL.—Any person may petition the Administrator to initiate a proceeding for the issuance, amendment, or repeal of a rule under section 4, 5(c), or 6(a).

(b) PROCEDURE.—(1) Such petition shall be filed in the principal office of the Administrator and shall set forth the facts which it is claimed established that it is necessary to issue, amend, or repeal a rule under section 4, 5(c), or 6(a).

(2) The Administrator may hold a public hearing or may conduct such investigation or proceeding as the Administrator deems appropriate in order to determine whether or not such petition should be granted.

(3) Within ninety days after filing of a petition described in paragraph (1), the Administrator shall either grant or deny the petition. If the Administrator grants such petition, the Administrator shall promptly commence an appropriate proceeding in accordance with section 4, 5(c), or 6(a). If the Administrator denies such petition, the Administrator shall publish in the Federal Register the Administrator's reasons for such denial.

(4) (A) If the Administrator denies a petition filed under this section (or if the Administrator fails to grant or deny such petition within the ninety-day period) the petitioner may commence a civil action in a United States district court to compel the Administrator to initiate a rulemaking proceeding to take the action requested. Any such action shall be filed within sixty days after the Administrator's denial of the petition or, if the Administrator fails to grant or deny the petition within ninety days after filing the petition, within sixty days after the expiration of the ninety-day period.

(B) If in an action under subparagraph (A) requesting a petition to initiate a proceeding to issue a rule under section 4, 5(c), or 6(a) the petitioner demonstrates to the satisfaction of the court, by a preponderance of the evidence in a de novo proceeding before the court, that—

(i) in the case of a petition to initiate a proceeding for the issuance of a rule under section 4, shall the manufacture, distribution in commerce, processing, use, or disposal of the chemical substance or mixture to be subject to such rule may cause or significantly contribute to an unreasonable risk to health or the environment,

(ii) in the case of a petition to initiate a proceeding for the issuance of a rule under section 5(c), that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance petitioned to be included in a list compiled under such rule causes or significantly contributes to an unreasonable risk to health or the environment, or

(iii) in the case of a petition for the issuance of a rule under section 6(a), that there is a reasonable basis to conclude that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture to be subject to such rule causes or significantly contributes to or will cause or significantly contribute to an unreasonable risk to health or the environment,

the court shall order the Administrator to initiate the action requested by the petitioner unless the court finds, after considering the extent of the risk to health or the environment alleged by the petitioner in relation to the extent of risks to health or the environment with respect to which the Administrator is taking action under this Act, the resources available to the Administrator to take action requested by the petitioner, and other relevant factors, the failure of the Administrator to initiate such action was not unreasonable.

(C) The court in issuing any final order in any action brought pursuant to subparagraph (A) may award costs of suit and reasonable fees for attorneys and expert witnesses if the court determines that such an award is appropriate. Any court, in issuing its decision in an action brought to review such an order, may award costs of suit and reasonable fees for attorneys if the court determines that such an award is appropriate.

(5) The remedies under this section shall be in addition to, and not in lieu of, other remedies provided by law.

NATIONAL DEFENSE WAIVER

SEC. 22. The Administrator shall waive compliance with any provision of this Act upon a request and determination by the President that the requested waiver is necessary in the interest of national defense. The Administrator shall maintain a written record of the basis upon which such waiver was granted and make such record available for in camera examination when relevant in a judicial proceeding under this Act. Upon the issuance of such a waiver, the Administrator shall publish in the Federal Register a notice that the waiver was granted for national defense purposes, unless, upon the request of the President, the Administrator determines to omit such publication because the publication itself would be contrary to the interests of national defense, in which event the Administrator shall submit notice thereof to the Armed Services Committees of the Senate and the House of Representatives.

EMPLOYEE PROTECTION

SEC. 23. (a) IN GENERAL.—No employer may discharge any employee or otherwise discriminate against any employee with respect to the employee's compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee) has—

(1) commenced, caused to be commenced, or is about to commence or cause to be commenced a proceeding under this Act;

(2) testified or is about to testify in any such proceeding; or

(3) assisted or participated or is about to assist or participate in any manner in such a proceeding or in any other action to carry out the purposes of this Act.

(b) REMEDY.—(1) Any employee who believes that the employee has been discharged or otherwise discriminated against by any person in violation of subsection (a) of this section may, within thirty days after such alleged violation occurs, file (or have any person file on the employee's behalf) a complaint with the Secretary of Labor (hereinafter in this section referred to as the "Secretary") alleging such discharge or discrim-

MONS 029940

inaction. Upon receipt of such a complaint, the Secretary shall notify the person named in the complaint of the filing of the complaint.

(2)(A) Upon receipt of a complaint filed under paragraph (1), the Secretary shall conduct an investigation of the violation alleged in the complaint. Within thirty days of the receipt of such complaint, the Secretary shall complete such investigation and shall notify in writing the complainant (and any person acting on behalf of the complainant) and the person alleged to have committed such violation of the results of the investigation conducted pursuant to this paragraph. Within ninety days of the receipt of such complaint the Secretary shall, unless the proceeding on the complaint is terminated by the Secretary on the basis of a settlement entered into by the Secretary and the person alleged to have committed such violation, issue an order either providing the relief prescribed by subparagraph (B) or denying the complaint. An order of the Secretary shall be made on the record after notice and opportunity for agency hearing. The Secretary may not enter into a settlement terminating a proceeding on a complaint without the participation and consent of the complainant.

(B) If in response to a complaint filed under paragraph (1) the Secretary determines that a violation of subsection (a) of this section has occurred, the Secretary shall order (i) the person who committed such violation to take affirmative action to abate the violation, (ii) such person to reinstate the complainant to the complainant's former position together with the compensation (including back pay), terms, conditions, and privileges of the complainant's employment, (iii) compensatory damages, and (iv) where appropriate, exemplary damages. If such an order is issued, the Secretary, at the request of the complainant, shall assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses (including attorney's fees) reasonably incurred, as determined by the Secretary, by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

(c) REVIEW.—(1) Any person adversely affected or aggrieved by an order issued under subsection (b) may obtain review of the order in the United States Court of Appeals for the circuit in which the violation with respect to which the order was issued, allegedly occurred. The petition for review must be filed within sixty days from the issuance of the Secretary's order. Review shall conform to chapter 7 of title 5 of the United States Code.

(2) An order of the Secretary, with respect to which review could have been obtained under paragraph (1), shall not be subject to judicial review in any criminal or other civil proceeding.

(d) ENFORCEMENT.—(1) Whenever a person has failed to comply with an order issued under subsection (b)(2), the Secretary shall file a civil action in the United States district court for the district in which the violation was found to occur to enforce such order. In actions brought under this subsection, the district courts shall have jurisdiction to grant all appropriate relief, including injunctive relief and compensatory and exemplary damages. Civil actions brought under this subsection shall be heard and decided expeditiously.

(2) Any nondiscretionary duty imposed by this section is enforceable in mandamus proceeding brought under section 1361 of title 28, United States Code.

(e) EMPLOYEE.—Subsection (a) of this section shall not apply with respect to any employee who, acting without direction from the employee's employer (or any agent of the employer), deliberately causes a violation of any requirement of this Act.

EMPLOYMENT EFFECTS

SEC. 24. (a) IN GENERAL.—The Administrator shall evaluate on a continuing basis the potential effects on employment (including reductions in employment or loss of employment from threatened plant closures of—

(1) the issuance of a rule or order under section 4, 5, or 6, or

(2) a requirement of section 8.

(b) (1) INVESTIGATIONS.—Any employee (or any representative of an employee) may request the Administrator to make an investigation of—

(A) a discharge or layoff or threatened discharge or layoff of the employee, or

(B) adverse or threatened adverse effects on the employee's employment,

allegedly resulting from a rule or order under section 4, 5, or 6 or a requirement of section 8. Any such request shall be made in writing, shall set forth with reasonable particularity the grounds for the request, and shall be signed by the employee, or representative of such employee, making the request.

(2)(A) Upon receipt of a request made in accordance with paragraph (1) the Administrator shall (i) conduct the investigation requested, and (ii) if requested by any interested person, hold public hearings on any matter involved in the investigation unless the Administrator determines that there are no reasonable grounds for holding such hearings. If the Administrator makes such a determination respecting a request for a hearing, the Administrator shall notify in writing the person requesting the hearing of the determination and the reasons therefor.

(B) If public hearings are to be held on any matter involved in an investigation conducted under this subsection—

(i) at least five days' notice shall be provided the person making the request for the investigation and any person identified in such request,

(ii) a transcript shall be made of the hearings, and

(iii) each employee who made or for whom was made a request for such hearings and the employer of such employee shall be required to present information respecting the applicable matter referred to in paragraph (1)(A) or (1)(B) together with the basis for such information.

(3) Upon completion of an investigation under paragraph (2), the Administrator shall make findings of fact, shall make such recommendations as the Administrator deems appropriate, and shall make available to the public such findings and recommendations.

(4) In connection with any investigation or public hearing conducted under this subsection, the Administrator may issue subpenas for the attendance and testimony of witnesses and the production of relevant papers, books, and documents, and the Administrator may administer oaths. Witnesses summoned shall be paid the same fees and mileage that are paid witnesses in the courts of the United States. In case of contumacy or refusal to obey a subpena served upon any person under this paragraph, the United States district court for any district in which such person is found or resides or transacts business, upon application by the United States and after notice to such person, shall have jurisdiction to issue an order requiring such person to appear and give testimony before the Administrator to appear and produce papers, books, and documents before the Administrator, or both, and any failure to obey such order of the court may be punished by such court as a contempt thereof.

STUDIES

SEC. 25. (a) INDEMNIFICATION STUDY.—The Administrator shall conduct a study of all Federal laws administered by the Administrator for the purpose of determining whether and under what conditions, if any, indemnification should be accorded any person as a result of any action taken by the Administrator under any such law. The study shall—

(1) include an estimate of the probable cost of any indemnification programs which may be recommended;

(2) include an examination of all viable means of financing the cost of any recommended indemnification; and

(3) be completed and submitted to Congress not less than two years from the effective date of this Act.

The General Accounting Office shall review the adequacy of the study submitted to Congress pursuant to paragraph (3) and shall report the results of its review to the Congress within six months of the date such study is submitted to Congress.

(b) CLASSIFICATION, STORAGE, AND RETRIEVAL STUDY.—The Council on Environmental Quality, in consultation with the Administrator, the Secretary of Health, Education, and Welfare, the Secretary of Commerce, and the heads of other appropriate Federal departments or agencies, shall coordinate a study of the feasibility of establishing (1) a standard classification system for chemical substances and related substances, and (2) a standard means for storing and for obtaining rapid access to information respecting such substances. A report on such study shall be completed and submitted to Congress not later than eighteen months after the effective date of this Act.

ADMINISTRATION OF ACT

SEC. 26. (a) COOPERATION OF FEDERAL AGENCIES.—Upon request by the Administrator, each Federal department and agency is authorized—

(1) to make its services, personnel, and facilities available (with or without reimbursement) to the Administrator to assist the Administrator in the administration of this Act; and

(2) to furnish to the Administrator such information, data, estimates, and statistics, and to allow the Administrator access to all information in its possession as the Administrator may reasonably determine to be necessary for the administration of this Act.

(b) FEES.—(1) The Administrator may, by rule, require the payment of a reasonable fee from any person required to submit data under section 4 or 5 of this Act to defray the cost of administering this Act. Such rules shall not provide for any fee in excess of $2,500 or in the case of a small business concern, any fee in excess of $100. In setting such a fee, the Administrator shall take into account the ability to pay of the person required to submit such data and the cost to the Administrator of reviewing such data. Such rules may provide for sharing such a fee in any case in which the expenses of testing are shared under section 4 or 5 of this Act.

(2) The Administrator, after consultation with the Administrator of the Small Business Administration, shall by rule prescribe standards for determining the persons which qualify as small business concerns for purposes of this subsection.

(c) ACTION WITH RESPECT TO CATEGORIES.—(1) Any action authorized or required to be taken by the Administrator under any provision of this Act with respect to a chemical substance or mixture may be taken by the Administrator in accordance with that provision with respect to a category of chemical substances or mixtures. Whenever the Administrator takes action under a provision of this Act with respect to a category of

MONS 029941

chemical substances or mixtures, any reference in this Act to a chemical substance or mixture (insofar as it relates to such action) shall be deemed to be a reference to each chemical substance or mixture in such category.

(2) For purposes of paragraph (1):

(A) The term "category of chemical substances" means a group of chemical substances the members of which are similar in molecular structure, in physical, chemical, or biological properties, in use, or in mode of entrance into the human body or into the environment, or the members of which are in some other way suitable for classification as such for purposes of this Act, except that such term does not mean a group of chemical substances which are grouped together solely on the basis of their being new chemical substances.

(B) The term "category of mixtures" means a group of mixtures the members of which are similar in molecular structure, in physical, chemical, or biological properties, in use, or in mode of entrance into the human body or into the environment, or the members of which are in some way suitable for classification as such for purposes of this Act.

(d) ASSISTANCE OFFICE.—The Administrator shall establish in the Environmental Protection Agency an identifiable office to provide technical and other nonfinancial assistance to manufacturers and processors of chemical substances and mixtures respecting the requirements of this Act applicable to such manufacturers and processors, the policy of the Agency respecting the application of such requirements to such manufacturers and processors, and the means and methods by which such manufacturers and processors may comply with such requirements.

DEVELOPMENT AND EVALUATION OF TEST METHODS

SEC. 27. (a) The Secretary of Health, Education, and Welfare, in consultation with the Administrator and acting through the Assistant Secretary for Health, may conduct, and make grants to public and nonprofit private entities and enter into contracts with public and private entities for, projects for the development and evaluation of inexpensive and efficient methods (1) for determining and evaluating the health and environmental effects of chemical substances and mixtures, and their toxicity, persistence, and other characteristics which affect health and the environment, and (2) which may be used for the development of test data to meet the requirements of rules promulgated under section 4. The Administrator shall consider such methods in prescribing under section 4 standards for the development of test data.

(b) No grant may be made or contract entered into under subsection (a) unless an application therefor has been submitted to and approved by the Secretary. Such an application shall be submitted in such form and manner and contain such information as the Secretary may require. The Secretary may apply such conditions to grants and contracts under subsection (a) as the Secretary determines are necessary to carry out the purposes of such subsection. Contracts may be entered into under such subsection without regard to sections 3648 and 3709 of the Revised Statutes (31 U.S.C. 529; 41 U.S.C. 5).

(c)(1) The Secretary shall prepare and submit to the President and the Congress on or before January 1 of each year a report of the number of grants made and contracts entered into under this section and the results of such grants and contracts.

(2) The Secretary shall periodically publish in the Federal Register reports describing the progress and results of any contract entered into or grant made under this section.

STATE PROGRAMS

SEC. 28. (a) For the purpose of supplementing (but not reducing) the authority of, or actions taken by, the Administrator under this Act, the Administrator may make grants to States for the establishment and operation of programs to prevent or eliminate unreasonable risks within the States to health or the environment which are associated with a chemical substance or mixture and with respect to which the Administrator is unable to take action under this Act for their prevention or elimination. The amount of a grant under this subsection shall be determined by the Administrator, except that no grant for any State program may exceed 75 per centum of the establishment and operation costs (as determined by the Administrator) of such program during the period for which the grant is made.

(b)(1) No grant may be made under subsection (a) unless an application therefor is submitted to and approved by the Administrator. Such an application shall be submitted in such form and manner as the Administrator may require and shall—

(A) set forth the need of the applicant for a grant under subsection (a);

(B) identify the agency or agencies of the State which shall establish or operate, or both, the program for which the application is submitted.

(C) describe the actions proposed to be taken under such program,

(D) contain or be supported by assurances satisfactory to the Administrator that such program shall, to the extent feasible, be integrated with other programs of the applicant for environmental and public health protection,

(E) provide for the making of such reports and evaluations as the Administrator may require, and

(F) contain such other information as the Administrator may prescribe.

(2) The Administrator may approve an application submitted in accordance with paragraph (1) only if the applicant has established to the satisfaction of the Administrator a priority need, as determined under rules of the Administrator, for the grant for which the application has been submitted. Such rules shall take into consideration the seriousness of the health effects in a State which are associated with chemical substances or mixtures, including cancer, birth defects, and gene mutations, the extent of the exposure in a State of human beings and the environment to chemical substances and mixtures, and the extent to which chemical substances and mixtures are manufactured, processed, used, and disposed of in a State.

(c) Not later than six months after the end of each of the fiscal years 1979, 1980, and 1981, the Administrator shall submit to the Congress a report respecting the programs assisted by grants under subsection (a) in the preceding fiscal year and the extent to which the Administrator has disseminated information respecting such programs.

(d) For the purpose of making grants under subsection (a) there are authorized to be appropriated $1,250,000 for the fiscal year ending September 30, 1978, $1,600,000 for the fiscal year ending September 30, 1979, and $1,600,000 for the fiscal year ending September 30, 1980. Sums appropriated under this subsection shall remain available until expended.

GOVERNMENT IN GOVERNMENT

SEC. 29. (a) Each officer or employee of the Administrator and the Secretary of Health, Education and Welfare who—

(1) performs any function or duty under this Act; and

(2) has any known financial interest (A) in any person subject to this Act, or (B) in any person who applies for or receives any grant, contract, or other form of financial assistance pursuant to this Act;

shall, beginning on February 1, 1977, annually file with the Administrator or the Secretary of Health, Education and Welfare, as appropriate, a written statement concerning all such interests held by such officer or employee during the preceding calendar year. Such statement shall be available to the public.

(b) The Administrator and said Secretary shall—

(1) act within ninety days after the date of enactment of this Act—

(A) to define the term "known financial interest" for purposes of subsection (a) of this section; and

(B) to establish the methods by which the requirement to file written statements specified in subsection (a) of this section will be monitored and enforced, including appropriate provisions for the filing by such officers and employees of such statements and the review by the Administrator and said Secretary of such statements; and

(2) report to the Congress on June 1 of each calendar year with respect to such disclosures and the actions taken in regard thereto during the preceding calendar year.

(c) In the rules prescribed in subsection (b) of this section, the Administrator and said Secretary may identify specific positions within the appropriate agency which are of a nonregulatory or nonpolicymaking nature and provide that officers or employees occupying such positions shall be exempt from the requirements of this section.

(d) Any officer or employee who is subject to, and knowingly violates, this section or any regulation issued thereunder, shall be fined not more than $2,500 or imprisoned not more than one year, or both.

AUTHORIZATION FOR APPROPRIATIONS

SEC. 30. There are authorized to be appropriated to the Administrator for purposes of carrying out this Act (other than sections 27 and 28 and subsections (a) and (c) through (g) of section 10 thereof) $12,625,000 for the fiscal year ending September 30, 1978, $16,200,000 for the fiscal year ending September 30, 1979, and $17,350,000 for the fiscal year ending September 30, 1980. No part of the funds appropriated under this section may be used to construct any research laboratories.

ANNUAL REPORT

SEC. 31. The Administrator shall prepare and submit to the President and the Congress on or before January 1, 1979, and on or before January 1 of each succeeding year a comprehensive report on the administration of this Act during the preceding fiscal year. Such report shall include—

(1) a list of the testing required under section 4 during the year for which the report is made and an estimate of the costs incurred during such year by the persons required to perform such tests;

(2) the number of notices received during such year under section 5, the number of such notices received during such year under such section for chemical substances subject to a section 4 rule, and a summary of any action taken during such year under section 5(g);

(3) a list of rules issued during such year under section 6;

(4) a list, with a brief statement of the issues, of completed or pending judicial actions under this Act during such year;

(5) a summary of major problems encountered in the administration of this Act; and

(6) such recommendations for additional legislation as the Administrator deems necessary to carry out the purposes of this Act.

RULE REVIEW

SEC. 32. (a) Any rule prescribed pursuant to this Act by the Administrator may by resolution of either House of Congress be disapproved, in whole or in part, if such resolution of disapproval is adopted not later than the end of the first period of 90 calendar days when Congress is in session (whether or not

MONS 029942

continuous) which period begins on the date such rule is finally adopted by the Administrator, Secretary of the Treasury, or Secretary of Health, Education, and Welfare, as the case may be. The authority which prescribes a rule pursuant to this Act shall transmit such rule to each House of Congress immediately upon its final adoption. Upon adoption of such a resolution of disapproval by either House of Congress within such 60-day period, such rule, or part thereof, as the case may be, shall cease to be in effect.

(b) Congressional inaction on or rejection of a resolution of disapproval of a rule promulgated under this Act shall not be deemed an expression of approval of such rule.

EFFECTIVE DATE

SEC. 33. This Act shall take effect October 1, 1977.

The motion was agreed to.

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

A similar House bill (H.R. 14032) was laid on the table.

APPOINTMENT OF CONFEREES ON S. 3149, TOXIC SUBSTANCES CONTROL ACT

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that the House insist on its amendment to the Senate bill (S. 3149) to regulate commerce and protect human health and the environment by requiring testing and necessary use restrictions on certain chemical substances, and for other purposes, and request a conference with the Senate thereon.

The SPEAKER pro tempore (Mr. McFALL). Is there objection to the request of the gentleman from West Virginia? The Chair hears none, and without objection appoints the following conferees: Messrs. STAGGERS, MURPHY of New York, SPUCKEY, ECKHARDT, METCALFE, McCOLLISTER, and BROTHILL.

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 12168, AMENDING NATURAL GAS PIPELINE SAFETY ACT OF 1968

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 12168), to amend the National Gas Pipeline Safety Act of 1968 to authorize additional appropriations, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from West Virginia? The Chair hears none and, without objection, appoints the following conferees: Messrs. STAGGERS, DINGELL, WHITE, SHARP, BROWN of Ohio, and MOORHEAD of California.

There was no objection.

GENERAL LEAVE

Mr. STAGGERS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and to include extraneous matter, on H.R. 14032, the Toxic Substances Control Act, the bill just passed.

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

There was no objection.

FURTHER LEGISLATIVE PROGRAM

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

Mr. O'NEILL. Mr. Speaker, I have asked for this time in order to announce the program for tomorrow. We are putting over until tomorrow the bill H.R. 14070, the guaranteed student loan amendments. It will be placed at the end of the calendar.

Also on tomorrow, Mr. Speaker, we are adding three suspensions at the end of the list: H.R. 14681, termination of Overseas Private Investment Corporation insurance in certain circumstances; S. 3542, Teton Dam disaster assistance; and House Joint Resolution 519, appointing Gen. George Washington General of the Armies.

We will then consider a resolution originally listed for Wednesday, House Resolution 1462, anti-trust resolution.

Also as the third bill on Wednesday we are adding H.R. 9911, supplemental security income amendments which will be considered under a modified open rule with 2 hours of debate.

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

Mr. O'NEILL. I am happy to yield to the distinguished gentleman from Arizona.

Mr. RHODES. Mr. Speaker, it would seem to me that tomorrow must be about a 26 hour day. Does the gentleman from Massachusetts really believe we can complete this program tomorrow within a reasonable time?

Mr. O'NEILL. As the gentleman from Arizona knows, the rollcalls will be taken up at the end of the day. We appreciate the fact that it will be a long day due to the schedule but we do believe we can complete it, the Lord being on our side.

Mr. RHODES. I would further ask the distinguished gentleman from Massachusetts if there is any agreement, or whether there will be any agreement as to the time for adjournment tomorrow.

Mr. O'NEILL. We will go to a reasonable hour.

Mr. RHODES. I appreciate that.

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

Mr. O'NEILL. I yield to the gentleman from California.

Mr. ROUSSELOT. Mr. Speaker, I appreciate my colleague, the gentleman from Massachusetts (Mr. O'NEILL) yielding to me.

I would inquire of the distinguished gentleman from Massachusetts when unanimous consent was gained before the recess for the suspension calendar, we understood that there were only going to be three or four bills to be taken up. What increased the number so rapidly, the bill?

Mr. O'NEILL. I am sorry, but would the gentleman from California please repeat his inquiry?

Mr. ROUSSELOT. Mr. Speaker, when the unanimous consent request was gained to take up the suspension calendar for tomorrow, which was done before the recess, we understood that there would be only three, four or five bills. How come the number proliferated so fast?

Mr. O'NEILL. Because the Committee on Ways and Means came out with a group of bills.

Mr. ROUSSELOT. They are primarily Ways and Means Committee bills?

Mr. O'NEILL. That is correct.

Mr. ROUSSELOT. I thank the gentleman for yielding.

1977 BUDGET REQUEST FOR NATIONAL DEFENSE—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 94-586)

The SPEAKER pro tempore (Mr. McFALL) laid before the House the following message from the President of the United States; which was read and, without objection, referred to the Committee on Armed Services and the Committee on Appropriations, and ordered to be printed:

To the Congress of the United States:

My total fiscal year 1977 Budget request for national defense, including amendments, is $114.9 billion in budget authority. This budget request is based upon a careful assessment of the international situation and of the contingencies we must be prepared to meet. The request is substantial, as it must be to provide what is necessary for our national security.

When I submitted my budget last January, I pointed out that the request might need to be increased for three reasons: (1) in the event that the Congress did not approve legislative proposals necessary to reduce spending in lower-priority areas involving manpower and related costs and sale of unneeded items from the stockpile; (2) in the shipbuilding area, where a National Security Council study then under way, could lead to an increase in the shipbuilding budget; and (3) a possible increase later in the year depending on the progress of the SALT II negotiations and our continuing assessment of Soviet ICBM programs. Indeed, there have been changes in these areas and they have been reflected in my revised budget request.

On July 14, 1976, I approved legislation authorizing 1977 appropriations for procurement and for research and development programs. At that time I indicated that in a number of important respects the Congress has not fully faced up to the nation's needs. First, the Congress has not approved a number of essential Defense programs. Second, the Congress has added programs and funds which are of a lower priority. Finally, the Congress has not yet acted upon certain of my legislative proposals which are necessary to restrain manpower cost growth and to achieve other economies.

MONS 029943

These three areas require remedial action by the Congress.

Therefore, today I am advising the Congress that failure to take the necessary remedial actions will result in a revised 1977 estimate for National Defense of $110.3 billion. This revised estimate reflects the following adjustments:

	Budget authority ($ Billions)
Amended budget request	114.9
Congressional adjustments, net	−1.8
Congressional action to date	113.1
Adjustments in this Message:	
(a) Resubmission of Congressional authorization reductions	+2.4
(b) Deletion of programs added by Congress	−.6
(c) Congressional inaction on Defense Management economies	+1.4
(d) Additional recruiting requirements ($88 million)	
Revised National Defense estimate	116.3

RESUBMISSION OF CONGRESSIONAL AUTHORIZATION REDUCTIONS

I am having resubmitted authorization requests for $2.4 billion in program reductions imposed by the Congress.

Shipbuilding. Congress has not thus far authorized $1.7 billion requested for new ship programs that are needed to strengthen our maritime capabilities and assure freedom of the seas. In particular, funds have been denied for the lead ships for two essential production programs—the nuclear strike cruiser and the conventionally-powered *Aegis* destroyer—and for four modern frigates. The 1977 program was proposed as the first step of a sustained effort to assure that the United States, along with our allies, can maintain maritime defense, deterrence, and freedom of the seas. Therefore, I am submitting a supplemental authorization request for 1977 to provide for these ships as well as for the research and development to upgrade U.S. ship capabilities in the near term and to create longer-term alternatives to conventional surface forces.

Other Programs. The Congress has also failed to authorize over $900 million requested for other Defense procurement and research and development programs. While some of these adjustments can be accepted due to fact-of-life program developments, I must request a supplemental authorization of $789 million for programs which are urgently needed. In particular, I reaffirm the need for the following programs, and request restoration of the indicated amounts to the Authorization Act:

—$19 million for the Defense Agencies research and development appropriation, principally to provide the needed resources for the Defense Advanced Research Projects Agency.

—$30 million for civil aircraft modifications, clearly the most cost-effective option for enhancing our airlift capability. These modifications should be a part of any airlift improvement program, and the needed funds should not be denied while other airlift improvements are under consideration.

—$171 million for the Air Force research and development appropriation. Our most urgent needs here include funds for the MAVERICK missile needed to start engineering development for advanced warhead and single rail launches and advanced ICBM technology funds needed to identify the most cost-effective option for full-scale development.

—$136 million for the F-16 fighter aircraft, to provide full funding for 1977 in accordance with sound budgetary principles. Since Congress approved the full program, this cut is illusory and would serve only to complicate management and make potential foreign buyers less confident of this program.

—$122 million for the Army research and development appropriation to cover urgent programs such as the STINGER missile, where the Authorization Act would impair the development effort for an improved target-seeking technique. This effort is critical to achieving the needed improvements over the current REDEYE missile.

—$211 million for the Navy research and development appropriation to provide what is needed for several essential programs, in particular the Navy cruise missile program. The Authorization Act would prevent our moving forward at the pace needed to assure that sub and surface launch options can be operational by 1980.

—$66 million for production of the US-3A carrier delivery aircraft, necessary to replace aging aircraft and to provide the necessary numbers of aircraft with sufficient operating range to support our carrier forces. The Authorization Act does not meet our military needs, and would provide an uneconomical production rate.

—$15 million for the MK-30 mobile target, critically needed for anti-submarine warfare training.

PROGRAMS ADDED BY CONGRESS

While the Congress disapproved several programs which are essential to our national security, $1.1 billion was added to the budget request for items for which I did not request funds for 1977. Although I continue to believe that all of these programs are unnecessary at the present time, I specifically urge the Congress to delete $584 million for the following programs:

—Conversion of the cruiser LONG BEACH ($371 million), which can readily be postponed.

—Repair and modernization of the cruiser BELKNAP ($213 million) damaged in a collision, for which funds should be authorized in the Transition Quarter as I have requested.

I proposed that Congress authorize funds for repair of the BELKNAP in the current transition quarter, and delete the funds for the LONG BEACH, which is of lower priority than the conventionally powered AEGIS destroyer and the STRIKE CRUISER which the Congress reduced. If the Congress does not act favorably upon this request, funds would have to be added on top of my revised 1977 Defense budget request.

CONGRESSIONAL INACTION ON DEFENSE MANAGEMENT ECONOMIES

My 1977 Defense budget estimates were based upon the assumption that the Congress would act favorably upon a number of specific legislative proposals, thereby achieving major economies. These savings involve pay costs and related compensation areas and sales of certain materials from the national stockpile.

In these areas alone, the budget reflected savings of $4.0 billion for FY 1977. For the five-year period FY 1977–81, my proposals would save $27 billion. Of these savings, nearly $11 billion can be realized by administrative action in revising the pay comparability process for general schedule and military personnel. I am taking the required actions. Over $16 billion of the savings are dependent upon congressional action, however, and these are the items which I wish to address. Let me summarize these savings proposals requiring action by the Congress:

—$4.7 billion (including $776 million in FY 1977) would result from revisions in the Federal wage board pay system to provide pay rates that are truly comparable with those in the private sector.

—$1.1 billion (including $163 million in FY 1977) would result from changing pay practices in the Reserve and National Guard, modifying training and assignment policies, and transferring 44,500 Naval reservists to a different pay category. My proposals provide the levels of reserve readiness needed, and they are equitable.

—$1.7 billion (including $61 million in FY 1977) would result from holding future increases in military retired pay to changes in the cost of living, eliminating the additional increment which present law provides. I am aware that the Congress has approved this change for military retirees *contingent* upon Congressional approval of this change for civilian retirees as well.

—$1.4 billion (including $92 million in FY 1977) would result from reducing the subsidy in military commissaries on a phased basis, while still providing much lower prices than are available in commercial stores. This proposal is entirely equitable considering current levels of military compensation and other relevant factors.

—$2.6 billion (including $746 million in FY 1977) would result from sale of items from the national stockpile, which are excess to our requirements.

—$4.7 billion (including $384 million in FY 1977) would result from a number of proposals which appear to be well on their way to enactment. These include employment cutbacks, a move toward a fair-market-rental-system for military personnel, and revisions in certain payments for leave.

MONS 029944

I am deeply concerned by the apparent intent to reject a large portion of these proposed savings, and to make up the difference by cutbacks in urgently-needed defense programs. The conference report on the first budget resolution states, in fact, that other defense cuts will be made if these proposed savings cannot be realized. This would be a totally unwarranted course of action. If Congress is unwilling to enact the necessary changes to end these unjustifiable outlays, then we must pay for these items from our pocketbooks—not by slashing our national security. We simply cannot sacrifice our national security to provide for unproductive fringe items and unwarranted levels of compensation.

Once again I urge the Congress to take the necessary actions I have proposed in order to achieve real economies in the national defense program, and not to add the new requirements now under consideration. While I am not now requesting additional appropriations for these items, I want to make it clear that if the Congress fails to take the proper action, I will request again that the additional appropriations be provided. Failure to do so would result in an unbalanced national defense program.

ADDITIONAL REQUIREMENTS

Finally, I have approved an amendment in the amount of $39 million to the 1977 Defense budget to provide additional funds for enlistment bonuses to recruit the required numbers of high school graduates for the Army. Recruiting success, particularly as measured in terms of quality, has proven to be sensitive to the level of resources available, and any significant reduction of resources reduces program effectiveness in the long run. We must reverse the recent practice of curtailing budget dollars devoted to recruiting and invest this amount as a contribution towards the relatively small additional resources necessary to maintain a successful program over the long term.

SUBMISSION OF LEGISLATIVE PROPOSALS AND APPROPRIATION REQUESTS

Proposals for authorizing legislation and appropriation requests will be submitted to the Congress as necessary to provide for these requirements. Requests covering weapons procurement, RDT&E and recruiting activities are being transmitted now. The remainder of the additional appropriation requests—principally those relating to the compensation area—will, in accordance with the normal budgetary cycle, be transmitted in January 1977. There is yet time for the Congress to act upon my restraint proposals so that this large additional January submission will not be necessary. Once again, I urge the Congress to act. If the Congress does not take the necessary action, the additional funds will be required and I will request that the Congress provide them.

In withholding my approval from the Military Construction Authorization Bill (H.R. 13884), I noted several points that are also germane here. Section 612 of that Bill would impose severe restrictions and delays upon base closures or employment reductions at certain military installations. As I stated at that time, the nation's taxpayers rightly expect the most defense possible for their tax dollars. Provisions such as Section 612 would add arbitrarily and unnecessarily to the tax burden of the American people. We must have the latitude to take actions to cut unnecessary defense spending and personnel. Congress should reenact this otherwise acceptable legislation without the objectionable base closure provision.

As I have consistently indicated, I am determined that the national security efforts of the United States shall be fully adequate. This message indicates what is necessary to ensure that adequacy. It is up to the Congress to act promptly to provide the resources necessary to do the job.

GERALD R. FORD.

THE WHITE HOUSE, *August 23, 1976.*

AMENDMENT TO H.R. 14070

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

Mr. PICKLE. Mr. Speaker, I am proposing an amendment to H.R. 14070, the guaranteed student loan amendments, together with Congresswoman BARBARA JORDAN, that would allow an institution having a default rate in excess of 10 percent—calculated on the basis of the amount of loans which are in repayment—to require endorsement. The language of our amendment is not mandatory, but permissive, and is merely providing a tool that institutions that have a default rate over 10 percent can use to help them lower their default rate.

This problem particularly concerns us because HEW is threatening to cut funds for student loan programs in Texas. They have already done this to New Mexico, and we do not know which state may be next. We feel that HEW is taking this action in Texas because of Texas' hesitation to sign a "compliance agreement" which gives HEW the go-ahead to limit funds to those schools which have a 10 percent or greater default rate.

This has the effect of hurting the schools that most need student loans. We feel that this amendment will encourage both the schools and the borrowers to take a more responsible attitude. It is most important that the student loan program be continued. We will appreciate your support.

The amendment follows:

Page 18, strike out lines 16 through 20 and insert in lieu thereof the following:

(A) is made without security and without endorsement, except that—

(i) if the borrower is a minor and such note or other written agreement executed by him would not, under applicable law, create a binding obligation, endorsement may be required; and

* (ii) *if the borrower intends to use the loan at an eligible institution having a default rate in excess of 10 per centum (calculated on the basis of the amount of loans which are in repayment as determined under section 428(c)(2)),** endorsement may be required,*

* Italic portions are new.

** Section 428(c)(2) may be found on page 41 of the bill.

PERSONAL EXPLANATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Connecticut (Mr. SARASIN) is recognized for 5 minutes.

Mr. SARASIN. Mr. Speaker, on August 10, 1976, I was absent from Washington for part of the legislative afternoon as I was in Kansas City submitting testimony before the platform committee of the Republican National Convention. Had I been present, I would have voted in the following fashion:

Rollcall No. 634—H.R. 14232, Labor-HEW appropriations, fiscal year 1977—the House failed to recede from its disagreement and concur in Senate amendment No. 68, "aye":

Rollcall No. 635—S. 3735, swine flu—the House agreed to consider the rule, House Resolution 1473, "yea";

Rollcall No. 637—S. 3735, swine flu—the House agreed to the rule, House Resolution 1473, "yea"; and

Rollcall No. 638—S. 3735, swine flu—the House passed the measure to amend the Public Health Service Act to authorize the establishment and implementation of an emergency national swine flu immunization program, "yea."

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. GONZALEZ) is recognized for 5 minutes.

(Mr. GONZALEZ addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. ANNUNZIO) is recognized for 5 minutes.

(Mr. ANNUNZIO addressed the House. His remarks will appear hereafter in the Extensions of Remarks.)

TOXIC SUBSTANCES CONTROL ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New Jersey (Mrs. MEYNER) is recognized for 5 minutes.

Mrs. MEYNER. Mr. Speaker, during the past few years, Congress has taken a critical look at a number of environmental problems. Although various bills have emerged—toxic substance control legislation passed the House in both the 92d and 93d Congresses, but time did not allow final resolution of the measures in conference committees—a few recent occurrences have shown us that gaps still exist. One glaring inadequacy in present law is the lack of control of toxic substances, and it is for that reason that I rise today in support of H.R. 14032, the Toxic Substances Control Act.

Toxic substance control is especially important to the people of New Jersey, although by no means unique to them. Recent medical findings have shown that a strong relationship exists between environmental factors and disease, especially cancer. The director of the National Cancer Institute speaks of correlations up to 90 percent. It would seem to be no coincidence, therefore, that New

MONS 029945

Jersey, the Nation's center for petroleum and chemical production, is also one of the Nations' leaders in cancer of the colon, rectum, esophagus, larynx, mouth, throat, and bladder. This is a national problem, and it deserves a national solution.

For a number of years, known carcinogens have been released into the environment primarily because it has been easier than controlling them. Apparently we cannot control even the most blatant abuses, as the decision in the EPA against the Reserve Mining Co. case shows. In this example, a Minnesota mining firm was openly discharging 67,000 tons of taconite into Lake Superior daily, in spite of the fact that this compound contains high levels of asbestos fibers, a known carcinogen. Although evidence of the fiber was found in the drinking water of three States, the EPA was unable to stop operations. It should be noted at this point that a recent study indicates that of the 1 million current and former asbestos workers who still survive, fully 300,000 have been projected to die of cancer. The need for tighter control of toxic substances seems obvious.

Mr. Speaker, it is my understanding that during consideration of this important legislation today, Congressman OTTINGER will offer an amendment that would direct the Administrator of the Environmental Protection Agency to give preference in testing suspected toxic substances to those tests which do not involve the use of animals. Let me point out that the amendment does not ban the use of animals in testing but merely asks that alternatives be considered if they are adequate and accurate. I support this amendment and commend Mr. OTTINGER for his efforts on behalf of those creatures who inhabit this planet who cannot protect themselves.

But, returning to the main issues of toxic substance control legislation, one of the major criticisms of such legislation is that since such a high number of substances is introduced into the environment each year, the cost of testing for industry would be enormous. The introduction rate of new substances is between 600 and 600 each year. This figure, on first blush, might lead us to believe that industry's burden for testing would be far too great. A careful look at the subject reveals that the cost of such action would not be excessive. The GAO and EPA have estimated that the cost for the chemical industry would be somewhere between $100 and $200 million per year. This represents only 2 to 4 percent of that industry's net profit in 1974. While I am fully aware of the strategic economic importance of the chemical industry in New Jersey, I believe strongly that preventive measures to assure health and safety must take precedence. I am sure that the chemical industries share this viewpoint, and, as in the past, will be receptive to regulations involving the protection of millions of citizens.

Too often we have seen tragic events that could have been avoided if someone had taken the time and effort to establish the safety of a product. Considering the large amount of substances that reach the market every day and the current lack of thorough testing it is not surprising that mistakes have been made. Certainly we are always willing to make amends after a tragedy has occurred, but what consolation is that to those who have suffered? The effects of a cancer-causing agent do not generally show up in humans for 30 to 40 years after the initial exposure. I do not think it is unjustified to ask whether we are presently destroying the health of ourselves and our descendants.

I believe that the Toxic Substances Control Act asks this question, and gives us the ability to act when we have to. Congress must act promptly on this very important legislation.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from New York (Ms. ABZUG) is recognized for 10 minutes.

[Ms. ABZUG addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.]

CURBING UNEMPLOYMENT—THE YOUTH OPPORTUNITIES INDUSTRIALIZATION CENTERS JOB CREATION AND TRAINING ACT OF 1976

The SPEAKER pro tempore. Under a pervious order of the House, the gentleman from Ohio (Mr. STOKES) is recognized for 60 minutes.

Mr. STOKES. Mr. Speaker, today I have introduced the Youth Opportunities Industrialization Centers Job Creation and Training Act of 1976—YOIC. It is a pleasure for me to introduce this important legislation for it is not often that a legislator has the opportunity to improve upon an organization of demonstrated effectiveness. I make specific reference to the opportunities industrialization centers of America—OIC.

Founded in 1964 by Dr. Leon Sullivan, a Philadelphia pastor, the first OIC was an abandoned jailhouse which rented for $1 per year. Today, OIC is a 200-center, 47-State network of nonprofit corporations serving the poor and unemployed of all races, creeds, and nationalities in cities, counties, and rural communities throughout the Nation. Under the guidance of Dr. Sullivan, OIC has trained 353,486 persons and placed 250,000 persons in meaningful jobs. Of those 250,002 persons trained and placed, 212,500 or 85 percent have retained their jobs. Not insignificantly, OIC has produced $4.8 billion in wages earned by people placed in jobs, $600 million in taxes paid on wages, and $1.5 million saved in welfare payments which otherwise would have been paid. Unquestionably, the opportunities industrialization centers of America have had a tremendous impact upon the American economy, yet neither Dr. Sullivan nor OIC are willing to sit on their laurels. They realize, as we also must, that inflation and unemployment are still very much a part of American life and require constant attention. Thus, Dr. Sullivan's future plans call for placing a cumulative total of 1 million persons in jobs through 1980. It is projected that the economic impact would be $11.3 billion in wages earned, $1.4 billion in Federal income taxes paid, and a savings of $3.8 billion in welfare payments.

To assist Dr. Sullivan and OIC in the task that lies before them, the Youth Opportunities Industrialization Centers Job Creation and Training Act of 1976 will be vital. As you can see, I have entitled my bill the "Youth" OIC Act. In my bill I make 17 specific references to the employment needs of unemployed youth. My purpose is to focus national attention on the unemployment plight of our young people.

In 1975, the American population as a whole experienced an unemployment rate of 8.5, while the 1976 average has shown little improvement. When it is realised that from 1948 to 1969 unemployment averaged 4.7 percent the current figures represent the worst in over 35 years. Yet as outrageous as these figures are they do not approach the dismal unemployment trends evidenced by America's youth. The present unemployment rate for youth ages 20 to 24 is over 13 percent, for youth 16 to 19 it is over 20 percent. In the cities and in poverty pockets the rate is even higher. Among minority youth, unemployment has reached the chronic level of 40.3 percent. And unfortunately, this 40.3 percent figure is not an aberration. For it has all the characteristics of irreversibility and consistency necessary to make it a permanent feature of the American economic picture. The most illustrative indication of this alarming condition has been the constant widening in the gap between minority youth and white youth unemployment. For example in 1954, when white teenage unemployment was 12.1 percent, black teenage unemployment was 16.5 percent—a 4-percent gap. In 1975, when white teenage unemployment increased to 16.8 percent, black teenage unemployment soared to 38.2 percent—an astounding 21-percent gap. With minority youth unemployment presently at 40.3 percent, there is no indication that unemployment differentials will narrow.

It is clear to me that the increase and gap in the unemployment rates of black and white teens indicates a structural inefficiency in the economic system. Moreover, black youth unemployment has the potential of becoming a human catastrophe in which millions of black youth become adults with no hope of ever finding employment. It is time for Congress to recognise the deleterious social and economic effects of relegating our unemployed black and white teenagers to city streets and crime. It is time for Congress to initiate a national youth policy that would be in effect regardless of political party or climate. It is time for Congress to do more than simply maintain the status quo. Congress must lend its support to efforts to train and prepare our youth for a place in this society. The Youth Opportunities Industrialization Centers Job Creation and Training Act of 1976 represents such a commitment to the unemployed youth of America.

MONS 029946

MAJOR PROVISIONS OF THE YOUTH OPPORTUNITIES INDUSTRIALISATION CENTERS JOB CREATION AND TRAINING ACT OF 1976

The Youth Opportunities Industrialisation Centers Job Creation and Training Act of 1976 follows a 9-point approach in an effort to curb unemployment. The following discussion of sections 2 through 8 will serve to highlight the salient features of this important job creating and training legislation.

SECTION 2. DECLARATION OF POLICY AND PURPOSE

This section is a statement of the achievements of OIC and a congressional commitment to assist OIC in its efforts to train and provide jobs for 1 million Americans in the Bicentennial Year and the 3 succeeding years. Section 2 also addresses the employment problems of those who are neither highly skilled nor so readily employable; namely, the inhabitants of depressed urban and rural areas and the unemployed youth. Section 2 recognizes the value in utilizing young people in work-study projects. Such projects could include community improvement and development; including housing rehabilitation, neighborhood improvement, removal of urban blight and the revitalization of areas of rural poverty. These efforts would serve the dual function of beautifying our neighborhoods and busying idle hands.

Another important part of section 2 is part 7 which establishes the OIC urban career education center (UCEC). The UCEC is a prototype youth dropout career opportunity center which provides education, career exploration and training for young high school dropouts. The initial UCEC was designed as an experimental project in Philadelphia in conjunction with the National Institute of Education, and was funded by the Department of Health, Education, and Welfare. The Philadelphia experiment is regarded as one of the most successful alternative education plans in the Nation. Working with high school dropouts and near dropouts from Philadelphia's disadvantaged community, the UCEC has recorded an 80-percent success rate in graduating students from the local school system and placing them in jobs or advanced training. Vital to the success and replication of future UCEC is the close cooperation between local and State boards of education, industry, and community-based groups. My legislation recognizes that the UCEC is an indispensible link in OEC efforts to train the Nation's 3,262,740 elementary and high school dropouts.

SECTIONS 3 AND 4 PROGRAM AUTHORIZATION; CONTRACT PROVISIONS; TARGETED GROUPS

Under sections 3 and 4 of my bill, the Secretary of Labor is authorized and directed to enter into a contract with OIC centers and any other community-based organization of demonstrated effectiveness. The inclusion of "any other community-based organization" is an important provision for it gives recognition to the fact that unemployment is a national crisis which cannot wait for start-up projects.

Immediate relief must be made available through community-based organizations already funded by the Federal Government. Though this provision has eliminated any exclusiveness in reference to OIC, other community-based organizations should attempt to follow the innovative structure and process of OIC. It is noteworthy that by mandating that the Secretary of Labor enter a national contract with OIC, that OIC would be eligible to participate in Federal jobs programs under revenue sharing, railroad revitalization, rural and urban economic development projects under the Departments of Commerce, Agriculture, Transportation, as well as, the Department of Labor. OIC would also be eligible to participate in public works projects such as the recently vetoed overriden Local Public Works Employment Act of 1976. OIC would also continue its highly successful role of stimulating private sector employment. I feel that the cost-effective record of OIC clearly demonstrates that OIC should receive this primary designation in legislation that provides employment projects, through community-based organizations. Section 3 also has a special stipulation for career education and counseling services for secondary school students. Section 4 is designed to insure that the jobs created are not only meaningful, but lead to permanent positions. "Special efforts" should be made to acquaint Vietnam veterans, the handicapped, ex-offenders, and youth to programs and jobs available to them.

In further reference to the employment problems of veterans, section 4(b)(4) provides that special consideration in filling jobs should be given to veterans who served in the Armed Forces in Indochina or Korea on or after August 5, 1964. Unlike past OIC bills, my bill would apply to all veterans "regardless of type of discharge received." Thus, the 446,000 enlisted personnel who received less than fully honorable discharges from 1965 through 1973 would be given consideration. I have included this provision for I have long realized that veterans receiving less-than-honorable discharges are the most unemployable segment of our population. I also realize that most of these individuals did not receive bad papers as a consequence of committing serious crimes. Most simply reacted adversely to discrimination or combat stress. Others merely exercised poor judgment. Often these were the very young and immature. As a result of their less-than-honorable discharges, they are now stigmatized and unable to secure employment. The YOIC Act would give all veterans a fighting chance.

Consistent with the OIC philosophy of maximum utilization of resources and "we help ourselves" slogan, my bill indicates that unemployed teachers should be given special consideration in filling teaching positions in OIC education and training centers. When it is considered that nearly less than 40 percent of the 255,000 trained teachers secure employment, special consideration should be given to this teacher reserve.

SECTION 5. CIVIL RIGHTS COMPLIANCE

Unlike some Government funded private nonprofit corporations, OIC believes that it has an absolute duty to guarantee that there is no discrimination in its program administration. According to Dr. Sullivan:

> OIC is a community-based organization which is clearly all-american, that serves the poor, disadvantaged and unemployed without distinction or ethnic emphasis, that counts among its supporters a cross-section of Americans, from the poor of Appalachia, northern intercities, southwestern barrios, rural and farming America and depressed communities throughout the land."

Section 5 would legislate the OIC creed.

SECTIONS 6 AND 7. COOPERATION WITH STATE AND LOCAL GOVERNMENT AND PRIVATE ENTERPRISE

Section 6 encourages OIC cooperation with State and local governments and private enterprise. Fortunately, State and local governments have devoted $55 million of their revenue sharing funds to the OIC effort. However, with the acceptance of these funds OIC has had to struggle against tremendous odds in order to maintain the comprehensiveness of its training process and the quality of finished product. State and local governments would do well to follow the OIC model.

Cooperation with private enterprise is nothing new for OIC for during the last 12 years OIC has developed over 500 partnerships with major industries. This OIC industry partnership is spearheaded by the OIC National Industrial Advisory Council. This council is comprised of leading executives from America's major businesses and plays a pivital part in lending corporate cooperation to the OIC cause, section 7 forges the union between the Department of Labor and OIC by placing OIC under the direction of the Department and extending the major responsibility for combining job creation with job training to OIC inherent in this union, is my belief in the cost-effectiveness of OIC. To appreciate the cost-effectiveness of OIC a brief recant of OIC funding history is in order.

In 1962 at the time of the manpower development training act, Dr. Sullivan in Philadelphia's Zion Baptist Church, initiated a cooperative savings plan that led to a capital formation project called the Zion investment associates. The Zion investment associates has grown from 1962 to 1976 from 200 investors to 5,000 investors at $360 per share to create an investment trust worth $15 million. Money accumulated has been invested in shopping centers, housing projects and numerous other business projects with profits being utilized to fund OIC training projects.

In addition, financial support and developmental help has come from Government agencies such as the Departments of Agriculture, Commerce, HEW, the Small Business Administration, the Office of Minority Business Enterprise, and HUD. As a result of the Manpower Development Training Act of 1962 and the Economic Opportunities Act of 1964, further assistance was given to OIC. Because the Manpower Development Training Act of 1962 was scheduled to expire in 1972, Dr. Sullivan and OIC persuaded the Congress to make special provision for OIC in the 1973 Comprehensive Employment and Training Act—CETA

MONS 029947

CETA was signed into law on December 28, 1973, and OIC was named as a community based organization eligible to receive revenue-sharing funds from prime sponsors. Again, in 1974, when the Emergency Employment Act of 1974 was passed amending title II and creating a new title VI, OIC was included by name as a community based organization eligible for participation in the title VI emergency jobs program. In the 1974 Senate report of the Appropriations Subcommittee on Labor-HEW, OIC was designated to receive $75 million to train 75,000 Americans at an average per capita cost of $1,000 per trainee placement. Although the Appropriations Committee instructed the Secretary of Labor to make $15 million available from title III moneys for OIC special projects dealing with ex-prisoners, drug abuse rehabilitation, Indian and migrant job training projects and rural farm projects, the Department of Labor indicated that there was not enough money available in title III funds. Thus OIC received but $2 million. Fortunately, OIC was able to convince prime sponsors under CETA that they should invest their revenue-sharing funds in OIC. The result has been an investment of over $55 million. When the last 12 years of Federal investment in OIC are totaled, OIC has received more than $150 million. As a return for every $1 invested by the Federal Government, the United States has received $20 in economic impact. Thus, OIC is the highest interest paying investment in America.

SECTION 8. YOUTH PROGRAMS

The Youth Opportunities Industrialization Centers Job Creation and Training Act of 1976 would amend section 304(a)(3) of CETA to create a year around employment program. Currently, the youth employment program is a summer program. However, youth unemployment statistics document a pressing need for the continuation of these same or equivalent jobs on a permanent basis.

SECTION 9. TAX CREDIT FOR BUSINESS EMPLOYING YOUTHS

The final section is section 9.

Under this provision any employer may receive a tax credit equal to the first 12 months of salary he pays to an unemployed person, provided this employee does not displace other workers and is an individual without a job. This provision would assure OIC continued success in its efforts to maximize and mobilize employment opportunities within the private sector.

Mr. Speaker, the Youth Opportunities Industrialization Centers Jobs Creation Act of 1976 is a nonpartisan measure designed to curb the problem of unemployment. Utilizing OIC job training and placement expertise my bill has focused on the major problem of youth unemployment.

Mr. Speaker, I encourage my colleagues to move quickly to enact this legislation. We must avoid the temptation of waiting until after the election in November or until the debate subsides over the Full Employment and Balanced Growth Act of 1976. OIC is running out of funds and Americans are running out of time. When it is considered that 7,426,000 Americans are unemployed; 5,800,000 Americans receive $18 billion annually in unemployment compensation benefits; 18 million Americans are dependent on food stamps and the U.S. prison population has pinnacled to a quarter-million persons, the time to aid OIC is now. OIC has demonstrated its effectiveness and cost efficiency. Now let us demonstrate our support. I urge you to endorse the Youth Opportunities Industrialization Centers Jobs Creation and Training Act of 1976.

NORTH KOREA—HOW LONG MUST WE CONDONE ITS VICIOUS INHUMANITY?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from California (Mr. CHARLES H. WILSON) is recognized for 10 minutes.

Mr. CHARLES H. WILSON of California. Mr. Speaker, North Korea has once again demonstrated—by the brutal murder of two American officers—that it is an ever-present menace to South Korea and other nations.

What, today, do the bleeding-heart editorialists and other critics of the Republic of South Korea have to say? Do they still feel, in the face of this latest outrage, that the Government of South Korea is "repressive" when it tries to prevent North Korean-inspired insurrections among the South Korean populace?

Once this tragic episode dies down and fades from the front pages of our newspapers, are we again to hear poorly conceived suggestions that the United States remove its one division of troops from South Korea, and that we cut back on U.S. military aid to that country, and otherwise abandon South Korea to its fate?

Surely even the most shrill critics of South Korea will now be stilled in the face of the inhumanity we have witnessed so recently. That they ever spoke at all is beyond my comprehension.

Time after time, North Korea and its mad dog dictator, Kim Il Sung, has demonstrated that it is not to be trusted to honor the truce agreement so laboriously worked out at Pyongyang, after a war, I might add, of 142,000 American casualties.

The Korean war itself is proof enough of North Korea's intentions toward its neighbor to the south. Some might say that the wounds of war should heal, and that once-warlike nations should be forgiven, after their governments have been changed and their war criminals punished.

To that, I point out that in the case of North Korea, its government is of the same philosophy as the one that attacked South Korea in 1950, and at the close of that war, North Korea's blatant power and territory-seekers were never punished.

Were the criminals of Nazi Germany and militant Japan not tried and convicted? Were the Third Reich and the Tojo cabal still intact would we be so trusting of those countries as we are today? The answer, of course, is that we would not.

Why then should anyone in his or her right mind think that the Government of North Korea does not intend to take over, by force, if necessary, all of the territory and people of the entire peninsula?

Let us look at the record. Not the complete record, mind you because a list of all North Korea's truce violations and aggressive acts is far too lengthy to go into here.

Most recently two U.S. officers were hacked to death while on a routine mission to trim a tree in the DMZ, a tree that was obscuring the vision of both sides. Four other men were severely wounded and two hover near death.

Only a year ago ago, another U.S. officer, on a similar mission, was attacked and permanently maimed by a kick in the throat from a North Korean soldier in an unprovoked assault.

In 1969, five U.S. soldiers were killed when their truck went over a land mine placed in the DMZ by North Korea in violation of the truce agreements. These men were also machinegunned.

Then there is the matter of the North Korean tunnels, which were found leading under the DMZ toward South Korea. Who needs more proof than that that North Korea someday is planning a surprise troop attack across the truce line?

While exploring these tunnels, two officers, one U.S. Navy and one South Korean, were killed by a North Korean booby trap. What the peace situation might be today, had the tunnels not been discovered, is impossible to say.

And, of course, there is the matter of the U.S.S. Pueblo, an American ship that was snatched from the high seas and held captive, along with its crew, for more than a year.

According to the New York Times of August 18, 1976, there have been 35,000 separate truce violations by North Korea in 23 years. Think of that, 35,000 violations, and still some of my colleagues maintain that North Korea can be trusted and that all of our troops can safely be removed without South Korea falling to communism.

Occasionally, in the press, and in this Chamber, there are complaints that the ROK's President Park is not observing all of the niceties of democracy enjoyed by the citizens of the United States.

It is true that South Korea arrests and has executed spies in peacetime. The United States has also done this. The Republic of South Korea, it is true, is not as understanding about permitting demonstrations as is the United States.

Otherwise, though, there is a free press, freedom of religion, women's rights and scores of other democratic principles are in effect. But it is foolish to say that some emergency measures now in force are not necessary.

The Republic of South Korea gets almost daily reminders of the intentions of North Korea. Its citizenry is, frankly, quite happy to give up some marginal freedoms in order to prevent losing them all.

Finally, to return to this latest atrocity by North Korea, it is disgusting to note

MONS 029948

that out of the 35,000 times hat it has violated the so-called truce, it has apologized only three times, if what it said last week can be called an apology.

In fact, the North Korea Government has only said that the act was "regrettable."

And, I suppose, from the North Korean viewpoint, that act was regrettable in that it once again demonstrated to the world that North Korea maintains its warlike posture. It was regrettable in that it caused the United States to dispatch to South Korea two squadrons of war planes and an aircraft carrier.

Obviously, this particular incident could not have come at a worse time for North Korea; it came just when critics of South Korea, even some Members of this House, were suggesting that all U.S. troops be withdrawn, and that U.S. military aid be curtailed.

I think that there probably is no need for the United States to demand that those North Koreans who hacked our men to death be punished. They probably will be punished by their government, unfortunately for the wrong reasons.

So, while I do not think that, at this time, the North Korean Government wanted to intentionally provoke or alert the United States, the fault for what happened still remains with North Korea.

Our men would never have been killed had not the philosophy of North Korea instilled in its own troops an irrational hatred of troops on the other side, peaceful though they might be.

But despite the whys, wherefore, recriminations and regrets, the act does demonstrate this:

That not only should we maintain our peacekeeping troops in South Korea, but that perhaps we should even beef them up, so that they might be more able to withstand a surprise attack from an enemy surely not to be trusted.

And it has demonstrated that through U.S. aid, we must see to it that the 600,000-man army of South Korea never be allowed to deteriorate to the point that an imbalance of power encourages North Korea to attack.

For this reason, I support the resolution introduced by Mr. MURPHY, of New York, and I urge my colleagues to support it, too, so that this administration will have a clear idea of the sentiments of the House on this issue.

I would, at this time, also like to include in the RECORD two editorials from the New York Times of August 19 and 23, 1976, which echoes many of the sentiments I have just expressed:

[From the New York Times, Aug. 19, 1976]

PEKING'S DIPLOMACY

North Korea's die-hard Stalinist Government has stooped to a new low in barbarism with the apparently premeditated axe-murder of two American officers at the Panmunjom cease-fire village.

The regime of President Kim Il Sung may hope by its brutal act to build support for recent suggestions in this country for a gradual phase-out of some 40,000 American ground troops still stationed in South Korea. The effect will be exactly the opposite—to strengthen the argument for a continuing strong United States presence in Korea to help preserve the truce in the face of such evidence of persisting aggressiveness from the North. The brutishness engaged in by Pyongyang could even serve to mute the concern of many Americans who have become increasingly disenchanted with the Government of South Korean President Park Chung Hee, whose despotism is made to appear less onerous by comparison.

It is also possible that the Panmunjom atrocity was designed to provoke an extreme American retaliation—a retaliation that in turn would rally sympathy for the North Koreans at the "nonaligned" conference in Sri Lanka and support for the North Korean Prime Minister's request that the conference demand withdrawal of all United States troops and nuclear weapons from South Korea. Both Washington and the nonaligned nations should surely be trusted to have better sense than to fall for such an inhumane and primitive ruse.

[From the New York Times, Aug. 23, 1976]

MEASURED RESPONSE

Three days after North Korean guards brutally assaulted and killed two American officers supervising a tree-pruning operation in the demilitarized zone, allied forces returned Friday and cut down the tree, which had been obstructing the view of a United Nations Command post.

This symbolic gesture was backed by a show of military power sufficient to discourage any further North Korean interference and to evoke a belated apology of sorts from Pyongyang. It did not—as nothing could—adequately make amends for the lives lost as a result of North Korea's calculated barbarism. Nevertheless, the measured allied response drives home the essential message that the United States will not be bullied or otherwise driven from fulfilling its role as guardian of the 23-year Korean armistice; and it did so without additional loss of life and without unnecessarily exacerbating an already tense situation.

The incident of the tree strongly reinforces the conclusion reached by last week's "nonaligned" conference in Colombo that a "grave" threat of new conflict exists in Korea. But the evidence in no way supports the conference's incredibly myopic conclusion that the provocation is all on the allied side and that the danger of war would be removed by dissolution of the United Nations Command and withdrawal of American forces.

On the contrary, Pyongyang's latest brute display of unpredictable aggressiveness underscores the continuing need for a strong and patient United States presence, preferably under United Nations auspices, until North Korea's leaders abandon their persistent dream of military conquest and sit down to negotiate a final peace settlement.

NEW VOTE RECORDING FEATURES OF THE ELECTRONIC VOTING SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. THOMPSON), is recognized for 5 minutes.

Mr. THOMPSON. Mr. Speaker, as you know, the electronic voting system, which is used here in the Chamber to record Members' votes, has been modified many times in the past to comply with the changing rules and precedents of the House and to add enhancements for use by the leadership and the Members. Today the Committee on House Administration is placing in operation a new capability to retrieve voting information from past rollcalls of this session in the same manner that the leadership and Members retrieve rollcall information on the day the rollcall is taken. If the number of the rollcall in question is known, it can be retrieved simply by entering that number on the display terminal keyboard. If the rollcall number is not known, another feature is available to retrieve by bill number or by issue type.

This new capability is designed to reduce the time and effort expended by the leadership, the Members, and their staffs to locate and extract past rollcall information from the CONGRESSIONAL RECORD. The desired information will now be available almost instantaneously on the display terminals so that Members may quickly verify how they voted on a bill that is the subject of a conference report, that has been vetoed, or that is similar to a bill now before the House.

The operators at the leaders' display terminal tables have been trained to use the new capabilities. Rollcall information starting with Rollcall No. 55, recorded on February 17, is now available for viewing. In January, all rollcalls from the beginning of the first session of the 95th Congress will be retained and available for viewing at any time during the session.

The Committee on House Administration is pleased that it can continue to respond to requests for new features of the electronic voting system that will assist the leadership and the Members accomplish their basic responsibilities.

House information systems staff will be available in the Chamber this week to assist in the use of this feature.

HYPOCRISY BY NINTH CIRCUIT JUDGES ON FINANCIAL DISCLOSURE LEGISLATION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. KASTENMEIER), is recognized for 5 minutes.

Mr. KASTENMEIER. Mr. Speaker, it has come to my attention that the Judicial Conference of the ninth circuit recently passed a resolution at its annual meeting in Spokane, Wash., objecting to title III of S. 495, the Watergate Reorganization and Reform Act of 1976. Title III is the requirement for public financial disclosure by the President, Vice President, Members of Congress, judges, and justices and other high ranking Government officials.

The Ninth Circuit Judicial Conference resolution stated that title III "impugns the integrity" and "demeans the positions" of honest and dedicated officers and employees. The resolution went on to say that:

There is no crisis of public confidence in the Judiciary which requires such draconian measures to assure the public of the honesty of the Federal judges.

The Judicial Conference statement recommended that either title III be deleted from S. 495 or that it should be amended "so as not to apply to the judiciary."

To further buttress their position, the Ninth Circuit Judicial Conference pointed out that the Federal Judiciary has already adopted a system for public

MONS 029949

reporting of any income earned from nonjudicial services.

Indeed, the Judicial Conference code directs Federal judges, although not the Justices of the U.S. Supreme Court, to file periodic public reports disclosing income from nonbench work and gifts of more than $100. However, what the hypocritical judges of the ninth circuit neglected to mention is that there are those Federal judges who do not comply with the Judicial Conference code, including several, not surprisingly, from the ninth circuit. The latest report of the proceedings of the Judicial Conference of the United States contains the names of those Federal judges in the ninth circuit and elsewhere who have not complied with the Judicial Conference code in filing reports on their extrajudicial income during the January 1–June 30, 1975, period. The U.S. district judges of the ninth circuit who have not honored the code are Warren J. Ferguson, Pierson M. Hall, Harry Progerson and Manuel L. Real.

Mr. Speaker, contrary to the views of the judges of the ninth circuit, financial disclosure neither "impugns the integrity" nor "demeans the positions" of honest and dedicated Federal officers and employees. It is not a "draconian" measure. I would like to remind the judges of the ninth circuit of the precept that a public office is a public trust, and that they, too, owe an accountability to the public. I want to assure the ninth circuit judges that when Congress passes financial disclosure requirements, such as those recommended by title III of S. 495 or H.R. 3249, the major financial disclosure bill in the House, Federal judges and justices will not be singled out for preferential treatment by an exemption from the coverage of such legislation, but that they will be treated equally with the President and Vice President, Members of Congress, and other high ranking Federal officials.

JUDGE POOS SUCCUMBS AT 73

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. PRICE) is recognized for 2 minutes.

Mr. PRICE. Mr. Speaker, I was saddened over last week's recess to hear of the death of my good friend, Judge Omer Poos, U.S. senior district judge for the southern district of Illinois.

Judge Poos was a distinguished jurist who served for nearly two decades on the Federal bench. He was a community leader in his home town of Hillsboro, Ill., and throughout his career received the respect of his colleagues in the legal profession across the State of Illinois.

At this time I would like to insert into the RECORD the following article from the August 12 edition of the Metro-East Journal:

JUDGE POOS SUCCUMBS AT 73

U.S. Senior District Judge Omer Poos, who served 18 years on the federal bench in the U.S. Court for the Southern District of Illinois, died of lung cancer Wednesday at the Hillsboro Hospital, near his home. He was 73.

Poos, who gained national attention as the judge in the Collinsville drug raid/arrests trial in 1974, had served as a senior judge in Alton since 1972.

Appointed to the federal bench in 1956 by President Dwight D. Eisenhower on the nomination of his close friend, the late U.S. Sen. Everett M. Dirksen, Poos sat until 1972 in Springfield.

A respected jurist, his habit of popping lemon drops during trials and offering candy to lawyers and visitors also made him popular. He loved fishing.

Poos was a graduate of St. Louis University, where a new law library was named after him in 1972. His son Robert, a former Vietnam war correspondent for the Associated Press, is the chief press officer for the American Association of Railroads in Alexandria, Va.

Poos, of Hillsboro, had been ill for several months and had lived at the Hawthorne Nursing Home there.

Services will be at 10 a.m. Friday at St. Agnes Catholic Church, Hillsboro. Friends are calling at the Bass Funeral Home, Hillsboro.

Survivors include his wife, Virginia Van Liew Poos; a son, Robert of Alexandria, Va.; a brother, John of Bronson, Kans., and a sister, Mrs. Sara Green of California.

Poos was a member of Moose Lodge, Hillsboro; Elks Lodge, Litchfield; Knights of Columbus, Hillsboro; Antlers Club, Litchfield; the Montgomery County, Illinois and American bar associations and the Bar Assn. of the U.S. Circuit Court of Appeals, Seventh Circuit.

He served on the war finance committee of Illinois during World War II and received the distinguished service citation. He was former president of the Hillsboro School Board and the Hillsboro Hospital Assn.; a former member of the board of the Montgomery County National Bank.

HOW SLIPPERY THE SLOPE—PRIVATE BANK LENDING TO DEVELOPING COUNTRIES?

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin (Mr. REUSS) is recognized for 20 minutes.

Mr. REUSS. Mr. Speaker, in the last several weeks we have seen growing concern about the ability of developing countries to repay their foreign debt. Recently the Peruvian Government sought some $400 million from American banks to cover its short-term payment commitment on its external debt. Similarly Argentina hopes to succeed in putting together a $250 million refinancing package to help meet the bulge in its debt payments for the rest of this year. Zaire, on the other hand, has already reached a position of default and is currently negotiating a longer term rescheduling of its official debts. Are we sliding down the slope to a spate of forced reschedulings of repayment obligations, or even a general abrogation of LDC debt?

There has been a lot of doomsday rhetoric on this subject. But what is the reality? Is a policy change by U.S. bank dividual countries as they arise. Demands

To date, the U.S. Government has resisted rescheduling of official debt until such time as default is imminent. U.S. authorities have dealt on a case-by-case basis with the particular problems of individual countries as they arise. Demands by the Third World in the recent UNCTAD conference for an across-the-board debt moratorium have been resisted by this country.

A few developing countries account for the bulk of borrowing from U.S. commercial banks. The two most important are Brazil and Mexico, with over $5½ billion worth of loans each. Next in order are South Korea, Argentina, and Peru, each with total loans of between $1 and $2 billion each.

These loans tend to be concentrated among a few major creditor banks. Claims on Mexico and Brazil each constitute about 1½ percent of the total assets but one-third of the capital of the six largest U.S. banks.

Therefore, while some individual countries will have problems, a general moratorium on LDC debt to American financial institutions is unnecessary. There is no general threat to the liquidity or solvency of the U.S. banking system.

This general conclusion does not imply that U.S. political and monetary authorities and bank supervisory agencies should be blasé about the exposure of individual developing countries, or that we should be unsympathetic to the debt burdens and financing needs of the poorer Southern Hemisphere. Rather, we should monitor closely several continuing issues.

First. Official debts should not be rescheduled to permit LDC borrowers to meet obligations to commercial bank creditors.

Private commercial bank lending to developing countries mushroomed in the early 1970's as the commodities boom made many of the developing countries richer and hence able to meet the creditworthiness criteria of banks. The flow of funds from private banks continued high in 1974 and 1975 as these countries sought financing for the current account deficits caused by the oil price rise and the subsequent recession.

Previously, most private bank lending in the Third World had been to subsidiaries of U.S. and European corporations. The more recent trend has been for loans by syndicates of banks to governments and government enterprises. Such loans by commercial banks directly to government entities immobilize assets because no secondary market exists for them. When private banks lend to the U.S. Government, they do so through marketable notes, bills, and bonds. Without the secondary market, the regulatory agencies have no objective measure of the soundness of commercial bank loans to foreign governments.

The lack of a secondary market also impairs the liquidity position of creditor banks, since there is no way to sell off these loans to raise cash. The risk is concentrated among relatively few banks, because nonbanking financial institutions, like insurance companies or pension funds, cannot purchase any of this debt. Any increase in the liquidity of one bank would require another member of the banking syndicate to assume a greater portion of the loan. In the case of a default, the entire syndicate would be injured, perhaps severely.

The relationship of private bank lending activities to official activities is closely intertwined. Private bankers continue to be optimistic that no major resched-

MONS 029950

uting of private debt will be required. Developing countries seek to meet their private debt commitments first in order to retain access to private markets. Private debt increases the total repayment burden, since these obligations carry commercial interest rates. Often private borrowings provoke the payments crunch which official lenders then must counter. The initial burden in a rescheduling consequently falls on governments and multilateral development banks.

In the event that a syndicate of major American banks were threatened with serious injury by the prospective default of a LDC debtor, the U.S. Government might contemplate a rescheduling of official debt repayments—or worse still—extend additional aid in order to help the country meet its private obligations. The purpose of government lending should not be to spare banks the losses that result from faddish follow-the-leader lending. Lending to LDC's should not become the successor to the real estate investment trust debacle. The regulatory authorities should emphasize to commercial banks the risks that arise in lending to developing countries. In the event that rescheduling of debts to the U.S. Government is required in a particular case, obligations to private creditors should be similarly restructured. American commercial banks should get no better terms than the U.S. Government. The taxpayer should not be expected to bail out the handful of U.S. commercial banks that hold LDC paper.

Second. U.S. commercial banks lending to developing countries should not influence U.S. foreign policy.

Lending by private U.S. commercial banks to a particular country should not cause our Government to extend political support to that country in order to avoid a default. This is a point I raised with regard to Chile in a May 11 letter to Comptroller of the Currency James E. Smith. Additional private lending to Chile could not easily oblige the next administration to continue the present level of aid disbursements to Chilean Government, but also produce a reluctance on the part of U.S. officials to take a firm stand against the violations of human rights practiced by that country's totalitarian regime. Private banks have also lent billions to countries such as Argentina, Brazil, and South Korea—countries that are facing difficulties in meeting their debt burden—and countries whose domestic political climate we ought not to admire. Indeed, we should make our disapproval evident. Debts to private U.S. banks should not diminish our official repugnance toward the anti-democratic policies pursued by the governments of these countries.

Protecting the overseas direct investments of American companies, particularly in the event of expropriations, have occasionally had a major impact on U.S. Government relations with host countries. A default by a major debtor to American banks could produce losses for the investors similar to the consequences of an expropriation. The possibility of a U.S. political response to a threatened default is, consequently, not farfetched.

A political reaction could occur in a variety of ways. Let me cite a possibility. Brazil and Mexico have borrowed especially heavily. Their ability to meet their debt burdens depends on their capacity to export. Future export expansion will be largely in manufactured and semi-manufactured goods—not primarily in raw materials. The growth of these exports will depend in part on our willingness to import their manufacturers. The substantial degree of private bank exposure to these countries might cause U.S. policymakers to be less sympathetic than they would otherwise be toward American firms and workers that happen to be injured by import competition from major borrowers, such as Brazil or Mexico. The ability of foreign debtors to repay loans to American banks should not influence determinations to grant relief from import competition to domestic firms and workers.

Similarly, aid policy, official positions regarding respect for democratic values and human rights, and trade policy should all be determined on the basis of considerations other than the extent of foreign borrowing from U.S. commercial banks. This injunction will not be easy to observe, but we must try.

3. A lack of concessional aid should not force the poorer LDC's to borrow from banks at commercial rates.

Inadequate funding of the International Development Association—IDA—and other concessional lending facilities in recent years has forced some low-income countries to obtain loans on terms they can ill afford. Just as aid should not be used to bail out the more advanced LDC's that can afford to pay commercial terms, concessionary financing should be available to those who need it most. To give inadequate aid is also to court default, although not necessarily in massive proportions.

The liberalization of the International Monetary Fund's compensatory financing facility and the creation of additional IMF credit lines make more official financing available to the developing countries. We should encourage poor countries to draw on these resources to meet their difficulties.

The poor countries have sometimes been critical of the IMF, because the conditions attached to its loans require them to undertake difficult and painful domestic adjustments. Nevertheless, these measures are often necessary if a borrowing country's development is to be sustainable.

The search for adequate financing for the LDC's has led to a survey of new ways to increase the amounts of available funds. Cofinancing—the use of private bank loans in conjunction with multilateral development bank projects—can both protect private banks and insure that the funds borrowed by a developing country are put to use productively. We should welcome more cooperative arrangements of this type.

Fourth. What the U.S. Government can do.

The Treasury has introduced an early warning system to identify countries that potentially have debt repayment problems. This program should be perfected, and every effort should be made to improve the available data on both public and private debt. But private bank lending must remain the responsibility of the regulatory agencies. It is they who ultimately must monitor the soundness of commercial bank credit policies.

We are not on the brink of a disaster. But the issues I have raised deserve serious consideration, since they affect the soundness of our financial system and our relations with all developing countries.

WHY DOES NOT THE STATE DEPARTMENT COME CLEAN ON URUGUAY?

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, the House International Relations Committee's Subcommittee on International Organizations recently concluded hearings on repression in Uruguay and U.S. policy toward that country. Testimony was taken from Mr. Wilson Ferreira Aldunate, a Uruguayan exile who received a plurality of votes in the last free Presidential election, Edy Kaufman, of Amnesty International, and Prof. Martin Weinstein. All of this testimony pointed to a "consistent pattern of gross violations of internationally recognized human rights" in Uruguay. The situation was described succinctly by Professor Weinstein:

Let me be very clear about the current state of human rights and civil liberties in Uruguay. The constitution has been cast aside. Parliament is closed. Newspapers and the electronic media are under complete censorship. The once powerful trade union movement has been destroyed with most of its leaders under arrest, in exile, or dead. Many political parties and newspapers have been declared illegal and all political activity is banned. The university and primary and secondary school system have been intervened by the military with the dismissal of faculty and teachers based on their ideas and beliefs. Literally tens of books, the works of many writers and artists are prohibited. Anyone can be arrested at any time for any reason and held incommunicado indefinitely.

But perhaps most disturbing to me was the charge, made by both Ferreira and Weinstein, that the U.S. Embassy in Uruguay favors the present regime in Uruguay and has not told the full story about the repression in Uruguay to our own State Department.

On August 4, the State Department was given the opportunity to respond to these charges. Its position was that human rights violations had taken place in Uruguay, that the Uruguayan Government had provided assurances that the situation was temporary but necessitated by internal threats, and that, in any event, the State Department did not have a working definition of "a consistent pattern of gross violations of internationally recognized human rights" to make a determination with regard to aid to Uruguay.

Mr. Speaker, I have a genuine desire

MONS 029951

to reconcile my differences with the State Department. The fact is that we ought to be on the same side, but we cannot be if we do not get the whole truth. There are certain crucial issues which remain unresolved. There are two basic problems. The first is State Department credibility. I cannot determine where the fault lies: Whether the U.S. Embassy in Uruguay is not providing all the facts to the State Department or whether the State Department is intentionally excluding information which is not supportive of its position. I will be specific in a moment. The second problem is one of policy: Through all the argument over Uruguay, the Foreign Operations Subcommittee has never been told what interests in Uruguay require us to provide military assistance to a country that is the torture chamber of Latin America.

I want to enumerate instances in which the State Department has failed to state all relevant information concerning Uruguay. The record is a long one so I shall speak only of my personal experience. I must say that the State Department is proficient at stopping just short of lying in its statements.

First. In a letter of June 11 from Hewson Ryan, Deputy Assistant Secretary for Inter-American Affairs, Ryan stated that the human rights situation in Uruguay "is clearly better" than it was 2 or 3 years ago. Both Amnesty International and the International Commission of Jurists have refuted this assertion, saying that in some ways the situation has worsened.

Second. In that same letter, Ryan said that—

It is inaccurate to describe the Uruguayan government as a military dictatorship.

The military forced the closing of the Uruguayan Parliament in 1973 when the legislature requested an end to the deepening repression. An unclassified CIA memo to me confirmed that the Uruguayan military viewed President Bordaberry as "an instrument of military rule." In any event, the irony of Ryan's letter is that it was being prepared at the exact time when the Uruguayan military had decided to depose Bordaberry and end all pretense of civilian rule.

Third. In a July 14 letter to me, Ryan responded to my request for a biography and evaluation of Wilson Ferreira with one statement that particularly irked me:

Mr. Ferreira went into self-imposed exile in 1973 and since that time has been in contact with events in his country at a distance.

As in so many cases, while this statement is technically correct, it has implications which I consider insulting to Mr. Ferreira. "Self-imposed exile" implies that there was on compulsion to leave. Even Mr. Ryan later admitted to me in the hearings that Mr. Ferreira probably had good reason to leave. Let us face reality. The Uruguayan security forces operating in Argentina would have murdered Mr. Ferreira along with Michelini and Gutierres Ruiz if Austria had not offered him asylum. Furthermore, I believe Mr. Ferreira, who kept in contact with his party and his cause while living in Argentina, has a much better idea of the Uruguayan situation than our Embassy has.

Fourth. As is also the case with the State Department, what is not said is as important as what is said. On July 7 the Uruguayan Government indicted Ferreira for "subversion." Mr. Ferreira is universally viewed as a peaceful and democratic opponent of that regime. I think this is a very vital piece of information. Why then did the State Department neglect to include it in an evaluation of Ferreira? There are two possibilities: The U.S. Embasy in Uruguay did not include this information in its report or the State Department decided to delete it in writing its letter to me. Either way, I believe, it represents a serious breach in the credibility of the State Department as a whole. Several exchanges between Ambassador Ryan, subcommittee Chairman DON FRASER, and myself during the hearings pointed up this same problem.

Fifth. Let me quote some of the transcript of the hearing of August 4:

Mr. FRASER. Mr. Ryan, there is torture in Uruguay, is there not?

Mr. RYAN. There has been apparently. The Government of Uruguay has admitted that there have been occasional cases of this but they tell us they have taken steps to prevent its recurrence.

Mr. FRASER. Do you believe it?

Mr. RYAN. It is what the Government tell us. We have no reason to doubt them at this moment. I cannot prove that they have not taken the steps.

The Uruguayan Government has been giving these kind of assurances for years. Why does the State Department uncritically accept the word of that regime when it indicts a former Presidential candidate who polled a plurality of votes in the last free election for subversion, reaches beyond its borders to slaughter two articulate advocates of human rights in exile in Argentina, jails one in every 500 of its citizens, and has institutionalized torture, according to Amnesty International and the International Commission of Jurists.

Sixth. A discussion of the status of labor unions brought another statement which did not contain the full truth:

Mr. RYAN. The labor unions have been intervened in that the Communist controlled labor center was destroyed and a number of its leaders are still in custody. As we indicated in the answers to your questions there is a labor movement, the ILO investigated trade union freedom in Uruguay in 1973 and their Committee on Freedom of Association, as I indicated in the answers to the questions on page 10, "recognize that the present labor situation was the result of the grave economic, social and political crisis that the country suffered prior to 1973 and that the government had restricted the activity of the labor movement in order to eliminate political opposition to its policies.

"The committee noted organized labor has been politically active but said it is necessary to differentiate between purely political activity of organized labor and trade union activity and calls on the government to defend which would permit normal trade union activity."

Mr. FRASER. How does that differ from this statement here?

Mr. RYAN. That there is no activity at all I would point out to you that the U.S. labor movement has a representative and there is a trade union representative that runs a program of about $160,000 a year to encourage and develop trade union leadership in Uruguay. This includes also the training of trade union leaders in the United States at Front Royal run by the AFL–CIO.

What Mr. Ryan failed to mention was that AID phased out funding for the American Institute for Free Labor Development in Uruguay in 1975 in response to an Auditor General's report stating that the program was in large part a failure. According to the Auditor General:

This condition is not directly related to the capabilities of AIFLD, but reflects more on the limitations of actions imposed on the workers by Government of Uruguay statute, which prohibits workers from striking or bargaining for wages.

When Congressman FRASER pressed Mr. Ryan on this point, this exchange followed:

Mr. FRASER. Is there a free trade union movement now that is fully free outside of government?

Mr. RYAN. No, sir.

The second problem, as I see it, is that the State Department is not really sure why we are assisting Uruguay at the moment. What is our mission in Uruguay? What interests in Uruguay drive us to support the present regime? Given the fact that there is no external threat and we have no vital strategic military interests in Uruguay, the sole remaining reason for our providing military assistance is to assist the Uruguayan Government in maintaining its internal security.

Let me try to set out the State Department's rationale for providing assistance. First, Ryan's testimony states that there is "a treaty-like obligation." But the truth is that there is no treaty:

Mr. RYAN. Military aid, of course, has background in the Rio Treaty. We have certain obligations for mutual defense of the hemisphere which go back to World War II. There is a long tradition of support and interdependence in military establishments.

I think this is more of a treaty obligation than an active act of support of any specific government. It is a support of the communities and the governments of the hemisphere, not a specific party in power or specific group in power.

Mr. FRASER. Mr. Ryan, can you quote the provision of any treaty that compels the United States to give military grants or assistance?

Mr. RYAN. It is seen as a traditional, treaty-like obligation.

Mr. FRASER. Is it a treaty obligation or not?

Mr. RYAN. It is not a written treaty obligation.

Mr. FRASER. We are not required to give aid, is that right?

Mr. RYAN. That is right.

Mr. FRASER. And we are giving aid?

Mr. RYAN. Yes.

Mr. FRASER. Could you define U.S. national interests in helping arm the Uruguayan forces?

Mr. RYAN. I think this is a matter of tradition I referred to. We have a long tradition of support of the various military establishments in this hemisphere going back to just about the time of World War II.

Mr. FRASER. Uruguay once was a country which like Chile very much valued democratic values. This has largely disappeared at least for the present time.

Do you automatically continue to give countries military assistance without reference to what happens?

Mr. RYAN. This is the last year of grant military assistance.

MONS 029952

That last response by Ryan, "This is the last year of grant military assistance," is clearly a nonanswer. It indicates to me that our policy is based on momentum. We have allied ourselves with Uruguay, and without regard to the death of democracy and the establishment of military dictatorship in Uruguay, we will continue to support that country. For instance, we will continue to provide aid to Uruguay "to maintain an adequate counterinsurgency capability," which to the State Department is somehow different from helping in their internal security. I want to let the testimony speak for itself:

Mr. KOCH. What I am trying to do is to establish the fact that we are providing aid relating to internal security. You did not place the term there but if DOD calls it counterinsurgent capability, you and I know that we are talking about some revolutionary action against the government within the country, and I believe, and I think that you are in a sense bearing it out, that that is not what we are supposed to be doing.

It is not our function to engage in counterinsurgency support within a country. Wouldn't you agree with me on that?

Colonel QUIRK. I think you are cutting a very fine line here——

Mr. KOCH. I am trying to.

Colonel QUIRK. In the definition of a military. They have a military and that military has certain roles and functions that the Uruguayans have assigned it, as our military has roles and functions that our government has assigned it.

If the national security of Uruguay and the protection thereof is one of them and they have asked for training to assist in that, we are being responsive to their needs. We are not participating.

So all we are doing is being responsive to their needs. That is probably indictment enough of our policy.

Mr. Speaker, I do not know what if anything we can do to help the Uruguayan people. Wilson Ferreira believes we should do nothing, that the Uruguayan people want to be left alone to solve their own problems. Certainly, I do not see any way in which military assistance to Uruguay helps the situation. There are those who say that a cutoff of assistance will not help the situation. Although debatable, that is not really the question. We should go back to first principles and ask ourselves why we are assisting Uruguay at all. Frankly, I see military assistance to that country as being against the national interest of the United States, based on a simple cost-benefit analysis. The State Department disagrees with my assessment. But as far as I can determine, the State Department position is based on incomplete and erroneous information and our aid posture is based on a view of the Uruguay of earlier days.

Perhaps the policymakers have not reviewed the Uruguayan situation since then. But the House of Representatives has, and it has determined that the United States shall provide no military assistance to Uruguay.

RESPONDING TO JUVENILE CRIMES OF VIOLENCE—AN UPDATE

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, on July 1, I voiced my concern in this RECORD about the difficult problems facing society in dealing with the increasing number of juvenile violent offenses. In an article in the June issue of the American Bar Association Journal, Judge Irving R. Kaufman summarized the alarming statistics of which I speak:

Since 1960 arrests of juveniles for violent crimes have increased by 244 per cent, more than double the comparable figure for adults. Indeed, children between the ages of ten and seventeen—a mere 16 per cent of the population—now account for almost 50 per cent of all arrests for theft and criminal violence. Other statistics reflect the distressing magnitude of violent conduct directed against children. For example, roughly thirty thousand official reports of parental abuse or neglect involving almost sixty thousand children were filed last year in New York State alone.

Judge Kaufman is chairman of the Joint American Bar Association-Institute of Judicial Administration Commission on Juvenile Justice Standards which is now completing an exhaustive 5-year study of the juvenile justice system in the United States. The recommendations from this study, contained in approximately 20 volumes of standards, will be presented to the American Bar Association's House of Delegates for approval in February 1977. These recommendations will be eagerly awaited by all who seek direction in coping with this serious and complex problem which threatens, more than many of our other ills, the basic fiber of our society. No matter how one views the causes or the solutions to the rise in juvenile violent crimes, no one can deny that this startling rise in juvenile crime, unless abated, will serve only to increase the fear which diminishes the quality of our lives and those of our children.

In my earlier statement I presented, together with other views, the responses I had received from directors of youth services across the country who are attempting to cope with juvenile violent crime in their own States. For the continued information of my colleagues I am appending excerpts from the additional responses I have received since that earlier statement:

RESPONSIBILITY OF STATES TO JUVENILE CRIMES OF VIOLENCE

District of Columbia: (Juvenile cases referred to Family Division) . . . A dispositional order vesting legal custody of a child with a department, agency, or institution shall remain in force for an indeterminate period not exceeding two years. Unless the order specifies that release is permitted only by order of the Division, the department, agency, or institution may release the child at any time that it appears the purpose of the dispositional order has been achieved . . . The District of Columbia Law Revision Commission which was established by Congress in 1974 . . . is authorized to propose such changes as it deems necessary to bring the civil and criminal law into harmony with modern conditions . . . The District of Columbia Government, at this time, has no authority to change existing law, but we will be making recommendations to the Law Revision Commission regarding proposed changes at the appropriate time.

Florida: Your letter requesting information on how Florida deals with its serious juvenile offenders is indeed timely. The Legislature passed H.B. 1900 this session, which represented an effort by the Legislature to allow the State's Attorney greater discretion and ease in prosecuting certain classes of 16 and 17 year olds as adults . . . The Youth Services Program Office, however, recommended that the legislation be vetoed by the Governor, which he did on June 23. We believe that the Florida Statutes already contain adequate provisions for any "child" to be waived to the Adult System in order for the State to proceed against the child as it would were he adult . . . the reluctance of adult courts to send young people to prison combined with more stringent due process procedures, actually result in fewer young people being removed from the community than would have occurred if they were processed as juveniles . . . only a small minority of the 16 and 17 year olds referred to this agency were charged with the violent crimes of murder, rape, or armed robbery. However, these specific crimes represent the greatest threat to the citizenry and are a major part of the impetus to get "tough" with juveniles . . . only a small number of juveniles cannot be handled within the juvenile justice system. Of the 106,823 delinquency referrals to this agency in 1974–75, 71% of them were handled informally . . . fully 21% of those referrals were 17 years old. In addition, 4.1% of all delinquency referrals were actually committed to this agency by the Court and, of these, only 13% were offenders against persons.

Georgia: The Division of Youth Services has developed policy affecting youth of any age committed to our Department by Juvenile and Superior Courts for the offenses of: murder, manslaughter, rape, armed robbery, kidnapping, sexual molestation, serious arson, and some cases of aggravated assault. The majority of such youth are admitted to Youth Development Centers where they must remain for a minimum of one year. The policy provides for community placement of serious offenders if the committing judge concurs . . . Youth age 16 or over who have committed a second felony may be bound over to Superior Court if Juvenile Court finds them not amenable to treatment in the Juvenile System.

Michigan: . . . we have no programs for the violent offender per se. When a youth becomes a delinquent state ward, case planning is highly individualized. A case history of aggressiveness—particularly to dispose a youth to be placed with the Institutional Services Division of our Office of Children and Youth Services. In short, degree of aggressiveness displayed is one (but only one) of the factors involved in determined degree of structure provided . . . Within the Institutional Services Division, most youth are in "open" residential programs. Only one unit (Green Oak Center, capacity 100) is a high-structured unit. Both open and closed programs feature group treatment modalities that focus youth on helping one another and on the active development of pro-social values . . One recent development in Michigan has been the implementation of a policy that prohibits training school entry for youth who have only been convicted of juvenile status offenses (truancy, etc.) The effect is to create an institutional population composed of youthful offenders. Less than a third of the youth entering the open programs are aggressive, however. Most are property offenders . . . There is in juvenile corrections what appears to be an almost inevitable tension between the goals of treatment and the goals of protection. In Michigan, we have tried to steer a middle course, and to weigh each case individually.

Missouri: Juvenile delinquency is a enormously complicated problem, and certainly one that does not have a single answer. Juvenile delinquents who commit serious or violent crimes, in my opinion, manifest the

MONS 029953

most complicated part of the delinquency problem. They do, in my opinion, require special attention and special programming in which they can gain insight into their behaviors . . . It is my opinion that there are delinquency prevention programs or, put a better way, different methods of involvement with our young people in the home, school, and community that improve their socialization process . . . (By a newly passed law) . . . When a child has been committed to the Division (of Youth Services), the division shall forthwith examine the circumstances of his background for the purpose of facilitating the placement of the child in the most appropriate program or residential facility to assure the public safety and the rehabilitation of the child . . . The division is authorized to release on aftercare supervision children committed to its control, to impose conditions upon which aftercare supervision is granted; to revoke and terminate after care supervision; and to discharge from the custody . . . (This) recently passed legislation . . . gives this agency some responsibility to get into the areas I mentioned above. It will be difficult to evaluate our progress, certainly the law is too new to be evaluated this soon, but we can see some progress in the prevention area already . . .

Ohio: There is a provision whereby the Juvenile Court may transfer a youth who is fifteen or more years of age at the time of his offense, for criminal prosecution as an adult . . . this provision requires a felonious offense and a determination that the youth is not amenable to rehabilitation as a child in any OYC (Ohio Youth Commission) facility . . . The OYC . . . is charged with providing care and treatment for all permanent commitments. The program and facilities are designed to provide greater security and screening prior to release for youth who have committed more serious offenses . . . There is an indirect effort being made to provide more treatment, supervision, and screening for the serious offender. This approach is to provide community treatment for the non-serious offender. This indirect approach will, hopefully, free up resources for greater impact and care for the serious offender. It is further thought that the criminalizating process of committing will be reduced if the minor offenders are kept out of the correctional system . . . We feel that development of community-based programs is top priority. This will allow a greater capacity and hopefully a greater rate of success for the serious offender in our institutions to be deterred from their offenses and redirected toward a more socially productive life.

Rhode Island: A youth is remanded to the Department of Corrections via the Family Court. This court has jurisdiction over the individual from age seven (7) to twenty-one (21). There are various agencies with the Department to deal with these youths . . . The Training Schools and especially the Youth Correctional Center deal with youths who need a more secure and controlled type of environment . . . The youths remanded to the Youth Correctional Center are usually those who are associated with more serious types of charges (rape, attempted murder, breaking and entering, etc.) . . . Although, it is difficult to measure the success rate of this type of program, it has been found that youth who undergo secure settings for a short period of time and are then released to a half-way house facility for a six (6) to seven (7) month period, tend not to become part of the adult correctional system.

Tennessee: The Tennessee Juvenile Code allows for the transfer to the adult criminal courts at age 16 individuals who have committed capital crimes such as murder, armed robbery, and rape and at age 16 on other felony offenses. There is no formal legislation dealing with the further disposition of a person once transferred into the adult criminal court jurisdiction . . . The Tennessee Department of Corrections, through initial classification, does make an effort to separate the young offender from the older offenders. This is hampered by overcrowding and lack of facilities . . . The Youth Services Division has recently initiated a program which allows a juvenile convicted of a crime of violence under the juvenile court law to spend a longer time in an institution; thereby we hope to encourage courts to continue to keep juveniles in the juvenile justice system while still recognizing the need for the community to protect its members.

Utah: With regard to the particularly violent and persistent offender, Utah's Juvenile Court Act provides that in the case of a person fourteen years of age or older who commits an act which would constitute a felony if committed by an adult, and if the Court, after full investigation and a hearing finds that it would be contrary to the best interest of the child or of the public to retain jurisdiction, the Court may enter an order certifying to that effect and direct that the child be held for criminal proceedings in the adult court. Upon conviction in the District Court, sentencing alternatives are limited to those presently available in the adult system, namely commitment to the Utah State Prison or probation. Because of the lack of dispositional alternatives, very few juveniles are certified for trial in the adult courts...Currently, Utah is examining the need for programs and facilities to handle the young adult offender in the age group sixteen through twenty-one or twenty-two. While relatively few in number, this 16-22 age group accounting for a significant amount of the aggressive and violent crimes. That population or offender seems neither to fit into present juvenile or adult programs or institution. There is clearly a need to develop programs designed to handle that population . . . the preponderance of offenses are crimes against property . . . Acts against persons, or violence, are total 3.8% of all offenses. Of course it is the violent category of offenses, the armed robberies, assaults, homicide, etc., which concerns us most. We have been careful over the years to monitor closely any trends which would reflect a significant increase in the number of offenses reported which represent acts against persons. Fortunately, over the past ten years no such trend has developed in Utah . . .

Puerto Rico: . . . there are three principal agencies directly responsible for the prevention, control, rehabilitation and treatment of juvenile delinquency within the justice system . . . However, there are other governmental agencies concerned directly or indirectly with this problem. The Youth Action Administration is charged by law to develop programs and coordinate services for minors over twelve years of age to facilitate their participation in the social and economic development of the Puertorrican Society . . . The Police Bureau, the Administration . . . is implementing a computerized Information System on Intervened Minors. This system, initiated on July 1974, will constitute a principal planning tool for the design of rehabilitation and prevention programs for juveniles . . . This project, although not one of providing direct services, will assist the Commonwealth in the identification, definition and location of the juvenile delinquent and pre-delinquent target group, and help planners design and implement prevention and rehabilitation programs for juveniles . . .

American Samoa: For juveniles over 16 (18 are the Juvenile out of age) who commit armed robbery or aggravated assault, the court usually adjudicates them adults and when convicted commits them to the adult jail. Since our state has no youth detention facility of any sort, those under 16 but over 13 years of age could be committed in jail after several inveivenzate with the law. Minor cases are handled very informally. Juveniles involved in petty larceny or runaway may be placed on unsupervised probation . . . American Samoa is very fortunate that it does not have the violent juvenile delinquents your type of society seems to breed—"social psychopaths." Our violent juvenile delinquents are Samoans who are being raised in the United States, their parents being in the armed forces or residents, and then transported to Samoa by order of some juvenile court judges who threaten them with detention in youth facilities if they did not concur . . . At the present, I believe we have "manageable juvenile delinquents" . . . we can still work with the parents of these juveniles who can be redirected and jailed those who may be classified incorrigible. In my one year of sorting in our court, I found no record of rape or murder attributed to a juvenile. Crimes of murder or rape are not associated with persons less than 18 years of age. Burglary makes up the bulk of crimes committed by juveniles.

Virgin Islands: Since the closing of our juvenile facilities, no facilities have been made available for hard core juveniles under the age of sixteen years. A temporary Youth Care Center has been granted to the Department of Social Welfare through a court order issued by the Municipal Court by the Chief Judge Cyril Michael. In the temporary Youth Care Center as stated in the order is for the detention of minors, sixteen (16) years of age or older and will only be utilized until a more suitable Youth Care facility is available . . . Because of the inadequate facilities many of the juveniles after being tried in juvenile court are released in the custody of their parents and guardian, only to be picked up the following day or some other day for some other serious crime . . . My thoughts on the existing juvenile laws in the Virgin Islands is that they were effective until the closing of our two juvenile detention centers. Since these facilities were closed many juveniles that could have been helped have turned into chronic and habitual repeaters, idols and educators of other youths and are advancing rapidly toward the adult criminal stage . . . I feel very strongly that until our government provides proper detention for hard core juveniles, proper facilities for mentally and emotionally disturbed children and proper facilities for neglected and other domestic problem children, our juvenile crimes will continue to increase. At present the transferring of all juvenile responsibilities from the Department of Social Welfare to the Department of Public Safety is in the planning stage; seventeen (17) year olds can be tried as adults for serious crimes. We are hoping that in our next Legislative session that an amendment will be made to drop the age to sixteen (16) years.

FREEDOM FOR CZECHOSLOVAKIA

(Mr. KOCH asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. KOCH. Mr. Speaker, August 21 marked the eighth anniversary of the Soviet Union's immoral and ruthless occupation of Czechoslovakia. On that day in 1968, the Soviet army marched into Czechoslovakia smashing all efforts at progress and freedom. The small Eastern European state gave way with no armed resistance to the force of the U.S.S.R., but even so, there were 23 Czechoslovakians killed by the Russian army the very first day.

What was the reason for this unprovoked invasion? The reason was that the Czechoslovakian Government dared to voice some democratic positions. For that they were overrun by the Soviet army.

Mr. Speaker, August 21, 1968, should

serve as an important reminder to the free world about the ways of the U.S.S.R. It represented Soviet repression, unmasked. Indeed, that summer day of 8 years ago has rightly earned the name "Soviet Day Shame." Even other Communist countries were so appalled that 78 out of the 88 usually monolithic Communist nations joined the Western world in decrying the unwarranted invasion of Czechoslovakia.

The struggle for freedom of the Czechoslovakian people has been a long and hard one. In 1918, Czechoslovakia joined the allied nations in the struggle against the Central Powers, and did indeed achieve independence. But 1938 was to bring the Nazi occupation, and the freedom won in May of 1945 was swiftly lost by the Communist Party takeover in 1948. Czechoslovakian independence was crushed, but the desire for liberty was not extinguished.

Despite the rhetoric to the contrary of the U.S.S.R., as a satellite of the Soviet Union, Czechoslovakians enjoyed few freedoms. The temporary progress made after the fall of Khrushchev was to end abruptly in in August 1968, as the Soviet tropa abolished any facade of independence.

It is indeed a bitter irony that Russia in 1973 chose Czechoslovakia over other Soviet bloc countries as the site of the large and extravagant 50th anniversary celebration. The gala affair was supposed to help ease tensions and promote goodwill between the two countries; however, any such outcome could have only been superficial. Czechoslovakians are still in their oppressed state, their political and ethnic integrity are still in bondage. And the Soviet Union's promises continue to prove false.

In 1978, 20,000 ethnic Germans wanted to emigrate to West Germany, but only a mere 317 were permitted to leave. There is only token dissemination of free world newspapers which are usually found in Western hotels or other Western institutions. Such newspapers are made inaccessible to the average Czechoslovakian. Thus the tyranny of the Communist rule prevails, with the Czechoslovakian people daily experiencing the trauma of 1968.

In this Bicentennial Year, we as Americans should pay special tribute to these people who continue to fight for the very ideals which led to the birth of our Nation. The Czechoslovakians' 58-year-old quest for freedom, human rights, and dignity is proof of their endurance, and all freedom-loving people should join in condemning the Soviet Union's occupation of Czechoslovakia in 1968.

We must never forget these violations of rights and liberty by the Soviet Union, for truly, in the words of John F. Kennedy:

> The rights of all men are diminished when the rights of one man are threatened.

STEP PROGRAM HUGE SUCCESS IN DADE/MONROE, FLA.

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, as a strong supporter of the summer teen employment program—STEP—I am proud to advise our colleagues that this program has been a tremendous success in Dade and Monroe Counties, Fla.

Sponsored by the Dade-Monroe Manpower Planning Consortium, the STEP program this year was the largest ever, providing valuable job experiences to 8,900 young people. One of these individuals, Ms. Susan E. Cook, spent her summer under the program as a journalism intern in the office of the Dade County manager's Communications Department. She has written a summary of the program which expresses very well the contributions made by the teenagers as well as the value they receive from being able to participate. I am pleased to call Ms. Cook's report to the attention of our colleagues:

REPORT BY SUSAN COOK

This summer for the ninth year, a variety of career opportunities are being explored by economically disadvantaged youths in Dade and Monroe Counties, thanks to the Summer Teen Employment Program (STEP). STEP is a federally funded program under Title III of the Department of Labor's Comprehensive and Employment Training Act (CETA), and this year, $4,615,151 has been allocated for the employment of 8,900 young people between the ages of 14 and 21.

Sponsored by the Dade-Monroe Manpower Planning Consortium, the teenagers work for 25 hours a week at a wage of $2.30 an hour for seven weeks. STEP's goals are to expose youth to the world of work, to provide them with pay for their work and to encourage the completion of educational goals.

Though the jobs vary from site to site, and there are 1,900 worksites, the teens are most commonly employed as clerical workers, recreational assistants, teachers' aides, environmental cadets and peer counselors.

According to STEP Coordinator Hal Merkin, this year's expanded program has been the most successful ever. STEP workers have been placed with thirteen different operators in the two counties as well as in the Cities of Miami, Miami Beach and Hialeah. These operators sponsor the youths and distribute the jobs.

Dade County's Manpower Administration Division (MAD) is responsible for placing the majority of youths at worksites. The Department of Parks and Recreation alone has provided 102 positions.

At Bunche Park, for instance, neighborhood children have enjoyed complete supervision in games and sports, thanks to STEP recreational aides. At other parks, young people are cleaning and beautifying the open spaces by planting trees and shrubs. They form the youth action group called environmental cadets.

Youths who have considered by their peers to be "street-wise," were put to work by Youth Co-op at Kinlock Park, and they ran a recreational program aimed at preventing younger teenagers from getting into trouble.

South Dade also employs its share of STEP workers through the operators of Perpetual Regeneration in the Development for Equality (PRIDE) and Organized Migrants in Community Action (OMICA).

PRIDE placed 260 STEP youths at the Homestead Air Force Base as clerical, maintenance, and mechanics' aides. STEP employes placed with OMICA, which services migrant camps in the Homestead area, aid with recreational and child care facilities, and help with the mounds of paper work that bureaucratize.

The City of Hialeah offers career-oriented positions for youths. Secretarial skills are sharpened in the Department of Public Works-Division of Planning and Zoning, as well as the City Clerk's Office.

Supervisor Earl C. Crooks says his STEP worker, a young bilingual girl, "more than earns her pay." He states, "She is a big help. She saves me a lot of time and effort and does a heck of a job!"

The Cities of Miami and Miami Beach, the South Florida Young Adult Program, North and South Central Manpower, Opportunities Industrial Center (OIC), the School Board and the Edison-Little River Self Help Community, in addition to the operators already mentioned, have networks of supervisors and workers through STEP.

Approximately half of the Dade-Monroe STEP employes receive free lunches through the federally funded Summer Food Service Program. Another 1976 innovation is the Job Bible Clinic, a series of eight one-hour seminars that explore the options, goals and values associated with the work ethic. Discussions cover employment tests, resume preparation personal observation on future careers, and more.

As the days of July yield to the days of August, worksites throughout Dade and Monroe will begin releasing STEP workers from their seven-week jobs. For some, it will mean an end to the grind of work and the beginning of vacation. For others, it will mean saying goodbye to newly made friends. But for all 8,900, August 11, the final work day, will signal the termination of a job experience that probably wouldn't have been possible without the government's Summer Teen Employment Program.

Peer Counselor Felecia McCloud, employed with STEP at Ingram Park, summed it up nicely when she said, "There's no telling what I would be doing if I hadn't gotten this job. I know a lot of my friends who work with me would be hanging out, doing nothing and getting into trouble. Here we're doing something worthwhile. We're helping others."

SOCIAL SECURITY AND THE NON-PROFIT ORGANIZATIONS

(Mr. OTTINGER asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. OTTINGER. Mr. Speaker, a serious situation exists concerning social security benefits for employees of nonprofit organizations who, because of a capricious ruling by the Internal Revenue Service that a particular Government form was not filed, may have failed to properly waive their exclusion from participation in this program, thus subjecting thousands of employees to loss of coverage. There is urgent need for quick action on corrective legislation I have introduced to prevent hundreds of thousands of additional employees from arbitrary loss of social security coverage for what they have paid.

Briefly, the situation is as follows. Nonprofit organizations were excluded by law from social security coverage of their employees until 1950. The 1950 law provides that organizations that choose to provide social security coverage for their employees can waive this exclusion from participation by filing a form 2810 with the Internal Revenue Service. Over a period of about 2 years now, numerous organizations have discovered that they and their employees have been paying social security taxes without the waiver ever having been filed. The Internal Revenue Service happily accepted the em-

MONS 029955

ployer and employee tax payments without notification that failure to file the magic form prevented coverage. Now, when employees seek coverage, they find to their consternation that they are not covered despite their payments.

If proof of filing cannot be produced, the affected organization and its employees become eligible to claim a refund of all social security taxes paid during the most recent 3 years, 3 months, and 15 days of participation, the period of the Statute of Limitations. When a refund is claimed by an employer, the employees are automatically deprived of coverage, regardless of their desire to continue in the program. No matter what they have paid they lose coverage and are only entitled to their 3 year, 3 month refund of payments. This has the potential for producing quite a raid on the social security trust fund, to say nothing of the inequity involved in denying benefits to people simply because a perfunctory piece of paper was not filed or cannot be found.

This problem should have been settled administratively by the Social Security Administration and the Internal Revenue Service declaring that payment of FICA taxes constituted constructive filing of the form 8815. I have appealed to the agencies to do this, but have met with unexplained resistance, particularly from the IRS. The Social Security Administration has indicated some degree of willingness to cooperate in an administrative remedy as long as they are backed up eventually with legislation. The IRS position that, despite continuous payment by employers and employees of FICA taxes, and acceptance of these taxes by IRS, refunds will be continued to be paid in cases where the waiver cannot be located, is arbitrary and outrageous. IRS persists despite court precedents. For example, in 1966 a Federal District Court in the State of Texas—*Methodist Home and Hotel Corp. et al. v. U.S. Secretary of Health, Education, and Welfare and Internal Revenue Service*, 262 F. Supp. 686, U.S. District Court, S.C. Texas, Corpus Christi Division, October 20, 1966—ruled in favor of granting benefits to employees of a nonprofit organization that had failed to file waiver forms, stating:

> What better way to show an intent to waive than to mail them in by the tens? We cannot allow the failure to file an apparent perfunctory government form to deprive citizens of benefits under the law when the facts are such that the intent to accomplish what the form would provide is clearly evident, as in this case.

In the face of continued refusal by the appropriate officials to settle this matter administratively, I have introduced two bills, together with my colleague from Illinois (Mr. MIKVA) to try to solve the problem. Both of these bills are pending before the Social Security Subcommittee of Ways and Means, where I am hopeful they will receive prompt attention. The major difference between the two bills is that one provides total forgiveness of back taxes when an organization files a waiver constructively on behalf of employees who received a refund, while the other provides no forgiveness of back taxes. The following is an outline of the provisions of each bill:

H.R. 15000

1. Organizations which have not filed the 8815 waiver but have not received a refund will simply be deemed to have filed the waiver and will continue paying as before.

2. Organizations which had not filed the 8815 and have received a refund will be given 120 days to file the waiver. In filing, the organization will pay its employees and file the 8815 only on behalf of those who want to rejoin the system without a break in coverage.

3. Organizations which fail to file an 8815 by the end of the 120 day period will be deemed to have filed the waiver on behalf of all those employees who had previously been covered. (In other words, if the organization does not file under No. 2 above, on the 121st day all employees who had been covered will be deemed to be covered again, without option.)

4. In both 2 and 3 above, restoration of coverage, including the period of the refund, will take place without the repayment of the refund or payment of back taxes.

H.R. 15121

1. Organizations which have failed to file an 8815 but have not received a refund will be treated the same as in H.R. 15000, though the revised language makes clear that the constructive filing clause will apply in the future.

2. Organizations which have filed an 8815 and have received a refund will have 120 days to file a waiver on behalf of those employees who want coverage. The period was extended from 120 to 180 days at the request of a number of non-profit organizations. When the 8815 is filed, both employer and employees will be responsible for the accumulated back taxes for the period of coverage being restored. (Of course, by filing a supplemental form, employees will still have the option under present law of joining the system again prospectively. This would obviate them from repaying their refund but would not eliminate the break in coverage.)

3. Organizations which fail to file the 8815 by the end of 180 days will be deemed to have filed on the 181st day, and will be liable for all back taxes—both the employer's share and the employees' share. This is regarded as a significant disincentive not to file.

Clearly these two bills take opposite positions on the forgiveness question. There are a variety of middle grounds which would be appropriate alternatives, most desirable among them a forgiveness of the employees' back taxes, but not the employer's, the presumption being that most employees who took the refund are young, lower-salaried workers who would have great difficulty paying back taxes. On the side of total forgiveness, it may be reasonable to argue that since this situation was created by government error, the government should bear the cost of rectifying the matter. Some argue, on the other hand, that any forgiveness of tax discrimination against the millions of Social Security beneficiaries who can only draw benefits on the basis of their past contributions.

I have met with representatives of both the Internal Revenue Service and the Social Security Administration and have asked for their comments on my bills by August 26. I also met with a task force of representatives of nonprofit organizations to discuss how such legislation would affect them and to obtain their suggestions on any technical changes that might be needed. My office has been literally swamped with phone calls and letters since the press began to devote attention to the problem.

Recently I learned that the General Accounting Office has simultaneously been studying this situation. I expect the GAO report to reveal the seriousness of the problem by giving us an accurate picture of exactly how much money has been refunded to date. Unfortunately, the report is not sufficiently near completion at this date to make any estimates of the amounts involved.

Mr. Speaker, there are other points about this incredible bureaucratic debacle that could be made. The important point, however, is the seriousness of the situation and the terrible injustice that will occur if potential social security beneficiaries are denied benefits through what is basically a stupid, bureaucratic Government error.

Clearly this is a problem that demands our immediately attention. I am hopeful that we can get quick action on Mr. MIKVA's and my proposals both in committee and on the floor, in order that the social security benefits of thousands of people not be left hanging in the balance after the conclusion of the 94th Congress.

(Mr. GUDE asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

(Mr. GUDE's remarks will appear hereafter in the Extensions of Remarks.)

OAS ACTS TO MAINTAIN PEACE IN CENTRAL AMERICA

(Mr. FASCELL asked and was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, I would like to call attention to one of the more encouraging developments in inter-American affairs in recent years. The Organization of American States, the world's oldest regional organization, is once again serving the cause of peace in this hemisphere.

In late July, the longstanding boundary dispute between El Salvador and Honduras, which resulted in a brief war in 1969, flared in a series of new incidents. The Permanent Council of the OAS, acting as representatives of the foreign ministers of all the member states, took fast action. It voted to establish an observer mission of 25 officers from 11 countries to oversee compliance with a withdrawal plan. Initially, the OAS funded the observer mission and reimbursed the contributing governments for the costs. The U.S. Government provided the services of three majors and leased four helicopters and one fixed-wing aircraft.

The OAS observer group went into action on both sides of the Honduras/El Salvador border on August 9. Gen. Luis Miro of Argentina reported to the Permanent Council on August 16 that the first phase of the peacekeeping operation—separating the contending forces—

MONS 029956

had been accomplished. Much credit was owed to the Governments of El Salvador and Honduras, he said, for lending full cooperation to the OAS-supervised disengagement effort. He recommended that a smaller observer group stay on the scene until negotiations are underway for a true settlement of the basic issues underlying the earlier conflict.

The representatives of both El Salvador and Honduras have expressed gratitude to the OAS for its prompt action and have requested that the observer group remain pending initiation of bilateral negotiations. The two countries have promised to take over the funding of the observer mission on a 50–50 basis while its work continues.

I would like to pay tribute to the representatives of the member states of the OAS for their efficient handling of this potential crisis and for the dispatch with which it organized and supported the observer mission. Secretary General Orfila and other senior officials of the OAS Secretariat deserve credit for this operation in furtherance of the highest purposes of hemispheric solidarity. The Governments of Honduras and El Salvador should also be cited for their full cooperation in the disengagement plan and their expressed determination to enter into bilateral negotiations that will end the dispute. It is also worth mentioning that this method of financing a peacekeeping operation purely through an international organization, and ultimately with the parties concerned covering the costs, sets a most encouraging precedent and is further cause for praise and credit for the OAS.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted as follows to:

Mr. CORMAN (at the request of Mr. O'NEILL), for today, on account of official business.

Mr. MATSUNAGA (at the request of Mr. O'NEILL), until 2:30 today, on account of official business.

Mr. MCKINNEY (at the request of Mr. RHODES), for today, on account of a serious automobile accident involving a member of his family.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Member (at the request of Mr. BAUMAN) and to include extraneous matter:)

Mr. SARASIN, for 5 minutes, today.

(The following Members (at the request of Mr. NEAL) to revise and extend their remarks and include extraneous material:)

Mr. GONZALEZ, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mrs. MEYNER, for 5 minutes, today.

Ms. ABZUG, for 10 minutes, today.

Mr. STOKES, for 60 minutes, today.

Mr. CHARLES H. WILSON of California, for 10 minutes, today.

Mr. THOMPSON, for 5 minutes, today.

Mr. EASTENMEIER, for 5 minutes, today.

Mr. PEPPER, for 5 minutes, today.

Mr. REUSS, for 20 minutes, today.

Mr. BRADEMAS, for 5 minutes, August 24.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

(The following Members (at the request of Mr. BAUMAN) and to include extraneous matter:)

Mr. HEINZ in four instances.

Mr. DERWINSKI in three instances.

Mr. MCCLORY.

Mr. KEMP in four instances.

Mr. PAUL.

Mr. GILMAN.

Mr. ASHBROOK.

(The following Members (at the request of Mr. NEAL) and to include extraneous matter:)

Mr. ANNUNZIO in six instances.

Mr. ANDERSON of California in three instances.

Mr. GONZALEZ in three instances.

Mr. BROWN of California in 10 instances.

Mrs. KEYS.

Mr. FARY.

Mr. WAXMAN.

Mr. ROSENTHAL in 10 instances.

Mr. RODINO.

Mr. MASSOLI.

Mr. VANIK in three instances.

Mr. MCCORMACK.

Mr. MCDONALD.

Ms. ABZUG in two instances.

Mr. ROGERS in five instances.

Mr. WOLFF in two instances.

Mr. CHARLES H. WILSON of California.

Mr. DANIEL.

Mrs. BOGGS.

Mrs. MEYNER.

Mr. DOWNEY of New York.

Mr. HAMILTON.

Mr. CONYERS in two instances.

Mr. ROE.

Mr. RANGEL.

Mr. WIRTH.

Mrs. SCHROEDER.

Mr. BURNETT.

Mr. FRASER.

Mr. NEAL.

SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 3981. An act to authorize documentation of the vessel, *Barbara Ann*, as a vessel of the United States with coastwise privileges, to the Committee on Merchant Marine and Fisheries.

ENROLLED BILLS SIGNED

Mr. THOMPSON, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 12169. An act to amend the Federal Energy Administration Act of 1974 to extend the duration of authorities under such act; to provide an incentive for domestic production; to provide for electric utility rate design initiatives; to provide for energy conservation standards for new buildings; to provide for energy conservation assistance for existing buildings and industrial plants; and for other purposes; and

H.R. 13859. An act to authorize the government of the Virgin Islands to issue bonds in anticipation of revenue receipts and to authorize the guarantee of such bonds by the United States under specified conditions, and for other purposes.

SENATE ENROLLED BILLS SIGNED

The SPEAKER announced his signature to enrolled bills of the Senate of the following titles:

S. 2842. An act to provide for the establishment of the Ninety Six National Historic Site in the State of South Carolina, and for other purposes.

S. 3733. An act to amend the Public Health Service Act to authorize the establishment and implementation of an emergency national swine flu immunization program and to provide an exclusive remedy for personal injury or death arising out of the manufacture, distribution, or administration of the swine flu vaccine under such program.

BILLS AND JOINT RESOLUTION PRESENTED TO THE PRESIDENT

Mr. THOMPSON, from the Committee on House Administration, reported that that committee did on the following dates present to the President, for his approval, bills and a joint resolution of the House of the following titles:

On August 9, 1976:

H.R. 14234. An act making appropriations for the Department of Transportation and related agencies for the fiscal year ending September 30, 1977, and for other purposes.

On August 10, 1976:

H.R. 1294. An act for the relief of Suk Chin and Hae Suk Chin;

H.R. 1296. An act for the relief of Moo Kyung Cho and Hee Kyung Cho;

H.R. 1296. An act for the relief of Sang Kook Chung and Hwa Soon Chung;

H.R. 1297. An act for the relief of Ae Sook Song and Mi Yun Lee;

H.R. 1425. An act for the relief of Juliet Elizabeth Tsuei;

H.R. 1507. An act for the relief of Marina Marzano;

H.R. 1645. An act for the relief of Kevin Patrick Saunders;

H.R. 2118. An act for the relief of Cheryl Lynn V. Camacho;

H.R. 2278. An act for the relief of Mrs. Mary Sarton (Mary Noktu);

H.R. 2290. An act for the relief of Leonard Alfred Brownrigg;

H.R. 2411. An act for the relief of Alimor Anvari Adams;

H.R. 2498. An act for the relief of Miss Malgorzata Krasinski Czapowski;

H.R. 2502. An act for the relief of Peter Otav Mosinyep;

H.R. 2566. An act for the relief of Luisa Marillac Hughes, Marco Antonio Hughes, Maria del Cisne Hughes, Maria Augusta Hughes, Miguel Vicente Hughes, Veronica del Rocio Hughes, and Ivan Hughes;

H.R. 2940. An act for the relief of Maria Sylvia Macias Elliott;

H.R. 3041. An act for the relief of Susan Rosemary Harwood;

H.R. 3272. An act for the relief of Tse Tsun Li;

H.R. 4088. An act for the relief of Roderic Patrick Stafford;

H.R. 5063. An act for the relief of Yolanda E. Yee;

MONS 029957

H.R. 5300. An act for the relief of Rafael Strochlitz Wurzel;

H.R. 5948. An act for the relief of Victoria Cebanovicz;

H.R. 6808. An act for the relief of Maria D'Arpino;

H.R. 6892. An act for the relief of Kovilika C. Glendeese;

H.R. 8697. An act for the relief of Doo Hoon Park;

H.R. 7404. An act for the relief of Christine Donnelly;

H.R. 7494. An act for the relief of Luigi Santaniello;

H.R. 7882. An act for the relief of Miss Leonor Young;

H.R. 7906. An act for the relief of Edward Deng;

H.R. 8587. An act for the relief of Carmen Thomas;

H.R. 8695. An act for the relief of Eugene Ilsamy Phillips;

H.R. 10076. An act for the relief of Mrs. Kazuko Sellion;

H.R. 11078. An act for the relief of OR Ja Chai;

H.R. 12844. An act to extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for 5 months; and

H.R. 13121. An act to direct the Law Revision Counsel to prepare and publish the District of Columbia Code through publication of supplement V to the 1973 edition, with the Council of the District of Columbia to be responsible for preparation and publication of such Code thereafter.

On August 11, 1976:

H.R. 1402. An act for the relief of John W. Hollik;

H.R. 5782. An act for the relief of Lucie Stein;

H.R. 6166. An act for the relief of Wilma T. Thompson;

H.R. 7606. An act to amend sections 2734a (a) of title 10, United States Code, to provide for settlement, under international agreements, of certain claims incident to the noncombat activities of the Armed Forces, and for other purposes.

H.R. 8614. An act for the relief of TV Facts, Rochester, N.Y.;

H.R. 9068. An act for the relief of Boulder Daily Camera, Boulder, Colo.;

H.R. 10976. An act to amend section 2301 of title 44, United States Code, to change the membership of the National Archives Trust Fund Board;

H.R. 12169. An act to amend the Federal Energy Administration Act of 1974 to extend the duration of authorities under such Act; to provide an incentive for domestic production; to provide for electric utility rate design initiatives; to provide for energy conservation standards for new buildings; to provide for energy conservation assistance for existing buildings and industrial plants; and for other purposes;

H.R. 13559. An act to authorize the government of the Virgin Islands to issue bonds in anticipation of revenue receipts and to authorize the guarantee of such bonds by the United States under specified conditions, and for other purposes; and

H.J. Res. 788. Joint resolution providing for Federal participation in preserving the Tule elk population in California.

ADJOURNMENT

Mr. NEAL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 7 o'clock and 25 minutes p.m.), the House adjourned until tomorrow, Tuesday, August 24, 1976, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

3802. A letter from the President of the United States, transmitting notice of his intention to designate Portugal as a beneficiary developing country for purposes of the Generalized System of Preference, pursuant to section 502(a)(1) of the Trade Act of 1974 (H. Doc. No. 94–587); to the Committee on Ways and Means and ordered to be printed.

3803. A letter from the Secretary of Defense, transmitting two reports of violations of the Anti-Deficiency Act, pursuant to section 3679(i)(2) of the revised statutes; to the Committee on Appropriations.

3804. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a report on the value of property, supplies, and commodities provided by the Berl in Magistrate, and under the German Offset Agreement for the quarter ended June 30, 1976, pursuant to section 715 of Public Law 94–212; to the Committee on Appropriations.

3805. A letter from the Deputy Secretary of Defense, transmitting a draft of proposed legislation to authorize appropriations for construction of facilities on Guam and for other purposes; to the Committee on Armed Services.

3806. A letter from the Assistant Secretary of Defense (Comptroller), transmitting selected acquisition reports for the quarter ended June 30, 1976, pursuant to section 811 of Public Law 94–106; to the Committee on Armed Services.

3807. A letter from the Secretary of the Navy, transmitting a draft of proposed legislation to amend chapter 639 of title 10, United States Code, to enable the Secretary of the Navy to change the name of a publication of the Naval Observatory providing data for navigators and astronomers; to the Committee on Armed Services.

3808. A letter from the Director, Defense Security Assistance Agency, transmitting a report on offset agreements presently in force between the United States and its NATO allies, pursuant to section 814(a)(1) of the Department of Defense Appropriation Authorization Act, 1976, as amended (90 Stat. 960); to the Committee on Armed Services.

3809. A letter from the President and Chairman, Export-Import Bank of the United States, transmitting a report on loan, guarantee, and insurance transactions supported by the Eximbank during June 1976 to Communist countries; to the Committee on Banking, Currency and Housing.

3810. A letter from the First Vice President and Vice Chairman, Export-Import Bank of the United States, transmitting a report covering the quarter ended June 30, 1976, on the export expansion facility program, pursuant to Public Law 90–390; to the Committee on Banking, Currency and Housing.

3811. A letter from the Chairman, Cost Accounting Standards Board, transmitting the annual report of the Board for fiscal year 1976, pursuant to section 719(k) of the Defense Production Act of 1950, as amended; to the Committee on Banking, Currency and Housing.

3812. A letter from the Assistant Secretary of the Interior, transmitting the annual report for calendar year 1975 on the administration of the Federal Metal and Nonmetallic Mine Safety Act, pursuant to section 20 of the act (Public Law 89–577); to the Committee on Education and Labor.

3813. A letter from the Acting Director, Office of Regulatory Review, Department of Health, Education, and Welfare, transmitting proposed regulations governing the administration of awards for statewide early education plans under section 624 of the Education of the Handicapped Act, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

3814. A letter from the Acting Director, Office of Regulatory Review, Department of Health, Education, and Welfare, transmitting proposed amendments to regulations governing eligibility of Indian students for BIA grants-in-aid and financial assistance from the Commissioner of Education; pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

3815. A letter from the Acting Director, Office of Regulatory Review, Department of Health, Education, and Welfare, transmitting proposed final regulations governing the college work-study program, pursuant to section 431(d)(1) of the General Education Provisions Act, as amended; to the Committee on Education and Labor.

3816. A letter from the Secretary of the Interior, transmitting a report on the disposal of surplus Federal real property for park and recreation purposes during fiscal year 1975, pursuant to section 203(c) of the Federal Property and Administrative Services Act of 1949, as amended (40 USC 484 (c)); to the Committee on Government Operations.

3817. A letter from the Chairman, Federal Power Commission, transmitting notice of proposed new or intended routine uses of information in existing records systems of the Commission, pursuant to 5 U.S.C. 552a (e); to the Committee on Government Operations.

3818. A letter from the Secretary of the Interior, transmitting notice of the cancellation of irrigation operation and maintenance charges against individuals of the Wind River Indian Reservation, pursuant to the act of July 1, 1932 (47 Stat. 564); to the Committee on Interior and Insular Affairs.

3819. A letter from the Secretary of the Interior, transmitting the annual report for calendar year 1975 on the state of the domestic mining, minerals, and mineral reclamation industries, pursuant to section 3 of Public Law 91–631; to the Committee on Interior and Insular Affairs.

3820. A letter from the Secretary of the Interior, transmitting a copy of a proposed contract with the Bendix Corp., Southfield, Mich., for a research project entitled "Develop a Sensory Feedback System for a Remote Controlled Continuous Miner," pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

3821. A letter from the Secretary of the Interior, transmitting a copy of a proposed contract with Princeton Gamma-Tech, Inc., Princeton, N.J., for a research project entitled "A Borehole Probe for In Situ Neutron Activation Analysis," pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

3822. A letter from the Secretary of the Interior, transmitting a copy of a proposed contract with McDonnell Douglas Electronics Co., St. Charles, Mo., for a research project entitled "Development of Operational Aids for Improved Dragline Estimation," pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

3823. A letter from the Secretary of the Interior, transmitting a copy of a proposed contract with Point Mining Co., Tams, W. Va., for a research project entitled "Testing and Evaluating a Modified Surface Longwall Strip Mining System," pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

3824. A letter from the Secretary of the Interior, transmitting a copy of a proposed contract with Southwest Research Institute, San Antonio, Tex., for a research project entitled "Development and Testing of a Variable Wall Miner Breadboard Prototype," pursuant to section 1(d) of Public Law 89–672; to the Committee on Interior and Insular Affairs.

3825. A letter from the Under Secretary of the Interior, transmitting a proposed plan for the use and distribution of Seneca Indian awards granted by the Indian Claims Commission in Dockets 84, 342–B and C and 988, 342–F, and 342–I, pursuant to 87 Stat.

MONS 029958

446; to the Committee on Interior and Insular Affairs.

3828. A letter from the Deputy Assistant Secretary of the Interior, transmitting a request for the withdrawal of the application by the Consolidated Irrigation District of Selma, Calif., for a loan under the Small Reclamation Projects Act, previously submitted under section 4(c) of the act; to the Committee on Interior and Insular Affairs.

3827. A letter from the Acting Assistant Secretary of State for Congressional Relations, transmitting a report on political contributions made by Ambassador-designate Robert J. McCloskey and his family, pursuant to section 6 of Public Law 93-126; to the Committee on International Relations.

3828. A letter from the Assistant Secretary of State for Congressional Relations, transmitting reports on political contributions made by Ambassador-designate William G. Bradford, Ronald D. Palmer, and Ralph E. Becker, and their families, pursuant to section 6 of Public Law 93-126; to the Committee on International Relations.

3829. A letter from the Assistant Secretary of State for Congressional Relations, transmitting a determination by the Secretary of State that International Narcotics Control funds furnished to Mexico, Burma, Thailand, and Pakistan, are significantly reducing the amount of illegal opiates entering the international market, pursuant to section 482 of the Foreign Assistance Act of 1961, as amended (80 Stat. 1541); to the Committee on International Relations.

3830. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the intention of the Department of State to consent to a request from the Government of Australia for permission to transfer certain U.S.-origin defense articles to the Government of Papua New Guinea, pursuant to section 3(a) of the Arms Export Control Act; to the Committee on International Relations.

3831. A letter from the Assistant Secretary of State for Congressional Relations, transmitting notice of the intention of the Department of State to consent to a request by the Government of Jordan for permission to transfer certain U.S.-origin military equipment to the Government of Morocco, pursuant to section 3(a) of the Arms Export Control Act, as amended; to the Committee on International Relations.

3832. A letter from the Director, Defense Security Assistance Agency, transmitting notice of the intention of the Department of the Air Force to offer to sell certain defense services to Iran (transmittal No. 77-12), pursuant to section 36(b) of the Arms Export Control Act; to the Committee on International Relations.

3833. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to section 112(b) of Public Law 92-403; to the Committee on International Relations.

3834. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to section 112(b) of Public Law 92-403; to the Committee on International Relations.

3835. A letter from the Chairman, Foreign Claims Settlement Commission of the United States, transmitting the Commission's annual report for calendar year 1976, together with the annual report of the Micronesian Claims Commission; to the Committee on International Relations.

3836. A letter from the Chairman and members, U.S. Commission on Civil Rights, transmitting a report on school desegregation, pursuant to section 104(b) of Public Law 85-315, as amended; to the Committee on the Judiciary.

3837. A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting reports concerning visa petitions approved according certain beneficiaries third- and sixth-preference classification, pursuant to section 204 (d) of the Immigration and Nationality Act, as amended; to the Committee on the Judiciary.

3838. A letter from the Secretary, Aviation Hall of Fame, Inc., transmitting the report of the annual audit of the organization for calendar year 1974, pursuant to section 15(b) of Public Law 85-372; to the Committee on the Judiciary.

3839. A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to amend section 2633 of title 10, United States Code, to provide the Secretary of the department in which the Coast Guard is operating with the authority to transport Coast Guard employees to and from certain places of employment; to the Committee on Merchant Marine and Fisheries.

3840. A letter from the Administrator, National Aeronautics and Space Administration, transmitting a report on scientific and engineering positions established in NASA as of June 30, 1976, pursuant to section 208(b) of Public Law 87-367; to the Committee on Post Office and Civil Service.

3841. A letter from the Assistant Administrator for Planning and Management, U.S. Environmental Protection Agency, transmitting a report on the number of EPA employees in each general schedule grade as of June 30, 1975, and June 30, 1976, pursuant to section 1310 of the Supplemental Appropriations Act of 1953; to the Committee on Post Office and Civil Service.

3842. A letter from the Secretary of the Army, transmitting a draft of proposed legislation to authorize the Secretary of the Army, acting through the Chief of Engineers, to grant permits for the discharge of dredged or fill material after consideration of water quality and fish and wildlife factors, to authorize State regulation over the discharge of dredged or fill material into certain waters of the United States, to exempt all areas currently in agricultural, ranching or silvicultural use from permit requirements, and for other purposes; to the Committee on Public Works and Transportation.

3843. A letter from the Secretary of Agriculture and the Secretary of the Army, transmitting notice of the intention of the Departments of the Army and Agriculture to interchange lands at the Leech Lake Reservior project, Minnesota, and the Chippewa National Forest, pursuant to 70 Stat. 626 [16 USC 568a]; jointly, to the Committees on Public Works and Transportation, and Agriculture.

RECEIVED FROM THE COMPTROLLER GENERAL

3844. A letter from the Comptroller General of the United States, transmitting a list of reports issued or released by the General Accounting Office during July 1976, pursuant to section 234 of the Legislative Reorganization Act of 1970; to the Committee on Government Operations.

3845. A letter from the Comptroller General of the United States, transmitting a report on the examination of financial statements of the Federal Home Loan Bank Board, the Federal home loan banks, the Federal Savings and Loan Insurance Corporation, and the Federal Home Loan Mortgage Corporation for calendar year 1975, pursuant to the Budget and Accounting Act, 1921 [31 U.S.C. 53], the Accounting and Auditing Act of 1950 [31 U.S.C. 67], the Government Corporation Control Act, as amended [31 U.S.C. 850 and 867], the Federal Home Loan Bank Act, as amended [12 U.S.C. 1451(j)], and the Federal Home Loan Mortgage Corporation Act [12 U.S.C. 1455(b)] (H. Doc. No. 94-886); to the Committee on Government Operations and ordered to be printed with illustrations.

3846. A letter from the Comptroller General of the United States, transmitting a report on ways to improve management and development of federally funded computerized models; to the Committee on Government Operations.

3847. A letter from the Comptroller General of the United States, transmitting a report on the implementation of the Federal energy reduction program in 77 Government field installations; to the Committee on Government Operations.

3848. A letter from the Comptroller General of the United States, transmitting a report describing a proposed revision of the Federal budget's function/subfunction classifications; jointly, to the Committees on Government Operations, and Appropriations.

3849. A letter from the Comptroller General of the United States, transmitting a report describing major cost savings which can be achieved by increasing productivity in the Department of Defense real property maintenance operations; jointly, to the Committees on Government Operations, and Armed Services.

3850. A letter from the Comptroller General of the United States, transmitting a report on the cost accounting standards, rules, and regulations of the Cost Accounting Standards Board; jointly, to the Committees on Government Operations, and Banking, Currency, and Housing.

3851. A letter from the Comptroller General of the United States, transmitting a report on the use of injury and illness data by the Department of Labor to determine the effectiveness of administering occupational safety and health activities; jointly, to the Committees on Government Operations, and Education and Labor.

3852. A letter from the Comptroller General of the United States, transmitting a report on opportunities to increase hydroelectric generating capacity available for sale at Federal projects; jointly, to the Committees on Government Operations, and Interior and Insular Affairs.

3853. A letter from the comptroller General of the United States, transmitting a report describing the status of the Grand Coulee-Hawk transmission line project and ways to improve the procurement of future similar major civil acquisitions of the Bonneville Power Administration; jointly, to the Committees on Government Operations, and Interior and Insular Affairs.

3854. A letter from the Comptroller General of the United States, transmitting a report of the management system for the disaster relief operation mounted by the international community in response to the February 1976 earthquake in Guatemala; jointly, to the Committees on Government Operations, and International Relations.

3855. A letter from the Comptroller General of the United States, transmitting a report on improvements needed in the management control functions of the Small Business Administration, pursuant to section 13 of Public Law 85-536; jointly, to the Committees on Government Operations, and Small Business.

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:

MONS 029959

[Pursuant to the order of the House on August 19, 1976, the following report was filed on August 11, 1976]

Mr. DE LA GARZA: Committee of conference. Conference report on S. 3092 (Rept. No. 94-1424). Ordered to be printed.

[Pursuant to the order of the House on August 19, 1976, the following report was filed on August 13, 1976]

Mr. MAHON: Committee on Appropriations. H.R. 15194. A bill making appropriations for public works employment for the period ending September 30, 1977, and for other purposes (Rept. No. 94-1425). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on August 9, 1976, the following reports were filed on August 13, 1976]

Mr. BROOKS: Committee on Government Operations. H.R. 13822. A bill to amend title 44, United States Code, to strengthen the authority of the Administrator of General Services with respect to records management by Federal agencies, and for other purposes (Rept. No. 94-1426). Referred to the Committee of the Whole House on the State of the Union.

Mr. HALEY: Committee on Interior and Insular Affairs. H.R. 15160. A bill to designate certain lands within units of the national park system as wilderness; to revise the boundaries of certain of those units; and for other purposes; with amendments (Rept. No. 94-1427). Referred to the Committee of the Whole House on the State of the Union.

[Pursuant to the order of the House on August 10, 1976, the following reports were filed August 13, 1976]

Mr. HALEY: Committee on Interior and Insular Affairs. S. 2871. An act to provide for the regulation of mining activity within, and to repeal the application of mining laws to, areas of the national park system, and for other purposes; with amendments (Rept. No. 94-1428). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. H.R. 14461. A bill to amend the Federal Property and Administrative Services Act of 1949 to permit the donation of Federal surplus personal property to the States and local organizations for public purposes, and for other purposes; with amendments (Rept. No. 94-1429). Referred to the Committee of the Whole House on the State of the Union.

[Filed August 23, 1976]

Mr. FOLEY: Committee on Agriculture. H.R. 13908. A bill to provide for emergency allotment lease and transfer of tobacco allotments or quotas for 1976 in certain disaster areas in South Carolina (Rept. No. 94-1430). Referred to the Committee of the Whole House on the State of the Union.

Mr. THOMPSON: Committee on House Administration. Report of the Committee on House Administration pursuant to section 202(b) of the Congressional Budget Act of 1974 (Rept. No. 94-1431). Referred to the Committee of the Whole House on the State of the Union.

Mr. TOWER of Alabama: Committee on Public Works and Transportation. H.R. 15116. A bill to amend the Federal-Aid Highway Act of 1976 to provide an obligation limitation for fiscal year 1977 (Rept. No. 94-1432). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. DON H. CLAUSEN:

H.R. 15195. A bill to modify the project for harbor improvement at Noyo Harbor, Calif.; to the Committee on Public Works and Transportation.

By Mr. DOUGHLIN (for himself, Mr. BADILLO, Mr. HARRINGTON, Mr. HUGHES, Mr. MINETA, Mr. MOLLOHAN, Mr. RICHMOND, Mr. ROE, Mr. SIMON, Ms. SPELLMAN, and Mr. CHARLES H. WILSON of California):

H.R. 15196. A bill to amend title 18 of the United States Code and the Omnibus Crime Control and Safe Streets Act of 1968 for the purpose of designating certain electric weapons as destructive devices; to the Committee on the Judiciary.

By Mr. FINDLEY:

H.R. 15197. A bill to eliminate prevented planting payments to cotton farmers able to plant cotton or other nonconserving crops on their cotton allotments; to the Committee on Agriculture.

By Mr. HEINZ (for himself and Mr. MR. SCHWEIKER):

H.R. 15198. A bill to impose quantitative limitations on the importation of mushrooms into the United States; to the Committee on Ways and Means.

By Mr. KASTENMEIER (for himself Mr. STEELMAN, and Mr. VANIK):

H.R. 15199. A bill to require candidates for Federal office, Members of the Congress, and officers and employees of the United States to file statements with the Comptroller General with respect to their income and financial transactions; to the Committee on the Judiciary and Standards of Official Conduct.

By Mr. JACOBS:

H.R. 15200. A bill to terminate the authorization of the navigation study and survey of the Wabash River, Ind.; to the Committee on Public Works and Transportation.

By Mr. JACOBS (for himself, Mrs. KEYS, and Mrs. HECKLER of Massachusetts):

H.R. 15201. A bill to establish the Federal right of every unemancipated child to be supported by such child's parent or parents and, therefore, to confer upon certain local courts of the District of Columbia and every State and territory of the U.S. jurisdiction to enforce such right regardless of such child's residence; to the Committee on the Judiciary.

By Mr. KOCH (for himself, Ms. HOLTZMAN of Massachusetts, and Mr. PEYSER):

H.R. 15202. A bill to establish a Commission on the Humane Treatment of Animals; to the Committee on Agriculture.

By Mr. McHUGH:

H.R. 15203. A bill to assist States in collecting sales and use taxes on cigarettes by controlling all types of illegal transportation of cigarettes; to the Committee on the Judiciary.

By Mr. MOTTL:

H.R. 15204. A bill to provide that passenger motor vehicles must comply with certain requirements respecting inspection, insurance, and transfer of title; to the Committee on Interstate and Foreign Commerce.

By Mr. MURPHY of New York:

H.R. 15205. A bill to amend the Securities Exchange Act of 1934 to require the preparation of annual reports and distribution statements by issuers of municipal securities, and for other purposes; to the Committee on Interstate and Foreign Commerce.

By Mr. MYERS of Pennsylvania:

H.R. 15206. A bill to allow fire departments to transmit nonemergency communications relating to official fire department business over fire department radio frequencies; to the Committee on Interstate and Foreign Commerce.

By Mr. MYERS of Pennsylvania (for himself, Mr. FLOOD, Mr. LUDWIG, Mr. SCHNEEBELI, Mr. STRATTON, Mr. CHARLES WILSON of Texas, and Mr. WIRTH):

H.R. 15207. A bill to provide an opportunity to individuals to contribute $1, in connection with the payment of their Federal income tax, to the U.S. Olympic Fund, and for other purposes; to the Committee on Ways and Means.

By Mr. RICHMOND (for himself and Mr. FORD of Tennessee):

H.R. 15208. A bill to provide an opportunity to individuals to make financial contributions, in connection with the payment of their Federal income tax, for the advancement of the arts and the humanities; to the Committee on Ways and Means.

By Mr. ROBINSON (for himself, Mr. BRECKINRIDGE, Mr. DAN DANIEL, Mr. ROBERT W. DANIEL, Jr., Mr. DOWNING of Virginia, Mr. HOWE, Mr. KELLY, Mr. KETCHUM, Mr. MANN, Mr. PRITCHARD, Mr. WHITEHURST, and Mr. WON PAT):

H.R. 15209. A bill to provide for the striking of a medal to commemorate the 200th anniversary of the drafting of the Virginia Statute for Religious Freedom; to the Committee on Banking, Currency, and Housing.

By Mr. VANIK:

H.R. 15210. A bill to amend title XVIII of the Social Security Act to make it clear that payment may be made under the supplementary medical insurance program for wheelchairs and other durable medical equipment furnished on a lease-purchase basis; to the Committee on Ways and Means.

By Mr. WHITEHURST (for himself and Mr. PATTERSON of California):

H.R. 15211. A bill to amend the Internal Revenue Code of 1954 to provide for individual supplemental retirement savings; to the Committee on Ways and Means.

By Mr. BAUCUS (for himself, Ms. ABZUG, Mr. BEVILL, Mr. BINGHAM, Mr. CORNELL, Mr. DOWNEY of New York, Mr. DUNCAN of Oregon, Mr. EDWARDS of California, Mr. GUDE, Mr. HUGHES, Mr. JEFFORDS, Ms. KEYS, Mr. LEHMAN, Mr. LONG of Maryland, Mr. MCCLOSKEY, Mr. OTTINGER, Mr. RICHMOND, Mr. SCHEUER, Mr. THOMPSON, Mr. THONE, and Mr. CHARLES WILSON of Texas):

H.R. 15212. A bill to authorize Federal assistance under the Consolidated Farm and Rural Development Act with respect to using solar energy in residential structures on family farms; to the Committee on Agriculture.

By Mr. BAUCUS (for himself, Ms. ABZUG, Mr. BEVILL, Mr. BINGHAM, Mr. CORNELL, Mr. DOWNEY of New York, Mr. DUNCAN of Oregon, Mr. EDWARDS of California, Mr. GUDE, Mr. HUGHES, Mr. JEFFORDS, Ms. KEYS, Mr. LEHMAN, Mr. LONG of Maryland, Mr. MCCLOSKEY, Mr. OTTINGER, Mr. RICHMOND, Mr. SCHEUER, Mr. THOMPSON, Mr. THONE, and Mr. CHARLES WILSON of Texas):

H.R. 15213. A bill to provide more Federal assistance under certain housing programs for dwelling units which utilize solar energy; to the Committee on Banking, Currency and Housing.

By Mr. BAUCUS (for himself, Ms. ABZUG, Mr. BEVILL, Mr. BINGHAM, Mr. CORNELL, Mr. DOWNEY of New York, Mr. DUNCAN of Oregon, Mr. EDWARDS of California, Mr. GUDE, Mr. HUGHES, Mr. JEFFORDS, Ms. KEYS, Mr. LEHMAN, Mr. LONG of Maryland, Mr. MCCLOSKEY, Mr. OTTINGER, Mr. RICHMOND, Mr. SCHEUER, Mr. THOMPSON, Mr. THONE, and Mr. CHARLES WILSON of Texas):

H.R. 15214. A bill to amend title 28, United States Code, to provide Federal loans and

MONS 029960

loan guarantees to veterans for the purchase and installation of heating and cooling systems which utilize solar energy; to the Committee on Veterans' Affairs.

By Mr. BAUCUS (for himself, Mr. ANDREWS of North Dakota, Mr. BREAUX, Mr. BURGENER, Mr. CLAUSEN, Mr. DON H. CLAUSEN, Mr. DANIEL, Mr. DENT, Mr. DERWINSKI, Mr. DUNCAN of Oregon, Mr. EDWARDS of California, Mr. EILBERG, Mr. FISHER, Mr. FLOWERS, Mr. FORD of Michigan, Mr. FUQUA, Mr. GIAIMO, Mr. GOLDWATER, Mr. GRADISON, Mr. GUDE, Mr. HAGEDORN, Mr. HAMMER-SCHMIDT, Mr. HANNAFORD, Mr. HANSEN, Mr. HARRINGTON, Mr. HARSHA, Mr. HEFNER, Mr. HEINZ, Mr. HOLLAND, Mr. HOLLENBECK, Mr. HOWARD, Mr. HUBBARD, Mr. HUNGATE, Mr. JACOBS, Mr. JARMAN, Mr. JOHNSON of Colorado, Mr. JONES of Alabama, Mr. JONES of North Carolina, Mr. JONES of Oklahoma, Mr. KASTENMEIER, Mr. KAZEN, Mr. KEMP, Mr. KETCHUM, Mr. KINDNESS, Mr. KOCH, Mr. LAGOMARSINO, Mr. LATTA, Mr. LEGGETT, Mr. LENT, Mr. LONG of Maryland, Mr. LUJAN, Mr. MADIGAN, Mr. MARLENEE, Mr. MARTIN, Mr. MATHIS, Mr. MAZZOLI, Mr. MCCLORY, Mr. MCCOLLISTER, Mr. MCDADE, Mr. MCEWEN, Mr. MCKAY, Mr. MCKINNEY, Mr. MEEDS, Mr. MELCHER, Mr. MICHEL, Mr. MILLER of Ohio, Mr. MINISH, Mr. MITCHELL of New York, Mr. MOAKLEY, Mr. MOFFETT, Mr. MONTGOMERY, Mr. MOORHEAD of California, Mr. MORGAN, Mr. MOSHER, Mr. MURPHY of New York, Mr. MURTHA, Mr. MYERS of Indiana, Mr. NEDZI, Mr. NICHOLS, Mr. NIX, Mr. O'BRIEN, Mr. O'HARA, Mr. O'NEILL, Mr. PATTEN of New Jersey, Mr. PEPPER, Mr. PERKINS, Mr. PETTIS, Mr. PEYSER, Mr. PICKLE, Mr. PIKE, Mr. POAGE, Mr. PRICE, Mr. PRITCHARD, Mr. QUIE, Mr. QUILLEN, Mr. RAILSBACK, Mr. RANGEL, Mr. RHODES, Mr. RICHMOND, Mr. RINALDO, Mr. ROBERTS, Mr. ROBINSON, Mr. ROE, Mr. ROGERS, Mr. ROSENTHAL, Mr. ROUSSELOT, Mr. RUNNELS, Mr. RUPPE, Mr. RUSSO, Mr. SARASIN, Mr. SARBANES, Mr. SCHEUER, Mr. SCHNEEBELI, Mr. SCHROEDER, Mr. SCHULZE, Mr. SEBELIUS, Mr. SHARP, Mr. SHRIVER, Mr. SIKES, Mr. SISK, Mr. SKUBITZ, Mr. SLACK, Mr. SMITH of Nebraska, Mr. SNYDER, Mr. SPENCE, Mr. STAGGERS, Mr. STANTON, Mr. STARK, Mr. STEED, Mr. STEELMAN, Mr. STEIGER of Arizona, Mr. STEPHENS, Mr. STOCKMAN, Mr. STRATTON, Mr. STUCKEY, Mr. SYMMS, Mr. TALCOTT, Mr. TAYLOR of Missouri, Mr. TAYLOR of North Carolina, Mr. TEAGUE, Mr. THOMPSON, Mr. THONE, Mr. TREEN, Mr. UDALL, Mr. ULLMAN, Mr. VANDER JAGT, Mr. VANIK, Mr. VEYSEY, Mr. VIGORITO, Mr. WAGGONNER, Mr. WALDIE, Mr. WALSH, Mr. WHALEN, Mr. WHITE, Mr. WHITEHURST, Mr. WIGGINS, Mr. WILSON of Bob, Mr. WINN, Mr. WOLFF, Mr. WRIGHT, Mr. WYATT, Mr. WYDLER, Mr. WYLIE, Mr. YATES, Mr. YATRON, Mr. YOUNG of Alaska, Mr. YOUNG of Florida, Mr. YOUNG of Georgia, Mr. YOUNG of Texas, Mr. ZABLOCKI, Mr. ZEFERETTI, Mr. ZION, and Mr. ZWACH):

H.R. 15817. A bill to amend the Agricultural Act of 1949 to provide for increased benefits with respect to disaster relief for any farmer who plants wheat, feed grains, cotton, or rice in excess of his or her allotments for the commodity; to the Committee on Agriculture.

By Mr. BEVILL:

H.R. 15817. A bill authorizing the inclusion of regional economic development benefits in computing the benefit-to-cost ratio for the Alabama-Coosa River, Ala., project; to the Committee on Public Works and Transportation.

By Mr. BRECKINRIDGE (for himself, Mr. ANDREWS of North Dakota, Mr. STARK, Mr. THOMPSON, Mr. SANTINI, and Mr. HEFNER):

H.R. 15818. A bill to provide for improvements in the annual report on rural development submitted to the Congress by the Secretary of Agriculture, and to require the prompt appointment of a new Assistant Secretary of Agriculture for Rural Development in the case of a vacancy in that position; to the Committee on Agriculture.

By Mr. BRINKLEY:

H.R. 15819. A bill to provide that the park referred to as the West Lake Park located within the West Point Lake project on the Chattahoochee River, Ga., shall hereafter be known and designated as the "R. Schaefer Hunt Park"; to the Committee on Public Works and Transportation.

By Mrs. FENWICK (for herself, Mr. J. WILLIAM STANTON, Mr. WIDNALL, Mr. FLOOD, Mr. HYDE, Mr. LAFALCE, Mr. MOAKLEY, Mr. MINETA, Mr. DOWNEY of New York, Mr. CHARLES WILSON of Texas, Mr. MAGUIRE, Mr. GARMATZ, Mr. MACDONALD, Mr. ROYBAL, Mr. JEFFORDS, Mr. MURPHY of New York, Mr. SOLARZ, Mr. COUGHLIN, Mr. CHAPPELL, Mr. KOCH, Mr. HOWE, and Mr. BOWEN of California):

H.R. 15820. A bill to amend the Immigration and Nationality Act to permit the adoption of more than two children; to the Committee on the Judiciary.

By Mrs. FENWICK (for herself, Mr. SIMON, Mr. WHITE, Mr. RICHLER of West Virginia, Mr. DUNCAN of Oregon, and Mr. CLEVELAND):

H.R. 15821. A bill to amend the Immigration and Nationality Act to permit the adoption of more than two children; to the Committee on the Judiciary.

By Mr. PATTERSON of New York:

H.R. 15822. A bill to authorize the States to carry out certain functions of the Secretary of the Army and the Chief of Engineers on intrastate waterways; to the Committee on Public Works and Transportation.

By Mr. PEYSER (for himself and Mr. BEN REIFEL) (by request):

H.R. 15823. A bill to amend title 18, United States Code, to provide for the investigation of accidents involving aircraft of an armed force, and to clarify the use of reports of those investigations; to the Committee on Armed Services.

By Mr. QUIE:

H.R. 15824. A bill to authorize the Great River study; to the Committee on Public Works and Transportation.

By Mr. RAILSBACK (for himself, Mr. EASTENMEIER, and Mr. VANIK):

H.R. 15825. A bill to regulate lobbying and related activities; jointly, to the Committees on the Judiciary and Standards of Official Conduct.

By Mr. STOKES:

H.R. 15826. A bill to provide a special program for financial assistance to Opportunities Industrialization Centers and other nonprofit community-based organizations of demonstrated effectiveness, in order to provide 1 million new jobs and job training opportunities, and for other purposes; jointly, to the Committees on Education and Labor, and Ways and Means.

By Mr. THOMPSON:

H.R. 15827. A bill to amend the Service Contract Act of 1965 to extend its geographical coverage to contracts performed on the Canal Zone; to the Committee on Education and Labor.

By Mr. THOMPSON (for himself and Mr. CONMAN):

H.R. 15828. A bill to amend the Service Contract Act of 1965 to extend its coverage to professional employees; to the Committee on Education and Labor.

By Mr. VANIK:

H.R. 15829. A bill to amend the Internal Revenue Code of 1954 to revise the rate schedule for estate and gift taxes; to the Committee on Ways and Means.

By Mr. VANIK:

H.R. 15830. A bill to amend the Internal Revenue Code of 1954 to revise the rate schedule for estate and gift taxes; to the Committee on Ways and Means.

By Mrs. KEYS:

H.J. Res. 1061. A resolution to amend the Constitution of the United States to provide for balanced budgets and elimination of the Federal indebtedness; to the Committee on the Judiciary.

By Mr. ROBINSON (for himself, Mr. BRECKINRIDGE, Mr. BURGENER, Mr. ROBERT W. DANIEL, Jr., Mr. HOWE, Mr. KELLY, Mr. KETCHUM, Mr. MANN, Mr. PAUL, and Mr. WON PAT):

H.J. Res. 1062. A resolution to designate January 13, 1977 as "Religious Freedom Day"; to the Committee on Post Office and Civil Service.

By Mrs. COLLINS of Illinois (for herself, Mr. PHILLIP BURTON, Mr. ASPIN, Mr. BURTON, Mr. CHISHOLM, Mr. DODD, Mr. SOLARZ, Mr. METCALFE, Mr. MITCHELL of Maryland):

H. Con. Res. 714. A resolution expressing the sense of Congress that the President should furnish disaster assistance to the People's Republic of China; to the Committee on International Relations.

By Mr. HARRINGTON:

H. Con. Res. 715. A resolution expressing the sense of Congress with respect to Presidential actions which should be taken pursuant to the Trade Act of 1974 to remedy the serious injury being caused to the domestic shoe industry by imports of nonrubber footwear; to the Committee on Ways and Means.

By Mr. PAUL (for himself, Mr. BURGENER, Mr. HALL of Texas, Mr. DON H. CLAUSEN of Texas, Mr. ARCHER, Mr. ARMSTRONG, Mr. BROOKS, and Mr. ROUSSELOT):

H. Con. Res. 716. A resolution to disapprove the Firearms Control Regulations Act of 1975 passed by the Council of the District of Columbia; to the Committee on the District of Columbia.

By Mr. KETCHUM (for himself, Mr. BINGHAM, Mr. MICHEL, Mr. O'BRIEN, Mr. BYRON, and Mr. MCEWEN):

H. Res. 1478. A resolution to amend rule XXII of the Rules of the House of Representatives to remove the limitation on the number of Members who may introduce jointly any bill, memorial, or resolution; to the Committee on Rules.

By Mr. LENT (for himself, Mr. ARCHER, Mr. ASHLEY, Mr. BROOMFIELD, Mr. DODD, Mr. ELLBERG, Mr. FASCELL, Mr. FISH, Mr. GUDE, Mr. KEMP, Mr. KOCH, Mr. KREBS, Mr. LEHMAN, Mr. MAZZOLI, Mr. OTTINGER, Mr. PEPPER, Mr. PETTIS, Mr. RANGEL, Mr. JAMES V. STANTON, Mr. WIDNALL, Mr. WOLFF, Mr. BADILLO, Mr. LONG of Maryland, and Mr. ZEFERETTI):

H. Res. 1479. A resolution condemning the Soviet Union's failure to observe the spirit of existing international conventions to which it is a party, especially the newest restriction respecting the delivery of parcels from the United States; to the Committee on International Relations.

By Mr. MURPHY of New York:

H. Res. 1480. A resolution calling upon the President of the United States to terminate certain agreements with the U.S.S.R. if that Government persists in its refusal to abide by agreement's requirement that a proportion of the cargo covered in the instrument be transported in U.S. vessels; to the Committee on International Relations.

By Mr. PAUL (for himself, Mr. KINDNESS, Mr. HALL of Texas, Mr. STEELMAN, Mr. CONLAN of Texas, Mr. ARMSTRONG, Mr. KETCHUM, Mr. MELCHER, and Mr. ROUSSELOT):

H. Res. 1481. A resolution to disapprove the Firearms Control Regulations Act of 1975 passed by the Council of the District of Columbia; to the Committee on the District of Columbia.

MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

444. By the SPEAKER: A memorial of the Legislature of the State of Louisiana, relative to balancing the Federal budget; to the Committee on Appropriations.

445. Also, a memorial of the Legislature of the State of California, relative to military honors at funerals of veterans of the armed services; to the Committee on Veterans' Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. PHILLIP BURTON:

H.R. 15831. A bill for the relief of Rudy Mondonayor Cacho; to the Committee on the Judiciary.

By Mr. PHILLIP BURTON:

H.R. 15832. A bill for the relief of Samuel Darby; to the Committee on the Judiciary.

By Mr. DOWNING of Virginia:

H.R. 15833. A bill for the relief of Rosevithe Haller; to the Committee on the Judiciary.

By Mr. HARRINGTON:

H. R. 15834. A bill for the relief of Juana Todd Alhariey; to the Committee on the Judiciary.

By Mr. LENT:

H.R. 15835. A bill for the relief of Norman Shrubinsky; to the Committee on the Judiciary.

By Mr. SISK:

H.R. 15836. A bill for the relief of Dr. Noemi Palmiza Calzenarez; to the Committee on the Judiciary.

MONS 029961

the Postal Service and the ability of rural America to communicate on an equal basis with those in the urban centers.

H.R. 8603 is a partial but essential answer to our current dilemma. This legislation addresses itself directly to the three major problems faced by the Postal Service: forestalling reduction of service, slowing down higher postal rates, and allowing the USPS to continue operating and, in addition, providing essential information whereby we can come to grips with a permanent solution.

The bill authorizes two consecutive appropriations in the amount of $500 million each to be applied against the cumulative operating indebtedness of the Postal Service. The first appropriation would be applied to the debt as it exists at the close of this fiscal year, and the second to be applied against the debt of fiscal year 1977. This bill prohibits service cuts during a period beginning with the appropriation of funds and ending on February 15 of next year. It will allow no postal rate increases during this same period although it would allow the Postal Service to propose postal rate increases to the Postal Rate Commission.

In addition, the bill does look to the future with the hope of obtaining the essential information we need so that Congress can assist the USPS find a permanent solution to its problems.

The bill establishes a 12-member Commission on Postal Service to identify and study the problems facing the Postal Service and recommend action which it feels is necessary to resolve them. This report will be due on or before February 15, 1977.

The importance of this "blue-ribbon commission" cannot be overstated. Among the areas which it will look into is the whole question of public service, its cost, and who should pay for it. We are aware that the U.S. Postal Service and its local post offices perform many functions which in reality have nothing to do with delivering the mail. No other Federal agency touches the lives of every American every day like the U.S. Postal Service does. For millions of Americans, the U.S. Postal Service is the only Federal agency with which they come in contact. The USPS to them is a governmental symbol and an important part of the Federal Government. In rural America there are hundreds and thousands, indeed GAO maintains there are 12,000, of post offices which in fact do not need to exist in order for the U.S. Postal Service to carry out its function of delivering the mail. On the other hand, they are needed for economic, social, and cultural benefits of rural America. An 11-year-old, not from my State, wrote me regarding his post office in rural mid-America, "I am in the seventh grade and I am writing this letter for my grandpa. Grandpa is 86 years old and every day he walks to the post office. The postmaster there helps him with his bills, makes out his money orders, and fixes his money so he would not get it mixed up. Our post office is very important. Please do not let them take it out. No one here wants to go on a rural route. Everyone wants the post office left alone."

Post offices provide a public service which I do not feel should be eliminated. These examples point up the need to maintain post offices even when mail can be delivered through another method. It is just these kinds of questions which we expect the Commission to address and report to us just what kinds of service costs should be borne by the postal users. I expect the blue-ribbon commission to tell us next year, and from there we can establish a more reasonable contribution to the U.S. Postal Service from the General Treasury.

The bill before the Senate today is the result of exhaustive hearings, numerous executive sessions, and considerable input by Members of Congress, labor organizations, postal users, businesses, the Postal Service itself, and even five prior Postmaster Generals. Indeed, the final bill itself was committee print No. 8. In addition, I am aware of considerable personal negotiations by Senators GALE MCGEE and HIRAM FONG with the Postmaster General, the Director of the Office of Management and Budget, the President, and the leadership in the House Post Office and Civil Service Committee. These negotiations as well as all the other input have resulted in S. 3844 retitled H.R. 8603.

I am in full support of Senator McGEE's and Senator FONG's position and the position of the Senate Post Office and Civil Service Committee on this legislation. It is essential, it is imperative, that this bill be passed as it is written. We must assist the Postal Service to meet the financial crunch that it now faces. If we do not, I see no alternative left for the Postal Service but to make drastic cuts in service, as well as increased postal rates which would cause undue hardship and inconvenience to the entire country.

I know that many of my colleagues have amendments which they wish to introduce and have accepted as part of this bill. Indeed the original bill considered by the Senate Post Office and Civil Service Committee contained amendments I supported. However, we cleaned the bill in an effort to insure the passage and signing into law of a financial relief measure. I have some amendments I would like to introduce, but will not because it makes little sense to amend the current legislation if such amendments alter it significantly enough to prevent its enactment into law. I am convinced that a more appropriate process by which my good friends on both sides of the aisle may have enacted their particular concerns is for them to be considered on their own merits in separate bills and not cause the downfall of this essential piece of legislation. I hope my colleagues will refrain from introducing or supporting amendments to this legislation.

The Commission established in this bill must report on February 15 of next year. We will again have the opportunity to debate the postal question only from a more enlightened view for we will have the benefit of the Commission's findings and opinions. I strongly urge an affirmative vote on H.R. 8603 as it has been reported by the Senate Post Office and Civil Service Committee.

Mr. BEALL. Mr. President, today the Senate, at long last, is scheduled to consider legislation aimed at reforming our National Postal System. This legislation comes none too soon, because no portion of government generates greater frustration and anger by the average citizen than the Post Office.

Put simply, the American people are losing faith in the National Postal System. They are tired of getting less and less service, yet paying more and more for that declining service.

Further, they know that unless drastic action is taken soon, service will only get worse and costs will only go higher.

The Postal Service today is caught in a vicious circle of higher rates and declining volumes. Since May, 1971, when the 8-cent rate became effective, first-class postage has increased 63 percent, while over the same period the consumer price index has increased at only about hadf that rate, or 35 percent. This rapid rise in postal rates led last year to a net decline in mail usage of 800 million pieces, and this decline in mail usage of 800 million pieces, and this decline promises to continue in 1976.

This decline in usage means only one thing—higher rates. And those higher rates will themselves lead to even further declines in mail usage.

Faced with these skyrocketing losses, which have reached a level of $250,000 an hour, the present postal leadership responded with steps which would only cause unnecessary hardship for some postal users, but would do nothing whatsoever to solve the real problems of the postal system.

The keystone of their great strategy to rescue this inefficient giant, which is now $3 billion in the red, was to attempt to close 600 small, rural post offices. That move, if fully implemented, would save a grand total of $6 million, or enough to keep the Postal Service in operation for all of 9 more minutes a year.

This action would not only have deprived many people of efficient postal service, but would have literally wiped many communities off the map entirely.

Last May, I introduced legislation in the Senate which prohibits the Postal Service from making any service cuts, such as the closing of rural post offices, until a special commission has made a full study of the entire Postal Service operations.

I am pleased that the bill which the Senate will consider today contains essentially that very same prohibition as was included in the Beall proposal. Under the bill we have before us today, the Postal Service is forbidden to close any post office where 35 or more families regularly receive mail and which was providing service on July 1, 1976. Additionally, the bill provides that before the Postal Service can close any office serving fewer than 35 families, it must obtain the written concurrance of at least 60 percent of all patrons.

MONS 030060

Today's legislation is not the final answer to the problems of the Postal Service. But it does represent a first step in our efforts to reform and improve the Nation's mail system. And, in my opinion, it is about time we took that step.

Mr. McGEE. Mr. President, "Congress and the public want fast regular mail deliveries to crowded cities, small towns, and isolated farms. They also want cheap stamps, efficient operations, and no deficits," according to Robert A. Rosenblatt of the Los Angeles Times.

Mr. Rosenblatt, whose excellent article on the background of the bill H.R. 8603 appeared in the July 14, 1976 edition of the Times, was right. He also was correct when he observed that "the goals conflict."

Indeed they do.

Across the country, and 3 months earlier, the Washington Post observed in a March 17 editorial that the postal services Americans rely on most heavily "are often those that make least sense in cost accounting terms: service to individuals, to small communities, to small businesses, and little publications."

The Post went on to say that some hard decisions about services and subsidies need to be made, while the L.A. Times, in an April 16 editorial favored granting—temporarily—a greater subsidy to the Postal Service until the investment and the changes involved in postal reorganization can be made to pay off.

In Philadelphia, on June 13, the Inquirer welcomed the news that the President and involved Members of Congress had agreed on the creation of a so-called blue ribbon Commission on the Postal Service. The Inquirer's editorialist wrote:

Anytime the government creates another Commission to study a problem, there is a temptation to write its work off in advance as just an expedient way to get the irritant out of sight for a while. We now resist that temptation, however, to welcome the news that President Ford and key Members of Congress have agreed on the creation of a blue-ribbon Commission on the Postal Service.

The fact is that such a commission is badly needed—not to bury the problem of this costly but to face up to it and help guide the country toward some hard choices.

And hard choices are coming. But, without them, we face a prospect which Dan Oakley, writing for the Newspaper Enterprise Association, referred to in a June column. He said:

The U.S. postal system IS a lot like the trolley cars our cities used to have. We never appreciated them unless until they were gone, and then we wished we had done something to preserve them when we could.

Mr. President, I quote these various editorials, news stories, and columns to show that there is a concern in the country for the preservation of postal services that are adequate to the needs and constituents of the people, and also to show that there are indeed some differences between what we demand and what we are willing to pay for.

Said another editorial, this one from the Eagle and Beacon of Wichita, Kans., April 8, 1976:

A subsidized mail service is nothing new to us, Nor is it particularly shocking to think that the amount of subsidy needed in the future will be larger than it has been to date.

In truth, as Robert Rosenblatt pointed out in his piece in the Los Angeles Times, the Postal Service currently is getting roughly 12 percent of its total budget from appropriations, compared with 24 percent in the last year before reorganization took effect.

H.R. 8603 as amended by the Committee on Post Office and Civil Service and reported to the Senate does not decide the fate of the Postal Service for all time. A number of other bills, including my own, were discarded by the committee as it worked toward a measure acceptable to the legislative and the executive. It addresses the immediate short-term needs of the Postal Service. It addresses the immediate concerns of the people over rates and service cutbacks. And it insures Congress, not only a future opportunity to address the hard choices that admittedly are going to have to be made, but also more information on which to base its judgment.

Mr. President, I ask unanimous consent that the various editorials and articles I have referred to—including Robert Rosenblatt's article from the Los Angeles Times of July 14, an editorial from the Times of April 16, a Washington Post editorial of March 17, one from the Philadelphia Inquirer of June 13, Don Oakley's NEA column from the Rock Island (Ill.) Argus of June 25, and the Wichita Eagle and Beacon editorial of April 8—be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Los Angeles Times, July 14, 1976]

POST OFFICE—PLAY IT AGAIN, UNCLE SAM—
RISING RATES MAY FORCE CONGRESS TO REINSTATE PRE-1971 SUBSIDY SYSTEM

(By Robert A. Rosenblatt)

WASHINGTON.—The Postal Service is in trouble once again, which means it will probably cost you 10 cents next year to mail a first-class letter.

The crisis could come as early as next spring, when, according to federal auditors, there will not be enough money to meet the service's operating expenses.

But it is not politically conceivable for the mail to stop. Instead, Congress will increase the postal subsidy, and the service will impose "temporary" rate increases.

The service has tried to save money. It saved $3 million a year by closing 186 small post offices. But according to Sen. Gale W. McGee (D-Wyo.), chairman of the Senate Post Office Committee, that $3 million would run the Postal Service for just 9 minutes.

"So for the equivalent of nine minutes of operating time," McGee said, "the Postal Service incurred the wrath of 58 members of Congress, provoked a lawsuit and persuaded thousands of mail users that, in yet another public area, the quality of life in the United States is diminishing."

Because Congress and the public are not happy, the Postal Service may pay a stiff price for desperately needed money from Washington—the loss of some management independence.

The House of Representatives, flooded with letters from constituents, already has voted to put the Postal Service back under the regular appropriations system. All revenues would go into the Treasury, with Congress approving the budget each year. The Senate will consider a similar proposal later this month.

Congressional control was abolished by the Postal Reorganization Act of 1971, which created an independent Postal Service with the goal of providing good mail service while breaking even financially.

Something went wrong. Deficits have grown each year since the reorganization. The speed of delivery for a typical letter is faster than in 1971 but still cannot match the performance of the old Post Office Department in 1969, according to a recent report by the General Accounting Office, a congressional watchdog agency.

"I think it would be fair to say that there is no more popular a whipping boy in our country today than the Postal Service," McGee told a recent meeting of his committee. "Whenever somebody runs out of things to be mad about, there is sort of a national pastime of blaming it on the Postal Service."

In two weeks, the Senate will debate a McGee-sponsored bill that would provide an extra subsidy of $1 billion over the next two years and bar service cutbacks or rate increases before Feb. 15.

Others in the Senate, led by Ernest F. Hollings (D-S.C.), will try to amend the McGee bill to bring the Postal Service back under direct congressional financial control.

But it is doubtful that Congress will take back full control of postal finances soon, despite the heated rhetoric. For one thing, the legislators now enjoy the luxury of criticizing the Postal Service without assuming responsibility for its operations.

Furthermore, any bill to put the Postal Service back into the federal budget almost certainly would be vetoed by President Ford, who is seeking to keep as low a ceiling as possible on federal spending.

The Postal Service gets approximately $1.6 billion a year from Congress, roughly 12% of its budget of $13 billion to $14 billion. In the last year before postal reorganization, Congress furnished $2.3 billion, then about 24% of the cost of running the post office.

Postal rates are established under a two-step procedure. The Postal Rate Commission approves "permanent" rates. Then the Postal Service itself can impose temporary rates, up to 90% higher. The commission recently recommended making the 10-cent charge permanent, clearing the way for a temporary increase to a maximum of 17 cents.

The Postal Service will probably seek a higher rate early next year, according to a high-level source.

"We won't go for more than 15 cents."

Returning to a full appropriations method, with Congress voting on the entire budget, would "sweep under the rug the fundamental nature of the problem," according to J. T. Ellington, Jr., senior assistant postmaster general.

"You would move away from economic justification of services which we are trying to do now, to a political justification," he said adding that the result would be enormous subsidies voted by a Congress anxious to avoid offending constituents with higher rates or reduced services.

The choice might be a 30-cent first-class stamp in 1985 or an annual subsidy of $6.5 billion, according to the GAO study.

"Of course, Congress would rather vote a huge subsidy than listen to the screams from back home if a stamp cost 30 cents," a congressional staff aide admitted.

In the view of many analysts, whether the Postal Service remains independent or returns to congressional control will not alter a basic contradiction: Businesslike efficiency and universal service do not mix.

Congress and the public want fast regular mail deliveries to crowded cities, small towns and isolated farms. They also want cheap stamps, efficient operations and no deficits.

The goals conflict. The Postal Service could

MONS 030061

save $380 million a year by eliminating Saturday deliveries, but the suggestion is anathema to Congress.

Another $100 million could be saved by closing 13,000 country post offices, but that is unthinkable to congressmen from rural districts.

Faced with protests, Postmaster Gen. Benjamin F. Bailar recently suspended the service's modest program of closing 350 to 500 such offices each year, at least until Congress completes its work on financial aid legislation.

Some small offices seem eminently closable. In Alabama, for example, one such office serves 98 families. It brings in only $4,500 a year in revenue compared with $17,000 in costs. Moreover, there is another office just 0.7 of a mile down the road.

But to many congressmen, the savings generated by such efforts are simply not worth the stir in outrage among constituents.

Despite the complaints, the Postal Service appears to perform reasonably well when compared with those of other countries.

A GAO survey of 10 foreign countries—Australia, Belgium, Canada, France, Japan, the Netherlands, Sweden, Switzerland, Great Britain and West Germany—disclosed an average charge of 19 cents to mail a first-class letter. Of the 10, only Canada, with an 8-cent rate, had a lower charge than the 13-cent rate in the country.

The U.S. Postal Service covers a much bigger geographical area and moves 5 to 50 times as much mail as its counterparts in other industrial nations. The American postal worker is much more productive, handling more pieces of mail per year than an employe in any of the 10 other countries.

Sheer size generates many of the complaints about poor postal service in the United States. More than 89 billion pieces of mail are processed every year, including 80 billion first-class letters. The error rate on first-class mail is only 3% or 3%, but that translates into more than a billion letters mishandled and sent to the wrong place.

A first-class letter is now delivered in an average of 1.65 days, compared with two days in 1971 when the Postal Service came into existence, and 1.8 days in 1969 under the old Post Office Department.

More letters are processed by machines, which have a higher error rate than the old method of hand-sorting.

"The great preponderance of mail still goes through the next day, but you run into more extreme errors because of machine processing," Ellington said.

Letter-sorting machines and other equipment installed since reorganization have provided substantial benefits in efficiency, allowing the Postal Service to handle more mail with fewer people. The service has 670,000 employes; it would need another 80,000 to process current mail volume using the old methods.

Postal workers are much more productive than they were as employes of the Post Office Department. In the five years before reorganization, mail volume rose 18% annually, but the work force of clerks and mail handlers climbed even faster—at 22%. Since reorganization, mail volume has risen another 5%, while manpower has dropped 6%.

The Postal Service is a labor intensive business—80% of its budget goes for labor—and has been especially hard hit by inflation. In one two-year period, for example, labor costs rose $987 million because of cost-of-living escalator provisions in union contracts.

Postal workers' wages have risen much more sharply than the salaries of other civil service workers, prompting critics to accuse the Postal Service of acting weakly in bargaining sessions.

Salaries and benefits have jumped $2.5 billion, or 47%, since 1971, far outweighing the savings from mechanization and improved productivity.

Whenever gasoline goes up a cent per gallon, the Postal Service pays another $2.5 million a year to operate its fleet of vehicles.

Accelerated inflation has been only one surprise for Postal Service management in the last few years. Another was the realization that mail volume was no longer growing. For the first time since the Depression, volume actually declined in 1975.

Businesses, which account for 90% of volume, began balking at higher rates and are seeking other ways to move their messages and products. And higher rates are sure to drive away still more customers.

Business mail provides 80% of Postal Service revenues. Congressional attention, however, focuses on the personal letters of constituents, which make up only 8% of all first-class mail.

Critics of the Postal Service often denounce third-class mail, the so-called junk mail flooding into homes and offices, as a service that rides on the backs of other postal customers. Not so, according to Bailar.

"Third-class mail has a rate which is fully compensatory for its costs," he said. "It is cheaper than first-class mail—there is no question about it—in terms of the rate. But at the same time, we don't have to print stamps, we don't have to sell stamps, we don't have to go pick up the mail, we don't have to sort it by ZIP code."

Because mail volume has stopped growing, one major Postal Service investment looks as if it might turn into a white elephant.

A full $1 billion was spent to build 21 bulk mail centers aimed at winning business back from United Parcel Service. Originally, the Postal Service estimated it would save $300 million a year by concentrating parcel processing in these centers. The latest savings estimate is just $130 million a year because parcel volume won't reach previous expectations.

Americans must decide, postal officials argue, what levels of desirable but uneconomic mail services they must have and how these will be financed.

[From the Los Angeles Times, Apr. 16, 1976]

THE MAILS: NO CHOICE

In an atmosphere of rampant dissatisfaction over mail service and over the rising cost of sending an ordinary letter, it is staggering to hear Postmaster General Benjamin F. Bailar asking Congress to double its mail subsidy, which already runs to $1.5 billion a year.

Yet the nation has no choice. The subsidy should be granted—temporarily. Otherwise the Postal Service will have to cut services further and raise rates again. That would drive away more business, increase the deficit and start another cycle of service cutbacks and rate increases. America has been through that too many times already.

Unquestionably, the people who run the mails have made some large and costly mistakes. But these are not the only reasons for the system's terrible problems today.

Inflation is affecting virtually everything, not just the mails. In fact, in no other major country except Canada is the cost of sending a first-class letter so low in relation to prevailing wages.

Further, some of the miscalculations behind the current mail problems cannot be blamed on the Postal Service alone. When Congress established the zone mail-distribution system five years ago, everyone who took part in the decision assumed that mail volume would continue rising. And it was commonly believed that economy measures could take hold quickly because of the Post Office's high rate of employe turnover. But mail volume has begun declining, and fewer postal employes are quitting. So, what was done to save money has cost money. But the investments and changes probably will pay off eventually.

There are other problems. New equipment has been put into regular use too quickly, resulting in misdirected letters and damaged packages. Unions have been recalcitrant, fighting reasonable efforts to spread workloads more evenly and to make underworked employes bear a fairer share of the load. Rate increases have been delayed unconscionably by the Postal Rate Commission's indecision.

Some of these problems can be solved eventually if adequate financial help is forthcoming from Congress, and if the appropriate committees exercise tough discipline over the Postal Service. Rigorous congressional oversight must not mean ending the limited autonomy under which the Postal Service now operates. That would compound the problem by putting complicated decisions on thousands of rates—and thousands of executive appointments—back into the political process.

American mail service, according to some measures of error rates and delivery times, has begun to improve. One day the mails should be able to come nearer breaking even, but that day—at the very best—is several years off. Congress can help by insisting on better performance by both management and labor as the price for temporarily paying the deficit.

[From the Washington Post, March 17, 1976]

PAYING FOR THE MAIL

It may seem heretical for a Postmaster General to suggest that postal service as Americans know and love it "could become obsolete." But Postmaster General Benjamin F. Bailar said exactly that last week in a gloomy speech in Detroit. His message was not just that the era of six-days-a-week, door-to-door mail delivery is ending; he warned that the Postal Service may never be economically sound even if drastic cutbacks in service are made.

Problems at the post offices are nothing new. In fact, it was the government's inability to manage the mails that led Congress to put the system on a "business-like" basis in 1970 and direct the new agency to improve service, cut losses, increase workers' salaries and modernize facilities. But from the start those goals have been impossible to reconcile. Some major management mistakes and generous labor settlements have run up costs; soaring inflation and energy prices, unanticipated in 1970, have had a devastating effect. According to the General Accounting Office, cost-of-living increases in postal workers' pay have totaled $987 million in the past two years, while every one-cent increase in the price of gas has cost the Service $8.5 million per year.

Contrary to popular belief, the quality of postal service has improved since the dismal days of 1971. Even so, the immense volume of mail makes a large number of complaints inevitable. (GAO has noted that if 96 per cent of first-class mail were delivered on time, 2.8 billion letters per year would still be late.) What really worries Mr. Bailar is that as postal rates have climbed, postal patronage has begun to drop. More people are paying their bills in person; companies are stepping up their use of alternate delivery services and electronic communications systems. Yet declining volumes do not mean decreasing costs; the mailmen may be bearing fewer letters but they must still make their rounds.

Mr. Bailar realizes that more efficient systems and more flexible use of manpower can only reduce the deficits somewhat, and that the only way to save the Service may be to cut services. He has just announced that two-day business deliveries in many cities will be stopped. He wants to close some small post offices and substitute other types of service in rural areas; GAO has calculated

MONS 030062

that phasing out 12,000 of the 18,000 smallest post offices could bring savings of $100 million annually. Mr. Ballar is also promoting clustered or curb-side delivery instead of door-to-door service in new housing developments. He has even mentioned revising rates so that pre-sorted, standard-sized first-class mail sent by bulk users would cost less than a hand-addressed birthday card. And so on. But he fears that even if such drastic changes are made, the system may be unable to avoid the spiral of rising costs, declining patronage and gradual decay that has already made other services—local bus systems, passenger trains, the old-style telegraph—bankrupt as businesses.

That points to the problem: the premise is wrong. The nation's postal system should be business-like, but it is not a business. It is a basic public service that Americans rely on heavily. Indeed, the services that matter most are often those that make least sense in cost-accounting terms: service to individuals, to small communities, to small businesses and little publications. This does not mean that, for instance, every rural post office must be kept open forever if equivalent or better actual service can be provided another way. It does mean that postal communications have to be maintained; the mails simply must go through.

However, in order to preserve the kind of postal system Americans expect, the public has to be willing to pay—in part as users and in part as taxpayers. This is where the real problem arises because the numbers are immense. According to GAO, if current services are maintained and the federal payment to the Postal Service stays at its present $920 million per year, the price of a first-class stamp will rise to 18 cents by 1981. On the other hand, if stamps remain at 13 cents, the cost to the treasury could rise to $6.5 billion annually within 5 years. The most acceptable arrangement probably involves some rate increases, some streamlined services and more public support—but detailed formulas are not going to be easy to devise.

All in all, this is the kind of problem that Congress is least happy with: one that affects every voter and interest group, and costs far more than anybody likes to pay. So far, most legislators have ducked. Last year the House authorized greater subsidies, but also voted to return the post's management to Congress—a move that is not likely to solve anything. More recently, about 50 representatives went to court to save some rural post offices, at least temporarily. We hope that they will follow through by addressing the problem of who pays. That is, after all, what Mr. Ballar is basically getting at, although in a somewhat back-handed way. The postal system cannot just muddle along much longer; some hard decisions about services and subsidies need to be made.

[From the Philadelphia Inquirer, June 18, 1976]

WHITHER THE POSTAL SERVICE?

Anytime the government creates another commission to study a problem, there is a temptation to write its work off in advance as just an expedient way to get the irritant out of sight for a while. We now resist that temptation, however, to welcome the news that President Ford and key members of Congress have agreed on the creation of a blue-ribbon Commission on the Postal Service.

The fact is that such a commission is badly needed—not to bury the problem of the mails but to face up to it and help guide the country toward some hard choices.

It has been only five years since quasi-independent Postal Service replaced the politically-dominated Post Office Department. In that short time, however, one of the basic assumptions in the reorganization—an ever-increasing volume of mail—has proved erroneous. And while volume has been decreasing, inflation and other factors have pushed costs up steadily.

Even with increased rates and a $1.5 billion federal subsidy, postal officials are predicting a $1.4 billion loss in the fiscal year which ends this month and another $1 billion loss next year.

That's just the short haul. For the long haul, Postmaster General Benjamin Ballar has warned, the Postal Service is headed for potential disaster" unless something drastic is done.

"I believe we must re-evaluate traditional concepts of mail service to see if they still have value in modern America," Mr. Ballar said recently. "If the public elects to continue the postal system in its present form, it will have to pay a steep price. It may find the first-class stamp becoming a luxury item in the next decade and the Postal Service a ponderous and costly left-over from simpler, more affluent times."

Those are strong words with profound implications. If Mr. Ballar is right—and the evidence supports him—he is also right when he says:

"We must seriously examine the possibility of restructuring both the services provided by the postal system and the schedule of payments for those services. We must, I believe, consider trimming back those services that no longer make sense or label them for what they are and arrange a system of subsidies that covers their cost. And we must identify within each class of mail the actual costs of serving various types of users and charge accordingly."

That is why a commission is needed. Now that the President and the key lawmakers have agreed to its creation, Congress should give its approval.

[From Rock Island, ARGUS, June 26, 1976]

POSTAL CRISIS BAD, BUT CUTBACK IN WORST SHAPE

(By Don Oakley)

WASHINGTON.—When people start reducing serious things to the silly level we know the situation is bad—as when Lyndon Johnson went around turning off lights in the White House, or when the postmaster in Silly orders mailmen to take shortcuts across lawns.

Unscrewing all the light bulbs in the United States wouldn't have made a dent in the billions of dollars Johnson poured into the Vietnam sinkhole. Neither would the grave financial crisis the U.S. Postal Service is in be helped in the slightest if every letter carrier walked over every lawn in the country.

The magnitude of that crisis is becoming staggering. The service's deficit may total $1.4 billion this fiscal year, compared with only $18 million in 1972, when we thought things were bad enough.

What would help? Failing a massive boost in the government's subsidy, which Congress seems to be in no mood to approve, closing smaller post offices would, says John Gentile, chief financial officer of the U.S. Postal Service. So would ending Saturday delivery, or delivering mail only every other day, or charging everybody on a postal route a monthly fee.

So would increasing postal rates again, although here we are already close to the point of diminishing returns, if not past it.

For whatever comfort it may be to Americans, it is interesting to learn from a recently reported survey that imperfect as it is, the U.S. Postal Service is superior to the systems in many other countries.

It may be cheaper in some countries—in India, for example, it costs as little as two cents to mail a letter—but there as elsewhere low postal rates usually reflect a low state of the economy.

Even in Western Europe and Japan, postal service has been deteriorating and there are routine deficits, which are met out of profits from telephone and telegraph services, which are also government runs.

In many countries it is customary to pay a steep surcharge to insure delivery, and pilferage and the opening of mail by censors are common.

In any event, no country has anything approaching the volume of mail that is handled in the United States, and few have anything like the distances involved.

The U.S. postal system is a lot like the trolley cars our cities used to have. We never appreciated their value until they were gone, and then we wished we had done something to preserve them when we could.

[From Wichita, Kans., Eagle and Beacon, April 3, 1976]

POSTAL SUBSIDY MUST CONTINUE

It has always cost more in America to deliver a letter than the amount of postage paid by the mailer. But now the General Accounting Office (GAO) is fooling around with a "self-sufficiency concept" for the postal service, and the news is purely bad.

By 1984, which is an ominous year in other respects as well, it will cost 34 cents to mail a first class letter, says GAO, and the postal service will be able to operate without subsidy.

The way things have been going, by 1984 34 cents may look no larger than 13 cents does today. Still, most survivors of less inflated days are likely to think twice before sticking a 34-cent stamp on an envelope.

Some of the effects might be fortunate. People might quit dashing off impulsive notes that they would later regret. There might be a resurgence in the carrier pigeon business.

But on the whole, it would seem that Congress and even the federal bureaucracy would ultimately come to the conclusion that the postal service cannot be expected to pay its own way.

A subsidized mail service is nothing new to us. Nor is it particularly shocking to think that the amount of subsidy needed in the future will be larger than it has been to date.

Every precaution should be taken to insure that the postal system is operated as efficiently as possible. But with that assurance, Congress should have no hesitation in providing the necessary subsidy, as it always has done. Mail service is important to the nation, and the costs of transporting letters cannot be permitted to become prohibitively high to the user.

THE HELSINSKI ACCORDS

Mr. THURMOND. Mr. President, recently I read an editorial which discussed progress made as a result of our country and many others signing the Helsinki accords just a year go.

In my opinion it was a mistake to officially recognize the post World War II borders of the Soviets' East European satellites. What is particularly objectionable to me, however, concerns the Soviet implementation of "Basket Three." This contains human rights provisions of the agreement. These provisions were to promote more personal freedom of persons, institutions, and organizations of the signatories. Specific attention was given toward permitting immigration so that families could again be reunited. One year later it is apparent that the Soviets, as we should have learned long ago, do not intend to keep their word. I urge the President and the Secretary of State to use all diplomatic means at their disposal to cause the Russians to adhere

MONS 030063

now to promises made promoting human rights.

Mr. President, I ask unanimous consent that the editorial, "One Year Later, Little Progress From Helinski," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From Columbia, S.C., The State, Sunday, August 8, 1976.]

One Year Later, Little Progress From Helsinki

Just over one year ago, on August 1, 1975, the heads of 32 European nations, Canada, the United States and the Soviet Union signed with considerable pomp the Helsinki accord which was widely hailed as an important element in detente between the East and the West.

More properly, the Helsinki meeting was called the Conference on Security and Cooperation in Europe. It had been promoted for years by the Soviets to gain official recognition of the post-World War Two borders of the Soviet's East European satellites.

There were four parts of the agreement, each called a "basket." The first basket recognized the borders and held that they may not be violated by force. Nations along the borders were required to notify one another in advance of military maneuvers.

The first basket was widely criticized as making legitimate the Soviets' seizure and occupation of countries in World War II, and as some it rang like the final slamming of a great steel door in the Iron Curtain. The Soviets have complied with notification requirements of their maneuvers.

Basket two held no real problems in promoting economic, scientific, technological and environmental cooperation. It has held up well during the year with many international conferences and some agreements.

Basket three, however, was the quid pro quo insisted upon by Western Europe in exchange for the Soviets' border agreement. Basket three dealt with East-West cooperation in humanitarian, information, cultural and educational fields. Specifically, it called for reunification of families.

As expected, basket three has not held up so well on the Soviet side, and it has become the standard by which Moscow's good faith is being measured. There appears to have been slight change in Moscow's emigration policies, notably for Jews. Nor is there any sign of improvement in the conditions under which political prisoners are held.

Speaking to Western newsmen in Moscow, a spokesman for a humanitarian group of Soviet scientists and writers, declared that "they are using Helsinki against us."

Pointing to the Helsinki pact on reunification of families, Soviet authorities are claiming precedence of Soviet law which says a family is the husband and wife and unmarried children. Hence, a sister in Moscow and a brother in Tel Aviv are not a family—and if the parents are in Russia, the authorities claim they would be in violation of the Helsinki agreement if they let them emigrate.

Such deviousness mocks the spirit of the Helsinki accords, demonstrating again the double standard wittingly utilized by the Kremlin for its own purposes.

But basket number four still remains—it provides for another conference in Belgrade, Yugoslavia, in 1977 to assess the implementation of the Helsinki agreement. Unless the Soviets change their ways in the coming year, they risk standing unmasked in an international stage, condemned by their own deceitful performance.

THE UNION DRIVE TO UNIONIZE OUR ARMED FORCES

Mr. THURMOND. Mr. President, on March 4, 1976, together with 24 Senators, I introduced S. 3079. This bill would prohibit unionization of our military forces. Six more Senators have since joined us as cosponsors. The timing to introduce S. 3079 was chosen after careful thought. Several unions were then planning to seek servicemen to become members of their unions.

It was my hope that S. 3079 would quickly pass in the Senate. Thus, the small number of unions interested would not amount a recruiting drive. Unfortunately, the bill has not been passed.

In the RECORD of July 28, I warned the Senate that the hour was late for consideration of S. 3079. An article appeared recently in the Army Times, which lends weight to that warning. It is reported that a recruiting drive is now underway in our Reserve Forces. According to this article, some reservists have already joined a serviceman's union, including 10 officers. Next month, in convention, the American Federation of Government Employees will vote on the question of whether or not to organize our Active Military Forces.

Shall we sit and watch? As I said on an earlier occasion, this is not a bill against unions. It is a bill for a sound and effective defense force to stand between the citizens of this Nation and a sometimes unfriendly world. The Defense Manpower Commission in its recent report to the President and Congress put it well in stressing the urgency of the situation: "The question is no longer moot, the possibility of a military union must be faced squarely and appropriate actions to deal with the possibility must be undertaken now."

The issue is faced squarely with S. 3079 and the time for action is now.

Under our constitutional mandate to raise and support armies and navies, we are also charged to take appropriate and necessary legislative action on matters related to the Armed Forces. We owe the people of this country no less.

Mr. President, I ask unanimous consent that the article from the Army Times, July 19, 1976, "Ten Reserve Officers Join Military Union," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From Army Times, July 19, 1976]

TEN RESERVE OFFICERS JOIN MILITARY UNION

(By Lee Ewing)

WASHINGTON.—Ten officers, including at least one major, are among National Guardsmen and reservists who have joined a new union, the Association of Guard and Reserve, union officials say. Some active duty members also have signed up.

The union began a nationwide membership drive July 1 by mailing out information to individual members of guard and reserve units in each state and by some face-to-face recruiting on base during off-duty hours.

"We're quite elated over the response," said the union president, Air National Guard MSgt. William L. Spence, 182d Tactical Air Support Gp, Peoria, Ill.

In a telephone interview with *Army Times*, Spence refused to disclose how many persons have joined AGR, but he said union polls "have been showing about one out of three would be interested" in joining the union.

Based on that ratio, Spence said, his goal is to recruit 100,000 of the approximately 350,000 members of the Reserve Components by next year.

Although only Air National Guard and Army National Guard members signed up in an organizing test conducted in February, Spence said, the current drive has brought in members of the Air Force Reserve and Army Reserve as well.

So far, union organizers have not contacted reserve units of the Navy, Marine Corps or Coast Guard, but Spence said, "We certainly intend to."

Requests for information and membership applications from active and reserve military personnel have been received at a rate of 75-100 each week, Spence claimed.

While AGR was organized to represent uniformed members of the guard and reserve, Spence said active duty member service members also may join.

"We're not actively campaigning for their membership at the present time," he said.

AGR was established by officials of the Association of Civilian Technicians, which represents about 8,000 Guard and Reserve civilian technicians who also must belong to the military unit in which they work. ACT organizers have worked closely with AGR and ACT members have served as a cadre for signing up military reservists for AGR.

An informal clerk of membership applications received so far, Spence said, shows that aside from the 10 officers, the new members are evenly split between junior enlisteds and senior NCOs.

A U.S. Supreme Court decision last month that a commander may deny reenlistment to a career guardsman "in the best interest of the service" has stirred concern, Spence says. The ruling poses a threat to retirement for career guardsmen and reservists, Spence said, and thus points up the need for a union.

COMMITTEE MEETINGS

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Federal Spending Practices of the Committee on Government Operations be authorized to meet on August 24 and 26 to conduct oversight hearings concerning overhaul of major systems acquisition policies.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL ORDERS FOR TUESDAY

Mr. ROBERT C. BYRD. Mr. President, I ask unanimous consent that after the two leaders are recognized under the standing order tomorrow morning, Mr. JAVITS be recognized for not to exceed 15 minutes, and that the order for the recognition of Mr. MOSS tomorrow morning be vitiated; and that following the remarks of Mr. JAVITS there be a brief period for the transaction of routine morning business not to extend beyond the hour of 10 a.m., and that at the hour of

MONS 030064

10 a.m. the Senate resume consideration of H.R. 8603, the Postal Service bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS UNTIL 9:30 TOMORROW MORNING

Mr. ROBERT C. BYRD. Mr. President, if the Senator would indulge another interruption, I ask consent that when the Senate completes its business today it stand in recess until the hour of 9:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

H.R. 11552—TO ESTABLISH A VOTER REGISTRATION ADMINISTRATION

Mr. ALLEN. Mr. President, if the Senator will yield before he makes the announcement of the program for a parliamentary inquiry, I would like to inquire of the Chair as to the disposition, if any, that has been made of the so-called post card registration bill that was held at the desk. I believe, on the last legislative day, with the understanding that it was to be referred to a committee. Has that bill been referred or when is it anticipated that it will be referred?

The PRESIDING OFFICER (Mr. HOLLINGS). The bill is still being held at the desk.

Mr. ALLEN. For the purpose of deciding where the bill is to go?

The PRESIDING OFFICER. Pursuant to a unanimous-consent agreement request the bill is still being held at the desk.

Mr. ALLEN. Yes. It was understood, and it was so stated for the record, that it was being held merely pending decision as to what committee it was to be referred to.

I would imagine that the Parliamentarian by this time has had time to reach a decision on that question.

The PRESIDING OFFICER. As the Chair understands, it is not a decision by the Parliamentarian. It was a unanimous-consent request requiring Senate action as to one or both committees, and we would have to await when the Chair hears the request from the floor of the Senate.

Mr. ALLEN. I thank the Chair for this enlightening information.

PROGRAM

Mr. ROBERT C. BYRD. Mr. President, the Senate will convene at 9:30 tomorrow morning. After the two leaders or their designees have been recognized under the standing order, Mr. JAVITS will be recognized for not to exceed 15 minutes, after which there will be a period for the transaction of routine morning business not to extend beyond the hour of 10 a.m. with statements limited therein to 3 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

At the hour of 10 a.m., the Senate will resume consideration of the Postal Service bill. The pending question at that time will be on the adoption of the substitute offered by Mr. HOLLINGS. There is a time limitation of 4 hours on that substitute with a vote to occur on the adoption of the substitute up or down, with no tabling motion in order and with no intervening amendments in order.

Upon the disposition of the substitute by Mr. HOLLINGS and regardless of the outcome of that vote on the substitute, Mr. DOLE will be recognized to call up two amendments on each of which there is a time limitation of 20 minutes. Upon the disposition of those amendments and regardless of the outcome of the vote on the substitute by Mr. HOLLINGS, Mr. HELMS will then be recognized to call up two amendments on each of which there is a time limitation of 30 minutes.

Rollcall votes will occur throughout the afternoon tomorrow, Mr. President, and it is anticipated that the Senate will remain in session tomorrow evening until the bill is disposed of.

RECESS TO 9:30 A.M. TOMORROW

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

The motion was agreed to; and at 5:16 p.m., the Senate recessed until tomorrow, Tuesday, August 24, 1976, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate August 23, 1976:

DEPARTMENT OF STATE

William G. Bradford, of Illinois, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Chad.

Robert J. McCloskey, of Maryland, a Foreign Service officer of the class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of the Netherlands.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Susan B. Gordon, of New Mexico, to be an Assistant Secretary of Health, Education, and Welfare, vice Lewis M. Heim, resigned.

IN THE ARMY

The following-named officer to be placed on the retired list in grade indicated under the provisions of title 10, United States Code, section 3962:

To be general

Gen. Richard Giles Stilwell, 204-30-7913, Army of the United States (major general, U.S. Army).

Executive nominations received on August 12, 1976, under authority of the order of the Senate on August 10, 1976:

FOREIGN CLAIMS SETTLEMENT COMMISSION

Wilfred J. Smith, of Virginia, to be a member of the Foreign Claims Settlement Commission of the United States for a term of 3 years from October 22, 1976 (reappointment).

IN THE AIR FORCE

The following-named officers for promotion as a Reserve of the Air Force, under the appropriate provisions of chapters 35 and 837, title 10, United States Code.

LINE OF THE AIR FORCE

Major to lieutenant colonel

Abb59, James G., 447-30-6908.
Abet, Wilfred M., 182-34-6870.
Achin, Albert J., II, 036-28-6318.
Adams, Edwin E., Jr., 588-30-5610.
Adams, Harold G., 442-20-7005.
Aguilera, Manuel, 286-44-3980.
Albi, Joseph R., 533-20-4778.
Alexander, George M., 406-30-4457.
Alexander, Stanley W., 462-60-6773.
Alley, Gerald W., 519-34-0895.
Allison, Lee R., 461-46-4284.
Alton, George E., Jr., 478-34-6043.
Alton, Thomas W., 043-28-6062.
Anderson, Charles F., 228-44-0689.
Anderson, David E., 257-34-0980.
Anderson, John F., 587-42-7862.
Anderson, Marlowe R., 228-44-3966.
Anderson, Richard D., 544-80-6844.
Andre, George M., 572-40-4668.
Andrusat, Anthony M., 190-36-9766.
Applebee, John F., 236-26-6668.
Arledge, Harmon E., 452-34-1772.
Arnecke, Burleigh F., 488-36-1079.
Ary, Charles D., 268-28-6827.
Austin, Billy F., 266-46-7476.
Axelson, William G., 246-28-6672.
Bachik, Joseph, 146-22-6218.
Bailey, Robert E., 026-26-6668.
Baird, Albert R., 452-34-6965.
Baird, Henry C., Jr., 466-26-1675.
Baker, Marion E., 268-26-6461.
Baldwin, Harold R., 242-44-6713.
Bales, Daly R., 236-46-6280.
Barab, John D. J., 156-16-6668.
Barella, Alexander J., 584-34-6766.
Barney, John R., Jr., 267-42-6904.
Barnitz, William S., 228-26-6668.
Barringer, D. Dean, 238-26-7687.
Bartlett, Clyde R., 268-40-1141.
Bartsch, George F., 296-22-1665.
Bastnger, Donald A., 228-46-1666.
Bastidas, Frank A., 181-26-5976.
Baumler, Dale R., 262-26-6218.
Baxter, Morris, E., 492-42-1908.
Bay, Denis E., 266-36-6268.
Baynard, Lester B., 283-34-9189.
Beal, Thomas F., 506-22-6016.
Beard, Richard E., 204-24-6266.
Becker, Frederick W., Jr., 482-46-8112.
Bell, Norman R., 216-26-6668.
Bender, Franklin R., 266-28-6262.
Benjamin, Mordy A., 578-42-6868.
Bennett, Donald F., 082-22-6668.
Bennett, Duane R., 482-28-3619.
Bermel, Blaine L., 188-28-6210.
Berry, Willard M., 586-26-1234.
Berube, Wilfred R., 051-34-6913.
Bessette, Normand L., 008-30-1760.
Billiter, William O., Jr., 405-42-5128.
Bisbano, Ennis J., 029-18-0686.
Blackburn, Donald V., 309-36-5486.
Blais, Frederick G., 008-34-4060.
Blankenship, Vern E., 478-26-8005.
Blohm, Robert A., 246-26-3817.
Blue, John R., 426-54-6668.
Blythe, Ardven L., 165-26-0023.
Bogert, Herbert T., 278-36-5278.
Bohuslav, Johnnie J., 455-42-2321.
Boone, Jerry D., 559-44-2554.
Boone, Robert R., 501-32-7634.
Borneijko, Jack W., 304-32-8939.
Bracken, William E., Jr., 424-28-8016.
Bradkin, William E., 128-26-7883.
Bradley, Earl K., Jr., 262-24-9663.
Branch, Peter F., 144-26-2947.
Brasher, Edward C., 421-36-2885.
Braun, Gerard J., 278-32-1290.
Brenna, John L., 476-30-1140.
Briant, Robert C., 258-42-7718.
Bricker, Rodney P. G., 128-22-3891.
Bringardner, Wm. D., 260-22-6060.
Brosch, Robert E., 264-26-6778.
Brooker, Laurance M., 190-26-8144.
Brooks, Robert E., 572-42-4671.
Brown, Robert A., 561-26-0541.
Brunchi, Robert, 140-26-1270.
Bucci, Rinaldo J., 219-26-6668.

MONS 030065

Bushler, Norman C., 190-32-8685.
Bullard, Eugene E., 260-32-6609.
Burgee, Richard R., 217-38-6171.
Burggraf, Fran S., Jr., 083-36-1789.
Burkett, David Y., III, 173-28-7481.
Burningham, Dee S., 528-36-3466.
Buyck, Mark W., Jr., 249-48-2609.
Cabrinha, Lawrence C., 576-30-5013.
Cadinus, Harold R., 155-24-9739.
Caldwell, Dana T., 302-34-9883.
Campbell, Conrad E., 080-30-8058.
Campen, Walter R., 264-50-0747.
Canavan, Leo J., Jr., 442-32-9931.
Capling, Elwyn R., 530-32-4914.
Carll, Donald W., 247-26-9857.
Carlson, Richard A., 357-38-5125.
Carpenter, William L., 510-30-7862.
Carsten, Charles B., 448-32-0402.
Caruth, James, 411-34-9439.
Casbarian, Harvey T., Jr., 577-40-9159.
Casey, Robert E., 309-26-4071.
Cech, Andrew A., 289-35-5784.
Cerbaneo, Vincent P., 131-38-3280.
Cestaro, Joseph M., 131-26-5173.
Chambliss, Alton M., 478-36-5160.
Charlebois, Roland J., 027-16-8241.
Chee, Frederick K. O., 576-30-5548.
Chism, Charles B., 464-38-5535.
Chong, Kenneth D. H., 575-30-4559.
Christine, Charles T., 178-38-9425.
Clark, Charles G., 447-28-2807.
Clark, John E., Jr., 466-46-9213.
Cleland, David H., 288-34-9819.
Clifford, Jack E., 501-34-5460.
Cloaner, John J., III, 109-32-0574.
Clough, George J., Jr., 040-38-1697.
Cnossen, Ronald J., 042-26-8901.
Coffin, Erwin K., 509-32-9469.
Cognevich, Nimo R., 439-44-3799.
Coker, John T., Jr., 456-44-8877.
Colange, Anthony, 579-42-4036.
Cole, James L., 458-32-8388.
Coleman, Jack W., 467-46-3859.
Collis, Constantine G., 407-46-8737.
Condon, Robert L., 576-40-5801.
Condon, Robert P., 027-32-9018.
Conti, Raymond, 179-32-6761.
Cook, Peter G., 099-28-5104.
Copland, Joseph F., 580-30-7238.
Coren, Carl L., 012-38-5749.
Corpus, Alexander, Jr., 207-36-7087.
Craig, John A., 081-34-6309.
Craven, Gary L., 534-32-9981.
Cressen, Manford W., 553-32-9949.
Cummings, John O., 492-34-0151.
Cummings, John P., 032-34-0449.
Curtis, Frederick P., 013-34-9997.
Cusack, James L., 262-30-0116.
Cutler, John W., 381-32-9086.
Dabal, Edward R., 141-36-3445.
Dabrowski, Paul J., 282-32-4962.
Dale, Donald E., Jr., 467-58-1431.
Dangelo, John J., 439-42-0499.
Danner, Ronald E., 496-30-7269.
Davis, Marcus M., 577-46-5328.
Davis, James E., 513-32-7547.
Davis, Lowell G., 276-30-2977.
Dee, Duane L., 539-40-0926.
Deking, Donald J., 109-36-8154.
Detra, Thomas A., 264-32-4945.
Detti, John P., 396-54-6810.
Devrinoski, Eugene J., 571-42-9259.
Dewitt, William W., Jr., 467-50-7589.
Dik, Donald B., 090-18-7107.
Dilling, Roger O., 516-34-9121.
Dillmann, Clarence I., Jr., 393-32-0090.
Dimitero, Alan C., 187-32-4255.
Dismuke, Donald M., 532-28-1635.
Dodge, Kenneth W., 001-26-0040.
Doherty, Francis G., 361-32-4946.
Dolin, Phyllis A., 484-30-0260.
Dominguez, Jesse P., 462-36-8102.
Donaldson, David W., 196-60-3618.
Dose, William W., 554-40-8102.
Doucette, Dall D., 558-46-4686.
Dove, Edgar C., 412-50-4446.
Doyle, Brendan T., 088-38-0422.
Doyle, William R., 499-44-6619.
Drenko, John L., 189-36-7707.
Drew, Norman E., 356-38-3975.
Dvorak, Frank J., Jr., 510-36-6661.
Dye, Albert J., 266-58-9542.
Dykes, Alfred H., 294-36-5600.
Eagleson, Rolf D., 501-38-5008.
Edens, Roland W., 586-38-5800.
Edmondson, Jerry H., 428-46-4057.
Edwards, Norman K., 435-58-5057.
Eichhorn, Gary L., 380-62-9858.
Eichner, John C., 121-36-1709.
Elton, Burnham T., 474-52-8339.
Emerson, Richard A. G., 572-34-0546.
English, Harry J., 209-38-3076.
Epstein, Heinz C., 548-42-9489.
Erb, William A., Jr., 408-24-5839.
Erwin, William G., 213-24-0606.
Erwins, Everett D., 550-42-3692.
Estock, Robert A., 277-34-0384.
Evens, Marvin A., 314-34-9740.
Farmer, John S., 570-46-9426.
Fean, Robert A., 174-36-0909.
Fehlig, James D., 363-34-7510.
Ferguson, Arthur B., 040-38-9480.
Ferguson, Hill A., 407-36-8206.
Ferguson, Lowell G., 529-44-5252.
Fier, John J., 318-38-3526.
Fikes, Charles O., 424-46-0542.
Fischer, Bradley H., 533-36-3718.
Fish, Joseph A., 527-42-2575.
Fisk, Danny F., 442-28-3373.
Flaherty, Robert M., 371-28-3781.
Fleischman, Jerome B., 159-34-4156.
Flom, Owen M., 470-38-0024.
Flook, Howard O., Jr., 216-30-8166.
Forbes, Edward H., 466-52-7303.
Foreman, Charles G., 433-52-5140.
Fortson, Eugene T., 254-46-0271.
Foster, Duane L., 504-40-0121.
Foster, Marvin E., 458-18-0015.
Fox, Thomas E., 013-36-0083.
Fox, Wade T., 240-36-2292.
Francis, Marvin J., 159-18-4064.
Frandsen, Alan D., 529-26-9019.
Franklin, Calvin W., 447-34-7712.
Franklin, Charles E., 393-28-9306.
Frederick, William A., Jr., 184-26-0050.
Frederick, William V., 258-30-9046.
Freeman, William H., Jr., 541-34-9730.
Freese, Ronald L., 585-32-8182.
French, Norman J. M., 357-34-4187.
Frese, Eugene M., 509-34-3381.
Freytag, Richard A., 553-28-9990.
Frisch, John J., 187-36-9259.
Frith, Carl R., 238-50-0609.
Fryar, Donald F., 241-44-1990.
Fryburger, Virgil F., Jr., 262-36-8697.
Fuentes, Roland W., 491-38-8966.
Fuller, Charles E., 580-26-9788.
Furman, Donald, 086-28-0156.
Furr, Robert H., 429-44-9946.
Furtwaza, Joseph E., 578-28-9951.
Galley, Eugene C., 066-20-9708.
Gambera, Robert J., 131-26-1486.
Gamble, Richard S., 408-50-4784.
Gardner, James D., 242-34-3217.
Garland, Terry D., 466-44-8518.
Gassiott, Bobby R., 458-34-9745.
Gassman, Donald E., 585-26-9949.
Gaston, Leonard G., 507-34-5151.
Gaubatz, William A., 302-34-0972.
Geddie, Ivan D., 481-42-7089.
Genther, Richard D., 201-26-8098.
George, Charles D., 278-30-8185.
Geary, Harold J., 247-46-8909.
Giblin, Owen J., 208-26-9018.
Gibson, Jack L., 455-28-9597.
Gibson, John W., 358-28-4811.
Gibson, Paul E., 240-40-4786.
Gibson, Richard A., 587-26-2060.
Gibson, Robert H., 408-40-5441.
Gilbert, Harvey B., Jr., 577-44-4750.
Glass, Charles S., 414-46-0038.
Gleason, John T., Jr., 135-28-9448.
Gordon, Donald L., 459-34-5445.
Gordon, Richard J., 074-46-0488.
Gorman, Irvin, 109-34-0941.
Gorman, James M., 099-34-1446.
Goss, Bruce R., 723-10-6138.
Gould, James L., 547-38-9669.
Grabo, George W., 268-26-7890.
Grannis, Stuart L., 572-36-2782.
Grant, Ronald W., 526-42-2312.
Grant, Theo E., 097-28-9686.
Green, John V., 251-38-9475.
Green, Lester L., 268-48-9999.
Green, Philip A., 436-50-2141.
Green, William S., 529-26-4664.
Greene, Abbott C., 006-30-7209.
Greenhalge, Kenneth R., 522-54-2274.
Greenwood, Leon D., 138-28-1678.
Griffin, Edward L., 214-30-7800.
Grinden, John C., 469-32-1080.
Groesbeck, Monty C., 570-36-9859.
Grubbs, Paul W., 262-28-2809.
Grundmann, Valentine R., Jr., 574-10-7104.
Gucesford, Wayne K., 214-28-0038.
Gunther, William J., 524-38-9219.
Gural, Mike W., 364-30-6760.
Haas, Joseph J., 557-40-7048.
Hafler, Harry A., 268-28-3089.
Hall, Joseph S., 525-70-1902.
Hall, William G., 232-46-9226.
Halpin, Joseph G., Jr., 492-36-8743.
Hamel, Robert D., 1148-28-0975.
Mammack, Hurschel L., 254-46-0810.
Hammond, Edward A., Jr., 428-46-9629.
Hampton, Joe O., 410-34-7699.
Hanaway, Richard J., 038-34-5917.
Hansen, Orval H., 519-30-3032.
Hardman, Mervin G., 301-26-4076.
Harner, Cletus M., 289-20-0451.
Harper, Charles W., Jr., 230-48-8811.
Harper, Emmett D., 482-46-4826.
Harrah, Larry A., 223-26-5805.
Harris, Dillard J. F., 265-34-0482.
Harris, Luther F., Jr., 440-26-7240.
Harris, Sheldon, 262-26-4609.
Hartley, Daniel B., 514-32-7780.
Hartman, Richard C., 192-34-4806.
Hartstra, Walter, 248-30-0709.
Hartung, George E., 482-44-5726.
Hayford, Earl L., 004-24-0600.
Hazard, Francis E., 112-18-6713.
Hazell, Richard G., 032-34-7289.
Heap, Joseph L., 429-44-1468.
Hebinck, Bernard L., 446-28-0688.
Hedin, Gene R., 169-26-7956.
Helmer, John M., 478-34-3044.
Hellauer, Joseph F., Jr., 042-28-6419.
Helms, Andrei E., 248-48-1777.
Henderson, Robert T., 260-34-1422.
Hendrix, Harold R., 586-46-0097.
Hengen, Ronald P., 109-36-8815.
Hennessey, John F., 109-26-8856.
Hensley, William E., 240-50-8993.
Hersom, Richard K., 484-38-6473.
Hervey, Howard D., 547-42-2956.
Hess, Robert G., 509-36-4808.
Hester, Frederick E., 318-50-9469.
Hilburn, Maurice C., Jr., 258-46-6812.
Hildebrandt, Jay D., 516-30-4886.
Hill, Quentin M., 041-34-7984.
Hilliard, Jack B., 126-34-1200.
Hillman, Donald W., 476-30-1288.
Hinman, Paul E., Sr., 469-36-4949.
Hoffman, Richard H., 726-09-4818.
Hoffman, Robert J., 191-28-6167.
Hoffmann, Warren E., 128-28-0083.
Holtzmann, William C., 242-60-2896.
Horn, Milton, 581-44-7097.
Hondros, Spiro C., 241-48-2685.
Horton, Lyman C., 452-30-4804.
Horvath, Frank M., 062-34-2907.
Hovey, Stanford T., 117-34-2275.
Howell, George G., 518-28-9907.
Hoy, William E., 262-30-3642.
Hubbard, Larry M., 432-56-4139.
Hubell, Thomas E., 444-30-6818.
Hughes, Patrick V., 568-38-8064.
Hulsey, Donald R., Sr., 315-30-3062.
Humm, John R., 483-34-7208.
Humphries, Homer H., Jr., 267-22-6886.
Hunt, Gary G., 528-38-6361.
Huribut, Patrick B., 009-18-0127.
Huss, George E., 180-18-7197.
Hutchins, Robert B., Jr., 566-42-6681.
Hyndman, Ernest R., 417-48-0972.
Irick, Ralph W., 515-26-7069.
Jackson, Floyd M., 582-36-8158.
Jackson, Frank L., 446-28-8187.
Jacobs, Reed M., 528-32-1976.
Jacoby, Maclear, Jr., 048-22-1816.
Jajko, Walter, 166-38-3182.
James, Larry G., 331-26-4681.

Jenkins, Joseph P., 259-42-0827.
Jernigan, Howard P., 250-32-8507.
Jim, Clarence F. L., 576-32-2021.
Johnson, Clifton A., 266-32-2426.
Johnson, Larry E., 482-36-0914.
Johnson, Robert H., 252-28-5065.
Johnson, Terry A., 255-36-6136.
Johnson, Theodore D., 212-30-2335.
Jones, Andrew R. J., 208-24-4360.
Jones, George S., Jr., 111-22-0906.
Jones, Herman A., 465-40-7206.
Jones, Robert T., 241-44-2691.
Jones, Thomas E., 491-28-0061.
Jordan, Martin W., Jr., 476-30-3933.
Jordanmuse, Enrique A., 580-28-5857.
Kaley, Robert R., 526-26-6293.
Kane, Paul R., 091-24-1950.
Kavanagh, James J., 122-26-4717.
Kawamura, George S., 575-30-0200.
Keesling, Joseph R., 510-32-2537.
Kelly, James F., 474-28-4250.
Kemp, Thomas D., III, 242-44-6536.
Kershis, William R., 086-26-6353.
Kimball, Robert C., 024-24-7005.
Kimball, Wesley R., 441-26-9448.
Kincaid, Don W., 196-26-3814.
Kitlock, James A., 476-30-5048.
Klein, Daniel E., Jr., 216-30-1038.
Kloess, Lawrence M., Jr., 181-16-7850.
Knight, Kenneth L., 412-44-8061.
Knight, Roger G., 534-32-1962.
Kosaka, William J., 580-26-9565.
Kramer, Paul S., 167-26-0023.
Kriseli, Eugene L., 270-30-5529.
Krossen, Gerald C., 321-30-8246.
Kwortnik, John C., 173-38-0328.
Laborde, Bernard B., 428-30-0512.
Lamb, Robert J., 508-28-6742.
Landis, William J., 518-30-2807.
Landry, Eual J., Jr., 494-34-5317.
Larsen, Norman L., 508-32-6193.
Laverty, William H., 548-36-2962.
Law, Thomas J., 730-10-8497.
Lear, Charles F., 261-30-0037.
Ledeer, Howard A., 109-26-0686.
Lee, Clarence B. M., 575-30-7261.
Lee, Ren L., 580-58-7845.
Leonard, Thomas C., 046-26-7538.
Lesesne, Thomas P., III, 247-46-6961.
Levy, Ronald C., 409-58-9936.
Lewis, James W., 502-26-7799.
Lewis, Thomas S., 528-32-1818.
Liddy, John A., Jr., 581-46-3618.
Lindig, Theo P., 449-30-8131.
Lindsey, Clifford M., 562-30-6400.
Lingo, Billy R., 486-34-9979.
Link, Rodney L., 507-30-4691?
Lippold, Carl H., Jr., 258-40-9784.
Lloyd, Garland R., 459-46-9606.
Logsdon, Rodger C., 545-30-0697.
Lome, Shie L., 199-36-4167.
Lopez, Leroy E., 486-44-9969.
Love, Charles L., 456-32-9234.
Lucas, Joseph W., 240-28-2780.
Lueg, Russell E. 426-30-0186.
Lundell, Bert A., 494-28-9947.
Lundy, Robert H., 466-45-1016.
Lynch, Ancell D. 248-46-9089.
Lynn, Robert D., 261-44-7735.
MacFarland, Guy K., 004-34-5697.
MacWhorter, George M., 214-28-4567.
Magansu, Peter L., 159-26-0066.
Magee, Thomas G., 580-30-6702.
Maier, Melvin G., 501-30-9896.
Mallet, Delbert F., 290-34-2948.
Malone, Claude D., Jr., 425-34-5967.
Malone, Joseph R., 260-26-5641.
Maluscl, Louis J., 588-26-7840.
Marcotte, Lamar R., Jr., 485-50-1998.
Martin, Donald D., 501-28-5672.
Martin, Richard L., 245-24-6749.
Martinez, Joe E., 584-36-1736.
Mason, Allen S., 514-62-9279.
Mathews, Edward G., 534-34-5170.
Maurer, James, 201-26-0456.
Mayer, Robert R., 278-34-1288.
Mayer, Roger W., 268-32-8146.
McAuliffe, James R., 199-22-0103.
McCarthur, Harvey J., 512-20-0705.
McCarthy, Bruce R., 572-26-0071.
McCarthy, Richard D., 186-42-2913.
McClusky, Gene D., 209-26-0068.
McCord, Warren L., 572-68-0068.
McCoy, Paul R., 512-40-0294.
McElroy, Richard N., 037-22-0886.
McGary, John M., 510-34-5109.
McGough, James C., 128-26-5528.
McKay, George, 021-34-4094.
McMurray, Robert A., Jr., 219-30-6120.
McNulty, Edward J., 266-26-7035.
Meeker, Joe A., 494-34-2567.
Mehelas, John N., 580-22-6314.
Meredith, Jennings B., 405-60-7783.
Merlow, Norman E., 036-34-5140.
Messer, Robert S., 267-52-6265.
Messner, Gary R., 506-28-4488.
Meuriot, Karl E., 252-26-0790.
Meyers, William E., 589-30-7349.
Miller, Dorance L., 570-30-2041.
Miller, Kenneth O., 065-28-6735.
Miller, Ralph W., Jr., 573-42-3951.
Miller, Roy C., 195-26-0885.
Minteer, George E., 578-30-6108.
Minter, Charles E., 236-24-6717.
Mitchel, Alexander M., 092-34-7857.
Moen, Jerry R., 504-24-7857.
Molberg, Charles F., 468-42-0440.
Monarch, John E., III, 401-68-6736.
Monowski, Matthew E., 190-26-4744.
Moody, Walter D., 250-46-9629.
Moody, Wayne L., 505-40-7925.
Mooney, Daniel J., 406-38-0373.
Mooney, Randall O., 198-36-2301.
Moore, James A., 199-22-8490.
Moore, Jim A., 449-26-0290.
Moore, Richard A., 525-25-2131.
Moore, Roger L., 508-26-0498.
Moore, Sheppard N., 243-32-1897.
Morgan, Wayne E., 210-22-0088.
Morris, Everett E., 266-22-5575.
Morton Lanny R., 245-46-0453.
Mowl, Olsan E., 259-26-2981.
Mugg, David W., 440-28-2288.
Mumma, Willard H., Jr., 275-34-4289.
Munson, Edward D., 495-54-0987.
Murphy, Charles F., 582-28-6730.
Murphy, Emmett D., 494-30-3163.
Murphy, John A., 096-24-0287.
Murphy, William J., 266-28-7434.
Nellon, Gordon W., 499-36-7850.
Nelson, Danny G., 258-30-2090.
Nelson, Philip A., Jr., 452-46-7288.
Nelson, Richard D., 519-24-6092.
Nemoto, Herbert K., 576-30-6767.
Nevaren, Julian B., 580-24-2870.
Neville, Joseph F., Jr., 009-34-1900
Nerille, William V., Jr., 428-40-0008.
Newby, Walter J., 512-30-5267.
Nichol, Richard K., 177-26-0958.
Nielsen, William F., 595-30-9689.
Ninnemann, Gene A., 508-20-5557.
Nolley, John R., Jr., 257-30-2980.
Noory, George G., 092-34-1092.
Norcki, Lubomir J., 256-26-6097.
Nusbaum, William F., Jr., 579-48-9658.
Odell, King B., Jr., 036-30-0951.
Oden, Rolland S., 422-40-7907.
Odonohue, Daniel J., Jr., 204-30-9048.
Ogiesby, Theodore N., Jr., 259-30-9581.
Olcott, Victor G., 024-32-4972.
Oldenbaw, Bruce R., 019-34-0988.
Olson, James E., 525-32-7454.
Olson, Richard E., 482-34-1144.
Olson, Roger W., 519-22-7089.
Orloff, Alexander I., 204-32-6902.
Orme, David L., 519-40-6914.
Orosky, John R., 180-26-0869.
Osberg, John R., 115-16-5455.
Outland, Kenneth J., 264-30-9042.
Owens, Roger L., 167-26-0017.
Palmerberg, Mario J., 078-24-8948.
Palumbo, Mario J., 078-24-8948.
Paper, Lawrence N., 198-34-7884.
Parker, Francis T., 262-22-6142.
Parry, Robert A., 526-26-4401.
Parsons, Warner K., 267-20-5857.
Paskevics, Louis, 047-28-0912.
Patterson, Gary L., 264-46-6778.
Paulson, John R., 167-26-7136.
Peel, Robert K., 578-26-1564.
Peery, Jerrold A., 468-44-8686.
Pereiballi, Angelo J., 013-28-6096.
Peresbrennan, Jaime R., 582-66-4896.
Perrine, Hiton L., 067-26-8454.
Perryman, John T., 413-46-9966.
Peters, Charles W., 266-52-8068.
Peterson, Robert G., 492-40-1888.
Petree, Charles R., II, 265-34-7023.
Petree, John R., 423-36-1881.
Phibbs, Edward J., 066-26-1087.
Philpot, Orris E. Jr., 613-30-1456.
Pickett, Hugh E., 534-28-9889.
Pishkin, Vladimir, 196-24-6161.
Pittman, Harvey C., 094-22-6288.
Poquette, George W., Jr., 555-36-8702.
Potts, Kenneth E., 266-32-3800.
Poulos, Nicholas J., 209-22-6756.
Poulsen, Nells R., 062-28-8221.
Prater, James O., 494-34-0289.
Pratt, William E., Jr., 449-42-3819.
Prevallet, Donald E., 492-24-2788.
Purcelley, Alvie W., 468-40-1161.
Pyle, Charles R., 510-40-6119.
Radford, Albert F., 546-40-2670.
Rady, Donald E., 528-64-1736.
Rais, Anthony P., 149-30-9769.
Raletin, Gary W., 534-32-9719.
Ramsey, Benny L., Jr., 457-42-5668.
Rast, Jacob F., Jr., 247-46-4298.
Ratcliff, Jimmy R., 420-52-7890.
Rathbun, Grove A., Jr., 504-26-4297.
Rawl, William B., 247-52-9976.
Razzeto, Robert T., 562-34-8166.
Redgate, William R., 129-34-7671.
Redsinski, Gilbert R., 262-22-6668.
Reed, Bert R., Jr., 447-32-1582.
Rehak, Charles R., 162-38-1967.
Reilly, Edward J., Jr., 449-34-6084.
Repasky, Raymond G., 274-26-9176.
Ricci, Caesar A., 166-22-7426.
Riddle, John D., 309-34-4097.
Ridgway, Donald L., 041-26-4469.
Ring, James C., 408-36-9784.
Robbins, James L., 262-34-2900.
Roberts, Leander J., Jr., 144-26-8766.
Roberts, Ronald E. 428-46-9894.
Robertson, Gilbert A., 476-30-6117.
Robertson, Wesley L., III, 440-32-2660.
Robinson, Charles M., 466-36-6054.
Robnett, Donald E., 150-26-2404.
Rocke, Herbert J., Jr., 458-30-4449.
Rockett, Alton C., Jr., 428-42-3677.
Rower, William E., 267-30-7894.
Rogers, John R., Jr., 259-66-4313.
Roquet, Jerry A., 503-24-1869.
Rose, Ronald N., 467-42-1987.
Roth, Donald C., 262-26-1063.
Roth, Louis R., Jr., 459-44-7167.
Rowe, Joseph F., 231-20-7393.
Rowland, Martin J., 079-26-1491.
Rubinstein, Louis, 262-26-5142.
Ruebel, Alfred L., II, 461-46-4972.
Ryavy, Molka A., 575-30-6267.
Salerno, Samuel J., 208-26-6290.
Sanders, Blake R., 452-09-7076.
Sanders, Neil E. 260-44-8501.
Sanders, Robert L., Jr., 261-22-6628.
Sanders, Robert T., 254-26-0230.
Sarafin, Raymond C., 262-07-7048.
Sarkisian, Ira K., 099-26-2909.
Saul, James W., 427-26-0029.
Sayre, Philip R., 052-34-5079.
Schaefe, William J., 546-36-6126.
Schelley, Lee R., 040-34-7829.
Schleicher, Lloyd G., 406-22-1187.
Schloemer, Stanley F., 495-28-6818.
Schoendienst, Floyd J., 486-34-2008.
Schroeder, Lawrence J., 482-32-2566.
Schroeder, Robert W., 062-32-1136.
Schwab, Ernest A., 115-34-5043.
Schweigert, Weldon W., 486-36-7877.
Schwinger, William J., 201-26-3422.
Scipione, Vincent M., 014-28-2114.
Scott, Thomas D., 217-32-0868.
Sefchik, Francis T., 149 26 6909.
Sellers, Edward D., 416-40-9629.
Semenbrenner, Melvin B., 262-26-2276.
Severson, Laverne D., 500-32-5967.
Shanks, Ellis P., 461-42-6115.
Sharp, Robert S., 086-22-6683.
Shashoiin, Sviatoslav T., 561-40-4472.

Shaw, James R., 286-40-4192.
Shearer, George A., 475-34-7192.
Shearouse, Nesbit B., 256-28-4406.
Sheeler, Donald W., 462-42-6661.
Shiffman, Philip J., 116-26-3992.
Shinn, Robert E., 508-12-4407.
Shofiet, Donald L., 182-26-7902.
Shreffler, Thomas D., 272-22-6744.
Siegel, William C., 398-32-6752.
Simon, Charles L., 532-32-1468.
Simon, Harold L., 455-42-7261.
Simon, James E., 276-28-2230.
Singleton, Roy E., 577-32-7262.
Sipple, John L., Sr., 231-26-7292.
Sizemore, Oral Q., 445-24-3979.
Skeels, Richard S., 488-30-9414.
Sklar, Arthur A., 541-32-3418.
Skroch, Edward A., Jr., 501-28-8668.
Small, Robert D., 260-46-2220.
Smith, Brandus L., 252-46-2256.
Smith, Charles W., 476-24-8994.
Smith, Charles W., 383-28-2257.
Smith, Donald J., 052-26-8457.
Smith, Flynt L., 426-40-2169.
Smith, Gordon K., 158-24-6822.
Smith, James A., 466-36-7962.
Smith, James W., 260-44-5461.
Smith, John N., Jr., 265-42-6411.
Smith, John R., 491-56-6666.
Smith, Lloyd F., 497-26-6926.
Smith, Malden E., Jr., 007-26-8884.
Smith, Robert F., 504-32-0758.
Smith, Roy I., Jr., 452-46-7089.
Snelling, Wilda J., 032-38-6611.
Stanelk, William C., 295-28-4454.
Stanton, Ronald L., 559-42-2118.
Stark, Norman J., 431-66-8447.
Stein, August M., 060-26-6966.
Staunton, Louis D., 439-44-4573.
St. Clair, Jimmy C., 612-42-0065.
Steinberg, Jack M., 402-38-2028.
Stern, Jack I., 110-10-4699.
Stevens, Douglas K., 019-26-6655.
Stogsdill, Franklin L., 525-32-1264.
Strecker, Richard C., 197-26-6797.
Streitzich, John H., 203-28-6867.
Stroud, John F., Jr., 420-40-1265.
Stuckie, Lloyd J., 909-38-3660.
Stuckey, Charles V., 453-48-9707.
Sullivan, Joseph R., 260-26-4017.
Sullivan, Lawrence P., 103-24-6668.
Sullivan, Philip L., 256-56-2965.
Sumida, Henry M., 576-84-8804.
Summerfield, John A., 351-24-4768.
Sutton, Richard D., 252-46-9697.
Swirnow, Donald M., 090-24-2582.
Szymanski, Lawrence B., 096-36-3385.
Tamura, Seigi, 554-26-9742.
Tate, Robert L., 572-42-1577.
Tatham, Thomas J., 277-26-9907.
Taylor, Johnny S., 425-60-1321.
Taylor, Robert E., 211-16 9961.
Tegtmeier, Alexander E., 230-26-5132.
Tempkin, Charles R., 586-44-6271.
Teulie, Douglas J., 508-26-1640.
Tharp, John W., Jr., 408-24-7049.
Thornton, Donald A., 295-28-6697.
Thomas, James A., 176-24-6889.
Thompson, Ralph G., 445-30-4518.
Thornton, Jack E., 547-40-7806.
Tingley, Thomas E., 496-30-5288.
Titus, John W., 004-26-6860.
Titus, Ralph E., 515-28-1936.
Tomkin, John J., 229-42-6102.
Trafton, William F., 490-46-9644.
Trimble, Preston A., 514-38-7480.
Trojcak, Frank W., 466-36-5045.
Tucker, Roger L., 526-26-3004.
Tudor, George S., 274-32-4197.
Tuetland, Richard D., 501-24-6285.
Tuttle, Duane L., 217-24-6972.
Tuzill, Robert D., 035-38-6886.
Ugalzaks, Rasmanis, 369-52-5288.
Umphenour, Sterling G., Jr., 521-28-8866.
Urbany, Francis S., 076 30-6634.
Urdahl, Kenneth A., 526-24-9418.
Vagnini, Louis T., 141-34-8482.
Valladares, Alfredo, 005-22-5285A.
Vanetti, Donald R. E., 266-26-6457.
Vanriper, Martin L., Jr., 151-26-7004.
Vaughan, Robert E., Jr., 424-40-0708.
Vendange, Ogor J., 587-44-1265.
Vorwald, Guenther W., 074-30-9104.
Wadleigh, Nicholas E., 062-26-2051.
Wagner, John G., 166-26-1618.
Wahlin, Donald D., 297-20-0108.
Walch, David W., 262-26-6850.
Walker, Herbert C., 455-54-4068.
Wallanmeyer, Robert L., 308-32-2005.
Walters, Phillip R., 575-30-0070.
Walters, Ronald J., 373-28-5665.
Walton, Lawrence C., Jr., 581-30-0469.
Warner, David B., 262-30-2051.
Warren, James E., 451-42-2082.
Watkins, Melvin C., 216-54-1160.
Webb, Paul A., Jr., 260-44-2490.
Weibel, Donald L., 406-42-3614.
Weichert, Robert M., 115-36-1817.
Weide, William L., 261-32-3438.
Wenker, William J., 244-26-4502.
West, Dwayne F., 454-40-1945.
Weyburg, Cleis O., 452-46-3282.
Wetsel, James T., 504-36-8161.
Wheat, Ralph D., 296-30-3968.
White Floyd O. Jr., 448-32-6691.
White, Randall K., 576-24-8002.
White, William O., Jr., 572-46-1461.
Whitlock, John R., 143-18-8266.
Whitman, Robert L., 217-28-0030.
Whitman, Walter, 572-32-8407.
Wiggin, Merion E., 008-28-1268.
Williams, James R., 426-42-5808.
Williams, Joseph B., 250-28-0466.
Williams, Lewis B., 262-30-6666.
Williamson, Bruce M., 470-34-1878.
Wilson, David S., 285-48-2267.
Wilson, Donald E., 262-22-0266.
Wilson, Harold E., 264-30-4098.
Wilson, Jimmy D., 417-42-4320.
Wilson, Richard J., 455-46-8294.
Wingler, Norman L., 227-26-1064.
Winston, Frank D., 252-32-6660.
Wise, Donald A., 441-28-6667.
Wish, Robert C., 045-24-4161.
Wissmar, David F. III, 585-44-2072.
Withington; Richard F., 577-46-6818.
Witte, Carl W., 371-32-7014.
Wokoun, Richard R., 060-38-0466.
Wooding, Judson E., 159-24-2251.
Woodvine, Rose N., 482-34-5728.
Wortelboer, Rudald C., 377-26-7320.
Wortham, Wilbur R., 520-22-0668.
Wright, Larry F., 455-44-3791.
Wright, Robert L., 275-38-3368.
Yeck, Robert S., 276-26-3539.
Yelton, Roy J., 383-46-9411.
Yeoman, Arthur J., 508-26-1061.
Zale, Robert J., 060-26-1194.

CHAPLAIN CORPS

Copsey, Roy D., 818-22-0000.
Duggan, Paul E., 572-20-4921.
Fitzpatrick, John P., 020-24-6661.
Haigler, Alvin H., Sr., 247-46-5706.
Kolmer, Allen A., 240-26-7056.
McHunterfer, Martin A., 190-30-4882.
Peace, Philip G., 407-22-1761.
Rosser, Daniel D., 040-22-0912.
Rubinstein, Morris L., 166-22-6787.
Sawyer, Dale M., 544-32-9686.
Warrington, James M., 250-42-0282.
Whitehouse, Donald S., 406-42-4639.
Williams, William N., 250-30-7441.

DENTAL CORPS

Craig, James H., Jr., 171-28-0082.
Lee, Lawrence B., 526-38-6818.
Pegram, Walter B., 410-38-5720.
Rediger, Willard F., 240-26-4062.
Smilek, Stephen W., 158-34-2060.
Toll, Douglas E., 262-36-5046.

MEDICAL CORPS

Bobbitt, Roy L., 466-46-6797.
Dougherty, Joseph C., 056-30-1711.
Gay, Arthur M., 466-26-1566.
Martin, Archibald, M., 262-40-0662.
Ortiz, Jesus, 584-76-2007.
Pidgeon, Joseph W., 119-09-1967.
Walgren, Harold N., 245-24-5689.
Wood, Phillip, K., 262-30-6706.

NURSE CORPS

Abshier, Barbara J., 260-34-6627.
Ashton, Agnes A., 040-14-6000.
Basumel, Mary L., 152-26-6226.
Betts, Marie T., 166-22-1097.
Bohandy, Annie, 286-28-6668.
Boulanger, Jacqueline, 582-64-6226.
Butler, Norma J., 452-48-7607.
Chappel, Louise L., 264-22-6627.
Culpepper, Maria, 566-42-1778.
Darmody, William C., 152-26-6661.
Delgado, Maria E., 582-72-6978.
Diehl, Joyce M., 067-28-9101.
Dinish, Mae Helen, 201-22-0066.
Duncan, Susan J., 266-22-4873.
Dunn, Doris M., 219-28-2046.
Falconer, Jessie L., 207-22-5849.
Finnegan, James B., 129-24-2972.
Fiznik, Arthur F., 537-30-6674.
Franklin, Doris R., 142-34-7987.
Frerich, Margaret D., 475-28-0966.
Grant, Eva D., 244-42-6821.
Gray, Joan I., 027-24-6866.
Halenych, Nicholas, 166-26-4048.
Hanby, Shirley D., 232-34-7269.
Harrell, Patricia A., 248-36-2946.
Harrington, Helen C., 021-30-2260.
Harry, Maureen B., 188-22-4462.
Healy, Sara A., 029-24-6187.
Hebb, Anna L., 223-30-4226.
Henderson, Mary C., 422-40-2927.
Hewitson, Joyce C., 181-22-0066.
Hiler, Charlotte A., 223-24-6676.
Kenney, Bertha G., 262-54-7221.
Krusel, Emily T., 265-30-7542.
Larson, Barbara J., 292-36-6536.
Laurenta, Nancy J., 042-26-1866.
Lemon, Marilynn A., 223-26-8788.
Lindsey, Beverly S., 211-20-4627.
Logan, Bennie R., 467-54-7782.
Long, Patricia A., 240-22-4016.
Mapstone, Sara J., 179-26-4949.
Markowitsch, Olga, 268-22-6217.
Mather, Helen C., 021-26-2272.
Maurello, Albert W., 245-16 6782.
May, Peggy S., 462-64-8876.
McFadden, Elizabeth A., 181-20-0066.
McLaughlin, Rosary F., 165-26-0066.
Meggers, Adele L., 080-28-0066.
Mundy, Norma P., 260-32-3150.
Nieberding, Shirley A., 266-30-1882.
Pearson, Janet G., 563-42-6906.
Pickett, Gayle L., 259-46-3180.
Pohlman, Vivian C., 498-36-1008.
Reed, Mary J., 264-22-0466.
Schlader, Carla R., 180-38-2026.
Solomon, Evelyn L., 260-60-3906.
Stash, Greta M., 208-24-3748.
Steiner, Lorraine, 271-20-0066.
Swanson, Clare M., 262-24-2217.
Valsamides, Sally A., 228-28-0064.
Wilson, Shirley A., 466-30-6619.

MEDICAL SERVICE CORPS

Alexander, William R., 264-24-0066.
Brady, Herbert C., 459-50-3016.
Bublin, Charles A., 166-24-0461.
Defelice, Louis J., 206-42-0066.
Harrington, Charles L., 585-40-0066.
Holmes, Robert C., 460-24-2264.
Perry, Calvin G., 002-26-0066.
Polisano, Robert L. T., 266-22-0021.
Shepherd, William L., 258-42-3816.
Thompkins, George W., 260-28-0909.
Tiruhen, Ethan A., 128 26-0002.
Wallace, Jack E 248-36 0716.

VETERINARY CORPS

Barton, Claude E., 264-22-3900.
Goodman, David E., 251-44-0021.
Heinemann, Jack M., 279-26-0066.
Joseph, Peter L., 438-44-0002.
McCauley, Curtis L., 514-30-0044.
Stein, Franklin J., 487-70-0060.

VETERINARY SCIENCES

Berry, Paul J., 409-40-0247.
Chang, Albert N. M., 579-84-7419.
Foster, Ralph V., 262-26-0072.
Hauser, Walter F., 572-26-3540.
Kuykendall, Edward A., 240-30-0040.
Leonard, Leona L., 196-14-7827.
Louis, Gordon C., 547-26-0021.
Roseman, Gerald J., 094-26-2270.

IN THE ARMY

The following officers for appointment in he Adjutant General's Corps, Army National Guard of the United States under the pro-

MONS 030068

visions of title 10, United States Code, sections 8033(a) and 8962:

To be major general

Lt. Gen. (U.S. Army, retired) Glenn David Walker, 426-07-7966.

To be brigadier general

Col. (ARNGUS) Charles Mercier Kiefner, 490-38-7399.

Col. (ARNGUS) Francis Lally Winner, 492-30-6917.

IN THE ARMY

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, section 3385:

ARMY PROMOTION LIST

To be colonel

Anderson, Edmund A., Jr., 196-32-8080.
Arms, Robert G., 103-30-8896.
Beal, James E., 587-32-5416.
Briggs, Lovett L., 252-32-0007.
Durda, Frank J., III, 449-32-4077.
Gleason, Howard W., Jr., 047-12-8856.
Gray, Johnnie L., Jr., 262-34-1108.
Green, Robert J., 726-14-6848.
Hollman, Oscar B., Jr., 491-34-1478.
Holt, Frank J., 199-24-4345.
Hughes, Robert D., 117-01-7465.
Hyatt, Thomas F., 426-48-2214.
Latham, Malcolm D., Jr., 523-36-5540.
Lukiewski, Edward W., 194-12-4083.
McGuire, James M., 426-46-7526.
Sincore, Horace J., 267-24-3677.
Stahl, Clement J., 107-22-4221.
Tamura, Michael M., 576-38-0619.
Wilkins, Ronald D., 446-36-0360.

MEDICAL CORPS

To be colonel

Afiandilian, Emil E., 102-38-8963.
Printen, Kenneth J., 360-38-2020.

The following-named officers for promotion in the Reserve of the Army of the United States, under the provisions of title 10, sections 3366, 3367, and 3385:

ARMY PROMOTION LIST

To be lieutenant colonel

Albert, Robert L., 548-16-8711.
Anderson, Peter A., 004-36-3623.
Atherton, Harry P., 262-34-2046.
Ballenger, William A., 424-40-8047.
Bamard, Knowlton E., 248-30-4537.
Bennett, Carl M., 526-40-3076.
Biaggi, Luis E., 582-30-8783.
Brewington, Robert M., 579-34-6621.
Brosch, Elmer M., 415-22-5481.
Bromley, Richard W., 581-32-6711.
Brookins, Henry A., Jr., 447-30-7762.
Browne, Bobby B., 413-22-4366.
Brown, Theodore C., Jr., 242-46-2466.
Bryant, Alvin, 264-36-7439.
Burgmaier, Richard J., 480-34-8189.
Burns, Donald A., 175-30-7570.
Calder, Leslie G., 447-32-0005.
Calkins, Florent L., Jr., 118-30-0270.
Capalbo, John M., 585-34-7711.
Carrell, Joseph R., 460-22-2402.
Cash, Paul F., 061-22-1463.
Crape, Elmer L., 585-56-4118.
Crowe, Joseph E., 466-36-1719.
Curcio, Leonard A., 102-22-2466.
Cushing, Thomas S., 099-26-6142.
Dambly, Carl A., 585-34-0776.
Darling, Allan L., 514-48-6411.
Deibel, Charles L., 232-22-0252.
Dewitt, Albert M., 554-40-7904.
Dobbs, Wesley H., 518-32-3027.
Duell, George M., Jr., 461-42-7526.
Dunn, James W., 055-26-0104.
Eisel, George L., Jr., 585-44-4605.
Ferguson, John H., 409-26-2008.
Furnesh, Frank A., 013-22-2002.
Fleming, Elaine T., 101-22-2002.
Franke, George E., 404-42-2020.
Fry, Elgin G., 447-34-2402.
Garcia, Edward G., 580-46-2084.
Garrison, Carl D., 429-42-2224.
Giles, Joe R., 262-42-2102.
Goble, Bobby, 460-22-2029.
Goseljak, John F., 408-34-2479.
Gore, Gerald J., 196-20-2867.
Grabeel, Jacob W., 406-46-2726.
Greene, James L., 231-22-0004.
Grine, Joseph R., 125-26-2704.
Hale, Gene P., 456-22-2745.
Hardt, Jerome D., 226-24-2655.
Hinkle, Richard F., 189-24-2516.
Hisle, Armor G., 405-46-4204.
Hodges, Sam W., Jr., 455-56-7558.
Hoefich, Edward A., 123-40-0512.
Hughes, Michael J., 420-44-0188.
Hundrup, Tagg R., 236-42-1619.
Johnson, James C., 405-52-5782.
Johnson, James H., 262-50-1806.
Jordan, Donald M., 417-46-2854.
Jorling, Joseph R., Jr., 296-36-7097.
Kaufman, Robert L., 232-56-5779.
Kerr, John W., 261-46-7634.
Lamz, Robert A., 234-42-7272.
Lanie, William J., 444-30-2562.
Leggitt, James R., 455-56-2669.
Lewis, Carl M., Jr., 240-36-2919.
Lohrenz, Leander J., 500-26-2400.
Long, William B., Jr., 250-58-1736.
Madelbaum, Charles R., 062-30-7806.
Malesky, Robert W., 452-54-2221.
Manasco, Robert S., 422-24-0051.
Marsh, Allen J., 460-36-0656.
Matthews, John H., 247-32-5003.
McAllister, Eugene D., 191-24-5516.
McCully, Robert W., 262-40-7042.
McDougall, Ronald V., 570-30-7606.
McIndoe, James B., 247-42-5488.
Meyer, Lynn D., 462-44-2261.
Miller, Robert E., Jr., 455-52-2201.
Mohr, Donnell S., 270-38-4476.
Moore, David, Jr., 455-54-1483.
Moore, Stan L., 441-22-2777.
Musgrove, James E., 462-46-7012.
Nelson, James A., 163-42-6716.
Nugent, Edward J., 585-34-2272.
Nyberg, Kenneth R., 585-32-5661.
O'Brien, Frederick J., 209-54-2201.
Orndorff, David A., 448-34-0050.
Payne, Kenneth L., 228-36-8734.
Pessin, Robert H., 090-34-2944.
Peters, George A., 209-26-5183.
Petcen, Joseph J., 063-32-5300.
Peyton, William M., 248-36-5140.
Piercy, Richard T., 414-60-7065.
Pigg, Richard E., 594-42-4978.
Plato, Artis J., 068-38-5612.
Rabe, Dewain H., 213-26-9764.
Ragen, Sidney, 150-28-1626.
Rehkamp, Paul C., 077-46-7918.
Reznak, David, 128-22-2460.
Robinson, Samuel J., Jr., 260-26-2094.
Robison, Douglas A., 267-22-0230.
Rogers, George V., 585-56-4004.
Rothe, Herbert E., Jr., 126-22-3628.
Schlichert, Marvyn L., 205-22-2020.
Seeburger, George W., 585-60-9418.
Serfass, Frederick M., 210-34-1782.
Sherwood, Wallace C., 214-46-2062.
Slemak, Donald J., 128-26-2046.
Smith, Dickie, 216-22-7237.
Smith, James E., 251-50-2627.
Spano, Raymond J., Jr., 457-36-7609.
Spencer, Thomas A., 262-28-1207.
Squires, Walter H., 228-30-2282.
Steiden, William E., 400-40-4727.
Stone, Hugh W., 266-34-0676.
Strickland, Jack C., 226-40-5177.
Strother, Russell F., 072-36-2007.
Strobel, Guenter K. J., 096-26-2040.
Stroud, Thomas F. III, 425-22-0457.
Sullivan, Anthony D., 100-26-6726.
Sweeney, Marie D., 204-22-2020.
Travis, William T., 217-22-4602.
Turk, John R., 262-26-7714.
Utley, Freddy D., 444-26-2048.
Warren, Williams M., 226-48-6709.
Watkins, John W., 421-26-6706.
Wilson, Riley W., 447-22-5245.
White, James M., 262-44-2967.
Yttrtheim, Edward F., 226-40-2628.

CHAPLAIN

To be lieutenant colonel

Dowdell, Brian J., 076-34-7686.
Howells, Robert D., 218-36-4489.
Nietering, Donald G., 260-36-8811.

DENTAL CORPS

To be lieutenant colonel

Favalora, Guy A., 451-06-0102.
Shannon, John L., 301-32-0234.

MEDICAL CORPS

To be lieutenant colonel

Montgomery, Wally O., 404-36-0068.

MEDICAL SERVICE CORPS

To be lieutenant colonel

Counts, Jon M., 526-44-1662.
Elmer, Robert L., 262-34-2020.
McGill, George F., 262-38-1231.
Schneider, John C., Jr., 378-38-1178.

VETERINARY CORPS

To be lieutenant colonel

Woodling, William L., 521-36-2260.

The following-named officers for appointment in the Reserve of the Army of the United States, under the provisions of Title 10, U.S.C., Sections 591, 593, and 594:

ARMY NURSE CORPS

To be lieutenant colonel

Davis, Marylin T., 276-28-2931.

DENTAL CORPS

To be lieutenant colonel

Andrews, D. M., 267-28-9947.

MEDICAL CORPS

To be lieutenant colonel

Clerebiej, Albert, 166-24-2048.
Delgado, Rizal R., 067-36-2020.
Karumaker, Arav, 567-28-1108.
Kling, Roy D., 441-24-1109.
Stuen, Marcus R., 582-18-4109.
Sutton, Richard C., Jr., 411-36-6317.
Tolson, James M., 336-34-0918.

The following-named officers for appointment in the Army of the United States under the provisions of Title 10, U.S.C., Section 3404:

MEDICAL CORPS

To be lieutenant colonel

Bronson, Richard A., 078-34-2402.
Bruhn, Frederic W., 113-30-7409.
Creel, Stephen M., 571-46-0060.
Ergas, Ralph R., 116-30-7861.
Flye, Melvyn W., 240-64-2002.
Garberoian, Leon, 566-36-7317.
Henderson, Haller S., 466-26-4900.
Kashgarian, Mark, 104-26-0004.
Kim, Young J., 576-28-2224.
Kumari, Suresh, 587-22-6702.
Monzingo, George, 426-36-0016.
Moreira, Allan, 578-22-4672.
Pardi, Marianne, 000-00-0000.
Roemer, Francis, 266-26-0007.
Rainess, Alan R., 108-26-2402.
Sahukar, Satya P., 070-40-2002.
Schatter, Egon K., 100-24-2041.
Semenoff, Daniel J., 581-46-7002.
Siddhivarn, Narumon, 260-50-0020.

The following-named Army National Guard officers for appointment in the Reserve of the Army of the United States, under the provisions of Title 10, U.S.C., Section 3385:

ARMY PROMOTION LIST

To be colonel

Anderson, James D., 480-22-7177.
Baz, Giles A., 500-54-7001.
Duckett, Louis, 068-22-3178.
Gibson, Billy D., 268-30-0004.
Gong, John F., 047-14-0207.
Hanna, Bobby G., 422-34-2047.
Jones, Martin L., 226-54-7322.
Klenian, Bruce A., 219-36-0587.
Mathieu, Jerome J., Jr., 288-32-4020.
McClellan, Robert G., 260 34-0007.

MONS 030069

Parsons, Paul A., 552-32-1202.
Pettit, Clarence A., 385-26-2060.
Roux, Edwin P., 426-36-5654.
Scharber, Edward E., Jr., 412-36-2205.
Schneider, Elmer, 220-36-9905.
Scott, Edgar H., Jr., 411-36-0475.
Vestal, Reagan, Jr., 464-44-3219.
Walker, Robert D., 100-12-0389.
Whelchel, Jerry L., 562-32-2094.
Williams, Richard E., 450-38-3264.
Zydanowicz, Raymond J., 168-12-3612.

MEDICAL CORPS

To be colonel

Stephenson, Jackie D., 452-64-6381.

ARMY PROMOTION LIST

To be lieutenant colonel

Adams, Richard D., 464-50-0552.
Altieri, John B., 089-24-1218.
Bergeron, Lynn E., 488-48-2178.
Broussard, Kermit C., 445-54-3136.
Brown, Kenneth P., 221-18-6C52.
Burdick, Donald, 180-30-9708.
Burrues, Merrill B., Jr., 448-40-0807.
Caldarone, Rosindo E. Jr., 035-22-3654.
Caldwell, Arthur H., 289-50-0614.
Chapman, Michael G., 224-60-2227.
Chevanne, Raymond E., 432-50-5974.
David, Harold L., 346-26-0796.
Defoor, Johnnee B., 997-42-6964.
Dehne, Duane A., 501-30-1247.
Dickerson, William L., 436-66-6983.
Dickinson, Robert M., 003-22-3046.
Doll, Paul K., 284-60-6966.
Duerr, Richard D., 044-20-0671.
Eshan, James T., 466-46-0876.
Evans, William A., 288-42-6017.
Finley, Philip B., 513-26-1276.
Flanum, Arvid M., 388-36-0869.
Gabaldon, Antonio, Jr., 526-46-7846.
Harries, David G., III, 559-46-6902.
Howland, Ronald L., 045-28-0498.
Johnson, Daniel E., 519-40-6043.
Lankford, Gerald L., 577-32-3048.
Lee, John, 006-30-0711.
Lee, Larry E., 431-40-1268.
Lover, Herbert J., 230-36-1422.
Loyve, Richard C., 551-28-0006.
Lockwood, Harry E., Jr., 577-26-0607.
Logan, Robert C., 247-32-3900.
Maldonado-Alicea, Martin D., 580-94-6729.
Marinaro, Ralph C., 566-44-3661.
McIver, Farris E., 580-26-2171.
Meadows, Robert E., 209-34-5548.
Montgomery, Harry J., 426-44-0681.
Niven, Benjamin F., Jr., 240-40-1294.
Ortiz, Jorge D., 585-34-7768.
Ostrom, Robert B., 208-28-3827.
Parrish, James E., 466-26-4380.
Roberts, Randal E., 441-34-7707.
Rowe, Benjamin D., 250-32-6614.
Schaefer, John W., Jr., 076-16-5878.
Scully, John J., 082-42-5658.
Shepherd, Raymond L., 422-26-0482.
Stull, Norman A., 288-36-5888.
Wachter, Mark L., 215-36-6888.
Ward, Moody R., 256-42-7889.
Wisek, Wayne R., 466-36-7906.
Wilson, Robert W., 262-36-0917.
Young, James R., Jr., 262-46-1280.

CHAPLAIN

To be lieutenant colonel

Donahue, John G., 070-36-7798.

DENTAL CORPS

To be lieutenant colonel

Lumpkin, Ernest E., Jr., 426-06-6310.

MEDICAL CORPS

To be lieutenant colonel

Carlson, Rodney R., 479-46-6844.
Scott, George R., 259-36-1252.
Solidum, Ruben R., 199-56-0458.

MEDICAL SERVICE CORPS

To be lieutenant colonel

Dickerson, Jamie B. A., 457-52-3816.
Gore, Thomas P., 457-50-6883.
Smith, Billy R., Sr., 252-36-8058.
Thrush, Donald R., 472-32-3916.
Wilk, Stanley J., 588-36-6665.

IN THE NAVY

The following-named (Naval Reserve Officers Training Corps candidates) to be permanent Ensigns in the line or staff corps of the Navy, subject to the qualifications therefore as provided by law:

John R. Bolton.
David S. Zebrowski.

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

Comdr. Donald E. Boye, MC, USNR.
Comdr. Louis Copman, MC, USNR.
Comdr. Jerald B. Felder, MC, USNR.
Comdr. Timothy M. McCormick, MC, USNR.
Comdr. James E. Massman, MC, USNR.

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

Lt. Comdr. Mario J. Balsam, MC, USNR.
Lt. Comdr. Joseph C. Benedict, MC, USNR.
Comdr. Robert W. Browning, MC, USNR.
Comdr. Cyrus M. Day, III, MC, USNR.
Lt. Comdr. George G. Edwards, Jr., MC, USNR.
Comdr. James J. Edwards, Jr., MC, USNR.
Lt. Comdr. Jerome H. Goldschmidt, MC, USNR.
Comdr. George E. Hill, MC, USNR.
Lt. Comdr. Male C. Khoury, Jr., MC, USNR.
Lt. Comdr. Gregory S. Kirkorowicz, MC, USNR.
Lt. Comdr. Gabriel P. N. Lombard, MC, USNR.
Lt. Comdr. Luis A. Negron-Rivera, MC, USNR.
Lt. Comdr. Bernard P. Novak, MC, USNR.
Lt. Comdr. David L. Rayl, MC, USNR.
Comdr. Rafael A. Roure, MC, USNR.
Lt. Comdr. Kangavkar Shantinath, MC, USNR.
Lt. Comdr. Thomas W. Smith, MC, USNR.
Lt. Comdr. Arturo H. Solares, MC, USNR.
Lt. Comdr. John R. Tinker, MC, USNR.
Lt. Comdr. Peter L. Washburn, MC, USNR.
Lt. Comdr. Richard A. Weaver, MC, USNR.

The following-named (Naval Reserve officer) to be appointed a permanent Lieutenant Commander in the Dental Corps of the U.S. Navy, subject to the qualifications therefor as provided by law:

*Appointment sent out Ad Interim (During the recess of the Senate).

Lt. Comdr. Robert G. Walter, DC., USNR.

The following-named Chief Warrant Officers to be appointed permanent Chief Warrant Officers, W-2, in the U.S. Navy, in the classification indicated, subject to the qualifications therefor as provided by law:

*CWO2 Charles D. Bailey, USN(T) Engineering Technician (Surface).
*CWO2 Jonathan T. Beatty, USN(T) Nuclear Power Technician (Submarine).
*CWO2 Max G. Bennett, USN(T) Nuclear Power Technician (Submarine).
*CWO2 Kenneth N. Brewes, USN(T) Nuclear Power Technician (Submarine).
*CWO2 George W. Smith, USN(T) Nuclear Power Technician (Submarine).
*CWO2 Lawrence M. Rannefeld, USN(T) Nuclear Power Technician (Submarine).
*CWO2 George W. Smith, USN(T) Nuclear Power Technician (Submarine).
*CWO2 Thomas G. Tinney, USN(T) Nuclear Power Technician (Submarine).
*CWO2 Howard R. Criss, USN(T) Ordnance Technician (Submarine).
*CWO2 David J. Fross, USN(T) Ordnance Technician (Submarine).
*CWO2 David L. Lobert, USN(T) Ordnance Technician (Submarine).
*CWO2 Bruce Bailey, USN(T) Aviation Maintenance Technician.
*CWO2 Nevin E. Daub, USN(T) Aviation Maintenance Technician.
*CWO2 Roy P. Fisher, USN(T) Aviation Maintenance Technician.
*CWO2 Reginald E. Forsaye, USN(T) Aviation Maintenance Technician.
*CWO2 James Gonzales, USN(T) Aviation Maintenance Technician.
*CWO2 Vivian W. Gorday, Jr., USN(T) Aviation Maintenance Technician.
*CWO2 Carlton R. Isbell, USN(T) Aviation Maintenance Technician.
*CWO2 Danny L. Proctor, USN(T) Aviation Maintenance Technician.
*CWO2 Gerald G. Reinke, USN(T) Aviation Maintenance Technician.
*CWO2 Jack Sizemore, USN(T) Aviation Maintenance Technician.
*CWO3 Jon L. Toombs, USN(T) Aviation Maintenance Technician.
*CWO2 Robert A. Zabielski, USN(T) Aviation Maintenance Technician.
*CWO2 Charles D. Bain, Aviation Ordnance Technician.
*CWO2 Paul M. Byrne, USN(T) Communications Technician.
*CWO2 John D. Cary, USN(T) Communications Technician.
*CWO2 Darryl D. Deneve, USN(T) Communications Technician.
*CWO2 John M. Mahoney, USN(T) Communications Technician.
*CWO2 Thomas R. Smith, USN(T) Communications Technician.
*CWO2 William J. Smith, USN(T) Communications Technician.
*CWO2 Dorniece Butler, USN(T) Aerographer.

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

Comdr. Robert W. Browning, MC, USNR.
Comdr. Cyrus M. Day, III, MC, USNR.
Comdr. James J. Edwards, Jr., MC, USSR.
Comdr. George E. Hill, MC, USNR.
Comdr. Rafael A. Roure, MC, USNR.

The following-named enlisted candidates to be appointed temporary Chief Warrant Officers, W-2, in the U.S. Navy, in the classification indicated, subject to the qualifications therefor as provided by law:

*Claud M. Ahrens, Boatswain (Surface).
*Gary O. Beadle, Boatswain (Surface).
*George A. Carr, Jr., Boatswain (Surface).
*William C. Chadwick, Boatswain (Surface).
*George L. Gadsden, Boatswain (Surface).
*William E. Hendricks, Boatswain (Surface).
*Roy M. Holden, Boatswain (Surface).
*James C. Jackson, Boatswain (Surface).
*Keith R. Mikkelstadt, Boatswain (Surface).
*Glenn R. Pantecost, Jr., Boatswain (Surface).
*Danny J. Williams, Boatswain (Surface).
*Gary L. Wood, Boatswain (Surface).
*David A. Young, Boatswain (Surface).
*Carl L. Ballard, Operations Technician (Surface).
*James E. Miller, Underwater Ordnance Technician (Surface).
*Daniel Villegas, Operations Technician (Submarine).
*Paul L. Duggan, Engineering Technician (Submarine).
*Frederick M. Humphrey, Underwater Ordnance Technician (Submarine).
*Carl J. Nicholas, Underwater Ordnance Technician (Submarine).
*Richard L. Wardop, Underwater Ordnance Technician (Submarine).
*Victor P. Pinion, Aviation Boatswain.
*Sheldon M. Schrager, Aviation Maintenance Technician.

MONS 030070

*Wesley E. Woodcock, Aviation Maintenance Technician.
*Thomas B. Frey, Aviation Electronics Technician.
*Charles G. Hankins, Aviation Electronics Technician.
*Lester L. Heath, Jr., Aviation Electronics Technician.
*Robert L. Hickman, Jr., Aviation Electronics Technician.
*Allen E. Hughes, Aviation Electronics Technician.
*Harlon R. Mills, Aviation Electronics Technician.
*Carroll E. Redding, Aviation Electronics Technician.
*Otis C. Stanley, Aviation Electronics Technician.
*Stephen S. Drago, Communications Technician.
*Malcolm E. Empey, Communications Technician.
*Earl F. Lienemann, Communications Technician.
*Sam F. Miciotto, Jr., Communications Technician.
*Joe P. Pascur, Communications Technician.
*George A. Severance, Jr., Communications Technician.
*James L. Turner, Communications Technician.
*Donald R. Ward, Communications Technician.
*Lindley C. Wert, Communications Technician.
*James W. Williams, Communications Technician.

The following-named Navy enlisted candidates to be appointed Ensigns in the U.S. Navy, for temporary service, for limited duty in the classifications indicated, subject to the qualifications therefor as provided by law:

*William E. Crouch, Aviation Maintenance.
*Anibal L. Delgado, Aviation Maintenance.
*David E. Johnston, Aviation Maintenance.
*Beasley K. Lewallen, Jr., Aviation Maintenance.

The following-named Chief Warrant Officers to be appointed Lieutenants (junior grade) in the U.S. Navy, for temporary service, for limited duty in the classification indicated, subject to the qualifications therefor as provided by law:

*CWO2 James M. Albertin, Jr., USN, Nuclear Power (Submarine).
*CWO2 Philip W. Beasley USN(T), Nuclear Power (Submarine).
*CWO2 Jonathan T. Beatty, USN(T), Nuclear Power (Submarine).
*CWO2 Rex G. Bennett, USN(T), Nuclear Power (Submarine).
*CWO2 Lloyd D. Davis, USN(T), Nuclear Power (Submarine).
*CWO2 Kenneth N. Drewes, USN(T), Nuclear Power (Submarine).
*CWO2 Lynn N. Johnson, USN(T), Nuclear Power (Submarine).
*CWO2 Charles D. Kelley, USN(T), Nuclear Power (Submarine).
*CWO2 Lawrence M. Ramstad, USN(T), Nuclear Power (Submarine).
*CWO2 George W. Smith, USN(T), Nuclear Power (Submarine).
*CWO2 Thomas G. Tinney, USN(T), Nuclear Power (Submarine).
*CWO2 Howard R. Crist, USN(T), Ordnance (Subarine).
*CWO2 David J. Frase, USN(T), Ordnance (Submarine).
*CWO2 Ralph J. Harker, Jr., USN (T), Ordnance (Submarine).
*CWO2 David J. Lebert, UNT(T), Ordnance (Submarine).
*CWO2 Albert L. Smith, USN(T), Ordnance (Submarine).
aCWO2 Charles F. Van Zandt, USN(T), Ordnance (Submarine).
*CWO2 James R. Hitt, USN(T), Aviation Operations.
*CWO2 Bruce Bailey, USN(T), Aviation Maintenance.
*CWO2 Nevin E. Daub, USN(T), Aviation Maintenance.
*CWO2 Roy F. Fisher, USN(T), Aviation Maintenance.
*CWO2 Reginald E. Forgays, USN(T), Aviation Maintenance.
*CWO2 James Gonsales, USN(T), Aviation Maintenance.
*CWO2 Vivian W. Gorday, Jr., USN(T), Aviation Maintenance.
*CWO2 Carlton R. Isbell, USN(T), Aviation Maintenance.
*CWO2 Danny L. Proctor, USN(T), Aviation Maintenance.
*CWO2 Gerald G. Reinke, USN(T), Aviation Maintenance.
*CWO2 Jack Sisemore, USN(T), Aviation Maintenance.
*CWO2 Jon L. Toombe, USN(T), Aviation Maintenance.
*CWO2 Robert A. Zabielski, USN(T), Aviation Maintenance.
*CWO2 Charles L. Bain, USN(T), Aviation Ordinance.
*CWO2 Paul M. Byrne, USN(T), Cryptology.
*CWO2 John D. Cary, USN(T), Cryptology.
*CWO2 Darryl D. Deseve, USN(T), Cryptology.
*CWO2 John M. Mahoney USN(T), Cryptology.
*CWO2 Thomas R. Smith, USN(T) Cryptology.
*CWO2 William J. Smith, USN(T), Cryptology.
*CWO2 Louis F. West USN(T) Cryptology.
*CWO2 Dorniece Butler, USN(T), Meteorology.

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

*CDR Gayle V. Voth, MC, USN.

IN THE MARINE CORPS

The following-named temporary disability retired officer for reappointment to the grade of major in the Marine Corps, subject to the qualifications therefor as provided by law:

Andrews, Donald W.

MONS 030071

House of Representatives

MONDAY, AUGUST 23, 1976

The House met at 12 o'clock noon.

The Chaplain, Rev. Edward G. Latch, D.D., offered the following prayer:

Be strong in the Lord and in the power of His might.—Ephesians 6: 10.

O God, whose strength supports us in our labor and whose Spirit sustains us as we work, give us a fresh realization of Thy presence as we wait upon Thee in prayer. Grant unto us patience when we demand too much too soon and decisions do not go our way. Grant unto us courage in the face of apparent defeat that we may still believe in the ultimate victory of the good for the good of all. Grant unto us love when we falter in fear and fall in faithfulness that we may have the steady assurance that Thou art with us loving us unto the very end.

As we face the future

"God send us leaders whose aim will be
not to defend some ancient creed,
But to live out the laws of Thine in
every thought and word and
deed.

"God send us leaders of steadfast will.
Patient, courageous, strong and
true,
With vision clear and minds equipped
Thy will to learn, Thy work to do.

"God send us leaders with hearts aflame,
all truth to love, all wrong to
hate;
These are the leaders our Nation needs,
These are the bulwarks of the
state."

Amen.

THE JOURNAL

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

Without objection, the Journal stands approved.

There was no objection.

MESSAGE FROM THE SENATE

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

H.R. 10612. An act to reform the tax laws of the United States; and

H.R. 12987. An act to authorize appropriations for fiscal year 1976, and for the period beginning July 1, 1976, and ending September 30, 1976, for carrying out title VI of the Comprehensive Employment and Training Act of 1973, and for other purposes.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 10612) entitled "An act to reform the tax laws of the United States," 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. LONG, Mr. TALMADGE, Mr. RIBICOFF, Mr. BENTSEN, Mr. GRAVEL, Mr. HATHAWAY, Mr. HASKELL, Mr. CURTIS, Mr. FANNIN, Mr. HANSEN, and Mr. PACKWOOD 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. 12987) entitled "An act to authorize appropriations for fiscal year 1976, and for the period beginning July 1, 1976, and ending September 30, 1976, for carrying out title VI of the Comprehensive Employment and Training Act of 1973, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NELSON, Mr. KENNEDY, Mr. MONDALE, Mr. CRANSTON, Mr. RANDOLPH, Mr. HATHAWAY, Mr. WILLIAMS, Mr. TAFT, Mr. SCHWEIKER, Mr. BEALL, and Mr. LAXALT to be the conferees on the part of the Senate.

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

S. 2951. An act to authorize the documentation of the vessel *Barbara Ann*, as a vessel of the United States with coastwise privileges.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

WASHINGTON, D.C., *August 11, 1976.*

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

DEAR MR. SPEAKER: Pursuant to the permission granted on August 10, 1976, the Clerk has received this date the following message from the Secretary of the Senate:

That the Senate passed H. Con. Res. 799, directing the Clerk of the House to make corrections in the enrollment of H.R. 12169.

With kind regards, I am,

Sincerely,

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

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that, pursuant to the authority granted him on Tuesday, August 10, 1976, he did on Wednesday, August 11, 1976, sign the following enrolled bills:

H.R. 12169. An act to amend the Federal Energy Administration Act of 1974 to extend the duration of authorities under such act; to provide an incentive for domestic production; to provide for electric utility rate design initiatives; to provide for energy conservation standards for new buildings; to provide for energy conservation assistance for existing buildings and industrial plants; and for other purposes;

H.R. 13359. An act to authorize the government of the Virgin Islands to issue bonds in anticipation of revenue receipts and to authorize the guarantee of such bonds by the United States under specified conditions, and for other purposes;

S. 2042. An act to provide for the establishment of the Ninety Six national historic site in the State of South Carolina, and for other purposes; and

S. 3786. An act to amend the Public Health Service Act to authorize the establishment and implementation of an emergency national swine flu immunization program and to provide an exclusive remedy for personal injury or death arising out of the manufacture, distribution, or administration of the swine flu vaccine under such program.

APPOINTMENT OF CONFEREES ON H.R. 10612, TAX REFORM ACT OF 1976

Mr. ULLMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 10612) to reform the tax laws of the United States, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER. Is there objection to the request of the gentleman from Oregon? The Chair hears none, and appoints the following conferees: Messrs. ULLMAN, BURKE of Massachusetts, ROSTENKOWSKI, LANDRUM, VANIK, SCHNEEBELI, and CONABLE.

PRESIDENT COMMENDED FOR HIS CHOICE OF SENATOR BOB DOLE AS HIS RUNNING MATE

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

Mr. SHRIVER. Mr. Speaker, it is with great pleasure and pride that I join today with other members of the Kansas delegation in the House of Representatives to commend the President for his choice of Senator BOB DOLE, of KANSAS, as his running mate this fall.

In picking BOB DOLE, President Ford has recognized values cherished by millions of Americans—the values of middle America; the values of small-town America; the values of hard work and courage.

In picking BOB DOLE, President Ford has recognized the importance—both politically and in a greater sense—of agriculture in America today. While only 5 percent of Americans are actively engaged in the business of farming, the economies of most of our States are heavily dependent on a strong agriculture. Millions of jobs are involved.

In picking BOB DOLE, President Ford has chosen a man from America's heartland. BOB DOLE understands the problems and potential of heartland America. He

MONS 030072

has served all Americans in war and peace with great distinction and great courage. He is supremely qualified to take the message of less Government interference and solid economic and social growth and opportunity to the people.

It has been my privilege to work with Bob DOLE in serving the needs of Kansans and all Americans. We came to the House of Representatives at the same time—January of 1961. I can assure you that his talents of hard work, perspective, and good humor will serve our Nation well, both as a candidate and as Vice President. We wish him and his family well in the coming months.

SENATOR ROBERT DOLE, THE REPUBLICAN NOMINEE FOR VICE PRESIDENT OF THE UNITED STATES

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

Mr. WINN. Mr. Speaker, I rise today to offer a few words of tribute to my colleague from the State of Kansas, Senator ROBERT DOLE, the Republican nominee for Vice President of the United States.

In his 16 years in Washington, Bob DOLE has compiled a distinguished record. He has been an effective spokesman for the State of Kansas and for the agricultural interests of the rest of the Nation. He has been a strong advocate of small business and minority business efforts. Few Members of the House and Senate have been so active in pursuing legislation to aid the handicapped. And in addition to these accomplishments, he has authored and supported political campaign reform legislation, revenue sharing legislation and the Health Manpower Assistance Act.

Bob DOLE's interests are those of the American people, and I am proud that this outstanding Kansan had been chosen as President Ford's running mate. I hope that during the campaign the people of the United States will come to know him as we in Kansas know him.

TRIBUTE TO SENATOR BOB DOLE AS REPUBLICAN VICE-PRESIDENTIAL NOMINEE

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

Mr. SEBELIUS. Mr. Speaker, it is with a deep sense of personal pride that I join with my colleagues in paying tribute to the selection of Senator Bob DOLE, Kansas' junior Senator, as the Republican Vice Presidential nominee.

Senator DOLE is held in high esteem by the folks back home. He was given a hero's welcome when he returned to his hometown of Russell, Kans., which is part of my big First Congressional District.

Senator DOLE has served with distinction in both war and peace. He was a highly decorated soldier in World War II. He still wears the scars of his heroism. He was first elected to public office at the age of 26. He has served at all levels of government, county, State, and Federal. He comes from our Nation's heartland and he appeals to the heart of America. The fact that he has never lost an election is a tribute to his ability to represent the people's interest and to his philosophy of making government serve people rather than making people serve government.

Senator DOLE is also a superior campaigner. He defeated me in a primary race for the U.S. House of Representatives. After being drowned in pineapple juice, I will never forget his ability to close ranks and to unify various interest groups following this spirited primary. I look back now and wonder how we kept the margin to only some 600 votes. It is a privilege for me to occupy his former seat in the House of Representatives and his position on the House Agriculture Committee.

Senator Bob DOLE is a champion of the American farmer, the backbone of this country. He supports the humanitarian instincts and personal freedoms of our Nation's heritage. He has served with distinction and has the pulse of America. I commend him to the American voter as an outstanding choice to be our Nation's next Vice President.

SELECTION OF BOB DOLE AS VICE PRESIDENT NOMINEE

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

Mr. SKUBITZ. Mr. Speaker, it is with a true sense of pride that I join the members of the Kansas congressional delegation in paying tribute to one of our State's most distinguished citizens—and the Republican Party's nominee for Vice President—Senator Bob DOLE.

I had the privilege of serving with Bob during his years in the House and I have the greatest admiration for his dedication to his State and his country.

Bob DOLE is truly a man who has given his entire life to defending the form of government in which he so deeply believes.

In both war and peace, in the Halls of Congress and on the battlefields of Italy, against enemies both domestic and foreign, Bob has given his best to insure that every American is represented by a Government dedicated to the importance of the individual.

As a U.S. Senator from Kansas Bob has fought for the rights of the farmer, the small businessman, the handicapped, and the financially oppressed.

As Vice President Bob DOLE will represent all Americans with the vitality and the dedication to public service that has endeared him to all Kansans.

I look fdrward to the coming campaign because I know Bob DOLE.

I know he is the one person who can make Jimmy Carter take a position—or show the American people he does not have a position.

PROPOSED AMENDMENT TO TOXIC SUBSTANCES CONTROL BILL TO REGULATE PCB DISPOSAL

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

Mr. GUDE. Mr. Speaker, today, Mr. DINGELL and I will offer an amendment to regulate PCB disposal and to eventually phase-out PCB production in the United States.

The Japanese have already confronted this problem head-on with a rapid phase-out of PCB's and the substitution of alternative, workable chemicals. After 3 years of control, there have been significant decreases in PCB levels in the environment with continued decreases expected.

A recent study by FDA concluded that consumption of Lake Michigan sport fish contributed substantially to PCB levels in the blood of humans. Current studies of lactating mothers in the United States have detected PCB's in all of the samples taken to date in the Southeastern and Midwest States. The breast milk of one female participant in the Michigan study contained 4 ppm PCB.

No one is certain what will happen to infants when they are fed a PCB-laced diet at such an early stage of development. By allowing the use of this chemical to continue we are putting our youngest generation in unknown jeopardy. The carcinogenicity of PCB's have been demonstrated in test animals and I agree with many experts that it is just a matter of time before we receive conclusive proof that it causes cancer in man.

PCB's are contaminating our wildlife and fisheries. Striped bass eggs in Chesapeake Bay were found to contain an average of 10 ppm. Trout reproduction would have failed at those levels. A few months ago, Federal officials condemned and buried 20,000 lbs. of carp taken from Lake Pepin, part of the Mississippi River downstream from the Twin Cities. These fish contained residues as high as 40 ppm PCB's. And just last week, the South Carolina Health Department issued an advisory against consumption of sport fish from Lake Hartwell due to the presence of PCB levels in these fish up to three times greater than the FDA tolerance level.

Mr. DINGELL and I believe that the danger to human health and the environment is real and that further study and procrastination is unnecessary. We feel that the Japanese have shown us that decisive action is indeed possible. No creditable argument can be made against the need to get PCB's out of the environment now. Therefore, I urge my colleagues to support this amendment.

PERMISSION TO RESERVE ALL POINTS OF ORDER ON H.R. 16194, PUBLIC WORKS EMPLOYMENT APPROPRIATION ACT, 1977

Mr. MILLER of Ohio. Mr. Speaker, I ask unanimous consent that I may re-

MONS 030073

serve all points of order on the bill H.R. 15104 making appropriations for public works employment for the period ending September 30, 1977, and for other purposes, on which a report was filed by the Committee on Appropriations on August 12, 1976, pursuant to permission granted on August 10, 1976.

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

There was no objection.

COMMUNICATION FROM THE CLERK OF THE HOUSE

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

August 13, 1976.

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

DEAR MR. SPEAKER: I have the honor to transmit herewith a sealed envelope from the White House, received in the Clerk's Office at 4:25 p.m. on Friday, August 13, 1976, and said to contain H.R. 12944, "An Act to extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for six months," and a veto message thereon.

With kind regards, I am,

Sincerely,

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

INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT EXTENSION—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 94-585)

The SPEAKER laid before the House the following veto message from the President of the United States:

To The House of Representatives:

I am returning, without my approval, H.R. 12944, a bill "To extend the Federal Insecticide, Fungicide, and Rodenticide Act, as amended, for six months." If the only purpose of the bill were that set forth in its caption I would have no reservations about it.

The bill would, however, also make a serious substantive change in the law. It would subject rules and regulations issued under authority of the Act to a 90-day review period during which either House of Congress may disapprove the rule or regulation by simple resolution.

As I have indicated on previous occasions, I believe that provisions for review of regulations and other action by resolutions of one-house or concurrent resolution are unconstitutional. They are contrary to the general principle of separation of power whereby Congress enacts laws but the President and the agencies of government execute them. Furthermore, they violate Article I, section 7 which requires that resolutions having the force of law be sent to the President for his signature or veto. There is no provision in the Constitution for the procedure contemplated by this bill.

Congress has been considering bills of this kind in increasing number. At my direction, the Attorney General moved recently to intervene in a lawsuit challenging the constitutionality of a comparable section of the Federal election law. I hope that Congress will reconsider H.R. 12944 and pass a bill which omits this provision.

GERALD R. FORD.

THE WHITE HOUSE, *August 13, 1976.*

The SPEAKER. The objections of the President will be spread at large upon the Journal, the message and bill will be printed as a House document.

Mr. FOLEY. Mr. Speaker, I ask unanimous consent that the message, together with the accompanying bill, be referred to the Committee on Agriculture.

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

There was no objection.

APPOINTMENT OF CONFEREES ON H.R. 10339, FARMER-TO-CONSUMER DIRECT MARKETING ACT OF 1975

Mr. FOLEY. Mr. Speaker, I ask unanimous consent to take from the Speakers' table the bill (H.R. 10339) to encourage the direct marketing of agricultural commodities from farmers to consumers, with Senate amendments thereto, disagree to the Senate amendments, and request a conference with the Senate thereon.

The SPEAKER. Is there objection to the request of the gentleman from Washington? The Chair hears none, and appoints the following conferees: Messrs. VIGORITO, POAGE, BERGLAND, BROWN of California, RICHMOND, FINDLEY, and JOHNSON of Colorado.

CALL OF THE HOUSE

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

The SPEAKER. Evidently a quorum is not present.

Mr. McFALL. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The call was taken by electronic device, and the following Members failed to respond:

[Roll No. 689]

Abdnor	Evans, Colo.	McKinney
Abzug	Evins, Tenn.	Matsunaga
Adams	Ford, Tenn.	Meeds
Anderson, Calif.	Frey	Metcher
Andrews, N.C.	Gialmo	Milford
Andrews, N. Dak.	Goldwater	Miller, Calif.
Archer	Gonzalez	Mills
Aspin	Green	Mink
Aucoin	Hanley	Moffett
Badillo	Harsha	Moorhead, Pa.
Baldus	Hayes, Ind.	Moss
Bell	Hays, Ohio	Murphy, N.Y.
Boland	Hébert	Nowak
Bolling	Heckler, Mass.	O'Hara
Brodhead	Heinz	Patten, N.J.
Brown, Calif.	Henderson	Pepper
Brown, Mich.	Hightower	Peyser
Burke, Calif.	Hinshaw	Pritchard
Cederberg	Holland	Randall
Chappell	Holt	Rees
Chisholm	Holtzman	Riegle
Clay	Howe	Rinaldo
Conlan	Hungate	Roncalio
Conyers	Jarman	Rooney
Corman	Jeffords	Rosenthal
Cornell	Johnson, Colo.	Rousselot
Cotter	Jones, Okla.	Ruppe
de la Garza	Jones, Tenn.	Russo
Dingell	Jordan	Santini
Dodd	Karth	Schneer
Duncan	Lehman	Sisk
Eshleman	McDade	Smith, Nebr.
Steelman	Thompson	Wilson, Bob
Steiger, Ariz.	Van Deerlin	Wirth
Stokes	Vander Jagt	Young, Alaska
Stuckey	Vigorito	Young, Ga.
Sullivan	Waxman	
Symington	Whitten	

The SPEAKER. On this rollcall 319 Members have recorded their presence by electronic device, a quorum.

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

PERMISSION FOR COMMITTEE ON PUBLIC WORKS AND TRANSPORTATION TO FILE A REPORT ON H.R. 15116

Mr. HOWARD. Mr. Speaker, I ask unanimous consent that the Committee on Public Works and Transportation may have until midnight tonight to file a report on the bill (H.R. 15116) to amend the Federal-Aid Highway Act of 1976 to provide an obligation limitation for fiscal year 1977.

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

There was no objection.

MAJORITY LEADER THOMAS P. O'NEILL, JR., SAYS WISHES FOR PRESIDENT'S POLITICAL SUCCESS END HERE

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

Mr. O'NEILL. Mr. Speaker, I want to welcome back the Members of the House. I want to welcome the Republican Members back from Kansas City. I want to welcome President Ford back to Washington; but, of course, he is not back yet.

Mr. Speaker, on August 7 I made reference to the President. I said that "instead of providing for productive employment, he preferred a dole."

Mr. Speaker, the President went directly from Cloud 9 at Kansas City to the mountain top at Vail. That is entirely in keeping with the governing principle of his administration, which is a strenuous effort to do nothing. I want to assure the President that his officials have carried on faithfully in his absence. Nothing has been done. That is roughly the same impact this administration has had when it is in Washington.

I want to congratulate the President. He won the toughest fight for the nomination of his own party that any incumbent President has had since Chester A. Arthur in 1884. The Republicans did that to him. In November the rest of the voters are going to finish the job. They are going to make him the first incumbent President since Herbert Hoover to be turned out of office by the voters. My wishes for the President's political success ended with last Thursday night and that is because of the national interest. The same goes to my good friend, the distinguished minority leader, who had himself nominated for higher office in this House.

People saw for themselves that the only

MONS 030074

thing they can expect out of the Republicans in Kansas City is a bum steer.

PRETRIAL RELEASE OR DETENTION

Mr. DIGGS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 14967) to amend title 23 of the District of Columbia Code with respect to the release or detention prior to trial of persons charged with certain violent or dangerous criminal offenses, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 14967

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) section 23-1321 of title 23 of the District of Columbia Code is amended—

(1) in subsection (a), by striking out "an offense punishable by death" in the first sentence and inserting in lieu thereof "murder in the first degree or forcible rape"; and

(2) in the section heading, by striking out "noncapital" and inserting in lieu thereof "other than first degree murder or forcible rape".

(b) Section 23-1325 of such title is amended—

(1) in subsection (a), by striking out "an offense punishable by death" and inserting in lieu thereof "murder in the first degree or forcible rape"; and

(2) in the section heading, by striking out "capital" and inserting in lieu thereof "first degree murder or forcible rape".

(c) The chapter analysis for chapter 13 of such title is amended—

(1) in the item relating to section 23-1321, by striking out "noncapital" and inserting in lieu thereof "other than first degree murder or forcible rape"; and

(2) in the item relating to section 23-1325, by striking out "capital" and inserting in lieu thereof "first degree murder or forcible rape".

Sec. 2. (a) Section 23-1322(c)(1) of title 23 of the District of Columbia Code is amended by inserting "or by the judicial officer sua sponte" immediately before the period at the end thereof.

(b) Section 23-1322(c)(2) of such title is amended by inserting the following new sentence immediately after the first sentence: "Such a pretrial detention hearing also may be initiated by the judicial officer sua sponte.".

Sec. 3. Section 23-1322(c) of title 23 of the District of Columbia Code is amended to read as follows:

"(c) The judicial officers may detain for a period not to exceed ten court days a person who comes before him for a bail determination charged with a dangerous crime as defined in section 23-1331(3), a crime of violence as defined in 23-1331(4), or any offense if such person obstructs or attempts to obstruct justice in the manner described in subsection (a)(3) of this section, if it appears that such person is presently, and was at the time of the offense charged, on release and awaiting trial for a felony offense under State or Federal law, is presently on probation, parole, or mandatory release pending completion of sentence for any offense under State or Federal law, or is under the custody of any State or Federal corrections department or facility, and that such person may flee or pose a danger to any other person or the community if released. During the ten-day period, the United States attorney shall notify the appropriate State or Federal court, probation, parole, or corrections officials. If such officials fail or decline to take the person into custody during such period, at the time of the preliminary hearing the judicial officer holding the preliminary hearing must make a determination as to whether to detain such person pending trial. In each such case, the preliminary hearing shall be scheduled no later than ten court days after the initial bail determination. A person ordered detained pursuant to this subsection shall have priority on the preliminary hearing calendar so long as he is detained under this subsection. Even if such person elects to waive his right to a preliminary hearing, the ten-day hold hearing must be held to determine whether such person shall be detained pending trial. After hearing the evidence presented in the preliminary or ten-day hold hearing, as well as any proffer of further evidence made by the United States attorney, the judicial officer may order the person detained pending trial if the judicial officer finds a substantial probability that the person committed the offense for which he is brought before the judicial officer. The provisions specified in paragraphs (4) through (7) of subsection (c) and the time limitations and other provisions of subsection (d) shall be applicable in the case of persons detained under this subsection. If such person is subsequently convicted of the offense charged, he shall receive credit toward service of sentence for the time he was detained during the ten-day period provided in this subsection.".

Sec. 4. Section 23-1322(d)(3)(A) of title 23 of the District of Columbia Code is amended by striking out "sixty" and inserting thereof "ninety".

GENERAL LEAVE

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

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

There was no objection.

Mr. DIGGS. Mr. Speaker, I move to strike the last word.

(Mr. DIGGS asked and was given permission to revise and extend his remarks.)

Mr. DIGGS. Mr. Speaker, the purpose of H.R. 14967, as set forth in the committee report (H. Rept. 94-1419), is to amend the existing pretrial detention law of the District of Columbia (D.C. Code, title 23, section 1321 et seq.) to make it a more effective tool for dealing with demonstrably dangerous or violent repeat criminal offenders. The bill is not designed to make broad changes in the basic requirements of the main pretrial detention section of existing law applicable to all defendants meeting the statutory criteria of District of Columbia Code, title 23, section 1322(a)–(d). Instead, it provides for a more efficient procedure for detaining that small group of "hard core" repeat offenders, who are already on pretrial release, probation or parole for a previous criminal offense when arrested again on new dangerous or violent criminal charges. As to this limited group of repeat offenders, the bill is intended to insure that at least a hearing would be held at which evidence of a defendant's dangerous conduct would be brought before the court and evaluated by a judge who will then make a determination as to whether to release or detain defendant pending trial as provided in this legislation. Thus, the purpose of this legislation is to better protect the public from dangerous or violent criminals, and to ameliorate some of the inequities in the monetary bail system existing in the District of Columbia.

MAJOR PROVISIONS OF THE BILL

Section 1 of the bill changes "capital offenses" in the existing pretrail detention section of the D.C. Code (title 23, section 1325) to "first degree murder or forcible rape." As there are at present no capital offenses under the law of the District of Columbia, this change would reinstate viability for a provision of the law which has long-time historical antecedents.

Section 2 of the bill authorizes the judge to hold a pretrial detention hearing on his own motion, thereby amending existing law which presently provides for such hearing only upon a motion of the U.S. attorney.

Section 3 of the bill would amend the existing 5-day hold procedure for defendants who are on probation or parole when rearrested for a new offense. It expands this procedure to 10 court days, makes it also applicable to defendants rearrested for another offense while on some form of pretrial release, and provides that within the 10 court day period, the judge holding the usual preliminary hearing must also determine whether there is sufficient basis upon which to detain the defendant without bail pending trial. This new 10 court day hold procedure is strictly limited to these main categories of defendants: One, those on pretrial release—bail, personal recognizance, and so forth, two, probation, or three, parole. These are defendants who have been previously charged with, or convicted of, criminal offenses and are on such pre or post trial release at the time of their arrest for serious new criminal offenses. This procedure would be further limited to only those cases in which the present charges involve certain specific dangerous or violent crimes—such as murder, rape, mayhem, armed robbery, burglary, arson, threatening a witness or juror to obstruct justice, and other such felonies listed by statute. Thus, the new 10 court day hold procedure would not be applicable to defendants on release who are rearrested on nonviolent or less serious new charges.

Section 4 of the bill amends the existing main pretrial detention section of the D.C. Code to extend the maximum time a defendant can be detained thereunder from 60 to 90 days. Thereafter, if trial is not in progress, a defendant detained under this section would be given the opportunity of release under the conditions of 23 D.C. Code section 1321—the Bail Reform Act.

NEED FOR THIS LEGISLATION

For some time there has been a general awareness in the criminal justice system of problems incident to pretrial

MONS 030075

release of defendants charged with criminal offenses in the District of Columbia. The public has become increasingly disturbed by the very substantial amount of crime being committed by repeat offenders who seemingly flout the law with impunity, passing through what has been aptly called a "revolving door" again and again.

The number of defendants rearrested for additional crimes while released on personal recognisance, probation, or parole for previous offense is truly shocking. In nearly 5,000 cases, defendant released on some form of pretrial release, probation or parole were rearrested and charged with at least one new crime in the District of Columbia in 1974. Of all defendants arrested and charged in the superior court last year, approximately 30 percent were on pretrial release, probation, or parole when rearrested on the present charge.

Perhaps most significant is the fact that a mere 7 percent of defendants are responsible for approximately one-quarter of all crime in the District of Columbia, based on comprehensive 5-year statistical data disclosed at our subcommittee hearings. The hearings substantiated the need for the criminal justice system to establish priorities and concentrate on this 7 percent hardcore of repeat offenders, as well as the necessity for a reexamination of the various provisions of the law dealing with pretrial release and detention in the District of Columbia.

The time has come to strike a balance between the competing concerns of protecting law-abiding citizens from the criminal acts of dangerous lawbreakers who are already awaiting trial on substantial charges, and of guaranteeing to those lawbreakers all the legal safeguards to which they are entitled under the Constitution. It is submitted that the proposed legislation restores such a balance in protecting law-abiding citizens by dealing firmly but justly with this small group of hardcore repeat offenders.

SECTION-BY-SECTION ANALYSIS OF THE BILL

Section 1(a) is essentially a conforming amendment to rationalize the change made in section 1(b) described below.

Section 1(b) amends 23 D.C. Code section 1325, which presently authorizes a simplified pretrial detention of defendants charged with capital offenses, by changing the words "an offense punishable by death" to "murder in the first degree or forcible rape" therein. The law has long provided for detention prior to trial for defendants charged with the most heinous crimes, but when the death penalty was eliminated in the District of Columbia some years ago, section 1325 was rendered a nullity. The change proposed by this section of the bill would revive the viability of section 1325.

Section 1(c) is a conforming amendment.

Section 2 amends 23 D.C. Code section 1322(c), which presently authorizes only the U.S. attorney to initiate a request for the basic pretrial detention hearing, by permitting the judge to hold such a hearing on his own motion.

Section 3 amends 23 D.C. Code section 1322(e), which presently provides for a 5-day hold procedure for defendants rearrested while on probation or parole, by making the procedure applicable to defendants on pretrial release as well, by extending the initial holding period from 5 days to 10 court days, and by setting forth the specific criteria upon which certain defendants can be detained pending trial. Under this section of the bill, a defendant on pretrial release, probation or parole who is rearrested and charged with any of the enumerated dangerous or violent crimes may be detained by the judge—before whom he is initially brought—for up to 10 court days upon a finding that he may flee or pose a danger to others, a finding which will ordinarily follow routinely from the fact that he had been previously granted release and while on such release had subsequently engaged in conduct sufficiently dangerous or violent as to create probable cause for arrest on charges of one of the enumerated very serious crimes.

If, by the end of the 10 court day period, the appropriate parole or probationary authorities have not acted to initiate revocation proceedings, then the judge who would hold a preliminary hearing in the usual course must also make a determination as to whether to detain defendant pending trial. At this subsequent combined pretrial detention preliminary hearing the judge may detain defendant without bail pending trial upon finding a substantial probability that defendant committed the offense for which he is brought before the judge. The foregoing comprises the criteria, as specified in section 3 of the bill, upon which a defendant who falls within the enumerated categories may be detained pending trial. Additional safeguards presently in the law, such as right to counsel, testimony not later admissible on the issue of guilt, expedited appeals, and opportunity for release under conditions of section 1321 if defendant's trial is not in progress within the time period specified in section 1322(d), are incorporated by reference to sections 1322(c)(4)–(7), (d).

Section 4 amends the time period specified in section 1322(d) so as to provide that a detained defendant's trial must be in progress within 90 days after the judge orders him detained, or else he must be given opportunity for release under the conditions of section 1321. The existing statutory language provides for a 60-day time period.

Mr. Speaker, I now yield to the gentleman from South Carolina (Mr. MANN), chairman of the subcommittee of the Committee on the Judiciary, who will explain and analyze the bill.

(Mr. MANN asked and was given permission to revise and extend his remarks.)

Mr. MANN. Mr. Speaker, H.R. 14967 relates to the pretrial release and detention of dangerous criminal offenders in the District of Columbia. This is a consensus bill reported by the full District Committee with broad support on both sides of the aisle. In amending the existing pretrial detention sections of the D.C. Code, H.R. 14967 is designed to provide more effective tools for dealing with demonstrably dangerous or violent repeat criminal offenders. Of all defendants arrested in the District last year, nearly one-third were on some form of pretrial release, probation, or parole for a previous offense when rearrested on the subsequent charge. Significantly, a mere 7 percent of defendants are responsible for nearly one-quarter of all crime in the District of Columbia.

Our committee hearings disclosed that the existing pretrial detention provisions of the law have not been effective in dealing with those repeat offenders who seemingly pass through the "revolving door" of our criminal justice system with impunity. Various reasons were advanced to explain the very rare use by the prosecutor of the existing pretrial detention sections of the D.C. Code, including their burdensome requirements, too short a time period, et cetera. It may well be that the existing detention sections may be drawn to apply to potentially too many defendants generally. Nevertheless, our bill, rather than attempting to make far-reaching changes in the requirements of the main detention sections of the law, simply provides for a more efficient procedure for detaining that small group of "hard core" repeat offenders, who are already on pretrial release, probation, or parole for a previous criminal offense, when arrested again on new dangerous or violent criminal charges.

H.R. 14967 makes four basic amendments to title 23 of the D.C. Code:

One. An existing section of the D.C. Code[1] permits pretrial detention of persons charged with capital offenses. The bill changes "capital offenses" in this section of the Code to "first degree murder or forcible rape." As there are at present no capital offenses under the law of the District of Columbia, this change would restore viability to a detention procedure which had been authorized by law for many years until indirectly rendered a nullity by recent court decisions concerning capital punishment. This change does not revive or affect capital punishment as such in the District of Columbia. It merely authorizes detention under the circumstances already prescribed by section 1325 for defendants charged with the two heinous crimes of first degree murder or forcible rape.

Two. The bill authorizes the judge to hold a pretrial detention hearing on his own motion, rather than having to wait for the U.S. Attorney to initiate such a request as required by present law.

Three. The bill would amend the existing 5-day hold procedure to extend it to 10 court days, to make it applicable to defendants on pretrial release—in addition to probationers and parolees to which it already applies by existing law—and to provide for a combined 10-day hold/preliminary hearing at which the judge will make a determination as to whether there is sufficient basis upon which to detain defendant without bail pending trial. This new procedure is strictly limited to these main categories of defendants: One, those on pretrial release—bail, personal recognisance, and so forth, two, probation, or three, parole, who have been previously charged with,

[1] (23 D.C. Code, Sec. 1325).

MONS 030076

or convicted of, criminal offenses while on such release and have been rearrested for a new dangerous or violent crime as specified by statute.

Four. The bill would amend the existing main pretrial detention section of the Code [5] to extend the maximum time a defendant can be detained thereunder from 60 to 90 days.

As previously indicated, this bill represents a consensus of the best elements of proposals and suggestions made during hearings at which a wide range of views were heard. Among others in strong support of the bill are the Department of Justice, through the U.S. attorney for the District of Columbia, and a number of prominent trial and appellate court judges in the District. The bill has broad support on both sides of the aisle, reflecting a wide spectrum of what is often perceived to be liberal to moderate to conservative opinion. Committee supporters or cosponsors of the bill include Chairman CHARLES DIGGS, ranking minority members GIL GUDE and TOM RAILSBACK, as well as WALTER FAUNTROY, TOM REES, HERB HARRIS, HELEN MEYNER, RON MASSOLI, HENRY NOWAK, BILL STUCKEY, and DAN DANIEL. These members of the House District Committee worked long and hard to produce legislation designed to strike a balance between the competing concerns of protecting law-abiding citizens from the criminal acts of dangerous lawbreakers previously charged with serious offenses, and of guaranteeing to those lawbreakers all the legal safeguards to which they are entitled under the Constitution. We believe the proposed legislation restores such a balance in protecting law-abiding citizens by dealing firmly but justly with this small group of hard core repeat offenders.

Before yielding, I would like to commend by distinguished colleagues on the committee, particularly GIL GUDE, RON MASSOLI, WALTER FAUNTROY, and their staff assistants, for their fine cooperation and diligent efforts throughout the legislative process of this legislation. their constructive suggestions and continuous assistance made possible an end product which significantly improves the law dealing with repeat offenders in the District of Columbia.

Of interest to the Members is this brief history of bail reform in the District of Columbia:

The Bail Reform Act of 1966 was enacted to eliminate the inequities of the old bail system under which an accused's liberty pending adjudication of guilt was dependent upon his wealth or lack thereof. Thus the act provided for a presumption of release for all defendants pending trial except those whose appearance at trial would not be reasonably assured. By 1970, however, it was recognized that the personal safety of the public was not being adequately protected by the Bail Reform Act of 1966. The D.C. Court Reform and Criminal Procedure Act of 1970, among other things, amended the Bail Reform Act as applicable in the District, and for the first time authorized pretrial detention, on grounds of dangerousness, of certain defendants charged with noncapital offenses under certain stringently defined conditions. Various types of pretrial detention had been recommended or considered by the report of the President's Commission on Crime in the District of Columbia, the American Bar Association, the Model Penal Code, and the Hart Committee to Study the Bail Reform Act in the District of Columbia. The 1970 act embodied high expectations that its detention provisions would meet the changing needs of a modern criminal justice system.

Unfortunately, from date of enactment until plans for subcommittee hearings on this subject were disclosed in the early part of this year, pretrial detention was rarely requested—only about 60 times during the entire 5 year period. Various explanations were given for such nonuse, but nearly all agree that the 1970 act's detention provisions have been a complete failure as a tool for dealing with the hard core group of repeat offenders. Because of the inadequacies of the detention provisions this anomalous situation has resulted when judges have resorted to the illegal alternative of setting excessive bail; some nondangerous defendants have been detained pending trial because they couldn't raise bail, while dangerous defendants have been released to repeatedly threaten the personal safety of the community. Under these provisions our judges have felt restricted and unfairly criticised, prosecutors frustrated, corrections officials disheartened, policemen a sense of futility, and the public is left with a perception that their personal safety is being threatened by the inadequacies of this law. This regrettable state of affairs has been succinctly described by D.C. Court of Appeals Judge Frank Nebeker as follows:

The American society in general, and this jurisdiction in particular, suffers from criminal acts by malefactors who are one one form or another of post-conviction release. Too often these criminals are on probation or parole granted out of unrealistic or wishful thinking that such release is in the best interest of rehabilitation. Too often, either the safety of the community is ignored in making such judgments or it is put at such low priority as to be insulting to an ordered society.

In the early part of this year, the Subcommittee on the Judiciary began its inquiry into the operation of the Bail Reform Act of 1966 and the pertinent part of the D.C. Court Reorganization and Criminal Procedure Act of 1970. On April 28, 1976, H.R. 13403 was introduced by me as a first step toward improving the pretrial release and detention procedures of the law. On May 11, 1976, H.R. 13686 was introduced, May 24, 1976, H.R. 13975 was introduced, and June 11, 1976, H.R. 14294 was introduced. Hearings on these bills were held by the Subcommittee on the Judiciary beginning June 16, 1976, and ending June 22, 1976. A wide spectrum of opinion was reflected at the hearings, which included testimony or statements from an associate judge of the D.C. Court of Appeals, the chief judge of the D.C. Superior Court, the U.S. attorney, the public defender, the mayor's counsel, the chief of police, private citizens, attorneys representing the American Civil Liberties Union, the president of the D.C. Bar Association, the director of the D.C. Bail Agency, the chairman of the Board of Parole, and the director of the Department of Corrections, among others. All the foregoing cooperated fully with the subcommittee and its staff. Subcommittee markups were held July 22 and 29, 1976. A consensus bill, H.R. 14957, drawn from the best elements of the earlier bills and proposals suggested at the hearings, was reported to the full committee on July 29, 1976.

The following comments should aid in interpreting the legislative intent with regard to D.C. Code title 23 sections 1321–1331 as amended by this legislation.

"Forceable rape," as used in section 1 of the bill, is intended to mean carnal knowledge of a female forcibly and against her will (23 D.C. Code sec. 2801). In amending 23 D.C. Code section 1325 to include forcible rape, it is intended that the weight of the evidence will be taken into account in the determination as to whether or not to detain a defendant under this section of the law. For example, it would seem reasonable to require at least that the victim made a relatively contemporaneous report of the rape to the police, unless unusual circumstances can be demonstrated. In the first instance, there is every reason to expect the prosecutor to request detention only in cases based on substantial evidence, and not in weak cases. And the law clearly provides for the judge to exercise his sound discretion in making the ultimate determination. There is no reason to expect that judges will enter orders of detention in questionable cases under this section.

"Substantial probability," the basis upon which a defendant may be detained under the new 10 court day hold procedure in section 3 of the bill, is a higher standard of proof than simple "probable cause" to arrest, but is a lesser standard than proof "beyond a reasonable doubt" sufficient to persuade a jury to convict. It is intended that this standard will require a showing, by proffer or otherwise, of some reasonable likelihood that defendant committed the present offense. Thus, the prosecutor should be in a position to bring forth substantial information connecting defendant to the crime. For example, he may have a strong eyewitness whose description of the criminal in the initial report to the police was detailed as to physical characteristics, clothing, et cetera, which correspond to defendant's. If the eyewitness identification is not as strong, perhaps some additional corroborating information will be available such as the defendant having been caught at or near the scene of the crime, or having additional eyewitness. Other examples might include a bank robbery where defendant's picture is recorded on file, a burglary where defendant is caught inside the premises, a robbery where defendant is caught with the stolen property in his possession, scientific evidence connecting defendant to the crime, and

[5] (23 D.C. Code, Sec. 1322).

MONS 030077

the like. These examples are not designed to be definitive, but they should provide some guidance as to the legislative intention with regard to use of the term "substantial probability" in this legislation.

Mr. RAILSBACK. Mr. Speaker, I move to strike the requisite number of words.

(Mr. RAILSBACK asked and was given permission to revise and extend his remarks.)

Mr. RAILSBACK. Mr. Speaker, I simply want to associate myself generally with the remarks of my good friend from South Carolina.

I would like to make just a few additional comments.

I think this bill responds very effectively, yet with reasonable restraint, to legitimate public alarm at the high rate of crime committed on probation, parole, and pretrial release.

However, we should be careful not to interpret this bill as a general change in policy toward pretrial detention.

Nor should the bill be interpreted as indicating any accelerated rate of serious crime on bail—which has, in fact, remained essentially in equilibrium in recent years.

Rather the bill is structured simply to encourage more use—more appropriate use—of the present laws as originally intended—an achievement thwarted by an understaffing at the prosecutors office, an inflated court backlog, maladjustments among the elements of the judicial system and inconsistent judicial philosophy.

In addition, we should encourage greater use of the present law to dispel allegations that its provisions have been a "complete failure." Indeed the law has scarcely been used and no record shows evidence of its failure.

Use of the statute, as amended by this bill, should provide a more effective deterrent to serious recidivist crime—especially if used in conjunction with career criminal program newly adopted by the U.S. attorney's office for the District of Columbia following our subcommittee hearings.

In conclusion, I simply ask for your support for these amendments in hope that favorable action will help solve a very serious problem and obviate further tampering with this preventive detention law.

Mr. MAZZOLI. Mr. Speaker, I move to strike the requisite number of words.

(Mr. MAZZOLI asked and was given permission to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, I rise to support H.R. 14957.

I would like to commend my distinguished colleague, the gentleman from South Carolina (Mr. MANN) for his effort and leadership in chairing the Subcommittee on the Judiciary as it drafted this bill. It was a pleasure and privilege to work with the gentleman on this important legislation.

It is documented that in the District of Columbia 7 percent of the criminals commit 25 percent of the serious crimes. This bill is designed to give prosecutors and judges additional procedures to deal with that 7 percent.

The single most important provision of this bill would double the time, to 10 days, that the judicial system could hold a repeat offender to review his bail, parole, or probation status. At the end of the 10 days the bill would then require a hearing on the further detention or release of the defendant. Such a hearing is now optional.

When these provisions are combined with the newly announced efforts of the prosecutors, police, and judges in the District to identify and deal swiftly and firmly with career criminals, we can seriously hope for a reduction in violent crime.

A substantial reduction in violent crime was recently experienced in New Orleans as the result of a similar program. My own home of Louisville is trying such a program under the leadership of our able Commonwealth's attorney, Mr. David Armstrong. Chief Cullinane, Judge Greene, and Mr. Silbert, the U.S. attorney in the District of Columbia are to be commended for their initiative in this area.

It should be noted that this bill does not interfere with an individual's right to be presumed innocent until proven guilty. The bill directs its strongest provisions at repeat offenders.

Indeed, the only provision of the bill which affects the first offender defines capital crimes, for which a judge may order preventative detention, to be first degree murder and rape. This clarification is necessary because of the current uncertainty over which crimes—if any—can constitutionally merit the death penalty.

Further, in placing rape in this category I believe that it is important that the judge carefully consider the strength of the case against the defendant before ordering detention without bail.

Because of the difficult nature of proof in rape cases it was the intent in drafting this bill that the judge carefully consider the likelihood of conviction before ordering detention.

I believe that H.R. 14957 is a good bill. A bill that would further the efforts begun in the District of Columbia to deal with repeat offenders. Now that the police courts and prosecutors have determined to give this task top priority we should give them the procedures in this bill to complete the task.

Mr. Speaker, I urge the passage of H.R. 14957.

Mr. GUDE. Mr. Speaker, I move to strike the requisite number of words.

(Mr. GUDE asked and was given permission to revise and extend his remarks.)

Mr. GUDE. Mr. Speaker, I must first state that the citizens of the Nation's Capital owe a debt of gratitude to our distinguished colleague from South Carolina (Mr. MANN) for his diligent and perceptive search for a workable solution of the problems associated with bail reform in the District of Columbia. H.R. 14957 would allow pretrial detention to be ordered for persons accused of first-degree murder or forcible rape pursuant to the requirements for capital offenses. Judges would be authorized to initiate pretrial detention hearings instead of having to rely on the U.S. attorney. The 5 calendar day hold for those arrested while released on probation or parole would be extended to 10 court days and would also be applicable to those on pretrial release. Finally, pretrial detention in cases not involving first-degree murder or forcible rape could be ordered for up to 90 days instead of just 60 days. Though I have no quarrel with the changes in existing law which the legislation before us makes, I do feel that it may not go far enough. Yet I feel this legislation does give District officials some useful additional tools which they need to cope with the ever-present problems of crime in the District. The hearings held by our committee, I feel, have been responsible for the prosecutors officers and the court directing greater attention to this pretrial release phase of the criminal justice system.

Mr. EDWARDS of California. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, I just arrived in town and did not yet have an opportunity to review the report or the bill under consideration. However, we have received some correspondence and a mailgram from the ACLU and from other reputable people objecting to portions of the bill.

I would like to ask this question of the chairman of the subcommittee: The purpose of this bill is to amend the preventive detention bill that was passed in 1971 and to make it tougher; is that correct?

Mr. MANN. No. I wish I could answer "Yes." I think it tightens up in one spot and loosens in another.

Let me point out one place in which it loosens up. I think very commendably. There is now a 5-day hold procedure under the bill that applies to one on probation or parole. When the probationer or parolee is rearrested, he can be held for those 5 days, no matter what his rearrest was for. It can be for drunkenness or for some petty offense.

Not only that, we discovered in our hearings that in many cases a parole hearing was never held until the second trial was disposed of. A parole warrant was issued and a person was sent off to Lorton and held pending the outcome of the second trial.

The procedure proposed in this bill is designed not only to not hold that person unless he is charged with a dangerous or violent or obstruction-of-justice crime but also for many of the petty offenses for which a person can now be held. Such person now actually will not be held under the 5-day provision.

This will also set up a procedure where the 10 days will almost require that the parole matter be disposed of, and a parole hearing hopefully will be held. At present no parole hearings are being held, virtually. The person is held pending the outcome of the second trial. Pro-

MONS 030078

bation hearings have begun to be held by the courts since December of last year. Even though the law has been in effect for 5 years or more, in December of last year the chief judge issued an order directing that probation hearings now be held.

During the 5-day period during which the person was held, they were usually unable to schedule probation hearings, so now that will be disposed of; and within the 10 days the preliminary hearing will come along. In 10 days now the preliminary hearing will be held while the person is in custody, and a detention hearing will be held during that 10-day period.

If I can back up and recap, we are not going to hold people even now being held unless they are rearrested for a violent, dangerous, or obstruction-of-justice crime, for which they can now be held under preventive detention procedures.

Therefore, that is a loosening in some respects; and hopefully, will give more substantial justice to the parolee, and certainly the probationer recently has been better taken care of by the court.

There are three other minor provisions of the bill that I doubt concern the gentleman in the well too much. One of them affects detention. Other provisions of the bill are, first, that the judge, on his own motion, can order a pretrial detention hearing. That is a technicality. Another provision may concern the gentleman from California (Mr. EDWARDS) somewhat, and that is the extension from 60 to 90 days.

The effect of the current 60-day trial limitation is that the pretrial detention is not being used, because with the grand jury and other procedural problems which they seem to have in the District, it is very difficult for them to get a serious case up in 60 days.

Mr. EDWARDS of California. Mr. Speaker, is the gentleman saying that pretrial detention is not being used in Washington to any great extent now?

Mr. MANN. That is substantially correct.

The SPEAKER. The time of the gentleman from California (Mr. EDWARDS) has expired.

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

Mr. MANN. To answer the gentleman again, Mr. Speaker, that is precisely correct.

Mr. EDWARDS of California. Therefore, the law, as originally enacted in 1971, was defective, or is it in enforcement that it has been defective?

Mr. MANN. That is the consensus of the entire community, based on our hearings. It has not been effective. It is not being used, and it is mainly because of these little procedural problems that we are seeking to correct.

The other provision that may cause the gentleman in the well concern, and the only other provision, is the one that would patch up section 1325, which now provides that a judge may, through rather summary proceedings, hold a person charged with a crime punishable by death or a capital offense—that term now not being very clear. We put into that section the crimes of "first-degree murder and forcible rape," without implying that the death penalty should be reinstated with reference to those, but saying that traditionally that is what that section is designed to cover.

Rather than passing judgment by striking out the section and passing judgment on the issue of capital punishment, we at least keep it alive, prescribing those two offenses only as being subject to a procedure where a judge may, if he decides that a person may flee or be a danger to the community, order the person charged with either one of those two crimes to be held. That is the total purpose of that change.

Mr. EDWARDS of California. Mr. Speaker, I thank the gentleman.

With regard to section 1325, does it not presently provide for a hearing to establish the basis for the detention? Are we doing away with that hearing in the new bill?

Mr. MANN. The answer is no. I am not sure the gentleman means section 1325. Section 1345 is the one that deals with offenses punishable by death. We are not changing any procedure in section 1325, by substituting for the words "punishable by death," the two violations, first degree murder and forcible rape. The pretrial detention section, and I think I know what the gentleman wishes me to respond to, is to provide first that there is the usual arraignment or presentment hearings within 24 hours. That is not set forth, but that is the procedure, 24 hours after arrest. The judge at that hearing in order to hold such a person for those 10 days must find first that he is on pretrial release, probation or parole, and, second, that he may flee or constitute a danger to the community. On those two findings he can order him held for the 10 days.

We then provide specifically that during those 10 days the pretrial detention hearing will be held where the question of substantial probability must be established.

So it is not quite the precise procedure that we have now with respect to those specific types of crimes, that is, a new crime or violation that constitutes a dangerous crime, a violent crime, or obstruction of justice.

Mr. EDWARDS of California. Would the great difficulty that is being experienced in Washington with recidivists and people on parole committing more crimes, not be better cured by enactment of a Speedy Trial Act such as we have enacted for the Federal district courts?

Mr. MANN. We discussed the Speedy Trial Act and we are willing to take that matter up, and indeed it is being considered, but the current provisions of the Speedy Trial Act are not violated by this device.

The Speedy Trial Act does not require a trial in 90 days, as it applies in the Federal courts. So we have provided in these specific categories of pretrial detention, and if the person is not on trial in 90 days, then he is released on bail, even personal recognizance. We felt that the 60 days was a truly unrealistic period.

Mr. EDWARDS of California. Mr. Speaker, I again thank the gentleman from South Carolina. I have great respect for the chairman of the subcommittee and the chairman of the full committee and indeed the membership of the entire Committee on the District of Columbia. I am sorry the bill came up today without any prior notice. It would seem to me that more study should be made of the constitutional aspects of the legislation. I have grave doubts about the bill and I will vote against it.

AMENDMENT OFFERED BY MR. MANN

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

The Clerk read as follows:

Amendment offered by Mr. MANN: Page 3, line 6, insert "section" after "as defined in".

Mr. MANN. Mr. Speaker, this is merely a technical amendment, inserting the word "section" where it was omitted.

The SPEAKER. The question is on the amendment offered by the gentleman from South Carolina (Mr. MANN).

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.

Mr. SEIBERLING. Mr. Speaker, I move to strike the requisite number of words.

I was standing on my feet, Mr. Speaker, before the passage of this technical amendment.

The SPEAKER. Let the Chair advise the gentleman from Ohio that the Chair will ask to vacate the proceedings, but if the gentleman wants to offer a pro forma amendment, he should address the Chair. He did not do so.

Without objection, the proceedings whereby the bill was ordered engrossed and read a third time are vacated.

There was no objection.

Mr. SEIBERLING. Mr. Speaker, I thought I addressed the Chair, but if I did not, I apologize for not following the proper procedure, and I thank the distinguished Speaker for vacating the proceedings in order that I might ask some questions about this bill.

I would like to ask the gentleman from South Carolina some questions about this bill which, it seems to me, have some rather extraordinary aspects. First of all, as to the efficacy. On page 3 of the committee report there is a very dramatic statement by Police Chief Cullinane of the District of Columbia about the problem of people being repeatedly released and arrested for subsequent crimes, and released again.

As a matter of fact, my wife was mugged a couple of years ago in the District, and the guilty people, who had already served time for the same type of crime, were released on their own recognizance. Within a few weeks, and before the trial for the mugging of my wife, they were back in, arrested again for the same type of crime. Is this bill going to correct that kind of situation which, it seems to me, is a very serious situation.

Mr. MANN. I am afraid I will have to confess that I share the gentleman's concern and would have overreacted to it.

MONS 030079

had I not been ultrasensitive to the other problems of bail and release. In the process of our hearings, I would say that we got the message across that both the District Attorney's Office and the Metropolitan Police should have expedited procedures, a career criminals section, if you will, that can expedite the trial in such cases of recidivists of that type. However, we limited our tightening of the act to only those offenses which calsify as dangerous, violent, or obstruction of justice. It will cover, for example those people who may be out on bail for shoplifting and who then commit a dangerous offense. They would be covered by this, but if they are out on bail for a dangerous offense and commit a less violent offense, then they are not covered. So there are a lot of cases that this will not catch. And, of course, even if it catches them, it does not mean that the court would detain them.

Mr. SEIBERLING. A violent mugging would be a dangerous offense, I would think.

Mr. MANN. Yes, it would be; but the point is that unless the District Attorney's Office, as our colleague, the gentleman from California, very aptly made a point, and the Metropolitan Police and the courts expedite the disposition of cases with reference to those multiple offenders, there are still going to be a lot who drop through the cracks, even under our amended procedure.

Mr. SEIBERLING. I would hope that we could figure out some constitutional way to remedy that problem to the extent it is not already remedied. I have one further question. On page 4 of the bill, starting on line 6, it states:

After hearing the evidence presented in the preliminary or ten-day hold hearing, as well as any proffer of further evidence made by the United States attorney, the judicial officer may order the person detained pending trial if the judicial officer . . .

makes certain findings.

That implies that a person can be held indefinitely, and, of course, if that is so, it would be a very grievous breach of a person's civil liberties. I wonder if that is what was intended.

Mr. MANN. Another section of the bill which follows this section now has a 60-day provision. If he was not given a trial within 60 days, he would then be entitled to personal recognizance or bail under those provisions of section 1321. We amended that, so as to extend the 60 days to 90 days, and that does modify and define the "pending trial" language.

Mr. SEIBERLING. The phrase "pending trial" has to be read in light of this other provision?

Mr. MANN. Precisely.

Mr. SEIBERLING. If this bill is enacted, it would mean that at the end of 90 days it would go back to the regular bail statute.

Mr. MANN. That is correct.

Mr. SEIBERLING. I thank the gentleman. Let me say that I have had, and continue to have, serious misgivings about the whole concept of preventive detention, which allows imprisonment of a person without bail and without a prompt trial. At the same time I am also deeply concerned about the seeming inability of our criminal justice system to get persons off the streets who have repeatedly committed dangerous crimes. I hope this bill will improve this situation. I also believe that the House Judiciary Committee should conduct a thorough review of the constitutional and criminal law problems inherent in the D.C. criminal code.

Mr. BIESTER. Mr. Speaker, I rise in opposition to H.R. 14967, amendments to the D.C. Code regarding pretrial release or detention.

I would like to share with my colleagues the reservations I have about this measure and the reasons I am unable to support it, as I was unable to vote for it either in the Judiciary Subcommittee or in full committee.

Apart from my doubts as to the necessity or desirability of extending the 5-day hold provision to 10 days and increasing to 90 days the 60-day period for preventive detention—in the light of testimony which reveals that prosecutors are utilizing the preventive detention procedure with increasing frequency—my foremost concern is with the inclusion of "forcible rape" in sections 23–1321 and 25 of title 23 of the D.C. Code. This legislation would amend the code to replace the term "offense punishable by death" with "murder in the first degree or forcible rape." It is this singling out of forcible rape and placing it on an equal footing with first degree murder to which I object. We do not include armed robbery, arson, burglary of a dwelling house or other heinous, and dangerous crimes.

The legislation would weaken detention criteria for those accused of forcible rape, and I feel very strongly that we will be seriously overreacting if we allow too much discretion and too little due process in the detention of those accused of this particular crime. I believe the present detention law—section 1322 with its plenary due process safeguards—is more than adequate to protect the Washington community from those who are charged with this most reprehensible crime. While we all are horrified by this outrageous act, there are several sound reasons for retaining the law as it presently stands.

First, detention under the standards set forth result in extensive and extreme pretrial punishment even though only one of five accused rapists will be found guilty at trial. Punishment would be extensive because section 1325 sets no time limit to the detention and no priority for the trial.

Second, we simply cannot afford to set a precedent for circumventing the carefully drawn safeguards and rights guaranteed the accused in the 1970 D.C. crime bill, such as: the right to counsel; the right to present witnesses; the right to cross-examine witnesses; the right to written reasons for detention; and the right to a finding that there is substantial probability that the defendant actually committed the crime.

Finally, let us not fulfill Chief Judge Harold Greene's prediction when the 1970 act was passed that once the precedent for preventive detention is set, however narrowly drawn, Congress will expand this law as law enforcement agencies may say they require at any particular time.

Mr. Speaker, I respectfully urge that my colleagues join me in rejecting this encroachment on the rights of the accused.

Mr. MOAKLEY. Mr. Speaker, I rise in support of the bill (H.R. 14967) to provide more effective pretrail detention laws for the District of Columbia.

I would like briefly to discuss one problem with the bill, however, the failure to establish any sensible definition for "forcible rape."

The section of the D.C. Code referenced in this bill, section 23–1331(3), lists among dangerous crimes, "Forcible rape, or assault with intent to commit forcible rape."

Yet the section of the D.C. Code which makes rape a criminal offense, section 22–2801, offers little help by way of definition. It states:

Whoever has carnal knowledge of a female forcibly and against her will . . .

I would suggest, Mr. Speaker, that this definition is inadequate; a more useful definition might be "with force or threat of force," but even this may not deal adequately with a very problematical area of law.

It should be noted that the section dealing with robbery clearly makes this distinction. Section 22–2901 states:

Whoever by force or violence, whether against resistance or by sudden or stealthy seizure or snatching, or by putting in fear . . .

By putting in fear, Mr. Speaker. That is all that is necessary for conviction of robbery. It is ironic that the laws we have written offer less protection to a woman than to her pocketbook.

While any amendment of this portion of the law would not be germane to the bill before us, I would urge the committee to consider substantial revision of the District's rape laws.

Mr. BIAGGI. Mr. Speaker, I rise in full support of H.R. 14967, legislation which will make important revisions in District law to extend the time period under which repeat criminal offenders can be held in pretrial detention. The bill offers an urgently needed approach for dealing with the problem of criminal recidivism in the District, which currently has one of the highest rates in this Nation.

The revisions which this bill will make in existing D.C. law are important and could ultimately achieve the much desired goal of keeping repeat offenders off the streets. These revisions include an increase from 5 to 10 court days, that judges can detain so-called "hard core" repeat offenders who are either on pretrial release, probation or parole from earlier criminal offenses, and who are rearrested for a capital crime such as murder or rape. The bill also allows for a pretrial detention hearing to be called upon the motion of a judge, rather than the U.S. Attorney. The judge under this bill will also be able during the 10-day period to determine if there is sufficient basis to hold a defendant without bail, pending a trial. Finally, the bill will in-

MONS 030080

crease from 60 to 90 days, the maximum time any defendant can be detained.

All of these revisions are extremely important for an efficient criminal justice system in the District. As a person affiliated with law enforcement for some 23 years, I take special interest in the positive effects which this legislation will have on police morale in the District. The satisfaction involved when a police officer is able to arrest and aid in the conviction of an individual criminal, is turned into frustration, when the criminal is released and commits another crime. The frustration is further compounded by the present D.C. retrial laws which allow a repeat criminal, no matter how serious the offense committed, to be released almost immediately after arrest.

The legislation will help correct this injustice while also serving to expedite the procedures which will allow a repeat offender to be brought to trial. It is further hoped that these revisions will lead to the D.C. criminal justice system giving a priority to the trials of repeat offenders.

The approach embodied in this legislation should be considered by other cities and States. The problem of criminal recidivism is national in scope and efforts such as this which are designed to combat the problem, should be viewed with favor by all criminal justice systems in this Nation.

It is estimated that more than one-fourth of all those arrested in the District, are repeat offenders. It is imperative that the criminal code of this city be responsive to this problem. The criminal laws of our Nation's Capital must be more considerate of the law-abiding citizenry. Repeaters must be dealt with in a harsh fashion if they are to be deterred from committing future offenses. To deal effectively with the repeat criminal offender in the District, we must make it easier for the criminal justice system to do its job. It is time that the criminal laws of this land free, rather than tie the hands of those involved in law enforcement and criminal justice. We have an excellent opportunity to enact such a law here, today. I urge all of my colleagues who are genuinely concerned with reducing crime and getting hardened criminals off the streets, to support this important bill. I also hope that the mandate of this legislation will be adopted by other localities in this Nation and made part of an overall effort to reduce crime.

Mr. DIGGS. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

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.

RESIGNATION AS CHAIRMAN AND MEMBER OF COMMITTEE ON SMALL BUSINESS

The SPEAKER laid before the House the following resignation as chairman and member of a committee:

WASHINGTON, D.C.,
August 23, 1976.

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

DEAR MR. SPEAKER: I hereby tender my resignation as Chairman and Member of the House Small Business Committee effective, August 30, 1976.

It has been my privilege to serve the Committee as a Member since the opening of the 81st Congress in 1949 and as Chairman since 1963. I greatly appreciate the honor you conferred upon me by designating me to continue to serve as Chairman during the 93d, 93rd, and 94th Congresses.

The Committee, as you know, is now a legislative committee with expanded membership. Altho, as indicated, I am resigning from the committee effective next week, it is gratifying to see that the Committee is well established, well organized and functioning effectively.

With kindest regards and best wishes, I am,

Sincerely your friend,
JOE L. EVINS, *Chairman.*

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

BORROWING AUTHORITY FOR DISTRICT OF COLUMBIA

Mr. DIGGS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 14971) to amend the District of Columbia Self-Government and Governmental Reorganization Act with respect to the borrowing authority of the District of Columbia, and for other purposes, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 743 of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 47-391 note) is amended—

(1) in subsection (a) by striking out "the effective date of title IV" in the first sentence and inserting in lieu thereof "October 1, 1979"; and

(2) by adding at the end thereof the following new subsection:

"(d) The authority contained in this section to make loans shall be effective for any fiscal year only to such extent or in such amounts as are provided in appropriation Acts.".

SEC. 2. Section 448(a) of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 47-234(a)) is amended by striking out "November 1" and inserting in lieu thereof "February 1".

SEC. 3. (a) Section 481(c)(1)(C) of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, title 11 App. 481(c)(1)(C)) is amended—

(1) by striking out "302" and inserting in lieu thereof "102"; and

(2) by striking out "subsection (b)(4)(D)" and inserting in lieu thereof "paragraph (4)(E)".

(b) Section 484(b)(1)(C) of such Act (D.C. Code, title 11 App. 484(b)(1)(C)) is amended—

(1) by striking out "302" and inserting in lieu thereof "102"; and

(2) by striking out "subsection (b)(4)(D)" and inserting in lieu thereof "paragraph (4)(E)".

Mr. DIGGS. Mr. Speaker, I move to strike the last word.

(Mr. DIGGS asked and was given permission to revise and extend his remarks.)

Mr. DIGGS. Mr. Speaker, the purpose of the bill, H.R. 14971, as is set forth in the committee report (H. Rept. 94-1420), which was requested by the government of the District of Columbia, is First, to provide the District government with authority to borrow from the U.S. Treasury until it can finance its capital works projects via bond issues, or other sources of revenue; second, to require the Mayor of the District of Columbia to submit to the Council of the District of Columbia a complete financial statement and report for the fiscal year by February 1, instead of November 1, for the District's preceding fiscal year, which now corresponds with the changed date of the Federal fiscal year, October 1 to September 30; and third, to make technical and clerical corrections in Public Law 93-198—The Home Rule Act—with regard to the qualifications for appointment to the Commission on Judicial Disabilities and Tenure and to the Judicial Nomination Commission.

BACKGROUND AND NEED FOR LEGISLATION

The District government is presently without any means to finance its capital works and related projects. The District has been unable to obtain loans for new construction projects since the expiration of the pre-Home Rule Act borrowing authority.

Prior to home rule, the District government was given authority to borrow from the U.S. Treasury to fund new construction for capitalworks projects—including those funded by the water fund, the sanitary sewage works fund, the highway fund, and the general fund.

However, section 743 of the Home Rule Act—D.C. Self-Government and Governmental Reorganization Act, D.C. Code, title 1, section 743—terminated the District government's authority to borrow from the Treasury and authorized the Treasury to loan the District only those sums required to complete capital projects for which construction and contruction service funds were authorized or appropriated "prior to the effective date of title IV", that is, January 2, 1975.

Accordingly, since passage of the Home Rule Act no loans for new construction have been made for these four programs financed by the funds referred to above.

The Congress included the interim borrowing authority provision in the Self-Government Act to prevent undue disruption in the District's building and improvement programs during the transition from Treasury borrowing to the municipal bond market as the source of fi-

MONS 030081

nancing the District's capital program. Because of unexpected delays in the development and implementation of the District's bonding authority, an extension of the proposed extension in the period for which Treasury loans may be made is necessary; otherwise, vital ongoing improvement efforts will be halted and new projects may be delayed.

Continuing projects in the District for which financing may not otherwise be available include a vocational center for the handicapped, renovation and improvements to the Children's Center at Laurel, Md., major program of modernization and roof and boiler repairs and replacements for the public schools, major repairs to water and sewer mains, installation of new water and sewer mains and fire hydrants, major repairs to city highways, streets, and bridges, and street-lighting installations, modernization and replacement of Fire Department station houses.

Financing for such new projects approved by the District for inclusion in the 1977, 1978, 1979, and also 1980 fiscal year budgets may not be available in a timely manner unless the interim borrowing authority is revised and extended as requested.

DISTRICT'S BORROWING AND FINANCIAL SITUATION

The city's borrowing authority was terminated under section 743 of the Home Rule Charter because the Self-Government Act—section 723(a)—also provided the city with authorization to finance its capital projects through its own general obligation bonds. However, the recurring financial problems of New York City had negative implications for many urban areas, and the impact was especially great on the District of Columbia because of its recent emergence from Federal control. Subsequently, a disapproval resolution passed by the other body on December 6, 1975, in effect killed the District's Refunding Bond Authorization Act—Council Act 1–87—whereby the city had hoped to inaugurate its bond issues.

The District was placed in a situation which precluded funding by both the borrowing authority from the Treasury and its own expected bonding authority. This total blockage of funds led to the District's drafting and submission to the Congress of H.R. 14594, which was designed to extend the authority to borrow from the Treasury until January 1977. This additional time was to provide an interlude until the economic climate permitted a determination to authorize the sale of municipal bonds. But, the recent Arthur Andersen report, which was initiated by Congress, revealed that it would be several months before accurate and reliable data could be provided which would justify a decision to issue bonds.

Since the request to extend the borrowing authority was submitted, it has become apparent that the District may not be in a position to issue bonds until sometime after October 1978. That is the earliest date at which an audit of the city's financial reports can be undertaken, according to the schedule set forth in the report of Arthur Andersen & Co. and included in the conference report on H.R. 11009—to provide for an independent audit of the financial condition of the government of the District of Columbia. While the city may be able to issue bonds without audited reports, there is now a great deal of uncertainty concerning the feasibility or desirability of doing so, according to testimony of District officials. Without an audited financial statement, the city may have to pay a substantial interest premium for any bonds issued, they testified. In addition, future legislation may require that municipal issues have audited financial statements in support of general obligation bond issues. Accordingly, the District government further requested the committee to extend the interim borrowing authority at least until October 1, 1979.

The bill was, therefore, amended to authorize an extension of the borrowing authority from the Treasury until October 1, 1979—the beginning of the fiscal year. It is hoped that this will allow time for a complete audit and other prerequisites for the issuance of bonds by the city.

If authority to secure further loans from the Treasury Department is not granted to the District, it will impair the District's ability to meet its obligation for prior Treasury loans. As of June 30, 1976, Treasury loans outstanding to the District for capital programs under the loan authority amounted to $1,071,-131,870, including $215,956,000 advanced under the interim loan authority. It will be difficult, if not impossible, for the District to continue its capital projects if the borrowing authority from the Treasury is not extended as is provided in H.R. 14971.

PROVISIONS OF H.R. 14971

Section 1 of the bill, as stated, amends the Home Rule Act to extend until October 1, 1979, the District's interim authority to borrow from the Treasury of the United States to finance the District's capital improvements projects.

Section 2 of the bill amends section 448(4) of the Self-Government Act to change the date by which the Mayor must submit to the Council of the District of Columbia a complete financial statement and report for the preceding fiscal year. Present law requires the submission of such an annual report by November 1 of each fiscal year. The change in the end of the fiscal year of the District from June 30 to September 30, effective October 1, 1976, leaves insufficient time for the preparation of the required financial statements and reports by November 1. The proposed amendment will conform the reporting requirement with the change in the fiscal year by changing the date of submission from November 1 to February 1 of each fiscal year.

Section 3 of the bill simply makes procedural and technical changes to the existing law—Public Law 93–198, Home Rule Act—respecting qualifications for appointment to the Commission on Judicial Disabilities and Tenure, and to the Judicial Nomination Commission.

HEARINGS

The Subcommittee on Government Operations held a hearing on this proposed legislation on July 27, 1976, after which it reported same, amended, unanimously to the full committee.

Representatives of the U.S. Treasury and of the District government—which requested enactment of this legislation by the Congress—testified in support of the legislation. No opposition was then expressed or has since been received by the Committee.

COMMITTEE VOTE

On August 9, 1976, the full committee approved H.R. 14971 by voice vote.

CONCLUSION

The enactment of this legislation will provide the District government with a temporary means by which to finance its capital works project authorized since January 2, 1975. This measure would allow the District to borrow at low-interest rates which would not be unduly burdensome until it is feasible to use alternative means of financing. The absence of such legislation will allow no realistic alternatives for financing such projects.

Since the authority for the District's initial bond issue has, in effect, been retracted and the Arthur Andersen report now makes it infeasible for the District government to sell bonds on the market, the only option available which would not result in the District plunging into deeper fiscal difficulties would be an extension of the District's authority to borrow from the U.S. Treasury.

Mr. WHALEN. Mr. Speaker, I move to strike the requisite number of words.

(Mr. WHALEN asked and was given permission to revise and extend his remarks.)

Mr. WHALEN. Mr. Speaker, I rise in support of H.R. 14971. This bill extends from January 2, 1975 until October 1, 1979, the date until which new capital works construction projects in the District of Columbia may be authorized to be financed by loans from the U.S. Treasury. In passing the Home Rule Act, the Congress terminated this authority for projects not authorized prior to January 2, 1975. At the same time Congress granted the District government the authority to go to the private municipal bond market to finance such construction with general obligation bonds. However, at that time few if any of us anticipated the financial problems that so many of our large municipalities have subsequently experienced, so awesomely exemplified today by the precarious financial plight of New York City. We have also learned much more about the financial problems of our own Federal city, Washington, D.C., and indeed about our lack of knowledge and the ability to ascertain or immediately determine its true financial condition. Thus the city has decided wisely, I believe, to defer a $50 million bond issue which it had authorized last October for the purpose of refunding at a more favorable interest rate certain loans from the U.S. Treasury. In light of the foregoing, it would be unwise, if not impossible, for the city to go to the private bond market, at least until after a satisfactory audit can be performed for the District as contemplated in H.R. 11009, also before us for action today. (The purpose of H.R. 11009, a bill to establish a Temporary Commission on Financial Oversight for the District of Columbia, is to put the District's

MONS 030082

financial management and accounting system on a sound financial footing.) In the meantime, in order for the city to carry out essential construction programs for public needs in education, health, welfare, public safety, and similar fields, it is manifestly necessary for this body to extend the city's authority to borrow from the U.S. Treasury until it can issue its own general obligation bonds.

In view of these facts, Mr. Speaker, I strongly urge the passage of this vital legislation.

Mr. GUDE. Mr. Speaker, I move to strike the requisite number of words.

(Mr. GUDE asked and was given permission to revise and extend his remarks.)

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

Mr. Speaker, the District historically financed its construction program through Treasury loans. The Home Rule Act provided the District with the authority to use private markets to finance construction and terminated its authority to borrow from the Treasury. It was anticipated that the private market would demand a lower interest rate than the 8-percent rate required by the Treasury. Indeed, that was the reason why we refused to support a resolution disapproving the city's first bond authorization. However, in view of the recent disclosures that the city's books cannot be audited, the city is effectively barred from the private financial markets. If the city is to start any new construction while its books are being put in order, we must extend the city's authority to borrow from the Treasury. Therefore, I support passage of the bill.

Mr. FAUNTROY. Mr. Speaker, I move to strike the requisite number of words.

(Mr. FAUNTROY asked and was given permission to revise and extend his remarks.)

Mr. FAUNTROY. Mr. Speaker, on Monday, August 9, 1976, the House District Committee favorably reported H.R. 14971. The bill provides an extension of the District of Columbia's borrowing authority with respect to the U.S. Treasury until October 1, 1979.

The authority to borrow from the Treasury was superseded by the authority to issue bonds and short term loans on January 2, 1975, the date on which title IV of the Home Rule Act (P.L. 93-198, section 723) took effect. But, the combined commencement of the bonding authority and the termination of the District's authority to borrow from the U.S. Treasury did not provide for a transitional period which would allow a gradual shift in financing the city's debt.

The lag in the District's ability to finance its programs led to the drafting of the original bill, H.R. 14594, which was to provide an extended period of 2 years in which the city could borrow from the U.S. Treasury. However, the recently released Arthur Anderson report dictates a longer extension. Therefore, at the subcommittee level amendments were made which were later incorporated into a clean bill, H.R. 14971. The modification changes the proposed date for the extension of the borrowing authority from January 1977 to October 1, 1979. This will provide sufficient time to allow for accurate and reliable data relating to the fiscal situation to be developed. It is only after such data is available that a determination to issue general obligation bonds can be made.

At the D.C. Government Operations Subcommittee hearings, we heard the testimony of Mr. Comer S. Copple, the special assistant to the Mayor for budget and management systems, and Mr. Steve L. Cummings, the Comptroller of Government Financial Operations at the U.S. Treasury. Mr. Copple expressed the dire need for an extension of the borrowing authority from the U.S. Treasury until the end of the 1979 fiscal year. He emphasized that there are no realistic alternatives for financing the city's capital works projects. Mr. Cummings expressed satisfaction with an extension saying:

At the time the Home Rule Act was approved, it was apparent to us that if the District Government were prevented from issuing its obligations in the market for a significant period of time, as has been the case up to now, alternative financing arrangements would need to be provided by Congress—presumably in the form of additional borrowing authority from the Treasury.

The Congress should make every effort possible to avoid disruption of the District's affairs during the transitional period between Federal and local control. We should be especially sympathetic since it is we, as Members of Congress, who share equal responsibility for the District government's present financial difficulties. Therefore, I would urge the House to extend the borrowing authority from the U.S. Treasury, a measure which would provide sufficient time for the development of a sound base by which the city could go to Wall Street in a manner similar to other municipalities.

Mr. DIGGS. Mr. Speaker, I move the previous question on the bill.

The previous question was ordered.

The SPEAKER. The question is on the engrossment and third reading of the bill.

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

The SPEAKER. The question is on the passage of the bill.

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 221, nays 122, not voting 86, as follows:

[Roll No. 666]

YEAS—221

Addabbo	Bowen	Blouin
Allen	Brad, R.I.	Boggs
Ambro	Bedell	Booker
Andrews, N.C.	Bennett	Brademas
Andrews, N. Dak.	Bergland	Breaux
Annunzio	Biaggi	Breckinridge
Ashley	Bieter	Brinkley
Bafalis	Blanchard	Brodhead
Baucus	Bolling	Broomfield
Beard, Tenn.	Bonker	Brown, Calif.
Bedell	Brademas	Brown, Mich.
Bennett	Breaux	Brown, Ohio
Bergland	Breckinridge	Broyhill
Biaggi	Brinkley	Buchanan
Bieter	Brodhead	Burgener
Blanchard	Broomfield	Burke, Fla.
Bolling	Brown, Calif.	Burke, Mass.
Bonker	Brown, Mich.	Burton, John
Brademas	Brown, Ohio	Burton, Phillip
Breaux	Broyhill	Byron
Breckinridge	Buchanan	Carr
Brinkley	Burgener	Cleveland
Brodhead	Burke, Fla.	Cohen
Broomfield	Burke, Mass.	Collins, Ill.
Brown, Calif.	Burton, John	Conable
Brown, Mich.	Burton, Phillip	Conte
Brown, Ohio	Byron	Conyers
Broyhill	Carr	Cornell
Buchanan	Cleveland	Cotter
Burgener	Cohen	D'Amours
Burke, Fla.	Collins, Ill.	Daniel, Dan
Burke, Mass.	Conable	Daniels, N.J.
Burton, John	Conte	Danielson
Burton, Phillip	Conyers	Davis
Byron	Cornell	Delaney
Carr	Cotter	Dellums
Cleveland	D'Amours	Dent
Cohen	Daniel, Dan	Derrick
Collins, Ill.	Daniels, N.J.	Derwinski
Conable	Danielson	Diggs
Conte	Davis	Dingell
Conyers	Delaney	Dodd
Cornell	Dellums	Downey, N.Y.
Cotter	Dent	Downing, Va.
D'Amours	Derrick	Drinan
Daniel, Dan	Derwinski	Duncan, Tenn.
Daniels, N.J.	Diggs	Eckhardt
Danielson	Dingell	Edgar
Davis	Dodd	Edwards, Calif.
Delaney	Downey, N.Y.	Eilberg
Dellums	Downing, Va.	Erlenborn
Dent	Drinan	Fary
Derrick	Duncan, Tenn.	Fascell
Derwinski	Eckhardt	Fish
Diggs	Edgar	Fisher
Dingell	Edwards, Calif.	Fithian
Dodd	Eilberg	Flood
Downey, N.Y.	Erlenborn	Foley
Downing, Va.	Fary	Ford, Mich.
Drinan	Fascell	Forsythe
Duncan, Tenn.	Fish	Fraser
Eckhardt	Fisher	Fuqua
Edgar	Fithian	Gibbons
Edwards, Calif.	Flood	Gilman
Eilberg	Foley	Ginn
Erlenborn	Ford, Mich.	Gonzalez
Fary	Forsythe	Goude
Fascell	Fraser	Guyer
Fish	Fuqua	Haley
Fisher	Gibbons	Hall, Ill.
Fithian	Gilman	Hamilton
Flood	Ginn	Hannaford
Foley	Gonzalez	Harkin
Ford, Mich.	Goude	Harrington
Forsythe	Guyer	Harris
Fraser	Haley	Hawkins
Fuqua	Hall, Ill.	Hechler, W. Va.
Gibbons	Hamilton	Heftel
Gilman	Hannaford	Hicks
Ginn	Harkin	Hillis
Gonzalez	Harrington	Holtzman
Goude	Harris	Howard
Guyer	Hawkins	Hubbard
Haley	Hechler, W. Va.	Hyde
Hall, Ill.	Heftel	Ichord
Hamilton	Hicks	Jacobs
Hannaford	Hillis	Jeffords
Harkin	Holtzman	Jenrette
Harrington	Howard	Johnson, Calif.
Harris	Hubbard	Jones, Ala.
Hawkins	Hyde	Jordan
Hechler, W. Va.	Ichord	Kastenmeier
Heftel	Jacobs	Keys
Hicks	Jeffords	Kindness
Hillis	Jenrette	Koch
Holtzman	Johnson, Calif.	Krebs
Howard	Jones, Ala.	Krueger
Hubbard	Jordan	LaFalce
Hyde	Kastenmeier	Leggett
Ichord	Keys	Lent
Jacobs	Kindness	Lloyd, Calif.
Jeffords	Koch	Long, La.
Jenrette	Krebs	Long, Md.
Johnson, Calif.	Krueger	Lundine
Jones, Ala.	LaFalce	McCloskey
Jordan	Leggett	McCormack
Kastenmeier	Lent	McEwen
Keys	Lloyd, Calif.	McFall
Kindness	Long, La.	McHugh
Koch	Long, Md.	McKay
Krebs	Lundine	Madden
Krueger	McCloskey	Maguire
LaFalce	McCormack	Mann
Leggett	McEwen	Maraziti
Lent	McFall	Metcalfe
Lloyd, Calif.	McHugh	Meyner
Long, La.	McKay	Mezvinsky
Long, Md.	Madden	Michel
Lundine	Maguire	Mikva
McCloskey	Mann	Miller, Calif.
McCormack	Maraziti	Mills
McEwen	Metcalfe	Minish
McFall	Meyner	Mitchell, Md.
McHugh	Mezvinsky	Mitchell, N.Y.
McKay	Michel	Moakley
Madden	Mikva	Moffett
Maguire	Miller, Calif.	Moorhead, Calif.
Mann	Mills	Moss
Maraziti	Minish	Natcher
Metcalfe	Mitchell, Md.	Nedzi
Meyner	Mitchell, N.Y.	Nichols
Mezvinsky	Moakley	Nix
Michel	Moffett	Nolan
Mikva	Moorhead, Calif.	Oberstar
Miller, Calif.	Moss	Obey
Mills	Murphy, Ill.	O'Hara
Minish	Natcher	O'Neill
Mitchell, Md.	Nedzi	Ottinger
Mitchell, N.Y.	Nichols	Patten, N.J.
Moakley	Nix	Patterson, Calif.
Moffett	Nolan	Pattison, N.Y.
Moorhead, Calif.	Oberstar	Perkins
Moss	Obey	Pike
Natcher	O'Hara	Preyer
Nedzi	O'Neill	Price
Nichols	Ottinger	Quie
Nix	Patman	Railsback
Nolan	Patten, N.J.	Rangel
Oberstar	Patterson, Calif.	Reuss
Obey	Pattison, N.Y.	Rhodes
O'Hara	Perkins	Richmond
O'Neill	Pike	Rodino
Ottinger	Preyer	Roe
Patman	Price	Rogers
Patten, N.J.	Quie	Rose
Patterson, Calif.	Railsback	Rostenkowski
Pattison, N.Y.	Rangel	Roush
Perkins	Reuss	Roybal
Pike	Rhodes	Ryan
Preyer	Richmond	St Germain
Price	Rodino	Sarasin
Quie	Roe	Sarbanes
Railsback	Rogers	Schroeder
Rangel	Rose	Seiberling
Reuss	Rostenkowski	Simon
Rhodes	Roush	Smith, Iowa
Richmond	Roybal	Solarz
Rodino	Ryan	Spellman
Roe	St Germain	Staggers
Rogers	Sarasin	Stanton, J. William
Rose	Sarbanes	Stanton, James V.
Rostenkowski	Schroeder	Stark
Roush	Seiberling	Steed
Roybal	Simon	Stokes
Ryan	Smith, Iowa	Studds
St Germain	Solarz	Taylor, N.C.
Sarasin	Spellman	Thone
Sarbanes	Staggers	Thornton
Schroeder	Stanton, J. William	Traxler
Seiberling	Stanton, James V.	Tsongas
Simon	Stark	Udall
Smith, Iowa	Steed	Ullman
Solarz	Stokes	Vander Veen
Spellman	Studds	Vanik
Staggers	Taylor, N.C.	Vigorito
Stanton, J. William	Thone	Waldie
Stanton, James V.	Thornton	Wampler
Stark	Traxler	Weaver
Steed	Tsongas	Whalen
Stokes	Udall	Wilson, C. H.
Studds	Ullman	Wilson, Tex.
Taylor, N.C.	Vander Veen	Wolff
Thone	Vanik	Wright
Thornton	Vigorito	Yates
Traxler	Waldie	Yatron
Tsongas	Wampler	Young, Tex.
Udall	Weaver	Zablocki
Ullman	Whalen	Zeferetti

NAYS—122

Alexander	Flowers	Mathis
Archer	Flynt	Miller, Ohio
Armstrong	Fountain	Montgomery
Ashbrook	Frenzel	Moore
Bauman	Gaydos	Mottl
Beard, Tenn.	Goldwater	Murtha
Bevill	Goodling	Myers, Ind.
Bowen	Gradison	Myers, Pa.
Brooks	Gramley	O'Brien
Broyhill	Hagedorn	Paul
Burleson, Tex.	Hall, Tex.	Pettis
Burlison, Mo.	Hammer-schmidt	Pickle
Butler	Harsha	Poage
Carney	Heckler, Mass.	Pressler
Carter	Hughes	Quillen
Cederberg	Hutchinson	Regula
Clancy	Ireland	Risenhoover
Clausen, Don H.	Johnson, Pa.	Roberts
Clawson, Del	Jones, N.C.	Robinson
Cochran	Kasten	Rousselot
Collins, Tex.	Kelly	Runnels
Coughlin	Kemp	Satterfield
Crane	Ketchum	Schneebeli
Daniel, R. W.	Lagomarsino	Schulze
Devine	Landrum	Sebelius
Dickinson	Latta	Shriver
du Pont	Levitas	Shipley
Early	Lloyd, Tenn.	Shuster
Edwards, Ala.	Lott	Sikes
Emery	Lujan	Skubitz
English	McCollister	Slack
Evans, Ind.	McDonald	Snyder
Fenwick	Madigan	Spence
Findley	Mahon	Symms
Florio	Martin	

MONS 030083

Talcott	Wampler	Winn
Taylor, Mo.	White	Wydler
Teague	Whitehurst	Wylie
Treen	Whitten	Young, Fla.
Waggonner	Wiggins	

NOT VOTING—88

Abdnor	Green	Pepper
Abzug	Hanley	Peyser
Adams	Hansen	Pritchard
Anderson, Hayes, Ind.	Randall	
Calif.	Hays, Ohio	Rees
Anderson, Ill.	Hébert	Riegle
Aspin	Heinz	Rosenthal
AuCoin	Henderson	Roncalio
Bedell	Hightower	Rooney
Baldus	Hinshaw	Rosenthal
Bell	Holland	Ruppe
Boland	Holt	Russo
Bolling	Howe	Santini
Brown, Calif.	Hungate	Scheuer
Brown, Mich.	Johnson, Colo.	Sisk
Burke, Calif.	Jones, Okla.	Smith, Nebr.
Chappell	Jones, Tenn.	Steelman
Chisholm	Karth	Steiger, Ariz.
Clay	Lehman	Stokes
Conlan	McKinney	Sullivan
Corman	Matsunaga	Symington
de la Garza	Meeds	Thompson
Duncan, Oreg.	Melcher	Van Deerlin
Eckhardt	Milford	Vander Jagt
Esch	Mink	Waxman
Eshleman	Moffett	Wilson, Bob
Evans, Colo.	Moorhead, Pa.	Wirth
Evins, Tenn.	Moss	Young, Alaska
Ford, Tenn.	Murphy, N.Y.	Young, Ga.
Frey	Nowak	
Gialmo		

The Clerk announced the following pairs:

Mr. Russo with Mr. Abdnor.

Mr. Moorhead of Pennsylvania with Mr. Hansen.

Mr. Rooney with Mr. Peyser.

Mr. Badillo with Mr. Adams.

Mr. Waxman with Mr. Anderson of Illinois.

Mr. Lehman with Mr. Bell.

Mr. Melcher with Mr. Conlan.

Mrs. Chisholm with Mr. Esch.

Mr. Jones of Oklahoma with Mr. Aspin.

Mr. Young of Georgia with Mr. Evins of Tennessee.

Mr. Symington with Mr. Frey.

Mr. Holland with Mr. Green.

Mr. Riegle with Mr. Brown of Michigan.

Mr. Moffett with Mr. Duncan of Oregon.

Mr. Santini with Mr. Hayes of Indiana.

Ms. Abzug with Mr. Steiger of Arizona.

Mr. Boland with Mr. Corman.

Mr. Chappell with Mr. Heinz.

Mrs. Burke of California with Mrs. Holt.

Mr. Gialmo with Mr. Eshleman.

Mr. Manley with Mr. Ford of Tennessee.

Mr. Hébert with Mr. Hays of Ohio.

Mr. Jones of Tennessee with Mr. Howe.

Mr. Matsunaga with Mrs. Sullivan.

Mr. Meeds with Mr. Henderson.

Mr. Murphy of New York with Mr. Steelman.

Mr. Pepper with Mr. Hungate.

Mr. Roncalio with Mr. Karth.

Mr. Rosenthal with Mr. McKinney.

Mr. Stokes with Mr. Moss.

Mr. Thompson with Mr. Nowak.

Mr. Van Deerlin with Mr. Howe.

Mr. Risenhoover with Mr. Pritchard.

Mr. Randall with Mr. Ruppe.

Mrs. Mink with Mr. Scheuer.

Mr. Evans of Colorado with Mr. Sisk.

Mr. Anderson of California with Mr. Baldus.

Mr. AuCoin with Mr. Clay.

Mr. de la Garza with Mr. Hightower.

Mr. Smith of Nebraska with Mr. Johnson of Colorado.

Mr. Wirth with Mr. Vander Jagt.

Mr. Bob Wilson with Mr. Young of Alaska.

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

TWO-YEAR EXTENSION ON PROHIBITION AGAINST D.C. COUNCIL'S REVISING CRIMINAL LAWS

Mr. DIGGS. Mr. Speaker, by direction of the Committee on the District of Columbia, I call up the bill (H.R. 12261) to extend the period during which the Council of the District of Columbia is prohibited from revising the criminal laws of the District, and ask unanimous consent that the bill be considered in the House as in the Committee of the Whole.

The Clerk read the title of the bill.

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

There was no objection.

The Clerk read the bill, as follows:

H.R. 12261

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That paragraph (9) of section 603(a) of the District of Columbia Self-Government and Governmental Reorganization Act (D.C. Code, sec. 1–147(a)(9)) is amended by striking out "twenty-four" and inserting in lieu thereof "forty-eight."

Mr. DIGGS. Mr. Speaker, I move to strike the last word.

(Mr. DIGGS asked and was given permission to revise and extend his remarks.)

Mr. DIGGS. Mr. Speaker, the purpose of H.R. 12261, as is set forth in the Committee report (H. Rept. 94–1418), is to continue, until January 3, 1979, the prohibition in the Home Rule Act (D.C. Self-Government and Governmental Reorganization Act, D.C. Code, Title 1, Sec. 147(a)(9)) against the Council of the District of Columbia legislating with respect to the provisions of Titles 22, 23, and 24 of the Criminal Code (crimes, criminal procedures, and treatment of criminals).

This legislation thus would extend for two additional years Congress' exclusive jurisdiction over the criminal laws of the District of Columbia. Its purpose is to give the Law Revision Commission adequate time to analyse the District's Criminal Code and to make specific recommendations to the Congress for comprehensive revision thereof, in order to turn over to the District of Columbia government updated and modern Criminal Code provisions.

NEED FOR THIS LEGISLATION

Enactment of the bill is necessary because the condition which was to be a prerequisite to the prohibition being lifted, namely, the completion of the revision and recodification of the District's Criminal Code by the Congress, based upon recommendations of the congressionally-established Law Revision Commission, will not occur by the original target date, January 3, 1977.

While the Commission was established by Public Law 93–379, approved August 21, 1974, pursuant to House-approved legislation which was considered concurrently with the home rule legislation, the Commission was not organised and operational until a year later.

Delays in appointment of members of the Commission, in meeting to organize, and in funding its budget, have so handicapped the Commission that clearly the January, 1977, deadline referred to cannot be met.

In fact, the Commission by letter recently stated:

Lack of staff and inability to make contracts with essential outside consultants make it impossible to predict when a final proposed draft of a new substantive Criminal Code can be completed.

Nevertheless, the Law Revision Commission has been given a mandate to turn initially to revision of the D.C. Criminal Code and report its recommendations to the Congress. The Congress will then have a chance to make the much needed revision of the Criminal Code. This should take no longer than 2 years. Subsequent to that action, it seems appropriate and consistent with the concept of self-determination that the Council was given the authority to make whatever further modifications in the Criminal Code are deemed necessary.

HISTORY OF PROPOSED CRIMINAL CODE REVISIONS

High priority for revision by the Congress of the District's Criminal Code has been sought for a number of years.

The 1966 report of the President's Commission on Crime in the District of Columbia urged that the Criminal Code of the District be revised, and stated:

1. The Criminal Law of the District of Columbia should be revised and reformed. The review should include a reexamination of all substantive and procedural provisions of the law to provide a clear definition of criminal behavior, to achieve fair and consistent policies of dealing with offenders, and to introduce new concepts of treatment into the code.

2. Congress should create and support a Commission to undertake revision of the District of Columbia Criminal Laws.

Examples given by the President's Commission are as follows:

The District of Columbia Criminal Law was first codified in 1901 and has not been codified since . . . The District Code has a proliferation of theft sections: Six sections cover larceny and two apply to receiving stolen property; ten sections cover embezzlement and one the receiving of embezzled property; one section covers obtaining property by false pretenses, but five cover false personation . . . A code which embraced all traditional forms of theft but eliminated overlapping provisions could minimize confusion and litigation . . . The law of robbery in the District is another illustration . . . The penalties provided in the District of Columbia Code are inequitable and inconsistent. Various sections of the Code provide different penalties for essentially the same act.

The Nelsen Commission recommended a D.C. Law Revision Commission, and in 1972 stated its support of such a Commission as follows:

Experience demonstrates that an active Corporation Counsel's Office, burdened with the day-to-day workload of litigation and accumulated administrative responsibilities, has little time or adequate facilities to undertake studies into legislative shortcomings, or exercise initiative in formulating recommendations for specific legislative improvement.

MONS 030084

CRIMINAL CODE RESTRICTIONS IN HOME RULE ACT

At the time of the adoption of the Home Rule Act it was clear that Congress intended to make a long-needed and complete revision of the Criminal Code before turning over to the Council the power to amend the criminal laws.

The home rule bill, as it passed the House in October 1973, had a flat prohibition against the Council even amending the three titles of the Criminal Code.

In conference an arrangement was agreed to that would give such power to the Council after a hiatus of 2 years. It was the clear intention of the conferees that during those 2 years the Criminal Code would be revised and Congress would turn over to the new Council a finished product.

As stated, H.R. 12261 will give the Law Revision Commission a chance to complete its work on the criminal law, and will carry out the clear intention of the conferees expressed in the following words in the conference report to the Home Rule Act:

It is the intention of the conferees that their respective Committees will seek to revise the District of Columbia Criminal Code *prior to the effective date of the transfer of authority referred to.* (Emphasis added.)

The intention of the conferees that an entire revised Criminal Code be turned over to the Council is emphasized by the special disapproval process for Criminal Code amendments in the Home Rule Act. The conferees assumed that the completed package would be a viable Criminal Code. They wanted to make sure that amendments to that Criminal Code would not be made hastily or without complete consideration. With the purpose of safeguarding the integrity and viability of the complete Criminal Code package, the conferees on the Home Rule Act provided for a single House veto of Criminal Code changes that might be made by the Council once the jurisdiction had been transferred.

This reinforces the commitment of the Congress to maintain exclusive jurisdiction over amendments to the Criminal Code until the Law Revision Commission has completed its study and made its recommendations, and the Congress has acted on the totally revised Criminal Code.

H.R. 12261 will change the effective date of the transfer of authority over the Criminal Code, and thereby keep faith with the assurances the Committee on the District of Columbia made to the House when the Home Rule Act was adopted.

HEARING

The Judiciary Subcommittee of the Committee held a hearing on this bill on June 29, 1976, after which it reported same favorably to the Full Committee by a vote of 6 to 2.

The Bar Association of the District of Columbia, a 195-year-old voluntary organization, consisting of over 4,000 attorneys, supported the bill.

The Council of the District of Columbia and private witnesses opposed same on a misinterpretation of the clearly-expressed intent of the Congress in the enactment of the Law Revision Commission and of the conditions under which it would consider revisions to the District's Criminal Code.

The Bar Association of the District of Columbia, through its President, presented its testimony in favor of H.R. 12261.

COMMITTEE VOTE

On August 9, 1976, the full committee approved H.R. 12261 by voice vote.

CONCLUSION

The great need for a revision of the District of Columbia's Criminal Code is well established. This need for a reform was expressly recognized by the President's Commission on Crime in the District of Columbia as being.

Rooted in the fact an inadequate Criminal Code can result in improvisation and poorly guided discretionary authority by police, prosecutors and judges; a lack of understanding by the public as to what conduct is unacceptable; and ultimately, a decreased respect for the law and its enforcers.

The Committee feels that this needed reform can best be accomplished through the study and recommendations of the Law Revision Commission, now in process, and hence urge the House to support H.R. 12261, the purpose of which is to give the Commission the time it needs to accomplish the important task upon which it has already embarked.

Mr. RAILSBACK. Mr. Speaker, I move to strike the requisite number of words.

(Mr. RAILSBACK asked and was given permission to revise and extend his remarks.)

Mr. RAILSBACK. Mr. Speaker, I simply want to offer my support for the comments of the chairman of the District Committee from Michigan.

I think the legislative history very clearly supports passage of this bill. The report of the Conference Committee on the home rule legislation is entirely conclusive. It states, in part, that:

It is the intention of the Conferees that their respective legislative committees will seek to revise the . . . Criminal Code prior to the . . . transfer of authority . . . (Legislative History of the Home Rule Act, p. 1079).

The city council will certainly acquire jurisdiction over the criminal law and procedure and corrections titles of the D.C. Code in short time—only slightly over 2½ years. This should be sufficient time for the Law Revision Commission to make its study and recommendations, and for Congress to take action on those recommendations.

We would not have to take this action if the Law Revision Commission had been able to proceed with its work as originally scheduled. Unfortunately, it was delayed in its work unavoidably.

I urge you to support this bill with knowledge that the Law Revision Commission has recently commenced its work on the revision of the criminal laws and is fully staffed and geared-up to complete its defined task in due time.

AMENDMENT OFFERED BY MR. DENT

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

The Clerk read as follows:

Amendment offered by Mr. DENT: At the end of the bill, strike out the period, and insert in lieu thereof a comma and the words "and by inserting, immediately preceding the word 'during', a comma, and the words 'or with respect to any criminal offense pertaining to articles subject to regulation under Chapter 33 of Title 22 of the District of Columbia Code'."

(Mr. DENT asked and was given permission to revise and extend his remarks.)

Mr. DENT. Mr. Speaker, this bill by its very title, of course, is a bill to prohibit, to continue to prohibit the District of Columbia City Council from revising the Criminal Code of the District. It is a very timely amendment, as introduced by the Chairman, the gentleman from Michigan (Mr. DIGGS) and it properly should be passed.

However, there are other considerations that ought to be given. If we are extending the time for a period of almost 2 years in order that the Revision Commission can get its work done, then we ought to at the same time prohibit the Criminal Code changes by any subterfuge or any roundabout, off-the-street method by any departmental police regulation. For instance, when 2 years ago the ruling was handed down, the court said that the police regulations passed by a previously appointed city council addressed an entirely different situation. Since that time this act prohibiting the change in the Criminal Code has been in effect. The reason we are not able to get the work done now is because we never know when by an act of police regulation, by an act of the police department, they will completely change the Criminal Code; and by so doing, they circumvent even this provision that is now being put into the act by the gentleman from Michigan. All he prohibits is the council from changing the Criminal Code, but at the same time the license is given to the police department to change the Criminal Code at will. We cannot say when the police, or any other authority, the Commission or the Congress makes this kind of a ruling that it is anything other than just an amendment to the Criminal Code. It makes it illegal for a homeowner to load a firearm in his own home to defend himself against an intruder or any housebreaker, or against any other unlawful act being performed by someone. It prevents the possession of any handgun not already registered in the District or even to reregister. It is foolish to say that by allowing the police regulations to change the Criminal Code that we are doing anything at all with this except postponing an action that might have been made by the council and not by the police regulations. Under all regulations a man is entitled to have in his home a weapon for his own self-defense. The right to bear arms, the right to own firearms, is inherent in American citizenship and in the Nation. The misuse of arms, of course, is not a right of anybody's.

Those of us who grew up during the prohibition of liquor days learned that prohibitions were only effective regarding those who did not know a bootlegger. There may be Members of this Congress who have a pistol permit in the city of Washington. If they leave Congress, that permit is no good to them any more, but if they come back 4 years from now after having spent 2 or 3 years

MONS 030085

out of Congress, they cannot be reregistered under regulations already put in, which are not in the Criminal Code.

I believe that the gentleman from Michigan's amendment is great; it ought to stay there; but my amendment would make it effective. The Council is a more responsive body, in my opinion, in matters of this kind than the police force is, and I would say that the Police Department should not have powers that are denied to the City Council. If the City Council cannot revise, if the City Council is prohibited from initiating change and yet has a duty to approve police initiatives, if City Council cannot write new law, if the City Council cannot change the Criminal Code, how can we justify giving this right to a department that comes under the City Council, that works under the city administration? How can we justify saying that they can change it as a matter of police regulation, which might be 24 hours in effect and changed again, and every time they change it, they postpone the revision that we are trying to get?

We are trying to get a workable Criminal Code. We can never justify a Criminal Code as long as any subordinate agency of government along the line can change it at will, and they can change it in this town under police regulations. If they did that in every city in the United States, we would not have any regulatory Criminal Code.

The SPEAKER. The time of the gentleman has expired.

Mr. DIGGS. Mr. Speaker, I rise in opposition to the amendment.

Mr. Speaker, during the debate on the home rule bill and during the development of the home rule legislation, we were very specific and narrow in limiting the scope of the prohibition, on the Council's legislative authority taking into consideration the spirit of home rule and the desire to get the Congress out of the business of legislating on purely local matters.

There is no question in my mind that the product of the Home Rule Conference Committee reflected the general spirit of partnership in that regard, and it was very carefully drawn.

The gentleman's amendment would seem to enlarge the scope of the limitation considerably. While I am not at all certain what the gentleman is trying to get at by his amendment, the present scope of the amendment seems to involve a considerable number of matters that are purely and solely local in nature. While we have not had a chance to thoroughly study the amendment, it appears to cover some 250 or 300 additional matters in the D.C. Code, all of which carry some measure or some provision relating to crimes and punishment. For example, all of the provisions governing licensing of the health professions carry criminal provisions of some type or another. It would seem to cover provisions, for example, which relate to false credentials and all these sorts of things. When we really get into it we may very well be talking about several pages of criminal sanctions and penalties that the city government would be prohibited from enacting legislation with respect to.

Most important, I think that it violates the kind of partnership spirit that was the product of our conference report and the very careful development of home rule legislation in its original form.

We still, Mr. Speaker, have appropriate authority within the Congress to prohibit any excesses on the part of the local government. Ample provisions are made for Congress to act in case where the Federal interest is at stake and I believe the record will show we have been diligent in monitoring the home rule government.

But, Mr. Speaker, if we really want to get into a violation of what I consider to be the fact and the spirit of the home rule partnership concept, then the adoption of this amendment would be a very long stride in that direction.

I know that the gentleman from Pennsylvania who supported the home rule concept really does not intend to go quite that far or to go even nearly that far, but the way this amendment seems to be drawn, that would be the net effect. My description of the net effect is not completely inclusive because the matter has not been the subject of hearings either at the subcommittee or full committee level in our committee, so in effect there are many unknown qualities about this amendment.

So I would hope the amendment offered by the gentleman from Pennsylvania would be rejected.

Mr. GUDE. Mr. Speaker, I move to strike the requisite number of words. I rise in opposition to the amendment.

Mr. Speaker, it is high time that the House of Representatives should stop trying to be the City Council for the District of Columbia and turn its attention to pressing national and international problems. So I hope the House will have the wisdom to vote down this amendment.

I would also like to bring to the attention of the House that the administration opposes the entire bill, which would extend for 2 years the prohibition against the District of Columbia City Council making changes in the criminal code in order that the D.C. Law Revision Commission can complete its work. The administration feels that there is no inherent conflict between the on-going work of the Commission and the exercise by the D.C. City Council of its power to amend the criminal code delegated under the Home Rule Act.

Mr. Speaker, I think the House should reject this amendment and the entire bill. I certainly hope the House does so, in view of the need to turn our attention to problems facing the entire country.

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

Mr. Speaker, as one who has sat through countless hours of hearings as a member of the Judiciary's Subcommittee on Crime, one glance at the Firearms Control Regulations Act of 1975 and its extreme provisions demonstrates the necessity for giving this legislation a closer look.

This bill calls for outright registration of handguns, a requirement that even a liberal House Judiciary Committee dared not to do in its national gun-control bill.

Even worse this legislation would ban possession of handguns to anyone who does not, on the day of enactment of the legislation, possess a valid registration for his handgun. Therefore, future possession of handguns by people or organizations in the District would be forbidden to those not now possessing guns. This is the best example of how bad this legislation is. Again, so-called ban bills, those forbidding possession of handguns by private citizens, got absolutely nowhere in the Crime Subcommittee and on one rollcall vote was soundly defeated. The constitutionality of this legislation is open to question and should be reviewed by Congress before it is allowed to become law.

The Firearms Control Regulations Act of 1975 is illegal because it violates the Home Rule Act. According to section 602(a)(9), the "Council shall have no authority to . . . enact any act, resolution, or rule with respect to any provision of title 23 of the District of Columbia Code—relating to criminal procedure—or with respect to any provision of any law codified in title 22 or 24 of the District of Columbia Code—relating to crimes and treatment of prisoners—during the 24 full calendar months immediately following the day on which the members of the Council first elected pursuant to this act take office."

The Firearms Act explicitly refers to title 22 of the District of Columbia Code seven times: Sections 101(1); 101(5); 203(4)(B)—twice; 203(9); 211; and 402.

The Firearms Act refers indirectly to title 22 of the District of Columbia Code twice: Sections 502(b)(1) and 709.

The elected District of Columbia Council took office on January 2, 1975, and passed the Firearms Act on July 23, 1976, within the 24 month period mentioned in the Home Rule Act.

The subject matter—crimes generally: specifically weapons' crimes—of the Firearms Act and title 22 of the District of Columbia Code is identical.

The Firearms Act contains serious errors. Section 709 refers to the "penalties prescribed in section 605 of this act." There is no section 605. Section 301(b) refers to the "criminal penalties of section 705." There are no criminal penalties in section 705. Section 502(d) refers to "subsections (b) and (f)." There is no subsection (f). Section 712 says that "This act shall take effect pursuant to the provisions of section 602(c)(1) of the District of Columbia Self-Government and Governmental Reorganization Act." The act, however, deals with title 22 of the District of Columbia Code, and therefore falls under section 602(c)(2) of the Home Rule Act.

I support the amendment of the gentleman from Pennsylvania (Mr. DENT).

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

Mr. ASHBROOK. I am happy to yield to the gentleman from Pennsylvania.

Mr. DENT. Mr. Speaker, the whole purpose of the amendment to the act of

MONS 030086

the gentleman's bill is to postpone for a 2-year period to give the Commission an opportunity to catch up with all the amendments to the Criminal Code now before the Council. If we allow this to stand, we are also taking their own whip notice that says that when the draft is finally ready, it must be submitted to the Congress for final review and enactment of Congress. To turn over to the City Council under the newly revised code and the authority to maintain it, as stated, H.R. 12261 will give the Law Commission a chance to complete its work.

That is right. That is why I commented on it. I think it is the proper thing to do; but at the same time, we are forbidding the Criminal Code from being tampered with by the Council. If we do not close the loophole that my amendment offers to take out of the hands of the police department the right for them to revise the Criminal Code, we will never have the final right to do so in our hands and we will have to extend it for another 2 years, because on the day before they will have to revise it and we will hear from some official in the police department.

Now they are not allowed to have a gun, but now they propose it is a gun not in working condition. It has to be separate. They have to have the firing pin or something loose from it. They are not allowed to have cartridges in the same housing they have the gun in. That is an open invitation to the criminal that has a gun.

So I believe this is a good amendment. It does not in any way hurt or do any damage to the bill offered by the gentleman from Michigan.

Mr. ASHBROOK. Mr. Speaker, I would say in addition that the elected District of Columbia Council took office on January 2, 1975, and they passed the so-called Firearms Act on July 23, 1976, within the 24-month period mentioned in the act.

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

Mr. Speaker, I rise in support of the committee position and I commend the chairman, my good friend, Mr. DIGGS for the legislation that is before us today; but I rise also in support of the amendment offered by the gentleman from Pennsylvania (Mr. DENT).

Somehow, when we get involved in the area of gun control we get a little confused in our objectives. By one way or another, through the front door or the back door, we try to impose gun control on the segment of the population that is law abiding. In the city of New York, the police commissioner has adopted a very firm policy in connection with issuing licenses.

That policy is to deny all, notwithstanding the fact that the legal process provides for individuals to apply and, hopefully, to be approved. Notwithstanding the conditions being met, the police commissioner takes the position that he refuses to issue licenses. The effect here is the same only we are doing it in a different fashion by saying that those individuals who desire to purchase firearms to protect themselves, their homes and families, are denied that opportunity.

That is wrong. In my judgment, we are denying a right, because a careful review of all of the crimes committed will demonstrate that rarely do we have members of gun clubs or, in few instances, licensees or home owners whose guns are used in the commission of crimes. If we are to deal with control of firearms as far as the law is concerned, this is not the approach. The amendment offered by the gentleman from Pennsylvania is salutary; it would complement the bill, and I sincerely hope the amendment is agreed to.

I reiterate the point that gun control legislation whether it is adopted on the local, State or Federal level cannot infringe upon the legal rights of individuals to possess firearms for legitimate purposes. We must include the homeowner in this category. To deny a person the right to protect his property and his family is wrong, and we cannot be a party to laws which infringe upon this right.

As I have stated before, the issue in gun control is the uncontrolled uses of guns in the commission of crimes. This Congress time would be far better spent passing legislation such as H.R. 9904 which I have introduced imposing minimum mandatory prison sentences on persons convicted of using guns in crime. Let this Congress direct its efforts in this direction.

Mr. PAUL. Mr. Speaker, I move to strike the last word.

(Mr. PAUL asked and was given permission to revise and extend his remarks.)

Mr. PAUL. Mr. Speaker, I would like to speak in support of this amendment. If possible, I would like to ask the gentleman from Pennsylvania (Mr. DENT) a question.

I would like to know whether or not this would negate the District of Columbia bill passed recently by the City Council. Recently, I have introduced a resolution to disallow this law, and I want to know whether, if we agree to this amendment, or not this will make that particular law which was passed by the District Council a nonfunctioning law which thus not go into effect.

Mr. DIGGS. Mr. Speaker, the gentleman asked for the gentleman from Pennsylvania, but I would say that it would not. That measure does not become effective, and therefore would not be applicable to this.

Mr. PAUL. I wanted to make that clear. That law will not go into effect if this amendment is agreed to?

Mr. DIGGS. It will go into effect regardless of this amendment, unless there is a disapproval resolution passed.

Mr. PAUL. I see. Because, I think it is very important to realise that this recently enacted law, enacted by the District of Columbia Council, did bypass the code and was changing the criminal code in the District of Columbia, which is the reason I introduced the legislation to disallow that law. I think this is important. I was hoping to bring that to a vote, because I think that the legislation that they have placed on the books is really an outrageous piece of legislation.

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

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

Mr. DENT. I would answer by saying that the proposal of the gentleman from Michigan, the chairman of the committee, does not in any way take away the right of the Council, except upon the passage of this act, to amend the criminal code, so that anything previous to the amendment to the act today would be in effect, if they put it in effect.

Mr. PAUL. I thank the gentleman.

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

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

Mr. DELLUMS. Mr. Speaker, I thank my distinguished colleague for yielding to me.

I realize that on the floor of the Congress we pass on complicated questions and issues before the House, but this particular law has nothing to do with gun control. It seems to me that in our wisdom and eloquence, we ought to debate the question of whether the District of Columbia Council has the right to enact gun control legislation, but this has nothing to do with that question.

It would seem to me that it would behoove the gentleman to vote up or down the question. It would seem to me that the people of the District have the right to prohibit or revise their own criminal code. It would seem to me that we ought to be clear about what is before us.

We have many confusing questions. I realize that this is an election year, but it is the height of absurdity to complicate the issue before us, which is very clear.

Mr. McCLORY. Mr. Speaner, I move to strike the requisite number of words.

(Mr. McCLORY asked and was given permission to revise and extend his remarks.)

Mr. McCLORY. Mr. Speaker, I am reminded that there is languishing in the Committee on Rules a comprehensive so-called gun control bill, which, in my opinion, does nothing more than to direct Federal attention at the criminal misuse—and I emphasize "the criminal misuse"—of handguns. This is a measure essentially limited to handguns, limited to the acquisition, use, transportation, and so on, of handguns which find their way into the hands of criminals. The measure is principally directed at the criminal misuse of handguns in our larger cities, such as Atlanta, Chicago, Detroit, Washington, D.C., and other large cities where we find a prevalence of the use of the so-called Saturday night specials—cheap, nonsporting-type handguns.

One of the main arguments against bringing that handgun control bill to the floor of the House is that we should have more local control. It is argued that we should have this subject directed and controlled locally.

As I understand it, what the committee is endeavoring to do is to give some latitude with regard to the problem of seri-

MONS 030087

cus crime in the District of Columbia, where I have a home and spend most of my time time, and to permit the District of Columbia police and Council some control with respect to handguns that are proliferating and that are used extensively in connection with crimes. Such handgun proliferation has extended even to the hands of small children and handguns are not uncommon on the school grounds, as our subcommittee of the Committee on the Judiciary discovered and disclosed in the course of our hearings.

We have also in this session of Congress denied funds—we have denied funds—to the Alcohol, Tobacco, and Firearms Bureau to enforce existing gun control laws. Let me repeat, we have denied funds for the enforcement of existing gun control laws, even though we say, "We have plenty of laws on the books. Why do we not enforce them?" It should be obvious that we cannot enforce the existing laws if we do not give our law enforcement agencies the means by which they can enforce the existing laws.

It seems to me that this thing has gone to the point of absurdity. I heard the emotional and misleading argument made here a few minutes ago about the right to possess and bear arms under the Constitution, which, in my opinion, this constitutional authority is limited to the rights of the States to have militias. Citizens' rights to possess and bear arms are a basic prerequisite to the maintenance of State militias or National Guard units. Federal, State, and local governments all provide some limitations on the possession of and bearing of arms. The constitutional argument on this whole issue is completely confused and misleading.

The Attorney General himself has talked about the "crazies," in the NRA, and I think that he speaks with some knowledge of the true situation. For us to rise here today to try to block the Committee on the District of Columbia from trying to do something for the people of this city to bring crime in the District of Columbia under some control seems to me to be just absolutely absurd. I certainly hope that the amendment offered by the Gentleman from Pennsylvania (Mr. DENT) will be defeated.

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

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

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

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

Mr. DENT. Mr. Speaker, I appreciate the gentleman's concern over the individuals who are disturbed over this legislation, and I am one of them. I appreciate the gentleman's very great concern, but I think I am just as much interested in keeping guns out of the hands of lawbreakers, juveniles, and incompetents. My voting record proves it.

Mr. McCLORY. May I ask, Would the gentleman's amendment not thwart the District Council from enforcing or maintaining its existing gun control law?

Mr. DENT. If the gentleman will yield, I will answer that.

Sometimes if we are not around to listen to all of the debate, we get confused. In this instance, as much as I know the gentleman is trying to keep from getting confused, the gentleman is confused.

All we are saying here is that the gentleman from Michigan, the Chairman's amendment is good, it is proper to give the Commission an extended period of 2 more years in order that they may write and revise the criminal code and come to the Congress with the plan and for the Congress to do what it will. What I am saying is this: What good is it to say that we are giving the Congress an opportunity to have a free rein for 2 years of study of the criminal code and come out with what it thinks ought to be a criminal code, and then turn right around and give to the police department the right to amend by regulation the criminal code any time they want to?

That is all I am saying.

Mr. McCLORY. I think I understood the gentleman correctly. I think the gentleman's amendment would prohibit the District of Columbia from doing anything with respect to gun control.

I think I understand the gentleman further correctly when he says that he wants to prohibit them for an extended 2-year period from effecting local gun control legislation—or regulations and have someone else write the law for them.

Mr. DENT. If the gentleman will yield, it has been said, and I think it is true, that when one speaks, sometimes very few listen and darn few hear; but even worse than that, a lot fewer understand.

At no time did I limit or make a direct statement that would lead any Member to believe my amendment to the Diggs amendment would change any part of the criminal code that was on the books prior to the passage of the original legislation by Congress which is being amended today.

The SPEAKER. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. DENT).

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

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

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 262, nays 92, not voting 77, as follows:

[Roll No. 641]

YEAS—262

Alexander	Dodd	Burgener
Allen	Bennett	Burke, Fla.
Andrews, N.C.	Bergland	Burke, Mass.
Andrews, N. Dak.	Bevill	Burleson, Tex.
Annunzio	Biaggi	Burlison, Mo.
Archer	Blanchard	Burton
Ashley	Blouin	Byron
Armstrong	Boggs	Carney
Ashbrook	Boland	Carr
Ashley	Brooks	Carter
Bafalis	Broomfield	Casterberg
Baucus	Brown, Ohio	Clancy
Beard, R.I.	Broyhill	Clausen,
Beard, Tenn.	Buchanan	Don H.
Clawson, Del	Hyde	Price
Cleveland	Ichord	Quie
Cochran	Jeffords	Quillen
Cohen	Jenrette	Rangel
Collins, Tex.	Johnson, Calif.	Rhodes
Conable	Johnson, Pa.	Rinaldo
Conte	Jones, N.C.	Roberts
Cornell	Kasten	Robinson
Cotter	Kazen	Roe
Coughlin	Kelly	Rogers
Crane	Kemp	Rose
D'Amours	Ketchum	Rostenkowski
Daniel, Dan	Keys	Roush
Daniel, R. W.	Kindness	Roussel
Danielson	Krebs	Runnels
Davis	Krueger	Ryan
Delaney	Lagomarsino	Sarasin
Dent	Landrum	Satterfield
Derwinski	Latta	Schneebeli
Devine	Leggett	Schroeder
Dickinson	Lent	Schulze
Dingell	Levitas	Sebelius
Dodd	Lloyd, Calif.	Sharp
Downey, N.Y.	Lloyd, Tenn.	Shipley
Downing, Va.	Long, La.	Shriver
Duncan, Oreg.	Long, Md.	Shuster
Duncan, Tenn.	Lott	Sikes
du Pont	Lujan	Skubitz
Edwards, Ala.	McCollister	Slack
Ellberg	McCormack	Smith, Iowa
Emery	McDade	Snyder
English	McDonald	Spence
Evans, Ind.	McEwen	Staggers
Fary	McFall	Stanton,
Findley	McHugh	J. William
Fish	McKay	Stanton,
Fithian	Madden	James V.
Flood	Madigan	Steed
Florio	Martin	Steiger, Wis.
Flowers	Math's	Stephens
Flynt	Mavroules	Stratton
Foley	Michel	Stuckey
Ford, Mich.	Milford	Symms
Ford, Tenn.	Miller, Ohio	Talcott
Fountain	Mills	Taylor, Mo.
Fraser	Mitchell, N.Y.	Taylor, N.C.
Fuqua	Moffoban	Teague
Gaydos	Montgomery	Thone
Gibbons	Moore	Thornton
Gilman	Moorhead, Calif.	Treen
Ginn	Mosher	Ullman
Goldwater	Mottl	Vander Jagt
Goodling	Murphy, Ill.	Vander Veen
Grassley	Murtha	Vigorito
Gude	Myers, Ind.	Wagonner
Haley	Myers, Pa.	Walsh
Hall, Ill.	Natcher	Wampler
Hall, Tex.	Neal	Weaver
Hamilton	Nedzi	White
Hammer-schmidt	Nichols	Whitehurst
Hannaford	Nowak	Whitten
Harkin	Oberstar	Wiggins
Hansen	O'Hara	Wilson, Bob
Harsha	Passman	Wilson, C. H.
Hayes, Ind.	Patterson, Calif.	Wilson, Tex.
Hechler, W. Va.	Paul	Winn
Hefner	Pepper	Wright
Hicks	Perkins	Wydler
Hightower	Pettis	Wylie
Hillis	Pickle	Yatron
Horton	Pike	Young, Fla.
Howard	Poage	Young, Tex.
Hubbard	Preyer	Zablocki
Hutchinson	Pritchard	Zeferetti

NAYS—92

Addabbo	Fraser	Mineta
Ambro	Gonzalez	Minish
Beard, R.I.	Gradison	Mitchell, Md.
Blester	Guyer	Moakley
Bingham	Harrington	Moorhead, Pa.
Blouin	Harris	Murphy, N.Y.
Boggs	Hawkins	Nix
Bonker	Heckler, Mass.	Nolan
Brademas	Heinz	O'Brien
Brodhead	Holtzman	O'Neill
Burton, John	Hughes	Ottinger
Burton, Phillip	Jacobs	Patten, N.J.
Collins, Ill.	Jarman	Patten, N.Y.
Conyers	Jones, Ala.	Railsback
Daniels, N.J.	Jordan	Rangel
Dellums	Kastenmeier	Reuss
Derrick	Koch	Richmond
Diggs	LaFalce	Rodino
Dixon	Leggett	Roybal
Early	McClory	St Germain
Eckhardt	McCloskey	Sarbanes
Edgar	Maguire	Schumer
Edwards, Calif.	Mann	Seiberling
Eilberg	Marks	Simon
Erlenborn	Mazzoli	Solarz
Fascell	Metcalfe	Spellman
Fenwick	Meyner	St. Germain
Fisher	Mikva	Studds
Forsythe	Miller, Calif.	Thone

MONS 030088

Studds	Udall	Wolff
Thompson	Vanik	Yates
Traxler	Whalen	

NOT VOTING—77

Abdnor	Evins, Tenn.	Moorhead, Pa.
Abzug	Frey	Moss
Adams	Gaime	Obey
Anderson, Calif.	Green	Peyser
	Hanley	Pritchard
Anderson, Ill.	Hays, Ohio	Randall
Aspin	Hébert	Rees
AuCoin	Heinz	Riegle
Baldus	Henderson	Rosenthal
Baucus	Hinshaw	Roncalio
Bell	Holland	Rooney
Breland	Holt	Rosenthal
Bolling	Howe	Ruppe
Breckinridge	Hungate	Russo
Brown, Calif.	Johnson, Colo.	Santini
Brown, Mich.	Jones, Okla.	Sisk
Burke, Calif.	Jones, Tenn.	Smith, Nebr.
Chappell	Karth	Steelman
Chisholm	Lehman	Steiger, Ariz.
Clay	McKinney	Sullivan
Conlan	Mahon	Symington
Corman	Matsunaga	Van Deerlin
de la Garza	Meeds	Waxman
Dent	Melcher	Wirth
Eshleman	Mink	Young, Alaska
Evans, Colo.	Moffett	Young, Ga.

The Clerk announced the following pairs:

Mr. Jones of Tennessee with Mr. Adams.
Ms. Abzug with Mr. Anderson of California.
Mr. Matsunaga with Mr. Baldus.
Mr. Bedillo with Mr. Aspin.
Mr. Chappell with Mr. Brown of California.
Mr. Rooney with Mr. Beals.
Mr. Waxman with Mr. Conlan.
Mr. Lehman with Mr. Bell.
Mrs. Chisholm with Mr. Breckinridge.
Mr. Jones of Oklahoma with Mr. Eshleman.
Mr. Young of Georgia with Mr. Clay.
Mr. Holland with Mr. Abdnor.
Mr. Moffett with Mr. Evins of Tennessee.
Mr. Santini with Mr. Hays of Ohio.
Mr. Breland with Mr. Brown of Michigan.
Mrs. Burke of California with Mr. Green.
Mr. Hébert with Mr. Frey.
Mr. Hanley with Mr. Karth.
Mr. Meeds with Mr. Anderson of Illinois.
Mr. Roncalio with Mr. McKinney.
Mr. Rosenthal with Mr. Peyser.
Mr. Moorhead of Pennsylvania with Mr. Steed.
Mr. Van Deerlin with Mrs. Smith of Nebraska.
Mr. Rosenkoever with Mrs. Holt.
Mrs. Mink with Mr. Steelman.
Mr. Evans of Colorado with Mr. Ruppe.
Mr. Gaime with Mr. Pritchard.
Mr. Riegle with Mr. Heinz.
Mr. Symington with Mr. Sisk.
Mr. Corman with Mr. Steiger of Arizona.
Mr. AuCoin with Mr. Wirth.
Mr. Obey with Mr. Randall.
Mr. Moss with Mr. Melcher.
Mr. Russo with Mr. Hungate.
Mr. Mahon with Mr. Howe.
Mr. de la Garza with Mr. Henderson.
Mrs. Sullivan with Mr. Young of Alaska.

Mrs. BOGGS and Messrs. HELSTOSKI, WOLFF, and BRADEMAS changed their vote from "yea" to "nay."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Mr. BINSTEIN. Mr. Speaker, as a member of the Judiciary Subcommittee which originally considered this legislation, I rise in opposition to H.R. 12261, a bill to extend for 2 years the prohibition against the District of Columbia City Council revising the criminal laws of the city.

When the Home Rule Act passed in 1973, a provision was included withholding authority from the D.C. Council until January 1977 over changes in the criminal laws of the city. In separate legislation passed in 1974 a Law Revision Commission was established for the purpose of modernizing the city's civil and criminal codes. With the January date just a few months away and the Commission's criminal code recommendations almost 2 years from completion, the question is whether the code revision must be readied and approved by Congress before the city can exercise its legislative powers over criminal law. In my opinion, the answer is "No."

The legislative intent of the two separate measures relevant to this discussion—the Home Rule Act and the Law Revision Commission Act—is somewhat ambiguous and subject to differing interpretation. The conferees in the Home Rule Act intended that Congress would "seek" to revise the criminal code prior to the transferral of authority to the city council, the time period being 2 years ending January 3, 1977. The Law Revision Commission, with a 4-year existence terminating in 1979, was directed to give priority attention to criminal code revision but no deadline for this aspect of its work was specified. Hence, there is no coincidence of timetables in these two acts, and therefore I believe it can be argued that the 2-year transferral date can pass without the completion of the Law Revision Commission's criminal code provisions.

The existence of an updated criminal code is not a necessary antecedent to the exercise of criminal law jurisdiction by the D.C. government. Giving the city authority now does not mean the work of the Commission will cease or be for naught; when the recommendations are ready, they can be implemented.

Assuring that the city has a modern criminal code is a worthy and unarguable objective, but if those working within the Federal criminal justice system can cope while the adoption of the Federal criminal code revision legislation is continuously postponed, I believe the District can continue with its present code, amended as need be, for a couple more years.

The Law Revision Commission, which has been hampered by delays in getting underway, estimates it will be another 2 years before its criminal code revisions will be ready for approval. Even then, who can be certain Congress will approve adoption of the code? How many more frustrations can be expected before the authority to make changes in the criminal law is turned over to the city where it belongs?

Let us be realistic. The Home Rule Act, itself, makes this legislation unnecessary. Under the act, Congress retains ultimate control over any and every legislative action of the city government. If the city were to make a change in the criminal code not to the liking of Congress, a simple majority in only one House could negate the city's action. Clearly, this veto power should be a sufficient check to satisfy anyone's concerns for what the council might do.

In conclusion, let me make the obvious but unfortunate observation that this legislation is dramatically inconsistent with the spirit of home rule. We would be well-advised to pay heed to the provisions of both the Republican and Democratic convention platforms as they pertain to the District of Columbia. The Republican document calls for "full home rule over those matters that are purely local," and the Democrats' advocates the "elimination of Federal restrictions in matters which are purely local." Criminal acts against people within the city of Washington but not within the Federal enclave are, it seems to me, matters of a local concern over which the city should have jurisdiction. Home rule will continue to be less than a reality the longer Congress persists in denying the people of this city control over one of the most critical concerns of their daily lives.

Mr. Speaker, this bill would perpetuate congressional involvement where it is neither wanted nor needed, and I urge its defeat.

The SPEAKER. Without objection, the previous question is ordered on the bill.

There was no objection.

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.

PERSONAL EXPLANATION

Mr. MAHON. Mr. Speaker on rollcall No. 641 on the bill H.R. 12261 which provides for a "Prohibition Against the District of Columbia Council Revising Criminal Laws," I was not recorded. I had been called from the House Chamber and was not aware that the vote was in progress. Had I been in the Chamber I would have voted for the Dent amendment, as I am a strong believer in the right of the citizen to keep and bear arms.

RESIGNATION AS MEMBER FROM COMMITTEE ON SMALL BUSINESS

The SPEAKER laid before the House the following resignation as a member of a committee:

WASHINGTON, D.C.

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

DEAR MR. SPEAKER: It has been a distinct honor and privilege to serve under the Honorable Joe L. Evins of Tennessee, Chairman of the Committee on Small Business, and to participate in its efforts to protect and improve that important segment of our economy.

As my term in Congress comes to a close, I respectfully tender my resignation from the Committee effective September 7, 1976, if it pleases the House.

Thank you for your attention to this, and I am,

Yours sincerely,

WILLIAM L. HUNGATE.

The SPEAKER. Without objection, the resignation is accepted.

There was no objection.

CONFERENCE REPORT ON H.R. 11009, FINANCIAL PLANNING, REPORTING, AND CONTROL SYSTEMS FOR DISTRICT OF COLUMBIA GOVERNMENT

Mr. DIGGS. Mr. Speaker, I call up the conference report on the bill (H.R. 11009)

MONS 030089

to provide for an independent audit of the financial condition of the government of the District of Columbia, and ask unanimous consent that the statement of the managers be read in lieu of the report.

The clerk read the title of the bill.

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

There was no objection.

The clerk read the statement.

(For conference report and statement, see proceedings of the House of August 3, 1976.)

Mr. DIGGS (during the reading). Mr. Speaker, in view of the fact that the conference report has been printed and is available to the Members and also was printed in the CONGRESSIONAL RECORD of August 3, 1976, and since it goes on to summarize the main provisions of the report, I ask unanimous consent that the statement be considered as read.

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

There was no objection.

The SPEAKER. The gentleman from Michigan (Mr. DIGGS) is recognized for 30 minutes.

[Mr. DIGGS adressed the House. His remarks will appear hereafter in the Extensions of Remarks.]

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

Mr. Speaker, I rise in support of the conference report of H.R. 11009. This bill provides for the establishment of a Temporary Commission on Financial Oversight for the District of Columbia. It seems to me that there can be no question of the urgent need for the complete and thoroughgoing study and overhaul of the District's financial management system which this legislation would provide. Questions have been raised with respect to the District's budget and finances, and it has been pointed out that there has never been an independent audit of the books and records of the D.C. government. Considering the problems that have already come to the attention of the public since the advent of home rule, it would seem that the testimony of the U.S. Comptroller General in our hearings last December is especially pertinent, and I quote:

> The effort required to make a financial audit is obviously affected a great deal by the condition of the accounting records and the adequacy of the internal control procedures. When records and procedures are not properly designed and maintained, the extent of the testing and verification work is greatly increased. This causes the audit to become much more time consuming and therefore more expensive. The task of reconstructing the accounts may be impossible, or so major, as to preclude the rendering of an opinion at the conclusion of the audit . . .

And with what may be an understatement, he goes on to observe that:

> Unfortunately, the District's system suffers from these ills. We have found the weaknesses in internal control and the inadequacies in record keeping to be widespread and severe.

Mr. Speaker, anyone familiar with the record of this extensive proceeding will appreciate the work and expertise which has gone into this legislation. I believe that what has emerged is an excellent plan for the required analysis and study of the District's financial system. It will also provide the means for the development and implementation of the revision or complete revamping, if necessary, of the city's financial planning, reporting and control systems. It should be put into effect without a moment's unnecessary delay, starting with the passage of this legislation.

Mr. Speaker, the administration has stated that it has no opposition to this legislation. In view of the evident and urgent need and the comparatively insignificant cost to the Federal Government, I strongly urge a favorable vote on H.R. 11009 at this time.

Mr. DIGGS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The conference report was agreed to.

A motion to reconsider was laid on the table.

TOXIC SUBSTANCES CONTROL ACT

Mr. PEPPER. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 1458 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. Res. 1458

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the bill (H.R. 14032) to regulate commerce and protect health and the environment by requiring testing and necessary restrictions on certain chemical substances and mixtures, and for other purposes. After general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the five-minute rule. It shall be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment under the five-minute rule and said substitute shall be read for amendment by titles instead of by sections. At the conclusion of such consideration, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. 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 with or without instructions. After the passage of H.R. 14032, it shall be in order to proceed to the consideration of the bill S. 3149, section 402 of the Congressional Budget Act of 1974 (Public Law 93-344) to the contrary notwithstanding, and it shall be in order in the House to move to strike out all after the enacting clause of said Senate bill and insert in lieu thereof the provisions of H.R. 14032 as passed by the House.

The SPEAKER. The gentleman from Florida (Mr. PEPPER) is recognized for 1 hour.

Mr. PEPPER. Mr. Speaker, I yield 30 minutes to the able gentleman from California (Mr. DEL CLAWSON), pending which I yield myself such time as I shall consume.

(Mr. PEPPER asked and was given permission to revise and extend his remarks.)

Mr. PEPPER. Mr. Speaker, House Resolution 1458 provides for the consideration of H.R. 14032, Toxic Substances Control Act, granting to the Administrator of the Environmental Protection Agency regulatory authority to protect public health and the environment from potentially harmful chemical substances.

The resolution would permit the House to consider the legislation under an open rule with 1 hour of general debate. The rule makes the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill in order as an original bill for the purpose of amendment.

The rule also makes it in order to call up the bill S. 3149 for the purpose of substituting the House-passed language, and waives points of order which could be raised under section 402 of the Congressional Budget Act—Public Law 93-344.

Section 402 prohibits consideration of authorization bills for fiscal year 1977 unless they were reported by May 15, 1976. This bill, S. 3149, was reported before May 15 in the Senate and thus was not in violation of the Budget Act when considered by that body.

H.R. 14032 does not contain authorizations for fiscal year 1977. The Senate bill does and when it is called up in the House it could be subject to a point of order. However, we are calling up the Senate bill solely for the purpose of inserting the House-passed language and, therefore, the waiver does not violate the spirit of the Budget Act. This assurance was given to the Committee on Rules by the Budget Committee which has no objection to the waiver.

Mr. Speaker, there are more than 30,000 chemicals on the market and only a few thousand have been adequately tested to determine if they are safe. This number grows by about 1,000 each year, and there is no requirement that these chemicals be evaluated for health and environmental effects before they are marketed. Moreover, there is inadequate authority to regulate a chemical once it is discovered to be hazardous.

Toxic substances control legislation was passed in the House and the Senate in both the 92d and 93d Congresses, but time did not permit the conferees to resolve the differences between the House and Senate passed bills. This year, I understand the legislation passed by the Senate and that reported by the House Commerce Committee are much more similar.

H.R. 14032 has the general support of the major industry trade groups, environmental groups, citizens, and labor. I

MONS 030090

urge adoption of House Resolution 1458 so that we may proceed to the consideration of the Toxic Substances Control Act.

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

(Mr. DEL CLAWSON asked and was given permission to revise and extend his remarks.)

Mr. DEL CLAWSON. Mr. Speaker, as my colleague from Florida has explained, House Resolution 1458 provides for the consideration of H.R. 14032, the Toxic Substances Control Act—a bill designed to regulate commerce and protect health and the environment by requiring testing of and restrictions on certain chemical substances and mixtures, and for other purposes. The resolution furnishes an open rule with 1 hour of general debate.

Upon the adoption of the resolution, it will be in order to consider the amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce now printed in the bill as an original bill for the purpose of amendment.

The substitute shall be read for amendment by titles instead of by sections. Subsequent to the passage of H.R. 14032, it will be in order to proceed to the consideration of the bill S. 3149, section 402 of the Congressional Budget Act of 1974 notwithstanding, and to move to strike out everything after the enacting clause of the Senate bill and insert the provisions of H.R. 14032 in its place.

H.R. 14032 will require manufacturers and processors of potentially harmful chemical substances and mixtures to test the substances or mixtures as required by rules issued by the Administrator of the Environmental Protection Agency so that their effect on health and the environment may be evaluated.

It will require manufacturers of new chemical substances and manufacturers and processors of existing chemical substances for significant new uses to notify the Administrator 90 days in advance of commercial production.

The bill will authorize delays or restrictions on the manufacture of a new chemical substance if there is inadequate information to evaluate the health or environmental effects of the substance and if in the absence of such information, the substance may cause or significantly contribute to an unreasonable risk to health or the environment.

Further, it will authorize the Administrator to adopt rules to prohibit the manufacture, processing, or distribution of a chemical substance or mixture, to require labeling, or to regulate the manner of disposal of a chemical substance or mixture for which there is a reasonable basis to conclude that it causes or significantly contributes to an unreasonable risk to health or environment.

These provisions, and there are many more, are certainly comprehensive, but I wonder if, in our haste to deal with the onerous problems of toxic substances, if we are not paying too little attention to the ramifications of the legislation as it relates to the American chemical industry. In the more than 100 pages of this legislation, an incredibly complicated regulatory maze is mandated which is guaranteed to completely stymie any layman's attempt to wade through it. And the bill will be augmented by additional rules and regulations issued by the EPA.

As each layer of thick bureaucratic tape is applied over the hands and tools of American chemical companies, it will become more and more difficult to develop and process new chemical compounds, especially for the smaller companies involved. For them it will virtually be an impossible task. The larger chemical companies who have the means to retain vast legal staffs will, of course, be presented with only a minor problem.

But what of the small chemical companies? What are we forcing on these companies who are struggling to compete on the market? Mr. Speaker, is it really responsible for us to seek to solve one major problem at the risk of creating another of similar magnitude?

The House, Mr. Speaker, has passed toxic substances legislation previously—in both the 92d and 93d Congresses. Never before has this House made provision to place such a heavy burden on our competitive market where small chemical companies are concerned.

I would ask my colleagues to thoughtfully consider the consequences of the adoption of this legislation and to decide for themselves whether or not the burden is too heavy.

Mr. Speaker, in order that we may move to answer these questions and debate the provisions of the bill, I ask that the resolution be adopted.

Mr. PEPPER. 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.

Mr. MURPHY of New York. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 14032) to regulate commerce and protect health and the environment by requiring testing and necessary restrictions on certain chemical substances and mixtures, and for other purposes.

The SPEAKER. The question is on the motion offered by the gentleman from New York (Mr. MURPHY).

The motion was agreed to.

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 14032, with Mr. MANN in the chair.

The Clerk read the title of the bill.

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

The CHAIRMAN. Under the rule, the gentleman from New York (Mr. MURPHY) will be recognized for 30 minutes, and the gentleman from Nebraska (Mr. MCCOLLISTER) will be recognized for 30 minutes.

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

Mr. MURPHY of New York. Mr. Chairman, I yield myself such time as I may consume.

(Mr. MURPHY of New York asked and was given permission to revise and extend his remarks.)

[Mr. MURPHY of New York addressed the Committee. His remarks will appear hereafter in the Extensions of Remarks.]

Mr. MCCOLLISTER. Mr. Chairman, I yield myself 10 minutes.

(Mr. MCCOLLISTER asked and was given permission to revise and extend his remarks.)

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

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

Mr. MURPHY of New York. Mr. Chairman, I would like to place special emphasis upon the remarks of the gentleman from Nebraska (Mr. MCCOLLISTER) in which he credits the gentleman from Texas (Mr. ECKHARDT) and the gentleman from North Carolina (Mr. BROYHILL) with extraordinary work in bringing together the necessary compromises that brought this legislation to the floor, work carried on during three successive Congresses with respect to this issue so vital to the American people.

Mr. Chairman, it is through their fine efforts that we have this bill here before us today, and I would like to pay particular tribute to these men for their productive work in this vital matter.

Mr. MCCOLLISTER. I thank the chairman for his contribution. We may well wish to give to these gentlemen the principal responsibility for this legislation.

Mr. Chairman, H.R. 14032, the Toxic Substances Control Act, is designed to give the Administrator of the Environmental Protection Agency broad, new authorities to regulate the chemical industry. That this legislation is before us today in its present form is a mark of the fine work done by the gentleman from Texas and the gentleman from North Carolina who were successful in working out many of the problems which have surrounded this bill. On two previous occasions, this body has passed similar legislation only to have the bills die in conference. I will admit that the bill leaves unaddressed some of the issues voiced by both sides to the controversy surrounding this bill, that is the environmentalists and the affected industries. Indeed, as I will discuss in a moment, I still have questions about several provisions. But, on a whole, I believe that the legislation presents a fairly well-balanced regulatory scheme which, if implemented in a reasonable fashion, will not prove to be unduly burdensome on those regulated. Therefore, I hope that we can pass this legislation and send it on to the White House in its present form.

In general, the bill would give EPA the authority to promulgate testing standards for chemical substances and mixtures, require a 90-day premarket notification period for all new chemical substances, and prescribe various regulations which the chemical industry would have to meet. I want to take a moment to discuss the premarket notification provision of the legislation, since this provision has been one of the most controver-

MONS 030091

sial sections of the bill. The bill would require manufacturers of all new chemical substances to notify EPA and provide certain specified information at least 90 days prior to manufacture or marketing. This approach of requiring premarket notification for all new substances represents, in my view, quite a departure from previous House-passed bills which would have limited premarket scrutiny to substances which EPA found posed a danger to health or the environment. I believe that the more limited approach found in earlier House bills would serve to better focus EPA's attention and limited resources on the potentially dangerous chemicals, and I regret that we have decided to reject this more limited approach which the House did adopt in both the 92d and 93d Congresses.

Section 5 is probably one of the most onerous provisions of the legislation with its requirement for premarket notification of all new chemical substances. However, this section does contain exemptions. For example, chemicals which are manufactured in small quantities for sale to laboratories for research purposes would not be subject to the premarket notification provisions of the bill. Further, research and analysis being performed during the developmental stages of chemicals which may ultimately be produced commercially would also be exempt from the premarket notification provisions of the bill. This exception for research and analysis related to product development would exist regardless of whether the manufacturer were evaluating the product within its own plant or had made the product available to a potential customer with or without the payment of a fee. Section 5 must not be interpreted in such a way as to stifle product development and innovation, and we expect that EPA will implement section 5 and the other provisions of the bill so that this result will not occur.

Section 6 of the bill gives EPA the authority to promulgate rules regulating the manufacture, processing, use and disposal of chemical substances and mixtures. At the outset, EPA is directed to issue the least burdensome requirement possible. For example, EPA could not ban a substance for a particular use if a labeling requirement would provide adequate protection. We have followed past practice in establishing a fairly formal rulemaking procedure, including opportunity for an oral hearing, a limited right to cross-examination, and judicial review based on the substantial evidence test. Further, EPA would be required to make certain findings before issuing a rule, including a finding as to the economic consequences of the rule taking into account the impact of the rule on small business.

The legislation does give the EPA authority to require that manufacturers maintain records and periodically submit reports. However, we also recognize that such recordkeeping can be unduly burdensome. Consequently, the legislation directs the agency to require the maintenance of reports that are nonduplicative of those required by other Federal Government agencies. Further, the legislation contains a partial exemption for small businesses from the recordkeeping requirement.

Even though, as a whole, I believe that H.R. 14032 is a well-honed piece of legislation, it does contain what I believe to be a very troublesome provision in section 21 dealing with citizens' petitions. This section would allow a private citizen to petition the EPA to promulgate a rule requiring testing or the regulation of a particular chemical substance. Should EPA deny the petition or not act on the petition, the citizen could go to Federal court and, if he could show in a de novo proceeding that the substance could possibly pose a risk, then the court would direct the agency to initiate the rulemaking proceeding as requested by the petitioner. A provision such as this was first inserted in the Consumer Product Safety Act and became effective in late October of 1978, with respect to the Consumer Product Safety Commission. This provision was inserted in the Product Safety Act as an experiment, and I believe that it is too soon to determine what effect, if any, the citizens' petition provision will have, not only on the workload of the agencies, but also on the caseload of the Federal courts. I believe that we should resist the temptation to insert this provision in other legislation until we have more closely examined the experience of the Consumer Product Safety Commission over a particular period of time.

Further, I think it is inappropriate to insert this provision piecemeal into different bills. It may be that a citizens' petition provision is indeed a desirable concept and, if so, it should be made applicable to all regulatory agencies. If not, the concept should be dropped once and for all. To insert it in various bills in such a crazy-quilt fashion makes little sense, and I regret that the provision has found its way into the bill before us today.

Finally, I want to say a few words about the impact which this bill could have on small businesses. Certainly all Federal legislation falls more harshly on small businesses than on large companies who, as a rule, are better able to hire the legion of attorneys and accountants needed to cope with the myriad rules and regulations that some agencies hand down. However, we have, in this bill, made a genuine effort to deal with some of the unique problems that small businesses face. Further, we expect that EPA in implementing this bill, will pay special attention to the particular needs of small businesses. For example, in section 27 of the bill, we give EPA the authority to collect filing fees of up to $2,500 to defray the cost of administering the act. However, these fees are to be based on ability to pay and we expect that EPA would impost lower fees, if any at all, on small companies.

Finally, we expect that EPA will establish close contact with the Small Business Administration so that EPA can more adequately inform itself as to the particular problems faced by the small business community. Frankly, I have found that the small business community has little confidence in EPA's ability to issue sensible rules and regulations. This lack of confidence is based on EPA's past track record. If EPA will counsel with the Small Business Administration, to determine what effect its regulations will have on small companies, then this act need not have the harsh consequences that some are presently predicting. I, for one, will be closely watching EPA's performance in this regard.

Mr. Chairman, I think it probably should be said also that on both sides in the committee there was an effort made to hold to the language of the bill. I know that the conversations between the gentleman from North Carolina (Mr. BROYHILL) and the gentleman from Texas (Mr. ECKHARDT) will indeed be tested here and there, and some of the amendments offered may well seem to be very attractive. But I think we are obligated—we who have worked out the compromise—to hold to the language of the bill. I should have much preferred that the bill which I introduced originally would be the vehicle before us today. I regret that it is not. In any case, H.R. 14032 is the product of that labor before the Committee of the Whole today, and I hope that it passes in its present form.

The CHAIRMAN. The time of the gentleman has expired.

Mr. McCOLLISTER. Mr. Chairman, I yield myself 3 additional minutes.

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

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

Mr. ECKHARDT. I thank the gentleman for yielding.

I think that the distinguished gentleman in the well has underestimated his influence with respect to this bill in his very generous statement concerning myself and the gentleman from North Carolina (Mr. BROYHILL). Actually he has, I think, devised many of the provisions that afford protection to small business. Perhaps we have not adopted enough to totally suit him. I suspect that that is true. Because he has been such a stalwart defender of the interests of independent small businesses on our committee, it might be difficult for us ever totally to suit him on that matter. But I think great credit must be given to the gentleman in this regard.

There is one thing that I would like to bring out in this colloquy. The gentleman from Nebraska had referred to the premarket notification section of the bill and indeed that is perhaps the most controversial portion. He did mention certain exemptions and perhaps one other thing needs pointing out. This is on page 163 with respect to the administrative authority in identifying a chemical substance. It states:

(2) To the extent consistent with the purposes of this Act, the Administrator may, in lieu of listing, pursuant to paragraph (1), a chemical substance individually, list a category of chemical substances in which such substance is included.

I may say to the gentleman, I think this is an extremely important leeway to the Administrator. Say for instance a chemical substance is manufactured and

MONS 030092

produced inhouse in an oil and chemical refinery. Then chemical substances may be a catalyst that undergoes successive changes. Under these provisions we felt that instead of requiring a 90-day notice every time a change was made that had the result of changing the chemical constituency of the substance, the single category could be mentioned and changes could be made within that category.

I think that the gentleman will agree with me this is one of the provisions in which we carefully examined difficulties which could result from too rigid an act and met those possible objections.

Mr. McCOLLISTER. I do agree and I am grateful for the gentleman's comment.

Mr. MURPHY of New York. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey (Mr. MAGUIRE).

(Mr. MAGUIRE asked and was given permission to revise and extend his remarks.)

Mr. MAGUIRE. Mr. Chairman, I thank the chairman of the subcommittee, and I compliment the committee on introducing this landmark piece of legislation.

Mr. Chairman, I rise in support of this landmark legislation. Everyone will agree that in considering legislation to protect the environment Congress must achieve a sensible balance between the needs of the economy and the need to protect the public health and welfare. No one will advocate shutting down the economy in order to protect the environment. And no one will advocate destroying the environment in order to protect the economy. Too often, however, the demust be met. The fact is that society cannonly satisfy one need or the other need, but not both. I strongly disagree. I believe that both needs can, should, and must be met. The fact is that society cannot live long without either. This is not to imply that satisfying both needs is an easy task. It requires difficult decisions. It also requires a strong desire to work for and to achieve moderate resolutions of competing interests.

Faced with this task of resolving the conflicting needs of the economy and the environment I undertook to bring a measure of balance to the Toxic Substances Control Act. The concerns expressed by the chemical companies in New Jersey as well as those of the citizens and workers of my State, who daily face living in environment which continues to deteriorate, had to be weighed and reconciled.

My efforts in the full Commerce Committee markup of this bill were aimed at developing new approaches which sought to alleviate the costs of compliance to chemical manufacturers and processors, especially those small and medium size companies to whom the additional costs of regulation might prove prohibitive without some kind of relief.

I sponsored three amendments to the bill in committee which were designed to approach this needed balance. All were approved. My first amendment, which redefines "mixtures" to include a broader range of formulations than did H.R. 14032, was incorporated in the drafting of the compromise bill, H.R. 14032, which we are now considering. By refining the mixture definition, to include certain kinds of reactive mixtures, it now more accurately differentiates between those mixtures to which the premarket notification requirements of section 5 would apply and those mixtures for which premarket notification would not be necessary. This has the effect of eliminating what would have been unnecessary regulation for a special class of mixture products which are generally produced by smaller chemical companies.

Two other amendments which I developed were unanimously approved in committee action.

The first requires the Environmental Protection Agency—EPA—to establish an identifiable office to provide technical, referral and other nonfinancial assistance to chemical manufacturers and processors. In the accompanying report language it is clearly stated that this office shall concentrate its efforts on reaching out to the small and medium size chemical companies who will benefit in a great way from such an office. Details as to the status of standing regulations, outstanding public comment periods, legal assistance made available for certain provisions of the bill, shared-cost testing arrangements, and so forth, will all be available to companies through this office. Another important function of the office would be to refer companies to the proper authorities in the regular Office of Toxic Substances who can handle specific problems. This concept of an identifiable office to assist small businesses may lead the way toward changes in other regulatory agencies where small businesses seem to be given less than adequate attention when regulations are proposed and implemented.

My final amendment addressed the question of which tests, from among available test methods, might be ordered by the Administrator under section 4 authority. Recent developments in the field of toxicological testing have centered on the emergence of low-cost, short-term bacteriological and mammaliancell tests for mutagenicity. These tests show great potential for cutting down on the cost to all companies of testing their products to show what degree of hasard, if any, may be posed by their products. These test methods are in need of further refinements and the National Cancer Institute is conducting a research program into this area. My amendment authorizes the Secretary of Health, Education, and Welfare, in consultation with the EPA Administrator and acting through the Assistant Secretary for Health, to conduct and make grants and contracts for continued research into the field of low-cost and efficient test methodologies.

Since the committee considered this bill the HEW appropriation for fiscal year 1977 has been announced and it directs that $3 million be included in the budget for the National Institute for Environmental Health Sciences to expand its programs for short-term testing research and the carcinogenesis bioassay program being conducted in collaboration with the National Cancer Institute. It appears from correspondence which I have conducted with the Assistant Secretary for Health that added funds will not be needed at this time. Even so, the Assistant Secretary, in his responses to my inquiry on current testing programs, assured me that my amendment, in the context of this new regulatory bill, stands as an important statement of national policy that such test methods shall be considered, wherever feasible, for use in place of whole animal tests. The presence of grant and contract authority may yet prove significant for the purposes of this legislation. I am presenting the text of this letter for inclusion in the Record:

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., August 19, 1976.

Hon. ANDREW MAGUIRE,
House of Representatives,
Washington, D.C.

DEAR MR. MAGUIRE: Thank you for your letter of July 27 concerning the current status of research in the development and validation of short-term toxicity tests in the Department of Health, Education, and Welfare laboratories. We share your views regarding the reliability of rapid bioassay tests is very likely to have far-reaching impact on future regulatory decisions.

In addition to a wide variety of ongoing research activities in this area, the Department is presently developing a document on methods for determining the mutagenic properties of chemicals which addresses the current utility of short-term tests for the identification of mutagens in the environment. This activity is under the direction of the Department's Committee to Coordinate Toxicology and Related Programs, chaired by the Director of the National Institute of Environmental Health Sciences (NIEHS).

As indicated by your letter, within the Department the NIEHS and the National Cancer Institute (NCI) are conducting and supporting most of the research and development in this area. These Institutes, beginning in the mid-to-late 1960's, pioneered in the development of short-term tests as a means of rapidly identifying chemicals having potential to cause either cancer or genetic defects. Since 1974 there has been considerable expansion of both Institutes' programs in this area utilizing grants, contracts, and, of course, intramural research to develop and evaluate inexpensive and efficient methods for assessing the health and environmental effects of chemicals.

As you may know, the Committee on Appropriations for the Department of Labor and the Department of Health, Education, and Welfare in its Report on the fiscal year appropriation directed that an additional $3 million be included in the budget for NIEHS to expand short-term testing and for collaborative activities with NCI concerning the carcinogenesis bioassy program. As pointed out in that report, a very close working relationship exists between these two Institutes for developing short term tests and establishing their acceptability as presreens and possible alternatives to studies requiring years to conduct.

There are ongoing, continuous program activities at both NCI and NIEHS which seek to establish a matrix of procedures which can serve as an effective screenen, and to establish priorities for further in-depth testing.

In our view the Public Health Service Act currently contains ample authority for our current and projected activities in this area. We would have no objection to additional language being included in the Toxic Substances Act as a statement of National policy.

In any event we agree with you that this

MONS 030093

is a vitally important area to the future health of the American people and we will continue to stress our efforts in this area.

Sincerely yours,

THEODORA SCARSE, M.D.,
Assistant Secretary for Health.

With the Toxic Substances Control Act now being considered by the full House I will be proposing a further amendment to give the Administrator of EPA the authority to make grants to selected States, with severe problems related to toxic chemicals, like New Jersey, to cover up to 75 percent of the costs of establishing and operating programs to prevent or eliminate unreasonable risks in the States to health or the environment associated with chemical substances or mixtures. The grant money is earmarked for use in ways which will complement the activities already underway or being planned by EPA for the implementation of this act and for activities which the Administrator is unable to undertake because of inadequate resources or other higher priorities. It is not intended to, and will not replace, EPA's authority to require reporting, testing or any other of the authorities given in this act.

The need for strong provisions to begin reversing the deterioration of public health caused by toxic substances which is so evident in my own State of New Jersey is clear. The same is true of other States—New York, Pennsylvania, Ohio, and Texas, for example.

There can be no doubt that the chemical industry has brought great benefits to the people of this country through continuing advances in the manufacturing, agricultural, and service sectors of the economy. But we have paid a high price for that progress. For far too long the chemical industry has proceeded to conduct business without giving adequate attention to the health and environmental dangers of the substances which they produce. At last we have before us legislation which will take significant steps toward insuring that the industry assumes full responsibility in protecting the public from those chemical products which are hazardous.

As a representative from the State of New Jersey I am all too familiar with the serious health problems in my State and the relationship of these problems to the heavy concentration of industrial activity there. New Jersey is host to nearly one-fourth of the chemical companies in this country. Evidence mounts that some of this chemical manufacturing and processing activity may pose a genuine threat to the public health. The major study on cancer mortality by counties, conducted by the National Cancer Institute, found a high correlation between cancer deaths and densely concentrated industry. New Jersey's 21 counties were found to be in the top 10 percent of all counties in the Nation for the rate of cancer deaths. In Salem County, N.J., where 25 percent of the male population works in the chemical industry, the Nation's highest rate of bladder cancer deaths was recorded. This alarming rate of bladder cancer mortality, an occupational disease associated with exposure to various chemical substances, emphasizes the suspected relationship of chemicals in the workplace and the environment and the excessive cancer incidence and mortality in our State.

On May 28 of this year I chaired an official hearing in Newark, N.J., of the Commerce Committee's Oversight and Investigations Subcommittee. The subject of the hearing was "Cancer in the Environment" and the testimony of experts pointed to the fact that indeed the chemical pollution in New Jersey is extensive and that EPA does not yet know what chemical, toxic pollutents are present in our State. As a result of that hearing EPA granted a request from the commissioner of the New Jersey Department of Environmental Protection to conduct air monitoring, especially for nitrosamines known to be carcinogenic to humans. Not only were nitrosamines found in the atmosphere in our State but they were also present in significant concentrations in our soil and water along with significant amounts of other organic chemicals. Monitoring to establish the quantities of chemical substances must be continued and expanded; especially multimedia monitoring which would give a comprehensive evaluation of the passage of chemical substances from one medium to another. It is to problems such as exist in New Jersey, and for State programs such as this, which would augment EPA efforts, that the funds from another amendment I will be offering would apply. I will discuss the particulars of that amendment when I offer it later today.

In conclusion, let me stress that New Jersey is actively working to evaluate the extent of these serious threats to the public health. Gov. Brendan Byrne has established a cabinet committee on cancer in an effort to coordinate New Jersey's programs at the highest level of government. The department of environmental protection in our State, an agency whose programs have earned the respect of EPA, is presently drawing up plans to expand its programs for measuring the extent of exposure to and the presence of carcinogens, and other environmental contaminants, in the environment.

Specifically the department would like to undertake an inventory of toxic chemicals in use in the State which would record their amounts, forms, and sources of emission, and their ultimate pathways through the environment. Having identified types of substances and pinpointed the serious risks, monitoring programs would be refined to go beyond measuring the overall pollution of various media and take in more detailed information on organic and inorganic materials, concentrations of which may not be evident from general sampling techniques. Additionally much remains to be learned about the safe handling and disposal of toxic wastes and the department of environmental protection is presently drawing up plans to study and develop safer methods of disposal.

I enclose for the RECORD, a recent article "The War on Cancer", by Glenn Paulson and Peter W. Preuss of the New Jersey State Department of Environmental Protection.

[From the New York Times, Aug. 15, 1976]

WAR ON CANCER: THE DEADLY FIGHT

(By Glenn Paulson and Peter W. Preuss)

The Cancer Atlas, published in 1975 by the National Cancer Institute, showed that for a large number of different cancers the State of New Jersey as a whole and many counties within the State ranked significantly above the national average over the 20-year period from 1950 to 1970.

Cancer rates vary significantly between regions in the United States. In general, states with high rates are the industrial states, such as New Jersey.

We cannot precisely estimate, for New Jersey or for the nation, the extent to which observed cancer rates and changes in those rates are caused by chemicals. Some cancer undoubtedly arises from natural sources, such as cosmic or solar radiation; our best judgment is that this is a small fraction.

However, there are many examples of cancer directly traceable to industrial or other human activities that involve chemical or other cancer-producing agents.

Liver cancer caused by vinyl chloride, mesothelioma caused by asbestos fibers, lung cancer caused by arsenic compounds, uranium dust, and other agents, a particularly debilitating lung cancer caused by beryllium, and bladder cancer caused by dye and chemical intermediates such as beta-naphthylamine are a few of the well-understood examples. Unfortunately, even the primitive knowledge available at this time leads us to conclude that more such examples will be found in future years.

Exposure to carcinogenic materials is not confined to the industrial work place. In a preliminary assessment of drinking water carried out by the United States Environmental Protection Agency, known and suspected carcinogens (cancer-causing agents) were found in the drinking water supplies of drinking water that were tested, the Passaic Valley Water Commission and Toms River Water Company. The significance of the levels that were found is not clear, however. This was a preliminary assessment; E.P.A. made no attempt to measure other families of known or suspected carcinogenic agents.

The Department of Environmental Protection should devote more effort to determining and defining the dangers New Jersey residents face as a result of exposure to carcinogens and other environmental contaminants. One important step would be to begin to inventory the presence and patterns of use of toxic chemicals in the environment. Another need is to expand efforts in measuring the concentrations of carcinogenic and other exotic pollutants that may be present in the air, drinking water supplies, fish and other wildlife, surface and ground waters, and sediments.

At present, the department has permit systems that could focus on the emissions of certain relatively common pollutants into the air and water. These existing systems should be expanded to provide information on the emissions of all potentially carcinogenic and other toxic substances. The Solid Waste Administration is developing an equivalent system that would allow it to collect information at a level of detail similar to that obtainable through the air and water permit systems; this system will allow collection of data regarding emissions, treatment and disposal of solid and liquid toxic wastes.

A department-wide inventory would provide information about the toxic chemicals currently in use in New Jersey, their amounts, and their emissions, as well as their ultimate pathways into the environment. This information will allow priorities to be established for monitoring and regulation. It will also help establish the criteria upon which regulations may be based, including

MONS 030094

for example, toxicity, persistence in the environment, and amounts used in the state.

To avoid creating more problems in the future, a program should be established for the environmentally safe treatment and disposal of solid wastes. Such a program would logically be a part of the overall solid waste management program being developed by the Solid Waste Administration. One of the first steps is to determine what kind of wastes are produced, how they are transported, and where they are treated and disposed.

There are a number of toxic substances for which sufficient information is available now, so that a determination may be made as to the unsuitability of their disposal on land. In order for these wastes to be disposed of properly, however, alternative treatment or disposal methods must be made available. This will require the development of criteria to define environmentally sound disposal procedures.

The first priority in this area is the development of performance criteria for incinerators that are or may be used to dispose of toxic and hazardous organic materials. These criteria must insure that the materials are burned completely, and that no toxic substances enter the air through the stack or into the water via water used for cleaning ("scrubbing") the exhaust gases.

The presence of one or more such facilities in New Jersey would provide a necessary alternative to help insure that environmentally dangerous chemicals may be safely treated.

Another problem is the disposal of sludge produced in sewage-treatment facilities. Sludge often contains toxic substances from the effluents of industrial facilities that feed into the sewage plant; sludge is presently disposed of in the ocean. The Federal policy for disposal of such sludges calls for the phasing out of ocean dumping by 1981; as a result, alternative methods will have to be found.

It will be necessary to monitor carefully the development of alternative programs, as well as the facilities themselves to insure that toxic substances present in sludge are not inadvertently released into the environment.

The Department of Environmental Protection, by building on its existing legal authorities and regulatory programs, can take sound steps toward minimizing the threat that cancer-causing agents and other toxic and hazardous pollutants pose to human health in New Jersey.

Mr. MURPHY of New York. Mr. Chairman, I yield 3 minutes to the gentleman from New York (Mr. OTTINGER).

(Mr. OTTINGER asked and was given permission to revise and extend his remarks.)

Mr. OTTINGER. Mr. Chairman, I would like to congratulate the subcommittee chairman and the gentleman from Nebraska for bringing this vitally important legislation before us, this legislation which is vitally important to the health of the Nation, and particularly to complement, as they did, the gentleman from Texas (Mr. ECKHARDT) and the gentleman from North Carolina (Mr. BROYHILL) for the adept manner in which they were able to work out with the chemical industry the very complicated, complex, economically significant, and controversial items in this bill. I think they did a superlative job and got a meaningful bill through the committee which obtained the support of the chemical industry. I think that is an attribute to both their efforts and the chemical industry.

The February 13, 1976 issue of Science Magazine had an article titled "Control of Toxic Substances: an idea whose time has nearly come." I dearly hope the time is now, for this legislation has been stalled for too long as the cancer rates of the country continue to soar. When medical authorities seem to agree that between 60 and 90 percent of all cancers have an environmental cause, surely the place to test new chemicals for their potential hasard is not after they have reached the environment, but in the laboratory.

The Toxic Substances bill, H.R. 14032, is not a perfect panacea for the frightening statistics mentioned above but it is a most important beginning and I commend my colleagues on the Interstate and Foreign Commerce Committee who have worked so hard to bring this legislation forward.

The issues dealt with in the legislation are of overwhelming importance; we are sadly more and more aware of the significance as we read of horrendous instances of either chemical pollution or of "mysterious fatal diseases"—all of which might have been prevented if legislation such as this had been in operation sooner. I want also to congratulate both the environmental and consumer groups who have worked together in support of the bill before us.

While I very strongly support the bill, I believe it needs to be improved with respect to the use of nonanimal tests where they are adequate and accurate.

TOXIC SUBSTANCES BILL

At the appropriate time, I will offer an amendment to H.R. 14032, the Toxic Substances Control Act, to prevent the unnecessary use of animals in laboratory experiments.

My amendment to section 4(2)(A) states that "• • • in prescribing tests the Administrator in his discretion shall give preference to available tests which do not involve the use of animals if such tests provide an adequate and accurate means for ascertaining the effect of a chemical substance or mixture on humans and the environment."

This amendment does not ban the use of animal tests, nor does it make it more difficult for the Administrator to prescribe animal tests if he feels they are necessary. Quite simply, it is meant to require the Administrator to consider alternative testing methods and direct him to use them when, in his discretion, he finds they are adequate and accurate.

Two nonanimal tests presently exist, and have been used to test the toxic effects of known and unknown carcinogens. One such test uses bacteria; the other laboratory-grown mammal cells. Both are cheaper, easier, faster, and as effective as their whole animal counterparts. I think we should promote their use where feasible and thus minimise the pain and suffering administered to laboratory animals.

I strongly support adoption of the bill and hope this improving amendment will be adopted.

Mr. McCOLLISTER. Mr. Chairman, I yield 10 minutes to the gentleman from Texas (Mr. COLLINS).

(Mr. COLLINS of Texas asked and was given permission to revise and extend his remarks.)

Mr. COLLINS of Texas. Mr. Chairman, we have heard much discussion about the compromises that were reached between the two sides. I could not help but think as I kept sitting there and listening, I wish we would compromise all the facts so we did not have any bill at all. The people that advocated these compromises represented big companies, because big industries can send a lawyer down here. They can send technicians down here to express the views of big industry; but what we are faced with is the fact that the little businessman, who runs a small business with 40 or 50 people in it, does not have 10 people in his legal section. He does not have specialized chemists that can fight this thing. So what happens when we pass a bill of this type is that there is no way a small businessman can live under it. The bureaucracy, the paperwork, the complications, make it overbearing on the manager of small business. The least, I think, that anyone could process for approval would be about $50,000. That will be the least cost and he cannot put up that much or maybe $100,000. He cannot afford that sort of thing. So it is going to be the end of the line for all but the giants.

Mr. Chairman, I would like to further discuss some of the other features of this bill. One group that is probably going to be hurt the most of all is agriculture. We have in this country the greatest agricultural system that has ever been developed. I come from a city. I do not have over 20 farmers in my district, but the thing that always impressed me was that the American farmers make up only about 4 percent of our population; yet we produce more food than anybody. We really do produce. Over in China, I think it is 80 percent of the people work on farms. In order to produce, they need chemicals and they need these materials to help them.

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

Mr. COLLINS of Texas. I am happy to yield.

Mr. ECKHARDT. Mr. Chairman, is the gentleman under the impression that this bill would do anything at all with respect to pesticides?

Mr. COLLINS of Texas. I just think in general that anything could be involved through lawsuits. I understand pesticides are out; but we could say anything is a chemical. How do we define "a chemical"? I thought any combination of elements became a chemical.

Mr. ECKHARDT. Mr. Chairman, if the gentleman will yield further, that is right; but there are exceptions in the bill. The principle thing this bill purports to do is require that those chemicals put on the market be reported and tested; but we have absolutely nothing in the bill that prevents them from flowing to the marketplace after a maximum of 180 days, unless court action has been taken and that court action has to be based on a determination that they pose a danger.

Now, how is the farmer affected by this bill? I cannot see it.

MONS 030095

Mr. COLLINS of Texas. Well, it has been my experience with the courts that as they reach out on their interpretation of any and every subject, that they can go a long way to determine what is terminology. When they determine something to be a pesticide or not is whatever the court determines it to be.

I can give an example, not on this bill, but on busing. There is nothing on the books that says Congress has permitted busing, but courts over the country are defining busing to meet their views. When we raise the question that there is nothing here that says pesticides, I would remind my friend, the gentleman from Texas, that the lawyers, the judges on the benches, will read into this anything they want to.

When we set up the mechanism for EPA to develop it, then we have set up the toxic subject for full bureaucratic intervention.

We have so many bureaucratic rules now that EPA can get into anything they choose. What disturbed me especially in this bill was the fact that we have two sections in here that are going to make it possible for any employee who sees that he is about to be fired to take some action that should give him permanent employment. I am referring to sections 23 and 24. It not only protects him, but it seems that it would almost encourage lawyers to represent him.

Section 23 says:

No employer may discharge any employee or otherwise discriminate against any employee with respect to the employee's compensation, terms, conditions, or privileges of employment because the employee (or any person acting pursuant to a request of the employee) has—

(1) commenced, caused to be commenced, or is about to commence or cause to be commenced a proceeding under this Act;

(2) testified or is about to testify in any such proceeding; or

(3) assisted or participated or is about to assist or participate in any manner in such a proceeding or in any other action to carry out the purposes of this Act.

What that will do, for instance, is to have this complaint go to the Secretary of Labor. Anybody who is a deadhead on the job, lazy, comes in drunk, tears up the whole place, can now file some kind of complaint on the grounds that something is wrong with the company's products, and from then on he has got built-in job protection. To carry that a step further, when they get through the company has to reinstate the complainant to his former condition as far as compensation goes, and also may include compensatory damages and exemplary damages.

I want to go to section 24, because we seem to be encouraging labor unrest in this bill. In section 24, they say:

The Administrator shall evaluate on a continuing basis the potential effects on employment (including reductions in employment or loss of employment from threatened plant closures) of—

(1) the issuance of a rule or order under section 4, 5, or 6, or

(2) a requirement of section 8.

(b) (1) INVESTIGATIONS.—Any employee (or any representative of an employee) may request the Administrator to make an investigation of—

(A) a discharge or layoff or threatened discharge or layoff of the employee, or

(B) adverse or threatened adverse effects on the employee's employment,

allegedly resulting from a rule or order under section 4, 5, or 6 or a requirement of section 8. Any such request shall be made in writing, shall set forth with reasonable particularity the grounds for the request, and shall be signed by the employee, or representative of such employee, making the request.

We have a provision in this bill and in the terminology of the report as written up to provide for any interested civic group to enter into this intervention action. The lawyer of this civic group is paid by the court on a full fee scale above his regular salary level. It seems to encourage these foundations and civic groups to have their salaried people enter into legal proceedings, because they are going to draw even more in compensation.

If I ever saw a mumbo-jumbo bill encouraging an employee to do a bad job for a company, this is it. It encourages lawyers, if they are not fully occupied, to stir up one of these lawsuits under this bill.

We have passed more laws in this session of Congress than in any session of the Congress. Yet, when we go home to talk to the folks back home, they will tell us that this is a poor Congress. The reason is that we are passing more bills than the public needs, more than it wants, and certainly more than it can afford. The only ones I can see who are going to benefit from this particular piece of lewislation are lawyers.

At this time I would like to include the minority views that were filed with this bill where I was joined by my colleague, the gentleman from Ohio (Mr. DEVINE).

Mr. Chairman, the bill, H.R. 14032, which was reported by the Committee on Interstate and Foreign Commerce on June 9, would give the Administrator of the Environmental Protection Agency broad new powers over this country's chemical industry. In its barest form, the bill authorizes the EPA to require that manufacturers perform tests prescribed by the Agency, and give the Agency advance notification of its intent to market new chemicals or existing chemicals for new uses. Further, EPA is authorized to issue rules regulating the manufacturing processing, use or disposal of a chemical as well as require that the company maintain records and submit reports as required by the EPA.

The House has passed toxic substances legislation in both the 92d and 93d Congresses, but this bill goes far beyond anything we have ever voted on. We are especially disappointed that the committee abandoned the approach adopted in the 93d Congress with respect to premarket notification and screening—section 5. In earlier bills, the Administrator of EPA was authorized to compile a list of those chemicals which he finds poses a danger to health or the environment and the manufacturer of a listed chemical must then provide EPA with notice prior to marketing. In this manner the Administrator's attention would be focused on those potentially dangerous chemicals. The bill reported by the committee, on the other hand, would require that manufacturers of all new chemicals and new uses of existing chemicals notify and supply EPA with specified information 90 days prior to manufacture or marketing. EPA could extend that period another 90 days. This approach is objectionable because EPA will have to draw upon already limited staff and resources to give each reported substance or use thorough scrutiny within the time allotted. Further, we fear that EPA will be able to hold up the manufacturing of a chemical for up to 6 months for no better reason than administrative backlog.

We fear that this legislation will prove ruinous for the small companies which make up much of this country's chemical industry. Industry estimates put the cost of this legislation at between $358 million and $1.3 billion annually. Even the General Accounting Office estimated an annual cost of as much as $200 million. Further, it can cost as much as $800,000 to test a single chemical. Although we hope that EPA would not be so unreasonable as to routinely require testing of this magnitude, the costs of testing could be considerable, and the costs of testing will fall heaviest on smaller companies.

Further, in the more than 100 pages making up this legislation, there is set out an incredibly complicated regulatory maze which is guaranteed to completely baffle any layman attempting to pick his way through it. And the bill will be augmented by more rules and regulations issued by the EPA. As we add these increased layers of bureaucracy, it will become more and more difficult to develop and process new chemical compounds. This will not present a great problem to the large chemical companies with their vast legal staffs. But for the small company, the time and expense of fighting the bureaucratic machine, as well as the significant costs of testing, may serve to discourage him from undertaking the project at all. This is especially true when he is not able to predict the market a particular chemical may have.

We fear that the end result of this bill will be a long-range and insidious effect on inventiveness and innovation in the American chemical industry. Faced with extensive testing, the burden of premarket screening, and the rigors of regulation under this bill, development and innovation in the chemical industry will inevitably be curtailed.

Although the above observations are of a general nature, we are specifically concerned about sections 20, 21, 23, and 24, and recommend that they be deleted from the legislation. We do not believe that these provisions do anything to improve the legislation but, in fact, could be used to harass companies regulated by EPA.

Section 20 provides that any person may bring a civil action against a company regulated under this act or against the EPA in order to enforce the act. Further, the bill specifies that complete costs of the suit, plus attorneys' and expert witnesses' fees, will be paid. If any

MONS 030096

individual has any idea about suing, he will find an eager lawyer who will bring this case to the already overcrowded judicial dockets.

Section 21 provides that any person may petition EPA to issue a rule requiring testing or regulating of a substance. If EPA denies the petition and if the petitioner can show, by a preponderance of the evidence in a de novo proceeding in U.S. district court, that the substance may cause or contribute to an unreasonable risk, the court must order EPA to begin the requested proceeding. The citizen petition provision, with its requirement for a trial de novo, will force the Federal courts to hear complex, scientific testimony and make technical decisions more appropriately left to an expert regulatory agency. In essence, the court will be called upon to second-guess the judgment of the EPA in areas in which it has no expertise. Requiring that courts consider and decide technical and scientific factual questions rather than questions of law, not only places an undue burden on the Federal courts but also destroys the purpose for creating EPA as an expert agency. Further, this provision substantially diminishes the agency's ability to determine its priorities and channel its resources.

Section 23 is entitled "Employee Protection" and would prohibit an employer from disciplining an employee because that employee may have or is about to issue a complaint with the EPA. Of course, this means that any time there is an incompetent employee who has been put on notice that he is doing a poor job, one can anticipate that he will commence a proceeding against the company. He will, thereby, have the Secretary of Labor and the Administrator of the EPA protecting him until the case is disposed of—possibly years in the future.

This section, along with section 24, which authorizes EPA to conduct investigations, issue subpenas and hold hearings to determine the effects on employment from threatened plant closing which might be brought about by this act, provide so much potential for harassment that we strenuously object to their inclusion in any final legislation.

Finally, we note that section 14(e) of the bill provides that information reported or obtained by the Administrator under this bill shall be made available upon written request of any duly authorized committee of Congress. We firmly believe that such a provision is needed in that both courts and Attorneys General of the United States have traditionally taken the position that disclosure to Congress of "trade secret" information which was statutorily obtained by agencies of the U.S. Government would be a breach of confidentiality. A clear example of this position is enunciated in the case of *Hearst v. Black*, 87 F. 2d 68 (D.C. 1936). In this case, the Federal Communications Commission was enjoined from turning over to a Senate committee certain material which the agency was statutorily required to treat as confidential. In the Hearst case there was no provision similar to section 14(e); if there had been Hearst would have had no case. Our position then is that Congress does have the power to acquire information of this sort, but not without the benefit of legislation that specifies that Congress can acquire it. The question of inherent authority is a matter for the courts to determine.

This provision in the bill raises an equally important question which the committee chose not to address. That question is: What is Congress obligation to keep "trade secret" material confidential? This bill recognizes that there is certain information that should be kept confidential by the executive branch, but then Congress grants itself access to this information with no restrictions on disclosure. We believe that if Congress grants itself access to this type of material then Congress should establish the internal mechanism that would insure that "trade secrets" be kept confidential. Bear in mind that Congress is continually requiring the business community to turn over, highly valuable and sometimes sensitive material to Federal agencies, and the business community is complying. They are complying because they understand that their trade secret and proprietary data will not be disclosed. If it becomes painfully apparent to the business community that these valuable materials will not be safeguarded, we believe that this climate of cooperation will seriously deteriorate.

Mr. Chairman, I recommend that we vote against this bill.

Mr. MURPHY of New York. Mr. Chairman, I yield such time as he may consume to the chairman of the full committee, the gentleman from West Virginia (Mr. STAGGERS).

(Mr. STAGGERS asked and was given permission to revise and extend his remarks.)

Mr. STAGGERS. Mr. Chairman, I thank the chairman for yielding to me.

Mr. Chairman, members of the Committee, this bill has been considered in the 92d, 93d, and now the 94th Congress. The House has passed it twice, and so has the Senate. We have never been able to come to agreement in conference.

I would be remiss if I did not say that this is not a perfect bill. I do not know of a perfect bill that has passed this House. There are some flaws in it, but we will try to work them out in conference. This bill should be passed.

This bill principally is intended to have new chemicals coming on the market regularly tested to see that they are not going to harm people or the environment.

Mr. Chairman, as I said, it is not a perfect bill. We all know that. There are some imperfections, and there may be some amendments made to it. I am sure that if we find some things that are wrong with it, we can try to correct them. But this is legislation which has been needed for a great many years.

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

Mr. STAGGERS. I yield to the gentleman from Nebraska (Mr. McCOLLISTER).

Mr. McCOLLISTER. I thank the gentleman for yielding.

Mr. Chairman, I want to say that we are at the point where we are because a great many difficult issues have been compromised and agreed upon, and I would hope we would not go further in our conference with the Senate than we have gone here; that we have a very delicate balance now, and I am just cautioning the Members that that balance can be destroyed rather readily.

Mr. STAGGERS. Mr. Chairman, I can agree with the gentleman. The gentleman remembers that is one of the reasons the first bill did not pass. The Senate insisted upon theirs, and we said, "We have to be reasonable to the business people of America," and we did not compromise on what we thought was right for business in the land.

Mr. Chairman, I want to compliment the gentleman from Nebraska on his part through the years in working on this legislation and for his interest. He has done a great job, as well as the chairman, the ranking member on the other side, and the gentleman from Texas (Mr. ECKHARDT). They have all been very interested in these 4 or 5 years that we have been working on this bill and they have done an excellent job.

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

Mr. STAGGERS. I yield to the gentleman from Washington (Mr. HICKS).

(Mr. HICKS asked and was given permission to revise and extend his remarks.)

Mr. HICKS. Mr. Chairman, the action the Congress takes in considering the Toxic Substances Control Act is a test of our concern for the American people. It is also a test of our consistency. My special concern with this legislation stems from hearings that the Manpower and Housing subcommittee of the Government Operations Committee held on controlling toxic substances in the workplace. We all know that controlling hazardous materials is important in the marketplace and on the farm, but those who must handle potentially dangerous chemicals every day they earn their bread are at even greater hazard. They can neither select the chemicals to which they will be exposed, nor avoid such exposure except at the cost of their job.

The vote on this legislation will show where we strike the balance between imposing more requirements on those who produce and market chemicals—a fact we must recognize—and providing protection to many who cannot by any means provide it for themselves. I think this balance has to be struck by placing more responsibility on those who manufacture and formulate chemicals. A recent study by the National Institute for Occupational Safety and Health disclosed that almost half the exposures to identified cancer-causing chemicals was attributable to the use of products that were identified only by trade-names. The composition of these was treated as a secret by their formulators. Our hearings showed that we are way behind in our ability to identify chemicals that can destroy the health of workers who are exposed to them daily. We are even fur-

MONS 030097

ther behind in developing standards for the labeling and control of those chemicals that we already know are hazardous. Presently, complete standards exist for fewer than 2 dozen chemicals. Even here, the fact of exposure to these chemicals was unknown in close to half the cases because the ingredients of the products used were not disclosed. Surely this is a situation that we can no longer tolerate.

I said that our vote will also be a test of our consistency. In 1970, we passed the Occupational Safety and Health Act. As we all know, the Act has been the subject of much controversy. That controversy, however, has centered on some of the standards and the way they are applied; it has not swirled around the requirement in the act that an employer tell his employees whenever they are exposed to a dangerous concentration of hazardous chemicals. Since the passage of this act, employers have had a legal requirement to inform employees about dangerously high levels of exposure. Such a requirement is certainly warranted in these days when thousands of new chemical products are flowing into the workplace every year. Yet, in our hearings this year, the Assistant Secretary of Labor for Occupational Safety and Health agreed that employers could not comply with the law because they did not know the composition of products that they use in their plants.

Look at the size of the problem—the NIOSH Registry of Toxic Chemicals lists over 19,000 unique chemical substances. The Council on Environmental Quality estimates that 700 new chemicals enter commercial production each year. Yet, the Occupational Safety and Health Administration has been able to issue standards at a rate of only three per year. Both the Assistant Secretary for Occupational Safety and Health and the Director for the Institute of Occupational Safety and Health testified at our hearings that without a toxic substances control act, federal regulatory machinery will never catch up. Unless we require testing of chemicals before they are marketed, how are we to know the toxic effects of new chemicals? Regulation after the fact not only uses our workers as experimental groups without their consent, but also fails to protect them even after damage to their co-workers establishes that a chemical is dangerous.

It can be contended that the burden should be put on the employer—that he should refuse to purchase products unless the manufacturer discloses their composition. This approach is used by some large companies today, with varying degrees of success. In our hearings, we looked at the practices of the Federal Government—the Nation's largest employer—to determine how successfully the Government itself was complying with the law that this Congress passed 6 years ago. For the past 5 of these years, there has been a Federal standard that required Government purchasers to obtain hazardous material data sheets that disclosed the hazardous substances in any product. Despite this, the large purchasing agencies of the Government have obtained these sheets only in a few scattered instances, and Government hygienists, safety professionals, and doctors in the field installations we visited often had never received any data sheets on the hundreds of chemicals that these installations use daily. If the Federal Government cannot tell its employees what they are exposed to, what chance does the owner of a small establishment have of demanding and receiving this information from suppliers who have been effectively denying it to the Federal Government in the fact of existing regulations?

Mr. Chairman, our hearings have shown that the 1970 law is not being obeyed. Employers are not telling employees when they are using hazardous substances, and it seems doubtful that they will be able to unless they are able to find out the contents of the products that they purchase for their businesses.

It would be vastly more effective and less expensive, to identify these substances from the initial manufacturing process onward. Detective work to identify the ingredients of individual formulated products come only after they are already in American marketplaces and factories. The initial producer knows, or can find out, what chemicals he is using. In the chain of marketing, the level at which a substance is first introduced is the most effective and cheapest place to identify it. At this level, it is nearly always know, or can readily be determined. Without the requirement of disclosure by those who develop chemicals or blend them into products, millions of American workers will continue to be exposed to substances that can cause disease and death.

For some of these substances, there may not be an acceptable substitute, but there are protective measures available to reduce or eliminate the hazards to health. These protective measures will not be taken unless the employer and the workers are aware that they are needed. In 1970, the Congress said that American workers should not have to pay for their jobs with their health. In this legislation, we have the opportunity to fulfill the promise of that legislation. The toll of occupationally caused diseases and deaths is our workplaces today makes using that opportunity an obligation.

Mr. STAGGERS. With what I have said, Mr. Chairman, I would conclude. I believe the time has come when we must do something to protect the health of the people of America with regard to the new chemicals which are coming on the market, and this is about the only way we can do it.

I would hope that the EPA, in the administration of the bill, will use discretion. I think the committee will look into EPA's activities and see that they administer the bill fairly while protecting the people of this country.

Mr. McCOLLISTER. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. BROYHILL).

(Mr. BROYHILL asked and was given permission to revise and extend his remarks.)

Mr. BROYHILL. Mr. Chairman, I rise in support of this bill. As has been documented, there are chemicals which have been coming on the market, new chemicals, by the thousands. Studies have shown that many of these chemicals, in many cases, are harmful to the health of humans and the environment. Facts have been presented to the committee which indicate that streams have been polluted as a result of dangerous chemicals having been dumped in the streams. The health of human is directly affected by their coming in direct contact with these dangerous chemicals.

There is no legal authority to deal with testing of dangerous chemicals or those that may pose danger to the health or the environment. We do have laws which regulate disposal of chemicals, but we do not have any laws relating to the testing of chemicals, that is, to assess the safety of these chemicals before they are marketed or before exposure does occur.

So what this bill would do would be to require that the manufacturers who bring new chemicals onto the market, or find any new uses for old chemicals, test them to assure that they are safe for use. This testing would be done by uniform regulations of EPA and the test results would be submitted to the EPA in advance of marketing.

Mr. Chairman, as has been stated, a number of amendments and compromises have been agreed to in this bill. I think that as a result of that we have made it a workable bill. I urge that the House adopt it in its present form.

As a cosponsor of the bill, I want to commend the gentleman from Texas (Mr. ECKHARDT) and the gentleman from New York, (Mr. MURPHY), the chairman of the subcommittee, and the ranking minority member of the subcommittee, the gentleman from Nebraska, (Mr. McCOLLISTER) for their hardwork and cooperation in working out this compromise bill. This is balanced legislation. A balance has been reached between the need to protect health of humans and protection of the environment, and the concerns of small businesses and other industrial and marketing problems that give concern.

Mr. MURPHY of New York. Mr. Chairman, I yield 3 minutes to the gentleman man from Texas (Mr. ECKHARDT).

Mr. ECKHARDT. Mr. Chairman, I heard the expressed hope of the gentleman from Nebraska (Mr. McCOLLISTER) that this bill, which is well balanced, be retained in its present form in conference. Of course, in conference there is always a certain give and take which must take place.

As to this Member's feelings, I would hope that the considerations and resulting accommodations that I think have made this bill generally acceptable both to industry and to those concerned with the environment will in large measure be kept, and I would certainly attempt to keep them. I believe we have a good bill.

We started out with two deep and somewhat conflicting concerns. One was the deep concern of those primarily concerned with health and the environment that no new chemical that is in development stages will in effect sneak up on

MONS 030098

us before we have time to do something about it. On the other side was the concern of industry that we not adopt such a busybody policy as to interminably investigate, thus inordinately delaying the final decision as that chemicals could not flow to the marketplace. Industry insisted that innovation must be given some freedom of movement.

I believe that initially the Senate's approach was too tight in this respect. It came very close to embracing premarket screening. Under premarket screening no chemical could go into the market unless it had gone through the governmental screen.

We cannot be 100 percent sure that no danger will exist, no matter what legislation we pass. On the other hand, the environmentalists and those primarily concerned with health simply were not satisfied with an attempt to identify all dangerous chemicals and then let anything we had not thought of before go onto the market without notice.

I believe we have resolved the differences between these two groups in this act. Within the general parameters of this concept, I feel we should try to hold the bill to the position of the House. I think we can do that because I believe we have a good bill. It satisfies those two legitimate objectives.

Mr. McCOLLISTER. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, as we proceed to the reading of the bill for amendment—and there will be amendments—I would simply like to add to what the gentleman from Texas (Mr. EckHARDT) so kindly referred to earlier in regard to my interest in small business. I am very concerned about the impact of this legislation on small business. I hope that we have drafted a bill that will protect the interests of small business as well as the interest of the public.

Whether we have done that or not will, I think, probably be determined by the attitude of the EPA in administering the law. I would urge my colleagues to watch very carefully to see how that is done in order that some remedy can be fashioned, if it is necessary, so that we will not further concentrate our economic powers in fewer and fewer companies. I am very much concerned about the impact of this legislation on small business.

Mr. METCALFE. Mr. Chairman, I rise in strong support of H.R. 14032, the Toxic Substance Control Act. While the bill before us differs to some extent from the bill reported out of the Consumer Protection Subcommittee on which I serve, I nonetheless support the objectives of this legislation.

Testimony before our subcommittee clearly indicated the need for this type of legislation.

In April 1971, the Council on Environmental Quality released a report entitled "Toxic Substances." The Council reached the following startling conclusion: Several thousand new chemicals are discovered each year and we do not know which chemicals and at which level each chemical causes cancer, genetic mutation, or physical or chemical defects in offspring.

The Council on Environmental Quality as early as 1971 stated that:

We should no longer be limited to repairing the damage after it has been done; nor should we continue to allow the entire population or the entire environment to be used as a laboratory.

Five years after this report was issued, the Congress is still grappling with a legislative response to this problem. We are still permitting our planet to be used as a giant laboratory and our population to be used as little more than passive participants in the experiments.

The inadequacy of current law is already documented in the hearing record established by the subcommittee. The point to be stressed is that we must have control of these chemicals before they are produced and entered into commerce. For all too long we have directed our attention to the effect of these toxic substances after the chemical is in the mass-production stage. We now propose to establish a schema whereby we can test and monitor these chemicals before they endanger our fellow man, the environment, and the very planet itself.

Recent studies of cancer mortality conducted by Drs. Robert Hoover and Joseph F. Fraumeni of the epidemiology branch of the National Cancer Institute show rates of cancer which are far in excess of the normal rate in 126 counties where there is a high concentration of chemical production facilities. The National Cancer Institute estimates that as high as 90 percent of all human cancer is environmentally caused. The World Health Organization estimates are as high as 85 percent.

Mr. Chairman, we either learn to control these products which are having a deleterious effect on the environment and on our fellow human beings or we will continue to endanger the health and well-being of generations to come.

The committee report clearly indicates that this bill is a major step forward. It does this primarily "through its testing and premarket notification provisions." Thus, this bill "provides for the evaluation of the hazard-causing potential of new chemicals before commercial production begins."

Mr. BLACK. Mr. Chairman, due to the particular problems of small business, the costs of testing are critical. The "basis for the legislation" section of the "report" accompanying TSCA—page 2—mentions that there are significant new methods which reduce the time required and the costs of testing for the cancer-causing properties of chemicals. The Ames test is specifically noted. Can we assume that the Ames test will be accepted as an effective indication of the carcenogenicity of new compounds?

Section 5(a)—(1)(A)&(B) generally exempts the small manufacturer from the reporting provisions of the bill. However later paragraphs (5(a)—(3)(A) (i) and (ii)) detail broad instances where this exemption may be canceled by the Administrator. Due to the general financial inability of small businesses to resist in court, they are anxious to be protected from arbitrary administration. Are there any assurances that can be given that real justification will be present before reporting will be required by small manufacturers?

In the same vein, section 3(2) (B) (i) excludes mixtures from jurisdiction, however later sections—4, 6, and 7—give the Administrator authority to include mixtures where deemed necessary. Since most small chemical manufacturers produce primarily mixtures, the exemption is critical. What assurances can be offered against arbitrary action on the case of: being required to report and test due to supposed "indications" that a hazard may exist? And being required to report and test due to supposedly "insufficient" data on a mixture?

Can some instances be hypothesized where a mixture might be required to comply as above?

Section 2(b)(3) states that there is no intention to impede or create unnecessary economic barriers to technical innovation. There are a group of specialized small companies who are engaged in the manufacture of highly sophisticated intermediate compounds which are marketed to other chemical concerns, universities, et cetera, who use these compounds as starting points in wide-ranging research. The demand for these chemicals is such that very small amounts of a large number of substances are produced annually. Since revenues from the sale of substances produced in such small quantities could not reasonably be expected to be sufficient to defray the costs involved in reporting and testing as could be required under the act, it is conceivable that these manufacturers might be forced to stop making these important items. Is there any way that these chemicals are exempted under the act as it now reads?

Section 5 establishes a 90-day period by the end of which the Administrator must take action on a substance of which he has been notified. A 90-day extension is also provided where deemed necessary. It seems possible that an agency deluged with newly reported chemicals might be tempted to require testing, on the basis of insufficient data, rather than take a chance on not objecting to a substance which they have not been able to find time or manpower to properly review. Are there assurances that this will not be the case?

Mr. MURPHY of New York. Mr. Chairman, the Ames test is certainly an exciting new testing method, and I would expect the Administrator to make considerable use of it. Especially with respect to organic chemicals, the Ames test should be particularly useful in determining if a chemical should be regarded as a carcinogen.

The bill requires specific justifications before reporting can be required of small companies. I assure you that my subcommittee will exercise careful oversight to see that the standards in the bill are adhered to.

Likewise, the bill sets out careful standards before mixtures can be subjected to testing or before reporting can be required. In addition to judicial review to strike down action by the Administration acting outside the bounds of the bill, my subcommittee will exercise very careful oversight to protect against abuses.

MONS 030099

These chemicals are not exempted per se. However, before they can be subject to regulation, there must be a finding by the Administrator that the chemical may be hasardous. In making such a determination, the Administrator obviously will have to consider the quantities and the use of the chemical. The risk must be unreasonable in light of the use and amount produced or likely to be produced.

The language of the bill does not permit this result. Only in situations where there is insufficient information and the possibility of an unreasonable risk can production be stopped.

Mr. ASHBROOK. Mr. Chairman, I rise in opposition to H.R. 14032, the toxic substance control bill. This legislation would have severe repercussions on the Nation's cremical industry, pushing up prices, impeding research and development of new products that would aid the public and driving small firms out of business.

I want to make it clear that I support reasonable legislation to strengthen the control of toxic substances. The Government has a responsibility to protect the public from harmful chemicals and substances. We must not neglect matters of human health and environmental safety.

I cannot support H.R. 14032, nowever, because of its overburdensome regulations. These regulations would result in massive reporting requirements, yards of redtape and high costs.

Most disturbing is the part of the bill requiring premarket notification and screening of new chemical substances. The Environmental Protection Agency would be empowered to require manufacturers to give the Agency advance notification of their intent to market new chemicals. The Agency could also require manufacturers to conduct tests prescribed by the EPA. In addition, the EPA would be authorized to promulgate rules on the manufacture, processing, use and disposal of a chemical.

Under the provisions of H. R. 14032, manufacturers of all new chemicals as well as existing chemicals with new uses would have to notify EPA 90 days in advance of manufacturing or marketing. At that time they would also have to furnish EPA with specified information.

This may look good on the surface. The problem, however, is that there are approximately 2 million known chemical compounds with about 25,000 new ones added each year. Although most of these are confined to the laboratory, there are roughly 30,000 chemicals in commercial production. And that number is growing by 700 to 1,000 each year.

Consequently, it would be very difficult for EPA to give its approval in the time allowed. Manufacturing of a new chemical could be delayed for as much as 6 months simply because of administrative backlog.

Furthermore, the potential cost of this legislation is staggering. According to industry estimates, the cost could range between $384 million and $1.3 billion annually. The testing of a single chemical alone could run into the hundreds of thousands of dollars.

These regulations would be bad enough for large companies, resulting in higher product costs and less development of new products. For small companies, however, the impact would be even more disastrous. The expensive reporting requirements, filing fees and testing procedures would place a severe strain on their financial resources.

Small chemical companies play an important role in the economy of our Nation. Of the 11,000 chemical companies now operating, over 10,000 of them are small. It would be tragic if the Congress passed legislation pushing these small companies into oblivion. It would be tragic to create a situation where only the large companies can survive.

Mr. McCOLLISTER. Mr. Chairman, I have no further requests for time.

Mr. MURPHY of New York. Mr. Chairman, I have no further requests for time.

The CHAIRMAN. Pursuant to the rule, the Clerk will read the committee amendment in the nature of a substitute recommended by the Committee on Interstate and Foreign Commerce, now printed in the reported bill as an original bill for the purpose of amendment.

The Clerk read as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This Act may be cited as the "Toxic Substances Control Act".

TABLE OF CONTENTS

Sec. 1. Short title.
Sec. 2. Findings, policy, and intent.
Sec. 3. Definitions.
Sec. 4. Testing of chemical substances and mixtures.
Sec. 5. Manufacturing and processing notices.
Sec. 6. Regulation of hazardous chemical substances and mixtures.
Sec. 7. Imminent hazards.
Sec. 8. Reporting and retention of information.
Sec. 9. Relationship to other Federal laws.
Sec. 10. Research, collection, dissemination, and utilization of data.
Sec. 11. Inspections.
Sec. 12. Exports.
Sec. 13. Entry into customs territory of the United States.
Sec. 14. Disclosure of data.
Sec. 15. Prohibited acts.
Sec. 16. Penalties.
Sec. 17. Specific enforcement and seizure.
Sec. 18. Preemption.
Sec. 19. Judicial review.
Sec. 20. Citizens' civil actions.
Sec. 21. Citizens' petitions.
Sec. 22. National defense waiver.
Sec. 23. Employee protection.
Sec. 24. Employment effects.
Sec. 25. Studies.
Sec. 26. Administration of Act.
Sec. 27. Development and evaluation of test methods.
Sec. 28. Authorization for appropriations.
Sec. 29. Annual report.
Sec. 30. Effective date.

Mr. MURPHY of New York (during the reading). Mr. Chairman, I ask unanimous consent that section 1 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to section 1? If not, the clerk will read.

The clerk read as follows:

FINDINGS, POLICY, AND INTENT

SEC. 2. (a) FINDINGS.—The Congress finds that—

(1) humans and the environment are being exposed to a large number of chemical substances and mixtures each year;

(2) among the many chemical substances and mixtures constantly being developed and produced are some whose manufacture, processing, distribution in commerce, use, or disposal may cause or significantly contribute to an unreasonable risk to health or the environment; and

(3) the effective regulation of interstate commerce in such chemical substances and mixtures also necessitates the regulation of intrastate commerce in such chemical substances and mixtures.

(b) POLICY.—It is the policy of the United States that—

(1) hazardous and potentially hazardous chemical substances and mixtures should be adequately tested with respect to their effect on health and the environment and that such testing should be the responsibility of those who manufacture and those who process such chemical substances and mixtures;

(2) adequate authority should exist to regulate chemical substances and mixtures which cause or significantly contribute to an unreasonable risk to health or the environment, and to take action with respect to chemical substances and mixtures which are imminent hazards; and

(3) authority over chemical substances and mixtures should be exercised in such a manner as not unduly to impede, or to create unnecessary economic barriers to, technological innovation while fulfilling the primary purpose of the Act to ensure that such innovation and commerce in such chemical substances and mixtures do not cause or significantly contribute to an unreasonable risk to health or the environment.

(c) INTENT OF CONGRESS.—It is the intent of Congress that the Administrator shall carry out this Act in a reasonable and prudent manner, and that the Administrator shall consider the environmental, economic, and social impact of any action the Administrator proposes to take under this Act.

Mr. MURPHY of New York. Mr. Chairman, I ask unanimous consent that section 2 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

The CHAIRMAN. Are there any amendments to section 2? If not, the Clerk will read.

The Clerk read as follows:

DEFINITIONS

SEC. 3. As used in this Act:

(1) The term "Administrator" means the Administrator of the Environmental Protection Agency.

(2) (A) Except as provided in subparagraph (B), the term "chemical substance" means—

(i) any organic or inorganic substance of a particular molecular identity including a combination of such substances occurring (I) in whole or in part as a result of a chemical reaction or (II) in nature, or

(ii) any element or uncombined radical.

(B) Such term does not include—

(i) any mixture,

(ii) any pesticide (as defined in the Federal Insecticide, Fungicide, and Rodenticide Act) when manufactured, processed, or distributed in commerce for use as a pesticide,

(iii) tobacco or any tobacco product,

MONS 030100

(iv) any source material, special nuclear material, or byproduct material (as such terms are defined in the Atomic Energy Act of 1954 and regulations issued under such Act);

(v) any article the sale of which is subject to the tax imposed by section 4181 of the Internal Revenue Code of 1954 (determined without regard to any exemptions from such tax provided by section 4182 or 4221 or any other provision of such Code), and

(vi) any food, food additive, drug, cosmetic, or device (as such terms are defined in section 201 of the Federal Food, Drug, and Cosmetic Act) when manufactured, processed, or distributed in commerce for use as a food, food additive, drug, cosmetic, or device.

The term "food" as used in clause (vi) of this subparagraph includes poultry and poultry products (as defined in sections 4(e) and 4(f) of the Poultry Products Inspection Act), meat and meat food products (as defined in section 1(j) of the Federal Meat Inspection Act), and eggs and egg products (as defined in section 4 of the Egg Products Inspection Act).

(2) The term "commerce" means trade, traffic, or transportation (A) between a place in a State and any place outside of such State, or (B) which affects trade, traffic, or transportation described in clause (A).

(3) The term "distribute in commerce" or "distribution in commerce" when used to describe an action taken with respect to a chemical substance or mixture or article containing a substance or mixture means to sell, or the sale of, the substance, mixture, or article in commerce; to introduce or deliver for introduction into commerce, or the introducing or delivery for introduction into commerce of, the substance, mixture, or article or to hold, or the holding of, the substance, mixture, or article after its introduction into commerce.

(4) The term "environment" includes water, air, and land and the interrelationship which exist among and between water, air, and land and all living things.

(5) The term "health and safety study" means any study of any effect of a chemical substance or mixture on health or the environment, including epidemiological studies, studies of occupational exposure to a chemical substance or mixture, toxicological, clinical, and ecological studies of a chemical substance or mixture, and any test performed pursuant to this Act.

(7) The term "manufacture" means to import, produce, or manufacture.

(8) The term "mixture" means any combination of two or more chemical substances if the combination does not occur in nature and is not, in whole or in part, the result of a chemical reaction; except that such term does include a combination which occurs, in whole or in part, as a result of a chemical reaction if each of the chemical substances comprising the combination is not a new chemical substance and if the combination could have been manufactured for commercial purpose without a chemical reaction at the time the chemical substances comprising the combination were combined.

(9) The term "new chemical substance" means any chemical substance not included in the chemical substance list compiled and published under section 8(b).

(10) The term "process" means the preparation of a chemical substance or mixture for distribution in commerce—

(A) in the same form or physical state, or in a different form or physical state from that, in which it was received by the person making such preparation, or

(B) as part of an article containing the chemical substance or mixture.

(11) The term "processor" means any person who processes a chemical substance or mixture.

(12) The term "standards for the development of test data" means a prescription of—

(A) the—

(i) health and environmental effects, and

(ii) information relating to toxicity, persistence, and other characteristics which affect health and the environment,

for which test data for a chemical substance or mixture are to be developed and any analysis that is to be performed on such data, and

(B) to the extent necessary to assure that such data are reliable and adequate, the manner in which such data are to be developed, the specification of any test protocol or methodology to be employed in the development of such data, and such other requirements as are necessary to provide such assurance.

(13) The term "State" means any of the several States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, the Canal Zone, American Samoa, or the Trust Territory of the Pacific Islands.

(14) The term "United States", when used in the geographic sense, means all the States.

Mr. MURPHY of New York (during the reading). Mr. Chairman, I ask unanimous consent that section 3 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. HAGEDORN

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

The Clerk read as follows:

Amendment offered by Mr. HAGEDORN: On page 106, line 18, insert the following after the comma "including those combinations which would be mixtures but for the exclusion of all their component substances from the list drawn up by the Administrator pursuant to section 5(c)(2)(A)(i).". On page 106, line 19, substitute a comma for the period and add the following "provided that the combination contains component substances listed by the Administrator pursuant to section 5(c)(2)(A)(i)."

(Mr. HAGEDORN asked and was given permission to revise and extend his remarks.)

Mr. HAGEDORN. Mr. Chairman, the purpose of my amendment is to exempt from the act mixtures which contain no chemicals contained on the section 5(c)(2)(A)(i) list. This list is to be compiled by the Administrator of EPA and is to contain chemical substances which might significantly contribute to an unreasonable risk to health or the environment.

Although "mixtures" are explicitly excluded from the definition of "chemical substance" on page 105, the effect of this is only to exclude them from the operations of section 5, premarket notification procedures. They remain potentially subject to the entire network of regulations and recordkeeping contemplated by the rest of the act.

Mixtures are unlike other chemical formulations in the respect that the component elements do not have their chemical properties altered. Generally, they are as safe or unsafe as their components. While mixtures may result in the alteration of the physical properties of the components, as in shampoos or dish detergents, they retain the same chemical qualities as the substances which comprise them. There is no reason to burden chemical companies with the retesting of mixtures which simply partake of the qualities of their components, which have already been admitted to the marketplace. If they have not been, then the premarket notification requirements could be applied to the individual components, rather than requiring the entire mixture to be tested.

The great majority of the smaller chemical companies in this country make nothing but formulations of chemicals that are accepted as safe. If they are not, the Administrator always has the option, under my amendment, to place them on his section 5 list. If they are safe, I see no reason to subject these manufacturers to the extremely heavy testing and paperwork burdens of the bill. I believe that my amendment would markedly streamline the bill by requiring EPA to concentrate its focus on those chemicals which he considers harmful.

Most of the larger chemical companies say that they can live with this bill; that may be. The smaller chemical companies, however—the ones that produce 100 formulations and employ 50 to 100 people—they cannot live with this quite so easily. They cannot afford to hire new bookkeepers and paper-shufflers to comply with EPA regulations, they cannot afford the high-power legal staffs to challenge abuses of EPA authority, and they cannot afford legislative liaisons to work hand in hand with Congress in drafting and amending legislation to suit their needs. The Small Business Administration has already estimated that the average small chemical company spends approximately 10 percent of their pretax profits to comply with existing EPA rules. One small company in my district, employing less than 100 persons, claims that it is spending well over 25 percent of their time of Government compliance activities, nearly six times the amount spent only 3 years ago.

There has got to be some recognition of cost-benefit relationships by Congress. The smaller the company, the greater is the ratio of time spent testing and conforming to EPA edict to the volume of chemicals produced. There is no alternative for the small formulator but to hire new personnel that he cannot afford.

Finally, I am aware of the provisions in this bill that either give lip service to the small manufacturer, or distinguish between the treatment given chemical substances and mixtures. I have yet to speak to a small manufacturer, however, who feels comfortable with these. As one of them said to me—

The people who drew up this bill seem to assume EPA will act reasonably. On the basis of past experience, I have to assume otherwise.

I read section 4(a)(2) as imposing that section's testing requirements upon all mixtures unless the Administrator makes certain findings that such testing will be duplicative or wasteful. To do this, undoubtedly he will have to overcome the presumption that the testing of chemical components is insufficient to enable conclusions about the mixture. Hearings may be required, rules necessitated, and civil suits, by those groups assuming that

MONS 030101

man is an intruder upon his environment, may have to be overcome.

Opponents of eliminating mixtures from the act argue that they may sometimes result in a synergistic effect, whereby the mixture takes on additional qualities beyond the qualities of the components. Although a detrimental synergistic effect may occur in one in a million mixtures, this bill may end up requiring the testing of the million in order to uncover the exception. Chemical producers rarely test their chemicals for every conceivable purpose to which they might be put. The Administrator would have extremely broad discretion under the act to contend that a chemical had not been tested for a particular application; hence, requiring additional testing for that application. Once the Administrator argued—correctly—that the hazard is always in the application of a chemical, the exemptions in this bill are effectively rendered meaningless.

The committee states that it has limited the Administrator to taking action only against unreasonable risks because to do otherwise assumes that a risk-free society is attainable, an assumption that the committee does not make. The inclusion of mixtures in this bill does not comport with that premise. Rather than requiring EPA to take affirmative action to exclude a mixture from testing, the resources of EPA—and the chemical industry—could far more properly be used if affirmative action was required prior to inclusion. Neither my amendment, nor the bill will do anything about the basic problem involved—abuse and misuse of chemicals; where, however, the chemical itself is the problem, I believe that my amendment strikes a far more reasonable balance between environmental and economic concerns.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. McCOLLISTER. Mr. Chairman, I would like to have some clarification of the gentleman's amendment. Is it the gentleman's intent that the Administrator of EPA should be able to exempt the testing of mixtures if the component parts of that mixture can be tested?

Mr. HAGEDORN. Yes, if they have been tested.

Mr. McCOLLISTER. If they have been tested.

Mr. HAGEDORN. If they are listed as a priority or a section 8 chemical, then certainly they ought to be tested. If they are not included in the EPA list, then it is my feeling that they ought to be excluded, unless the EPA Director can show good cause for inclusion, which is still his discretion.

Mr. McCOLLISTER. In section 4, the testing section, at the bottom of page 119, line 21, it says:

(2) in the case of a mixture, the effects which the mixture's manufacture, distribution in commerce, processing, use, or disposal or any combination of such actions may have on health or the environment may not be reasonably and more efficiently determined or predicted by testing the chemical substances which comprise the mixture;

In other words, the Administrator has the options?

Mr. HAGEDORN. Yes.

Mr. McCOLLISTER. It is not mandatory?

Mr. HAGEDORN. Right.

Mr. McCOLLISTER. He has the option of exempting the mixture from tests if the component parts have been tested?

Mr. HAGEDORN. That is true, but the presumption of innocence always has to be found on that chemical where we are reversing a finding of fault or of possible harm, and putting that burden on the EPA Director to evaluate the mixture as to its potential harmful effects.

Mr. McCOLLISTER. And the gentleman's testing of the components would be limited to only those chemicals that are on the list, that have a hazardous chemicals listing?

Mr. HAGEDORN. If the gentleman will yield further, certainly any of those lists can be expanded. If the EPA Director so chooses to include them, then my amendment would have no effect. I am not arguing that point. I am only talking about the unlisted chemicals not on the priority list or section 8 list as being included.

Mr. McCOLLISTER. I thank the gentleman.

The CHAIRMAN. The time of the gentleman has expired.

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

(Mr. ECKHARDT asked and was given permission to revise and extend his remarks.)

Mr. ECKHARDT. Mr. Chairman, I must say at the outset that I had great difficulty in understanding what this amendment means. It is an addition that is sought to be added after the term "mixture" on line 15, providing including those combinations which would be mixtures, but providing for the exclusion of all their component substances from the list drawn up by the Administrator pursuant to section 5(c)(2)(A)(i).

I do not see where 5(c)(2)(A)(i) which is contained on page 127 of the act, excludes things from the definition of "mixture" at all. I simply do not understand what the gentleman is trying to do. In the bill we provided that wherever possible, and unless a rule were made by the Administrator, testing of the ingredients of the mixture would be enough, and only in the event that that was not enough and found not to be, and positive action taken by the Administrator, would a mixture have to be tested separately.

In the argument in favor of the amendment it seems to me that the author seems to reach much further and go to the proposition of excluding everything that has not previously been identified on the list provided for in (2)(A)(i). I, frankly, do not understand what the amendment is attempting to get at. It seems to me that if the amendment is trying to force the Administrator to leave alone a mixture that is properly tested because its ingredients are tested, the bill already takes care of that proposition. If it goes further than that, I do not agree that we should go further than that. I think it would be in opposition to the major thrust of the bill.

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

Mr. ECKHARDT. I yield to the gentleman.

Mr. HAGEDORN. I thank the gentleman for yielding.

I think what we are doing here, Mr. Chairman, is reversing the finding of fault. In other words, the chemical is presumed to be noncarcinogenic and nontoxic, unless the EPA Director, looking at the components involved in that mixture, concludes that it could be harmful.

Mr. ECKHARDT. We do not create any presumption of danger in the bill as it stands. We required in every instance that the EPA take the laboring oar in identifying the danger or else the chemical flows to the market. And even when the EPA does identify a potential danger, and says, "We cannot determine positively whether it is safe or it is not safe and, therefore, we cannot act finally," the EPA cannot make a ruling and keep the chemical off of the market. It flows right into the market just the same, unless an order by a court determines that, because of the great quantity of the substance going into the marketplace—and potentially into the environment—or because of the great risk involved that cannot be positively ascertained, harm would be done unless an injunction is issued.

We have tried to avoid the evil that the gentleman very properly points out, the evil of creating a presumption of risk without any proof of it, the evil of making the defendant prove himself not guilty with respect to the chemical. We put the burden on the EPA to identify the danger in every respect. I cannot see how the language of this amendment improves the bill and I think it might do mischief which might be inadvertent as far as the author is concerned.

I would urge that the committee vote against the amendment.

Mr. HAGEDORN. Mr. Chairman, if the gentleman would yield further, we are not trying to be mischievous, that is for sure, with this legislation. What we are attempting to do is to insure we will not put undue burdens on the small businessmen as far as testing, the small businessmen who will be manufacturing the vast majority of chemical substances. But with my amendment we will not give EPA any additional powers unless they act in a positive manner indicating that certain mixtures may have a potential of being toxic or carcinogenic agents and will be taken off. Otherwise there will not be testing requirements placed on that small manufacturer. That is my intent.

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

Mr. Chairman, if I might have the attention of the gentleman, as far as the comment he just made, I want to repeat that is my understanding of the bill the way it is now, that testing is required only when there is an unreasonable risk imposed and, if there is no such risk no testing is required. Further the Administrator is told both by the language of

MONS 030102

the bill and by the comment of the gentleman from Texas a moment ago, that with the testing of the basic components, if that has been accomplished, then the testing of the mixture ought not to be required since the testing of the components has been made.

Mr. HAGEDORN. But the intent, Mr. Chairman, if the gentleman will yield, would be to exempt those chemicals not under section 8 or the list, they would be eliminated unless they are added in an affirmative manner to the required testing.

Mr. McCOLLISTER. As far as the required testing.

Mr. HAGEDORN. Yes.

Mr. SMITH of Iowa. Mr. Chairman, if the gentleman will yield, how will the manufacturer know what is required to be tested?

Mr. McCOLLISTER. He will know because it will be on the list and because there is a rulemaking process by which a potentially dangerous chemical is judged to be a dangerous chemical, and then there follows the testing of it and all other requirements associated with it, and the manufacturer will have notice through the usual processes and in the Federal Register, and in the lists.

Mr. ECKHARDT. Mr. Chairman, if the gentleman will yield, actually I think the author of the amendment may be under the misconception that merely by identifying a chemical the EPA may require testing. Actually of course there is a rulemaking process which must determine that the chemical poses the risk and should be tested in order to determine whether or not the risk is in actuality.

I am inclined to think that the terms of the act may be even stricter than the gentleman may conceive in his amendment because we do not permit the EPA merely by putting the chemical on the list to require its testing. The EPA must identify the chemical and by rule direct testing in the case.

Mr. McCOLLISTER. Mr. Chairman, if the gentleman will yield back to me, that rulemaking process is a good deal more different and more stringent and more formal, with cross-examination and substantial evidence and so forth, than the rulemaking processes we usually associate with what the earlier legislation provided.

Mr. ECKHARDT. Mr. Chairman, if the gentleman will yield further, it is not quite so with respect to the testing rulemaking, because we do not want to overload an intermediate process to identify danger or to show that it does not exist. Where we put in the complete cross-examination rights is with respect to keeping the chemical ultimately off the market or limiting its entry into the market.

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

Mr. Chairman, I am concerned about this kind of legislation. I know the committee did its best to try to work out something acceptable and that the overriding reason for the legislation is to protect people. But, I think we have gone too far in running small business out of business in this country. Even if all they have to do is watch the Federal Register, it is too much for many small businessmen that are in this business.

Mr. Chairman, take for example a small business. One of them tells me he last year sold 300 formulations. He may only sell 1 ton of a certain product. He cannot afford to watch the Federal Register. He does not have time to watch the Federal Register all the time.

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

Mr. SMITH of Iowa. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, the gentleman does not want to say that we want small business to be permitted to poison the populace? There has to be some protection here.

Mr. SMITH of Iowa. No. If the gentleman will listen. I am saying that it is not enough to work out an agreement with the big companies as to what will satisfy them and forget small business. That is what the committee did in this bill. It does something for companies like Du Pont but forgets all about small business. They did not even know this bill was under consideration until it was out of the full committee. How are they going to know how to protect themselves?

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

Mr. SMITH of Iowa. I yield to the gentleman from Texas.

Mr. ECKHARDT. Will the gentleman please heed me on this? This bill has been before the Congress, or this concept has been before the Congress in a series of bills, for 5 years. There were full hearings in both the Senate and in the House in at least two terms of Congress. There was full opportunity and notice to everyone involved.

Mr. SMITH of Iowa. How do you give notice to all these manufacturers out there working 40, 50, and 60 hours a week in their plants making a living? How do they know what you are doing?

Mr. ECKHARDT. Mr. Chairman, if the gentleman will yield further, are they going to manufacture poisons in their plants?

Mr. SMITH of Iowa. Oh, no, it is not poison.

I just want to give this example. This manufacturer mixes coconut oil with some other reactants to form a wetting agent for washing floors. If he buys that from Du Pont, it costs twice as much as if he mixes it in his own plant. That is what this legislation does to small business. That is what it does to people who buy the product. It makes them buy it at a much higher price then they would have to. This legislation does for large companies what they are not allowed to do under the antitrust laws. It runs small business out of business by making it so expensive. They are subject to a $2,500 fee or they have to come to Washington to see the EPA. Or they may have to get the CONGRESSIONAL RECORD and watch it every day and to hire legal help. Many small businesses cannot operate that way, but the big companies can and after running their small business competition out of business, they can triple and quadruple their prices. That is what happens under too much of this kind of legislation.

Mr. ECKHARDT. Mr. Chairman, if the gentleman will yield further, the gentleman gave an example of a company mixing coconut oil with a compound for cleaning floors. No. 1, the chances are there is no rule made with respect to testing either product.

Mr. SMITH of Iowa. How is this small businessman going to know there is a rule for that?

Mr. ECKHARDT. If there were a rule on that, the person producing the active ingredients in the product would be the one to give notice, not the man mixing the two comcounds because if the basic components had been tested he is under no responsibility.

Mr. SMITH of Iowa. We are forcing him to go to see a "Philadelphia lawyer". He would have to watch the CONGRESSIONAL RECORD and he would be afraid to be in business at all. If they catch one of them in some violation, if one slips up, he will be out of business and then others are afraid.

I think we have passed too much of this kind of legislation. I know it is worked out so big companies will be satisfied, but I think we ought to work it out for small business in this country. I understand the need to protect people, but we have gone too far. This is not the only bill in which we have been doing this. Month after month, we pass additional legislation. The importance of it and the intent of it is good, but it goes too far.

I think we have got to come to the time when we, as Members of Congress, are watching out for these people who are not here for the hearings, who are not here to have their side of the story heard. In fact, many of them do not even know what is about to be done to them, and they will not know until they find out in the newspaper, about a month or 2 months from now, that this bill has passed.

What I am saying is that it is too burdensome to make the little manufacturer pay up to $2,500 in fees, to come to Washington and get permission from the EPA, and to file numerous papers. There are too many legalities, and somehow we have to work it out better than what has been done in this bill.

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

Mr. SMITH of Iowa. I yield to the gentleman from New York.

Mr. OTTINGER. First of all, small chemical manufacturers do have an association, and they were heard. We did make provision for the small manufacturers in the bill.

Mr. SMITH of Iowa. The gentleman gave some discretion to the agency to make exemptions. That is not the same thing.

Mr. OTTINGER. It is my understanding that the committee is going to waive the fees for small business, even further aiding small business, in an amendment that is going to be offered. I do think we have considered small businesses and their problems, but their in-

MONS 030103

clusion is vitally important because the incidence of cancer has grown so rapidly from environmental causes.

The time of the gentleman has expired.

(On request of Mr. OTTINGER and by unanimous consent Mr. SMITH of Iowa was allowed to proceed for 2 additional minutes.)

Mr. SMITH of Iowa. What we are doing here primarily is running small businesses out of business, and helping big companies to take more business and do what they could not do under the antitrust laws to run the small businesses competitors out of business.

Mr. OTTINGER. There is nothing in this bill which forces a man to buy from Du Pont if he is using a mixture of two chemicals that have already been tested.

Mr. SMITH of Iowa. If the people buying a few tons from this little manufacturer cannot buy it from him because he is no longer in business because fees are too high, they are going to have to buy it from a big company at a much higher cost.

Mr. OTTINGER. We are not going to drive him out of business unless his business is introducing toxic substances into the environment.

Mr. SMITH of Iowa. He gets driven out if he does not have a place to sell his product.

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

Mr. SMITH of Iowa. I yield to the gentleman from Nebraska.

Mr. McCOLLISTER. Would the gentleman consider transferring from the Budget Committee to the Committee on Interstate and Foreign Commerce, where we need him badly?

Mr. SMITH of Iowa. I appreciate the compliment but I doubt that it would make that much difference.

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

Mr. SMITH of Iowa. I yield to the gentleman from Minnesota.

Mr. HAGEDORN. I want to commend the gentleman from Iowa for his very appropriate remarks as to what the impact of this legislation can be on the small businessman, because this is where new compounds are coming out. When we talk about poisons in our society today, it is true that there are a few that are mishandled and misused; but there are hundreds, literally thousands, of different compounds that are safe for society in a very positive way. I think we ought to look at it from that basis as well.

Mr. SMITH of Iowa. There is surely some way we can protect society without running out competition and running up the price.

Mr. MURPHY of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I can understand the concern of my colleague from Minnesota in offering this language, but I think the needed protection is already provided. Throughout the hearings and throughout the markup session, the committee carefully considered and evaluated the effects on small business, and built safeguards into this legislation for the small businessman.

The committee does not feel and I do not feel that we can exempt certain mixtures and substances. We have so carefully considered and responded to small businesses. We have responded to the small business associations and representative groups which are here in Washington and across the country. This is the type of response that we have received in committee from their inquiries and from our reaction to those inquiries, and this is an example of one such from a small company in Iowa. It says:

DEAR MR. MURPHY: Thank you for your very comprehensive reply to our inquiry into the Toxic Substance Control legislation. In all of the reply's from other members of Congress, we were not granted such a detailed and clear cut understanding of this bill. The other replys were vague or down-right pro T.S.C.A.

Since we first became aware of this bill, April of this year, our future plans have been in a state of limbo. Now, with the receipt of your letter we feel that we can get back to business without the threat of the second shoe hanging over our head.

By design, we are a very small regional company that has been successful through quality, rather than quantity. We do not subscribe to the theory that "bigger is better", and have been extremely careful to maintain a close personal contact with our clients. The information we received on this bill convinced us that our days were numbered. Now, we will proceed with business as usual based upon the information which you have supplied.

We have carefully considered small business. We have other amendments that the Members have been kind enough to furnish us with that we will accept, which further consider small business. But I think in a consideration of balance and the health of the Nation, we cannot accept this amendment.

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

Mr. MURPHY of New York. I yield to the gentleman from Nebraska (Mr. McCOLLISTER).

Mr. McCOLLISTER. I thank the gentleman for yielding.

Mr. Chairman, many of those comments which all of us received I think were directed to the original bill, H.R. 10318. The work of the gentleman from Texas and the gentleman from North Carolina to produce H.R. 14032 made it quite different from the original bill. I think many small chemical companies were concerned, and justifiably so, about the original bill. I have not heard from any small chemical companies on H.R. 14032 and the changes we have made in it.

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

Mr. MURPHY of New York. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding.

Mr. Chairman, I think the key word that was used by the gentleman from New York (Mr. MURPHY) is the word "balance." We have achieved balance in this bill, and we have taken into consideration the needs to protect the environment and at the same time we make sure that we do not do undue harm to the small business interests or any other commercial interests.

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

Mr. MURPHY of New York. I yield to the gentleman from Minnesota (Mr. HAGEDORN).

Mr. HAGEDORN. I thank the gentleman for yielding.

Mr. Chairman, I want to thank the gentleman from New York for his input, and the gentleman from Texas, as well. It can give reassurance to the small company about the role-making process.

The CHAIRMAN. The time of the gentleman from New York (Mr. MURPHY) has expired.

(By unanimous consent, Mr. MURPHY of New York was allowed to proceed for 1 additional minute.)

Mr. HAGEDORN. If the gentleman will yield further, I think this has been worthwhile from that standpoint alone. When we talk about the role-making process, that is another matter, where the small company must come in and bring in his attorneys and legal counsel to fight this, as well, so that is an added burden, in addition to all the other problems of increasing costs that they face.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. HAGEDORN).

The question was taken; and on a division (demanded by Mr. HAGEDORN) there were—ayes 19, noes 15.

So the amendment was rejected.

AMENDMENTS OFFERED BY MR. FUQUA

Mr. FUQUA. Mr. Chairman, I offer amendments.

The Clerk read as follows:

Amendments offered by Mr. FUQUA: Page 106, line 5, strike out "and"; at the end of line 10 strike out the period and insert "; and"; and after line 10 insert the following:

"(vii) any chemical substance manufactured or processed in small quantities (as defined by the Administrator by rule) solely for scientific experimentation or analysis or chemical research or analysis on such substance or another substance."

Page 141, strike out lines 6 through 21 and redesignate the succeeding paragraphs accordingly.

Page 180, beginning in line 1, strike out "(other than a chemical substance described in subparagraph (B) (ii))".

Page 186, strike out lines 8 through 18 and insert in lieu thereof the following: to manufacture or process a mixture."

Mr. FUQUA. Mr. Chairman, I ask unanimous consent that the amendments be considered en bloc.

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

There was no objection.

(Mr. FUQUA asked and was given permission to revise and extend his remarks.)

Mr. FUQUA. Mr. Chairman, I wish to thank the committee for offering some conciliatory concern about the effects of this legislation on small business, but what I am concerned about is research chemicals, those chemicals specifically used for research processes.

I have in my district a small business employing approximately 60 persons, and that business deals solely in research chemicals. These are not chemicals that one may buy in a drug store; they are not chemicals that any individual could

MONS 030104

purchase from another person. These chemicals are in most cases purchased in very small quantities, sometimes as small an amount as 1 gram and in other cases perhaps a hundred grams.

This company offers a catalogue that contains several thousand chemical formulations that it has the capability of making. They transport the chemical in public commerce, and it is treated as a toxic substance. It does not get into the hands of, for instance, some 10th grade chemistry buff.

With all of these complex compounds that they offer solely for research purposes to universities, to those in research labs, and perhaps to a few other companies, they provide a short circuit for the researcher so that he can work further down the chain of the chemical compound rather than having to take simple compounds and breaking them down into these other types of compounds.

While we have waived the requirement of their having to pay the fee and given other considerations, they should be totally exempt from this because they would then be subject to having to see that every compound is tested and tested until it is proven that it is not toxic. They realize these compounds are toxic.

One can even go into a store today and buy nitric acid and glycerine in separate compounds and then put them together. We know, of course, what we then; we have nitroglycerine, which is a very dangerous substance.

Mr. Chairman, I plead with the committee to consider this amendment favorably. However, I think that in this particular case, in dealing with research chemicals, we are certainly going too far.

One of the more toxic substances that is now made in these labs is one that is used in one of the compounds for the treatment of cancer. Here we would be subjecting researchers to spending much more time, and it would probably cost twice as much because of the additional research necessary.

As I pointed out earlier, these substances do not get into the hands of incompetent individuals such as myself or any other lay person. These are research scientists; they are using these substances in universities, and they are used in other products.

Mr. Chairman, I believe this is a very, very important amendment. This bill will produce voluminous amounts of paperwork for the administration and for the EPA Administrator.

It would almost be too complicated to handle. There are very few of these companies in business today. As the gentleman from Iowa, (Mr. SMITH) pointed out, these are very small individuals, not the large companies, even though sometimes they sell research chemicals to many of the large companies. However, these are small operators. They do not have attorneys here in Washington or a Washington staff to be up here every day and to get the permits that would be necessary for the manufacturing of these chemicals.

Mr. Chairman, I would hope that the committee would see fit to accept this amendment. I talked to them about it. I think it is also desirable because of the competitive nature involved, and these are not large amounts, but very small amounts.

Mr. Chairman, I am informed that with the increased cost involved these people may probably be forced to go to some other country in order to produce research chemicals. It is providing jobs in this country and the expertise that we need plus the technology that we need in this country.

Therefore, Mr. Chairman, I would certainly hope that the committee would accept this amendment. I think it goes a long way. It does not do violence to the purpose and intent of what the committee is trying to do.

Again, I say I support the committee's position, but I do think that in this particular instance with respect to research chemicals, those chemicals should be exempted from this requirement.

Mr. ECKHARDT. Mr. Chairman, I rise in opposition to the amendments.

(Mr. ECKHARDT asked and was given permission to revise and extend his remarks.)

Mr. ECKHARDT. Mr. Chairman, the provisions for premarket notification are contained in section 5 of the bill.

Chemical substances which are for scientific experimentation or analysis or chemical research or analysis on such substances are presently exempted from the premarket notification requirement.

Mr. Chairman, this is certainly enough. Mind you, no chemical, whether it is research or otherwise, is absolutely required to be tested. Therefore, it would not even come under section 6 providing a ban or limitation on its use unless there were some very good reason that it should not be distributed.

Mr. Chairman, it is perfectly proper not to inject control of EPA with respect to research chemicals for the purpose of notice. In most instances, since no notice is required, no testing would be applied and no ban or limitation would be placed on these chemicals. However, even if a chemical is produced in small quantities and used for analysis, it may be so dangerous and it may be so unnecessary to be used in that particular analysis as to require some limitation on its distribution.

Mr. Chairman, the Fuqua amendment would not only exempt some chemicals from the notification provisions, but it would also prevent the administrator, when he finds that the chemical causes or significantly contributes to or will cause or significantly contribute to an unreasonable risk to health or the environment from applying any of the remedies contained on page 143 and the following pages, a requirement prohibiting the manufacturing, processing, or distribution in commerce of such substance or mixture. Nor would it permit limiting the amount of such substance or mixture, or a requirement that such substance or mixture or any article containing such substance or mixture be marked with or accompanied by clear and adequate warnings and instructions with respect to its use or disposal, or with respect to both.

Mr. Chairman, it seems to me that in many instances it would be most desirable to notify students, for instance, engaged in analysis, in a university laboratory by having the mixture marked with accompanying clear and adequate warnings and instructions with respect to its use.

I give a lot of credit to the teachers in colleges, high schools, and technical institutions with respect to their expertise but we have some 800 new chemicals coming on the market each year. I think that the analysts and laboratory workers are entitled to know something about the dangers of those new chemicals. We do not require that those be covered by premarket notification but we do leave open the door to a situation where EPA has determined that this is a most dangerous chemical, perhaps it is a carcinogen. Why in those instances should we exempt it, so that we do not extend protection of persons working in laboratories? I do not think this is going to be abused. We do not require notification in advance. We cannot require any limitation until there is a full scale hearing and a ruling as required in section 6 of the act.

The CHAIRMAN. The time of the gentleman has expired.

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

Mr. ECKHARDT. Mr. Chairman, I yield to the distinguished gentleman from Florida.

Mr. FUQUA. Mr. Chairman, I certainly appreciate the concern that the gentleman from Texas (Mr. ECKHARDT) is making and I support that, but the point the gentleman is missing is that these are research chemists. They take it at face value that they are toxic and that they are not to breathe them. But research scientists know how to handle very highly toxic materials, and they can be handled. In addition, they are using these materials so as to break down other materials, if you please, to prove their acceptability or toxicity in the open market. So these materials are not available to just any person. They are available only to research people and they treat them as highly toxic and as something that should not be handled without due care. They are toxic but they are being handled by people who know chemicals and who know how to handle them. I think without that we will be stifling the very purpose of evaluating many products that later will be sold and that it impedes, really, what the purpose of the act is.

Mr. ECKHARDT. If the gentleman from Florida would yield back to me. Reading from the proposed bill, it says:

. . . any chemical substance which is manufactured or processed, only in small quantities (as defined by the Administrator by rule) solely for—

Let us take one of these bases:

. . . for scientific analysis . . .

Chemicals may be used for scientific analysis in a laboratory by not very well trained people and if that is done why should not the Administrator do what he can do under section 6—and, inciden-

MONS 030105

tally, he is not going to limit it at all unless he does something under section 6. Why should he not have the authority to say what the dangers are? This is a requirement that says any substances, mixtures, or any mixture thereof is supposed to be marked and accompanied by clear and adequate analysis and instruction. That is not too heavy a burden.

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

(On request of Mr. FUQUA, and by unanimous consent, Mr. ECKHARDT was allowed to proceed for 1 additional minute.)

Mr. ECKHARDT. I yield to the gentleman from Florida (Mr. FUQUA).

Mr. FUQUA. Mr. Chairman, some of the things that they use in chemical analysis are exotic chemicals that are used to check other chemicals for toxic material and to secure a true analysis. We are only talking about research chemists, people who know what they are doing, not a 10th grade chemistry buff, or children playing with chemicals they buy at a toy store; we are talking about universities, research laboratories, professional people trained in this area so that they can use these chemicals or their components to break other materials down, so that they can shortcircuit the work that would otherwise be necessary, so by using these chemicals they can break these compounds down.

Mr. ECKHARDT. I do not think that the Administrator is going to restrict that kind of use anyway. In the first place, they are not required to give notice; therefore, he is not going to issue a rule requiring testing. But even if he did, the only limitation he would ultimately place on some such chemicals is the requirement that instructions be given concerning their danger. It seems to me that the bill is perfectly adequate as written, and there is no reason to alter it in this way.

The CHAIRMAN. The time of the gentleman has expired.

Mr. MURPHY of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I reluctantly oppose the Fuqua amendment which would exempt chemicals manufactured in small quantities for scientific experimentation or analysis, or chemical research or analysis, from the legislation. The reason is that the Fuqua amendment would create a dangerous loophole in the protection provided by the legislation, and it is not necessary to protect chemical research and innovation.

The bill already makes special provisions for research chemicals in order to insure that chemical research and innovation is not unduly impeded. Research chemicals are exempted from the premarket notification provisions of the bill. Thus there will be no slowdown in researchers obtaining chemicals they need to conduct their research.

During the subcommittee hearings on the legislation, representatives of the American Chemical Society, a professional organization comprised of more than 110,000 chemists, recommended that research chemicals be exempted from the premarket notification provisions of the bill. This the committee has done. The American Chemical Society, however, did not recommend that research chemicals be exempted from the other regulatory provisions. When questioned about the need for such an exemption, the chairman of the American Chemical Society Board of Directors specifically recommended against it. He pointed out that chemicals which find their way into supply houses for sale to anyone who wishes to purchase them are often purchased by high school students or people who have home laboratories. Such people may need protection from hazardous chemicals.

For example, if Mr. FUQUA's amendment is agreed to, the EPA could not require a manufacturer of a particularly hazardous research chemical to place warnings on the chemical, so that high school students using the chemical will be informed of the dangers of the chemical.

Before EPA could take regulatory action against a research chemical under the bill, the agency would have to find an unreasonable risk associated with the chemical. This requires that EPA weigh the risks against the benefits presented by the chemical. The risks would have to outweigh the research benefits before EPA could take regulatory action. If EPA can make the requisite showing that even considering the benefits of the research chemical, the dangers are so great that the public needs protection, should EPA not be authorized to take such necessary protective action? This does not necessarily mean that the chemical will be banned. All that may be necessary are warning labels. Or it may be necessary to prescribe disposal techniques.

It is instructive to note that other existing laws which regulate chemicals do not provide total exemptions for research chemicals. For example, the Food, Drug, and Cosmetic Act does not exempt chemicals used for research for drugs. Like the toxic substances bill, research drugs are exempted from the premarket clearance provisions. However, if FDA determined that a research drug were unreasonably endangering public health, it could act to protect against it.

Thus the Fuqua amendment is totally unnecessary to protect against chemical research and development. Further, it creates a gap in the protections provided by the bill. Therefore, it should be defeated.

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

Mr. MURPHY of New York. I yield to the gentleman from North Carolina.

Mr. BROYHILL. I thank the gentleman for yielding.

I want to compliment the gentleman for giving a very adequate explanation of the many provisions in the bill that do exempt research chemicals from provisions of this bill. But would the gentleman not agree with me that striking the reporting requirements altogether would not be wise, because there is one thing the EPA should have, and that is adequate knowledge of the new chemicals that are being developed?

Mr. MURPHY of New York. That is one of the thrusts of this bill.

Mr. BROYHILL. That is not certainly an onerous burden to know the formulas of new chemicals that are being developed, is it?

Mr. MURPHY of New York. It is not.

The CHAIRMAN. The question is on the amendments offered by the gentleman from Florida (Mr. FUQUA).

The amendments were rejected.

The CHAIRMAN. There being no further amendments to section 3, the Clerk will read.

The Clerk read as follows:

TESTING OF CHEMICAL SUBSTANCES AND MIXTURES

SEC. 4. (a) TESTING REQUIREMENTS.—If the Administrator finds that—

(1) (A) (i) the manufacture, distribution in commerce, processing, use, or disposal of a chemical substance or mixture or any combination of such actions may cause or significantly contribute to an unreasonable risk to health or the environment,

(ii) there are insufficient data and experience upon which the effects of such manufacture, distribution in commerce, processing, use, or disposal or combination of such actions on health or the environment can reasonably be determined or predicted, and

(iii) testing of such substance or mixture with respect to such effects is necessary to develop such data; or

(B) (i) a chemical substance or mixture is or will be produced in substantial quantities, and it enters or may reasonably be anticipated to enter the environment in substantial quantities or there is or may be significant or substantial human exposure to such substance or mixture,

(ii) there are insufficient data and experience upon which the effects of the manufacture, distribution in commerce, processing, use, or disposal of such substance or mixture or any combination of such actions on health or the environment can reasonably be determined or predicted, and

(iii) testing of such substance or mixture with respect to such effects is necessary to develop such data; and

(2) in the case of a mixture, the effects which the mixture's manufacture, distribution in commerce, processing, use, or disposal or any combination of such actions may have on health or the environment may not be reasonably and more efficiently determined or predicted by testing the chemical substances which comprise the mixture;

the Administrator shall by rule require that testing be conducted on such substance or mixture to develop data with respect to the health and environmental effects for which there is an insufficiency of data and experience and which are relevant to a determination that the manufacture, distribution in commerce, processing, use, or disposal of such substance or mixture or any combination of such actions does or does not cause or significantly contribute to an unreasonable risk to health or the environment.

(b) (1) TESTING REQUIREMENT RULE.—A rule under subsection (a) requiring the testing of a chemical substance or mixture shall include—

(A) identification of the substance or mixture for which testing is required,

(B) standards for the development of test data for such substance or mixture, and

(C) a specification of the period (which period may not be unreasonable) within which the persons required to conduct the testing shall submit to the Administrator data developed in accordance with the standards referred to in subparagraph (B).

In determining the standards and period to be included, pursuant to subparagraphs (B) and (C), in a rule under subsection (a), the Administrator shall consider the relative

MONS 030106

sents of the various test protocols and methodologies which may be required under the rule and the reasonably foreseeable availability of facilities and personnel for performing testing under the rule. Such a rule may require the submission of preliminary data during the period prescribed under subparagraph (C).

(2)(A) The health and environmental effects for which standards for the development of test data may be prescribed include carcinogenesis, mutagenesis, teratogenesis, behavioral disorders, cumulative or synergistic effects, and any other effect which may cause or significantly contribute to an unreasonable risk to health or the environment, and the characteristics of chemical substances and mixtures for which such standards may be prescribed include persistence, acute toxicity, subacute toxicity, chronic toxicity, and any other characteristic which may cause or significantly contribute to such a risk. The methodologies that may be prescribed in such standards include epidemiology, serial, or hierarchical tests; in vitro tests; and whole animal tests. Before prescribing epidemiology tests in such standards, the Administrator shall consult with the Director of the National Institute for Occupational Safety and Health.

(B) From time to time, but not less than once each twelve months, the Administrator shall review the adequacy of the standards for development of tests prescribed in rules under subsection (a) and shall, if necessary, institute proceedings to make appropriate revisions of such standards.

(3)(A) A rule under subsection (a) respecting a chemical substance or mixture shall require the persons described in subparagraph (B) to conduct tests and submit data on such substance or mixture, except that the Administrator may permit two or more of such persons to designate one such person or a qualified third party to conduct such tests and submit such data on behalf of the persons making the designation.

(B) The following persons shall be required to conduct tests and submit data on a chemical substance or mixture subject to a rule under subsection (a):

(i) Each person who manufactures or intends to manufacture such substance or mixture if the Administrator makes a finding described in subsection (a)(1)(A)(i) or (a)(1)(B)(i) with respect to the manufacturers of such substance or mixture.

(ii) Each person who processes or intends to process such substance or mixture if the Administrator makes a finding described in subsection (a)(1)(A)(ii) or (a)(1)(B)(ii) with respect to the processing of such substance or mixture.

(iii) Each person who manufactures or processes or intends to manufacture or process such substance or mixture for distribution in commerce if with respect to the distribution in commerce of such substance or mixture the Administrator makes a finding described in subsection (a)(1)(A)(i) or (a)(1)(B)(i).

(iv) Each person who manufactures or processes or intends to manufacture or process such substance of mixture if with respect to the disposal of such substance or mixture the Administrator makes a finding described in subsection (a)(1)(A)(ii) or (a)(1)(B)(ii).

(v) Each person who manufacturers or processes or intends to manufacture or process such chemical substance or mixture for a use with respect to which the Administrator makes a finding described in subsection (a)(1)(A)(ii) or (a)(1)(B)(ii).

(4) A rule under subsection (a) requiring the testing of a chemical substance or mixture shall expire at the end of the reimbursement period (as defined in subsection (c)(3)(B)) applicable to test data for such substance or mixture, unless the Administrator repeals the rule before such date.

(5) Rules issued under subsection (a) (and any amendment thereto or repeal thereof) shall be promulgated pursuant to section 553 of title 5, United States Code, except that in promulgating, amending, or repealing any such rule (A) the Administrator shall give interested persons an opportunity for the oral presentation of data, views, or arguments, in addition to an opportunity to make written submissions; and (B) a transcript shall be made of any oral presentation. The Administrator may not promulgate a rule under subsection (a) respecting a substance or mixture unless the Administrator makes and publishes with the rule the findings described in paragraph (1)(A) or (1)(B) of such subsection and, in the case of a rule respecting a mixture, the finding described in paragraph (2) of such subsection.

(c) EXEMPTIONS.—(1) Any person required by a rule under subsection (a) to conduct tests and submit data on a chemical substance or mixture may apply to the Administrator (in such form and manner as the Administrator shall prescribe) for an exemption from such requirement.

(2) If, upon receipt of an application under paragraph (1), the Administrator determines that—

(A) the chemical substance or mixture (including any contaminant present in such substance or mixture) with respect to which such application was submitted is equivalent to a chemical substance or mixture for which data has been submitted to the Administrator in accordance with a rule under subsection (a) or for which data is being developed pursuant to such a rule, and

(B) submission of data by the applicant on such substance or mixture would be duplicative of data which has been submitted to the Administrator in accordance with such rule or which is being developed pursuant to such rule,

the Administrator shall exempt, in accordance with paragraph (3) or (4), the applicant from conducting tests and submitting data on such substance or mixture.

(3)(A) If the exemption of any person from the requirement to conduct tests and submit test data on a chemical substance or mixture is granted on the basis of the existence of previously submitted test data, and if such exemption is granted during the reimbursement period for such test data (as prescribed by subparagraph (B)), then (unless such person and the persons referred to in clauses (i) and (ii) agree on the amount and method of reimbursement) the Administrator shall order the person granted the exemption to provide fair and equitable reimbursement (in an amount determined under rules of the Administrator)—

(i) to the person who previously submitted such test data, for a portion of the costs incurred by such person in complying with the requirement to submit such data, and

(ii) to any other person who has been required under this subparagraph to contribute with respect to such costs, for a portion of the amount such person was required to contribute.

In promulgating rules for the determination of fair and equitable reimbursement to the persons described in clauses (i) and (ii) for costs incurred with respect to a chemical substance or mixture, the Administrator shall consider all relevant factors, including the effect on the competitive position of the person required to provide reimbursement in relation to the persons to be reimbursed and the share of the market for such substance or mixture of the person required to provide reimbursement in relation to the share of such market of the persons to be reimbursed. An order under this subparagraph shall, for purposes of judicial review, be considered final agency action.

(B) For purposes of subparagraph (A), the reimbursement period for any test data for a chemical substance or mixture is a period—

(i) beginning on the date such data was submitted in accordance with a rule promulgated under subsection (a), and

(ii) ending—

(I) five years after the date referred to in clause (i), or

(II) at the expiration of a period which begins on the date referred to in clause (i) and is equal to the period which the Administrator determines was necessary to develop such data,

whichever is later.

(4)(A) If the exemption of any person from the requirement to conduct tests and submit test data on a chemical substance or mixture is granted on the basis of the fact that test data is being developed by one or more persons pursuant to a rule promulgated under subsection (a), then (unless such person and the persons referred to in clauses (i) and (ii) agree on the amount and method of reimbursement) the Administrator shall order the person granted the exemption to provide fair and equitable reimbursement (in an amount determined under rules by the Administrator)—

(i) to each such person who is developing such test data, for a portion of the costs incurred by such person in complying with such rule, and

(ii) to any other person who has been required under this subparagraph to contribute with respect to the costs of complying with such rule, for a portion of the amount such person was required to contribute.

In promulgating rules for the determination of fair and equitable reimbursement to the persons described in clauses (i) and (ii) for costs incurred with respect to a chemical substance or mixture, the Administrator shall consider the factors described in the second sentence of paragraph (3)(A). An order under this subparagraph shall, for purposes of judicial review, be considered final agency action.

(B) If an exemption is granted on the basis of the fact that one or more persons are developing test data pursuant to a rule promulgated under subsection (a) and if after such exemption is granted the Administrator determines that no person has complied with such rule, the Administrator shall (i) after providing written notice to the person who holds such exemption and an opportunity for a hearing, by order terminate such exemption, and (ii) notify in writing such person of the requirements of the rule with respect to which such exemption was granted.

(d) NOTICE.—Upon the receipt of any test data pursuant to a rule under subsection (a), the Administrator shall, subject to section 14, promptly publish a notice of the receipt of such data in the Federal Register. Each such notice shall (1) identify the chemical substance or mixture for which data have been received; (2) list the uses or intended uses of such substance or mixture and the information required by the applicable standards for the development of test data; and (3) describe the nature of the test data developed. Except as otherwise provided in section 14, such data shall be made available by the Administrator for examination by any person.

(e) PRIORITY LIST.—(1)(A) There is established a committee to make recommendations to the Administrator respecting the chemical substances and mixtures to which the Administrator should give priority consideration for the promulgation of a rule under subsection (a). In making such a recommendation with respect to any chem-

MONS 030107

ical substance or mixture, the committee shall consider all relevant factors, including—

(i) the quantities in which the substance or mixture is or will be manufactured,

(ii) the quantities in which the substance or mixture enters the environment,

(iii) the number of persons who will be exposed to the substance or mixture in their places of employment and the duration of such exposure,

(iv) the extent of human exposure to the substance or mixture,

(v) the extent to which the substance or mixture is closely related to a chemical substance or mixture which is known to cause or significantly contribute to an unreasonable risk to health or the environment,

(vi) the existence of data concerning the effects of the substance or mixture on health or the environment,

(vii) the extent to which testing of the substance or mixture may result in the development of data upon which the effects of the substance or mixture on health or the environment can reasonably be determined or predicted, and

(viii) the reasonably foreseeable availability of facilities and personnel for performing testing on the substance or mixture.

The recommendations of the committee shall be in the form of a list of chemical substances and mixtures which shall be listed, either by individual substance or mixture or by groups of substances or mixtures, in the order in which the committee determines the Administrator should take action under subsection (a) with respect to the substances and mixtures.

(B) Not later than twelve months after the effective date of this Act, the committee shall transmit to the Administrator the list required by subparagraph (A) together with the reasons for the committee's inclusion of each chemical substance or mixture on the list. At least every six months after the transmission to the Administrator of the list pursuant to the preceding sentence, the committee shall make such revisions in the list as it determines to be necessary and shall transmit them to the Administrator together with the committee's reasons for the revisions. The Administrator shall make available to the public the list transmitted by the committee, any revision by the committee in such list (including the date on which such revision was transmitted to the Administrator), and the reasons of the committee for inclusion of a chemical substance or mixture on the list and for any revision in the list. The Administrator shall provide reasonable opportunity to any interested person to file with the Administrator written comments on the committee's list or any revision of the committee of such list and shall make such comments available to the public.

(C) The Administrator may promulgate a rule under subsection (a) with respect to a chemical substance or mixture which is not contained on a list published under this subsection.

(2)(A) The committee established by paragraph (1)(A) shall consist of eight members as follows:

(i) One member (or designee of the member) appointed from the Environmental Protection Agency by the Administrator.

(ii) One member (or designee of the member) appointed by the Secretary of Labor from officers of the Department of Labor engaged in the Secretary's activities under the Occupational Safety and Health Act of 1970.

(iii) One member (or designee of the member) appointed from the Council on Environmental Quality by the Chairman of the Council.

(iv) One member (or designee of the member) appointed from the National Institute for Occupational Safety and Health by the Director of the Institute.

(v) One member (or the designee of the member) appointed from the National Institute of Environmental Health Sciences by the Director of the Institute.

(vi) One member (or designee of the member) appointed from the National Cancer Institute by the Director of the Institute.

(vii) One member (or designee of the member) appointed from the National Science Foundation by the Director of the Foundation.

(viii) One member (or designee of the member) appointed from the Department of Commerce by the Secretary of Commerce.

A member may designate an individual to serve on the member's behalf only with the approval of the applicable appointing authority and only if the individual is from the entity from which the member was appointed. A vacancy in the committee shall be filled in the same manner in which the original appointment was made.

(B) (i) The term of office of a member of the committee is four years, except that of the members first appointed, four members shall have initial terms of two years. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall be appointed only for the remainder of such term. If any member of the committee leaves the office or entity from which the member was appointed, such member may not continue as a member of the committee, and, for purposes of the preceding sentence, the member's position shall be considered as being vacant. A member may serve after the expiration of the member's term of office until a successor has taken office.

(ii) Initial appointments to the committee shall be made not later than the sixtieth day after the effective date of this Act. Not later than the ninetieth day after such date the members of the committee shall hold a meeting for the selection of a chairman from among their number and to determine, by lot, the four members who shall have initial terms of two years.

(C) The Administrator shall provide the committee such administrative support services as may be necessary for the committee to carry out its function under this subsection.

Mr. MURPHY of New York (during the reading). Mr. Chairman, I ask unanimous consent that section 4 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. OTTINGER

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

The Clerk read as follows:

Amendment offered by Mr. OTTINGER: Page 112, strike out the period in line 20, and insert in lieu thereof a semicolon and the following: "except that in prescribing tests the Administrator in his or her discretion shall give preference to available tests which do not involve the use of animals if such tests provide an adequate and accurate means for ascertaining the effect of a chemical substance or mixture on humans and the environment."

(Mr. OTTINGER asked and was given permission to revise and extend his remarks.)

Mr. OTTINGER. Mr. Chairman, as I have stated previously, I strongly support the Toxic Substances Control Act and I am proud to be one of its cosponsors. I believe it needs to be improved, however, with respect to use of nonanimal tests where they are adequate and accurate. Therefore, I offer now the amendment which I previously offered in committee and which was not adopted there, but I think it is a tremendously important amendment because there is a history of abuse of laboratory animals, and the use of animals where they are not necessary, and it results in pain and cruelty to animals which is totally unnecessary and which this amendment seeks to avoid.

The amendment requires the Administrator of the EPA to give preference to tests which do not involve the use of animals but which are found by him in his sole discretion to be accurate and adequate for testing the toxicity of any chemicals to be tested.

In committee it was argued that this would subject the enforcement of the act to possible litigation, but we did provide in the amendment that the Administrator will have sole discretion in making testing determination; all he has to do is to consider the use of nonanimal tests where they are available and make a determination that they are adequate and accurate, and if he does make that determination he is to give preference to those tests.

It seems to me that is a reasonable requirement which does not subject the implementation of the act to interference. Again, the amendment does not ban the use of animals, but it requires the Administrator to use nonanimal tests where, in his sole discretion, he finds them to be adequate and accurate.

The intent of the amendment is to require the Administrator to consider tests which do not involve the use of animals, and thus prevent unnecessary pain and suffering to which laboratory animals are often subjected—and provide much cheaper and equally accurate testing in many instances.

Two alternative testing methodologies presently exist and are used for testing possible carcinogenic substances. One test uses Salmonella bacteria grown upon animal tissues instead of animals themselves. It has been determined that the mutation of the bacteria catches between 80 to 90 percent of all cancer-causing chemicals. It has roughly the same accuracy as is found in animal tests.

The other test, a new laboratory procedure, involves the growth of mammal cancer cells or primary cells, and their exposure to a potentially carcinogenic chemical. These nonanimal tests achieve striking savings in time and dollars. To illustrate, the average animal test for carcinogenic substances costs $150,000 and uses 400 animals over a period averaging 3 years. The nonanimal Ames Salmonella test costs $500 to $750 and can be completed in 2 days. The mammal cell tests I referred to cost between $1,000 and $3,000 and take 3 to 6 weeks.

Nobel prize-winning biologist, Dr. Renato Dulbecco, in his prize-winning lecture printed in Science Magazine of April 1976, said:

Identification by conventional (animal) tests is difficult because they are costly and laborious, but they can now be replaced by

MONS 030108

the bacterial tests for promutagens. Since these tests are easy and inexpensive, it should be possible to investigate many normal constituents of the environment, and every compound, before it is offered to the public.

Similarly, Friends of the Earth conducted research which demonstrates that those bacterial tests achieve the same 85 to 90 percent accuracy as animal tests, at considerably less cost.

In addition, the Salem Research Institute of Germany recently published a bibliography of the many already published experiments using tissue culture to solve scientific problems. It published this compendium in an effort to spur researchers into using nonanimal experiments. The bibliography lists 286 selected tissue cultures used solely for cancer research; 626 such experiments for pharmacological research.

Congress involved itself in protecting animals in laboratory experimentation when it passed the Animal Welfare Act. We were responsible for changing existing attitudes about the treatment of laboratory animals, and these changes have been positive. We must continue what we have started and I believe my amendment is one more step in that direction.

In their book entitled, "The Principles of Humane Experimental Techniques," Russel and Burch presented a formula for alleviating suffering of laboratory animals, stating three criteria:

First, Refinement of experimental techniques.

Second, Reduction of animals used.

Third, Replacement by less or nonsentient material.

My amendment is fashioned around this formula. It has the support of the Society for Animal Protective Legislation, which sent a "Dear Colleague" letter to all offices to support the amendment; the Humane Society of the United States; Defenders of Wildlife; Friends of the Earth; and Fund for Animals.

Mr. Chairman, at the appropriate time, I will ask unanimous consent to have these statements of support put in the RECORD.

I just want to read briefly from the Fund for Animals:

> Reducing the unnecessary use of animals in experimentation is a subject that is of deep concern to the Fund for Animals and our 60,000 members across the country. Congressman Ottinger's amendment is an excellent step in the right direction which sets a valuable precedent in protecting animals without distracting one iota from the public's right to be safeguarded from toxic substances.

Mr. Chairman, I urge my colleagues to support the amendment and to support this important legislation.

Mr. WHITEHURST. Mr. Chairman, I rise in support of the gentleman's amendment.

(Mr. WHITEHURST asked and was given permission to revise and extend his remarks.)

Mr. WHITEHURST. Mr. Chairman, I rise in support of the amendment offered by the gentleman from New York which would prevent the unnecessary use of animals in laboratory experiments. This amendment would direct the Administrator to utilise available tests which do not involve the use of animals and which provide an adequate and accurate means of ascertaining the effects of chemical substances on humans and the environment.

It is important to note that this amendment does not ban the use of animal tests nor does it make it more difficult for the Administrator to prescribe animal tests if he feels they are necessary. The amendment simply requires the Administrator to consider alternate testing methods and directs him to use them when he finds they are adequate and accurate.

Fortunately, technology now exists to test the impact of chemicals on humans without the use of animals. These tests have the same 85 to 90 percent accuracy of animal tests and are actually much cheaper to perform. Current tests using animals to determine the cancer-causing potential of a chemical are expensive and lengthy, costing as much as $150,000 a test for 400 animals and 2 years of work. One alternative test using bacteria costs approximately $500 to $700 per test for a 2-day experiment. Another test involving lab-grown mammal cells costs about $1,000 to $3,000 a test and takes 2 to 6 weeks. Consequently, these newly developed tests are cheaper, easier, faster, and equally effective as the tests involving animals.

While it is true that we probably cannot eliminate the use of animals altogether, I believe that we have a responsibility to limit the pain and suffering of animals used in laboratory experiments to the maximum feasible extent. Since readily and proven alternatives to the use of animals exist, I feel the Congress should make clear its desire to have these sound alternatives used whenever feasible. Once again, I urge the adoption of this humane amendment offered by the gentleman from New York.

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

(Mr. ECKHARDT asked and was given permission to revise and extend his remarks.)

Mr. ECKHARDT. Now, Mr. Chairman, I recognize that it is always with some trepidation that one should take the floor opposing a fund for animals or a fund for anything else, because all these funds have behind them the people with long memories and they have an intense interest in the particular subject matter. Yet it seems to me inadvisable to direct the Administrator with respect to the manner in which he determines a danger to exist. In the first place, some of the dangers involve dangers to the lower species themselves. For instance, in the case of PCB there is danger to fish and in many instances new chemicals affect the environment by affecting animals.

Now, it is true, of course, that the amendment only applies if tests which do not involve the use of animals provide an adequate and accurate means for ascertaining the effect of a chemical substance or mixture on humans and the environment.

But actually, the Administrator usually does not come into the game early enough to determine what kind of tests are to be used, whether they are on animals or not on animals, because the Administrator ordinarily merely requires testing. He does not determine the precise nature of the tests in most instances. He only prescribes the tests to be applied to the extent necessary to assure that such data are reliable and adequate, the manner in which such data are to be developed, the specification of any test protocol or methodology to be employed in the development of such data, and such other requirements as are necessary to provide such assurance.

Of course, this amendment only goes to the Administrator's choice of the use of tests. Ordinarily, the choice of use of tests is with the person producing the chemical. He is conducting the tests, he is presenting the data, and the Administrator may either accept the data or may prescribe additional testing.

Now I suggest, Mr. Chairman, that we are ill advised to place in the law itself this kind of directive. If we do, we are going to have people meddling with the Administrator's process, with all good intention, and thus holding up the ultimate result of the tests for inordinately long periods of time.

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

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

Mr. OTTINGER. On page 112, section (2)(A), it says that the Administrator can prescribe the standards for the development of test data, and says specifically, starting on line 18, "The methodologies that may be prescribed in such standards include " " " and names the various kinds of tests.

So that there is provision here for the Secretary to prescribe the kinds of tests, and where there are nonanimal tests that are adequate, he should prefer those. I do not think that does any mischief, and I think it will help prevent some of the unnecessary carnage to animals that does unfortunately occur in some laboratories today.

Mr. ECKHARDT. It is true that he may prescribe the standards, and he may ultimately prescribe the tests in certain instances, but it seems to me that we would do great mischief to permit anyone who wants to, to come in and make an objection to the nature of these tests on the grounds of some particular preference or some particular kind of test or some particular prejudice against the use of a kind of testing.

For instance, concerning PCB's, I have a very interesting little document here that was sent to me by the gentleman from Michigan (Mr. DINGELL). One of the statements is with reference to rhesus monkeys:

> Rhesus monkeys exposed to dietary levels as low as 2.5 and 5.0 ppm of PCB (lower than Lake Michigan fish) developed facial acne, subcutaneous edema, and loss of eyelashes.

Why not use these tests, and why should it be available for anyone who has a particular love for rhesus monkeys, to come in and try to hold up the testing and get some kind of a court determination as to whether or not there is an adequate and accurate means of ascertaining whether a poison would cause injury to people by some other means?

MONS 030109

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. OTTINGER. Mr. Chairman, I ask unanimous consent that the gentleman from Texas be allowed 30 seconds more.

Mr. ECKHARDT. I do not know whether I want 30 seconds. I might not be able to reply.

Mr. OTTINGER. I just want to say that the gentleman is playing monkey-shines with my amendment.

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

Just briefly, I want to say that I can understand the gentleman's concern, but our concern, of course, is that this amendment could do undue harm to testing of chemicals that might be dangerous to the health of mankind and to the environment. For these reasons, I oppose the amendment.

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

(Mr. KOCH asked and was given permission to revise and extend his remarks.)

Mr. KOCH. Mr. Chairman, I rise in support of the amendment. I think it is a good one, and let me tell the Members why I think it is a good amendment. I am not someone who is an antivivisectionist. I believe that there is appropriate experimentation on animals to be done. That includes basic research; that includes matters which would relate to the welfare and the health of humankind as well as animals that are not human. But, obviously there are limitations, and wherever it is possible to use nonanimal substances for experimentation, surely that is to be preferred instead of the use of animals.

I do not think anyone would want to quarrel with that. But even those who would not want to quarrel with it are always reluctant, so to speak, to enter the battle because in some way or other we think we are going to limit the scope of experimentation and impose restraints on those who "know better" than we do.

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

Mr. KOCH. I yield to the gentleman from TEXAS (Mr. ECKHARDT).

Mr. ECKHARDT. I thank the gentleman for yielding.

Who is to determine whether other experimentation is adequate? Is it going to be the court, or is it going to be a scientist?

Mr. KOCH. I will read the amendment. The amendment says:

> . . . except that in prescribing tests the Administrator in his or her discretion shall give preference to available tests which do not involve the use of animals if such tests provide an adequate and accurate means for ascertaining the effect of a chemical substance or mixture on humans and the environment.

It seems to me the amendment is very carefully drawn so as to allow that discretion to the Administrator, who certainly should know whether or not there are adequate substitutes.

Why would the gentleman not want to use a nonanimal substitute, if one is available, in the discretion of the Administrator?

Mr. ECKHARDT. If the gentleman will yield to permit me to answer the question, I would say he would have the discretion, clearly, if we did not put this in the bill. I would hope he would lean in the direction of humaneness.

Mr. KOCH. Let me tell the gentleman why it does not always happen.

Mr. ECKHARDT. The thing is that this discretion, as I understand, it, is limited to a situation where there is not an adequate or an accurate means for ascertaining the effects of a chemical substance.

Mr. KOCH. Let me tell the gentleman a story, which happens to be true and which happens to be current.

In the city of New York today, the Museum of Natural History in engaging, quite properly, in experimentation with respect to basic research. But there are those who believe—and I am one of them—that the experimentation that they are undertaking with respect to cats is unwarranted.

That is a layman's opinion, and I have asked the National Institute of Health for its opinion on it. I happen to have a lay opinion which will not decide for me what I will ultimately do without getting a more expert opinion, but it is a gut reaction.

I want to tell the Members what happened when I went to the Museum of Natural History, at the request of constituents who were distressed that the museum had received a grant from the Federal Government, NIH, to engage in an experimentation on cats relating to hyper- and hyposexuality. My constituents were told, based on the grant application, that this museum was going to engage in the following experimentation:

One, it was going to blind the cats. The fact is that they never did that. I want to make that very clear. But it was one of the programs that it was allowed to engage in under the grant that it received. And, second, it was going to surgically affect the penises of kittens to ascertain what effect that would have on sexuality, in addition to other experimentation. So I went to the museum and I asked them to tell me what it is that they were actually doing, and they asked me if I would like to go in and see the cats in their cages. I said yes, and I went there, and there were about 35 cats. They appeared well treated, in the sense that they were in clean cages, and they did not seem to be in any pain. So I said to the doctor who was explaining what was happening, "What do you do here? What is the purpose of this experiment?" And she said, "Well, the purpose is to look at the effects of hyper- and hyposexuality in cats. We find," said she, "that if you take a normal male cat and you place that cat in a room with a female cat that is in heat," said the professor, "the male cat would mount the female cat."

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

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

I said, "That sounds very reasonable to me."

Then she said, "Now, if you take a cat, a male cat, and you put lesions in its brain—"

I interrupted and asked, "What are lesions?"

She said, "Well, you destroy part of the brain cells."

I asked, "What happens then?"

She said, "Well, if you take that male cat that has lesions in its brain and you place it in a room with a female cat and a female rabbit, the cat will mount the rabbit."

I said to her, "How does the rabbit feel about all this?"

There was no response.

Then I said to this professor, "Now, tell me, after you have taken a deranged male cat with brain lesions and you place it in a room and you find that it is going to mount a rabbit instead of a female cat, what have you got?"

There was no response.

Then I ask, "How long, by the way, have you been doing this?"

She said, "Since the early 1940's."

I said, "How much has this cost the Government?"

She said, "$435,000."

Mr. Chairman, I tell this story, not because I am prepared to say that experimentation on cats is wrong. I repeat I am not an antivivisectionist. I am simply saying that there is a role here for lay persons and an opportunity for people to be interested in what is taking place in this field, and where we can explore any of these basic problems with nonanimal substitutes, if that is possible, then we should. Where it is not possible and if the project is scientifically worthwhile—and I am not the one to suggest which projects are worthwhile; I am going to leave that to the Administrator—then obviously it should proceed.

All the amendment offered by the gentleman from New York (Mr. OTTINGER) does is it says that the Administrator in his discretion shall give preference to nonanimal tests wherever those are available, and that is on the basis of the facts as I have outlined them.

The CHAIRMAN. The time of the gentleman from New York (Mr. KOCH) has expired.

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

Mr. KOCH. Mr. Chairman, on that basis would the gentleman not wish to support this Ottinger amendment?

Mr. ECKHARDT. Mr. Chairman, if the gentleman will yield, I think that the cat and rabbit situation may be most interesting, and it would be more interesting if they used a male rabbit and a female cat. However, it seems to me it is far beside the point. This is an experiment for the sake of experimentation.

What we are talking about is experimentation with respect to a poison. If it affects a cat or a rabbit, it will probably, or may possibly, affect a person.

Mr. KOCH. Mr. Chairman, if the gentleman will bear with me, I repeat if there is no other way, if there is no nonanimal substitute available, the gentleman from New York (Mr. OTTINGER) and I do not disagree with the gentleman from Texas. What we are saying is that there ought to be consideration given to the use of nonanimal substitutes when they are available.

MONS 030110

Mr. Chairman, I think this is a very reasonable amendment, and I urge the Committee to accept it.

Mr. MURPHY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I regretfully oppose the amendment offered by my colleague, the gentleman from New York (Mr. OTTINGER). The Ottinger amendment on its face directs the Administrator in his or her discretion to give preference to tests which do not involve the use of animals if such tests provide an adequate and accurate means of ascertaining the health and the environmental effects of a chemical.

This amendment could result in undermining the protection of human health which can be achieved under this bill. The amendment could result in EPA's not receiving the use of the most reliable and effective means of determining the effect that a chemical might have on a human being.

Although a nonanimal test may be adequate and accurate, a test using animals may be more acceptable and more reliable. When the objective is to protect human health, EPA should not be discouraged from using the best means available of determining whether a chemical is safe.

The gentleman from New York (Mr. OTTINGER) argues that the amendment will result in reducing testing costs to manufacturers because nonanimal tests are less expensive to perform. The bill already fully protects manufacturers from being subjected to unnecessarily expensive testing.

What it does do is that it permits a scientific evaluation by the Environmental Protection Administrator as to whether to use photochromatography or necessary animal testing, if that is required to protect human health and human life.

Mr. Chairman, I think we should respect the various test protocols and methodologies and the discretion of scientists within the tight guidelines that we have in this bill.

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

Mr. MURPHY of New York. I yield to the gentleman from New York.

Mr. OTTINGER. Mr. Chairman, my good colleague, the gentleman from Tennessee (Mr. ALLEN) points out that we could even insulate this further from the courts if, before the word "discretion," we put "sole," so that it would read: "The Administrator, in his sole discretion, shall give preference * * *."

Mr. Chairman, I have no objection to that.

Mr. Chairman, I ask unanimous consent that the word "sole" be inserted before the word "discretion."

The CHAIRMAN. Is there objection to the request of the gentleman from New York (Mr. OTTINGER)?

There was no objection.

The CHAIRMAN. The amendment is modified accordingly.

Mr. MURPHY of New York. Mr. Chairman, if I might close, my colleague, the gentleman from New York (Mr. OTTINGER) and I have supported legislation with respect to the slaughtering of animals in laboratory animal testing, and our committee put strict Federal guidelines on animal testing in laboratories.

We also worked very closely on humane slaughtering in the slaughter houses of America.

Mr. Chairman, with respect to the fact that certain societies have written and have said that they support this amendment on the basis of humane conditions for animals, I certainly can understand their feelings; but I think we should underscore the philosophy here that we are trying to protect humans as well as animals and that we should use the most effective and reliable methods. If animal testing is needed, the discretion should be with the scientists at EPA to make that determination.

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

Mr. MURPHY of New York. I yield to the gentleman from Nebraska.

Mr. McCOLLISTER. Mr. Chairman, I wish to associate myself with the remarks of the gentleman from New York (Mr. MURPHY).

As I said, the sole basis for determining what tests are to be run ought to be: What is best to preserve and protect human life?

Mr. Chairman, I think the amendment of the gentleman from New York (Mr. OTTINGER) provides additional criteria that might well interfere with that objective.

Mr. MURPHY of New York. Mr. Chairman, I urge my colleagues to reject the Ottinger amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. OTTINGER), as modified.

The question was taken; and on a division (demanded by Mr. OTTINGER) there were—ayes 14, noes 18.

Mr. OTTINGER. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present.

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

Mr. OTTINGER. Mr. Chairman, I will withhold my request for a quorum and see whether we get enough people to stand for the recorded vote so that we will just have the recorded vote.

The CHAIRMAN. The Chair will state to the gentleman from New York (Mr. OTTINGER) that the Chair has already announced the absence of a quorum. The withdrawal of the point of order comes too late. We will therefore proceed with the quorum call.

Members will record their presence by electronic device.

The call was taken by electronic device.

QUORUM CALL VACATED

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

The Committee will resume its business.

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

A recorded vote was refused.

So the amendment, as modified, was rejected.

The CHAIRMAN. Are there further amendments to section 4? If not, the Clerk will read.

The Clerk read as follows:

MANUFACTURING AND PROCESSING NOTICES

SEC. 5. (a) NOTIFICATION FOR MANUFACTURE OF NEW CHEMICAL SUBSTANCES.—On and after the date on which the Administrator first publishes under section 8(b) a list of chemical substances manufactured or processed in the United States, no person may manufacture a new chemical substance unless (except as provided in subsection (i) (relating to exemptions)) such person—

(1) has, at least ninety days before such manufacture, submitted to the Administrator, in accordance with subsection (f) (relating to notice content), a notice of such person's intention to manufacture such substance, and

(2) has complied with any applicable requirement of subsection (d) (relating to submission of test data).

(b) NOTIFICATION FOR THE MANUFACTURE OR PROCESSING OF A CHEMICAL SUBSTANCE FOR A SIGNIFICANT NEW USE.—(1) No person may manufacture or process a chemical substance for a use which the Administrator has determined, in accordance with paragraph (2), is a significant new use of such substance unless (except as provided in subsection (i)) such person—

(A) has, at least ninety days before such manufacture or processing, submitted to the Administrator, in accordance with subsection (f), a notice of such person's intention to manufacture or process such substance for such use, and

(B) has complied with any applicable requirement of subsection (d).

(2) A determination by the Administrator that a new use of a chemical substance is a significant new use with respect to which notification is required under paragraph (1) or subsection (c)(1)(B) shall be made by a rule promulgated after a consideration of all relevant factors, including—

(A) the projected volume of manufacturing and processing of such substance for such use,

(B) the extent to which such use changes the type or form of exposure of humans or the environment to such substance, and

(C) the extent to which such use increases the magnitude and duration of exposure of humans or the environment to such substance.

The last sentence of section 19(c)(1) shall not apply to judicial review of any rule promulgated under this paragraph.

(c) NOTIFICATION FOR THE MANUFACTURE OR PROCESSING OF LESTER CHEMICAL SUBSTANCES.—(1)(A) No person may manufacture a chemical substance—

(i) which is listed under paragraph (2), and

(ii) which was a new chemical substance at the time of publication of the earliest proposed rule under paragraph (2) listing such substance,

unless (except as provided in subsection (i)) such person has, at least ninety days before such manufacture, submitted to the Administrator, in accordance with subsection (f), a notice of such person's intention to manufacture such substance and has complied with the requirement of subsection (d).

(B) No person may manufacture or process a chemical substance, listed under paragraph

MONS 030111

(2), for a use which the Administrator has determined, in accordance with subsection (b)(2), is a significant new use of such substance unless (except as provided in subsection (i)) such person—

(i) has, at least ninety days before such manufacture or processing, submitted to the Administrator, in accordance with subsection (f), a notice of such person's intention to manufacture or process such substance for such use, and

(ii) has complied with the requirement of subsection (d).

(2)(A)(i) Within twelve months after the effective date of this Act, the Administrator shall, by rule, compile, and from time to time thereafter revise, a list of chemical substances the manufacture, processing, distribution in commerce, use, or disposal of which, or any combination of such actions respecting which, the Administrator finds causes or significantly contribute to or may cause or significantly contribute to an unreasonable risk to health or the environment.

(ii) In making a finding under clause (i) that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or any combination of such actions causes or significantly contributes to or may cause or significantly contribute to an unreasonable risk to health or the environment, the Administrator shall consider all relevant factors, including—

(I) the effects of the chemical substance on health and the magnitude of human exposure to it; and

(II) the effects of the chemical substance on the environment and the magnitude of environmental exposure to it.

(B) The Administrator shall, in prescribing a rule under subparagraph (A) which lists any chemical substance, identify those uses, if any, which the Administrator determines, in accordance with subsection (b)(2), would constitute a significant new use of such substance. The last sentence of section 19(c)(1) shall not apply to judicial review of any provision of a rule under subparagraph (A) which provision is prescribed pursuant to this subparagraph.

(C) Any rule under subparagraph (A), and any amendment or repeal of such a rule, shall be promulgated pursuant to the procedures specified in section 553 of title 5, United States Code, except that (i) the Administrator shall give interested persons an opportunity for the oral presentation of data, views, or arguments, in addition to an opportunity to make written submissions, and (ii) a transcript shall be kept of any oral presentation. The Administrator may not promulgate under subparagraph (A) a rule listing a chemical substance unless the Administrator makes and publishes with the rule the finding described in such subparagraph.

(d) RECOMMENDED REQUIRING SUBMISSION OF TEST DATA.—(1)(A) If—

(i) a person is required by subsection (a), (b), or (c) to submit a notice to the Administrator before beginning the manufacture, processing, or processing of a chemical substance, and

(ii) such person is required to submit test data for such substance pursuant to a rule promulgated under section 4 before the submission of such notice, or such person has been granted an exemption under section 6 (c) from the requirement of such rule,

such person may not, before the expiration of the period prescribed by subparagraph (B), manufacture such substance if the person is subject to subsection (a) or (c)(1)(A) or manufacture or process such substance for a significant new use if the person is subject to subsection (b) or (c)(1)(B).

(B) The period referred to in subparagraph (A) is—

(i) in the case of a person required to submit test data pursuant to a rule promulgated under section 4(a) a period of ninety days which begins on the date on which such person submits to the Administrator such data in accordance with such rule, and

(ii) in the case of a person who under section 4(c) is exempt from a requirement to submit test data pursuant to a rule promulgated under section 4(a), a period of ninety days which begins on the date of the submission in accordance with such rule of the test data the submission or the development of which was the basis for the exemption.

(2)(A) If—

(i) a person is required by subsection (c) to submit a notice to the Administrator before beginning the manufacture or processing of a chemical substance, and

(ii)(I) a rule promulgated under section 4 before the submission of such notice requiring the submission of test data for such substance does not require such person to submit such data, or

(II) the Administrator has not promulgated such a rule for such substance before the submission of such notice,

such person may not, before the expiration of the ninety-day period which begins on the date such person submits to the Administrator data prescribed by subparagraph (B), manufacture such substance if such person is subject to subsection (c)(1)(A) or manufacture or process such substance for a significant new use if such person is subject to subsection (c)(1)(B).

(B) Data submitted pursuant to subparagraph (A) shall be data which the person submitting the data believes show that—

(i) in the case of a substance for which notice is required under subsection (a)(1)(A), the manufacture, processing, distribution in commerce, use, and disposal of the chemical substance or any combination of such actions would not cause or significantly contribute to an unreasonable risk to health or the environment, or

(ii) in the case of a chemical substance for which notice is required under subsection (c)(1)(B), the intended significant new use of the chemical substance would not cause or significantly contribute to an unreasonable risk to health or the environment.

(3) Data submitted under paragraph (1) or (2) shall be made available, subject to section 14, for examination by interested persons.

(e) SUSPENSION OR NOTICE PERIOD.—The Administrator may for good cause extend for one additional period of not to exceed ninety days the period prescribed by subsection (a), (b), (c), or (d), before which the manufacturing or processing of a chemical substance subject to such subsection may begin. Subject to section 14, such an extension and the reasons therefor shall be published in the Federal Register and shall constitute a final agency action subject to judicial review.

(f) CONTENT OF NOTICE; PUBLICATION IN THE FEDERAL REGISTER.—(1) The notice required by subsections (a), (b), and (c) respecting a chemical substance shall include—

(A) the name of the chemical substance;

(B) the chemical identity and molecular structure of the substance, insofar as such are reasonably ascertainable;

(C) the proposed categories of use of such substance, insofar as such are reasonably ascertainable;

(D) the reasonable estimate of the amount of the substance to be manufactured or processed and, insofar as reasonably ascertainable, a reasonable estimate of the amount of the substance to be manufactured or processed for each proposed category of use of the substance;

(E) a description of the byproducts, if any, resulting from the manufacture, processing, use, or disposal of the substance, insofar as such are reasonably ascertainable; and

(F) any test data in the possession or control of the person giving such notice which are related to the effect on health or the environment of any manufacture, processing, distribution in commerce, use, or disposal of the substance or any article containing such substance.

Such a notice shall be made available, subject to section 14, for examination by interested persons.

(2) Subject to section 14, not later than five days (excluding Saturdays, Sundays and legal holidays) after the date of the receipt of a notice under subsection (a), (b), or (c) or data under subsection (d) the Administrator shall publish in the Federal Register a notice which—

(A) identifies the chemical substance for which notice or data has been received;

(B) lists the uses or intended uses of such substance; and

(C) in the case of the receipt of data under subsection (d), describes the nature of tests performed on such substance and any data which was developed pursuant to subsection (d) or a rule under section 4.

Notice under this paragraph respecting a chemical substance shall identify the chemical substance by generic name unless the Administrator determines that more specific identification is required in the public interest.

(g) REGULATION PENDING DEVELOPMENT OF INFORMATION.—(1)(A) The district courts of the United States shall, upon application of the Administrator made through attorneys of the Environmental Protection Agency, have jurisdiction to enjoin in accordance with subparagraph (B), the manufacture, processing, or distribution in commerce of a chemical substance subject to a notification requirement of subsection (a), (b), or (c) if the court finds that—

(i) information available to the Administrator is insufficient to permit a reasoned evaluation of the effects on health or the environment of the manufacture, processing, distribution in commerce, use, or disposal of such chemical substance or any combination of such actions, and

(ii) in the absence of such information, the manufacture, processing, distribution in commerce, use, or disposal of such substance or any combination of such actions may cause or significantly contribute to an unreasonable risk to health or the environment.

(B) An injunction issued under subparagraph (A) with respect to a chemical substance subject to a notification requirement under subsection (b) or (c)(1)(B) respecting a significant new use of such substance shall apply only to the manufacture, processing, or distribution in commerce, as the case may be, of the substance for such use.

*(C) An injunction issued under subparagraph (A) with respect to a chemical substance shall expire—

(i) upon the expiration of the five-day period beginning on the day after the issuance of the injunction, if the Administrator does not within such period publish the notice required by paragraph (2), or

(ii) if the Administrator publishes such notice within such period, upon the completion or termination of the proceeding begun by publication of such notice.

(2)(A) Within five days after the issuance of an injunction under paragraph (1) with respect to a chemical substance, the Administrator shall publish, in accordance with section 553(b) of title 5, United States Code, a general notice of proposed rulemaking to begin proceedings for the promulgation of a rule to apply to such substance one or more of the requirements described in section 6(a) as is necessary to adequately protect against the risk to health or the environment found by the court under paragraph (1)(A)(ii).

(B) Upon publication of such a notice the Administrator shall, as expeditiously as pos-

MONS 030112

able, provide reasonable opportunity for a hearing (in accordance with paragraphs (2) and (3) of section 6(a)) on such proposed rule, and either adopt such rule (as proposed or with modifications) or by notice published in the Federal Register terminate the proceeding for the promulgation of the rule. If such a hearing is requested, the Administrator shall commence the hearing within fifteen days from the date such request is made unless the Administrator and each person making the request agree upon a later date for the hearing to begin, and after the hearing is concluded the Administrator shall, within thirty days of the conclusion of the hearing, either adopt such rule (as proposed or with modifications) or terminate the proceeding (as prescribed in the preceding sentence).

(2) After a rule promulgated under paragraph (1) has taken effect any person may petition the Administrator to initiate a proceeding to amend or repeal such rule. Within thirty days of the receipt of such a petition, the Administrator shall by order either grant or deny the petition. If the Administrator grants such petition, the Administrator shall promptly initiate a proceeding for the amendment or repeal, as the case may be, of such rule. Such a proceeding shall be conducted in accordance with paragraphs (2) and (3) of section 6(c).

(3) PETITION FOR STANDARDS FOR THE DEVELOPMENT OF TEST DATA.—A person intending to manufacture or process a chemical substance for which notice is required under subsection (a), (b), or (c) and who is not required under a rule under section 4 to conduct tests and submit data on such substance may petition the Administrator to prescribe standards for the development of test data for such substance. The Administrator shall either grant or deny any such petition within sixty days of its receipt. If the petition is granted, the Administrator shall prescribe such standards for such substance within seventy-five days of the date the petition is granted. If the petition is denied, the Administrator shall publish in the Federal Register the reasons for such denial.

(i) EXEMPTION.—(1) The Administrator may, upon application (made in such form and manner as the Administrator may prescribe) exempt any person from the requirement of subsection (a), (b), (c), or (d) or of any combination of such subsections to enable such person to manufacture or process a chemical substance for test marketing purposes—

(A) upon a showing by such person satisfactory to the Administrator that the manufacture, processing, distribution in commerce, use, and disposal of such substance for such purposes would not cause or significantly contribute to any unreasonable risk to health or the environment, and

(B) under such restrictions as the Administrator considers appropriate.

Within forty-five days of the receipt of an application under this paragraph the Administrator shall either approve or deny such application.

(2) (A) The Administrator may upon application (made in such form and manner as the Administrator may prescribe) exempt any person from the requirement of subsection (d)(2) to submit data for a chemical substance. If, upon receipt of an application under this preceding sentence, the Administrator determines that—

(i) the chemical substance (including any contaminant present in such substance) with respect to which such application was submitted is equivalent to a chemical substance for which data has been submitted to the Administrator in accordance with subsection (d)(2), and

(ii) submission of data by the applicant on such substance would be duplicative of data which has been submitted to the Administrator in accordance with such subsection,

the Administrator shall exempt the applicant from submitting such data on such substance. No exemption granted under this subparagraph with respect to the submission of data for a chemical substance may take effect before the beginning of the reimbursement period applicable to such data.

(B) If the Administrator, under subparagraph (A), exempts any person from submitting under subsection (d)(2) data for a chemical substance because of the existence of previously submitted data and if such exemption is granted during the reimbursement period for such data, then (unless such person and the persons referred to in clauses (i) and (ii) agree on the amount and method of reimbursement) the Administrator shall order the person granted the exemption to provide fair and equitable reimbursement (in an amount determined under rules of the Administrator)—

(i) to the person who previously submitted the data on which the exemption was based, for a portion of the costs incurred by such person in complying with the requirement under subsection (d)(2) to submit such data, and

(ii) to any other person who has been required under this subparagraph to contribute with respect to such costs, for a portion of the amount such person was required to contribute.

In promulgating rules for the determination of fair and equitable reimbursement to the persons described in clauses (i) and (ii) for costs incurred with respect to a chemical substance, the Administrator shall consider all relevant factors, including the effect on the competitive position of the person required to provide reimbursement in relation to the persons to be reimbursed and the share of the market for such substance of the person required to provide reimbursement in relation to the share of such market of the persons to be reimbursed. An order under this subparagraph shall be considered final agency action, for purposes of judicial review.

(C) For purposes of this paragraph, the reimbursement period for any previously submitted data for a chemical substance is a period—

(i) beginning on the date of the termination of the prohibition, imposed under this section, on the manufacture or processing of such substance by the person who submitted such data to the Administrator, and

(ii) ending—

(I) five years after the date referred to in clause (i), or

(II) at the expiration of a period which begins on the date referred to in clause (i) and is equal to the period which the Administrator determines was necessary to develop such data,

whichever is later.

(3) The requirements of subsections (a), (b), (c), and (d) do not apply with respect to the manufacturing or processing of any chemical substance which is manufactured or processed, or proposed to be manufactured or processed, only in small quantities (as defined by the Administrator by rule) solely for—

(A) scientific experimentation or analysis, or

(B) chemical research or analysis on such substance or another substance, including such research or analysis for the development of a product,

if all persons engaged in such experimentation, research, or analysis for a manufacturer or processor are notified (in such form and manner as the Administrator may prescribe) of any risk to health which the manufacturer or processor has reason to believe may be associated with such chemical substance.

(4) (A) The requirements of subsections (a) and (e)(1)(A) do not apply with respect to the manufacturing or processing of any chemical substance which is the same as a listed chemical substance.

(B) For purposes of subparagraph (A), a chemical substance shall not be considered as different from a listed chemical substance solely because—

(i) the proportion of the inert chemical substances which are present in the listed chemical substance is different from the proportion of such substances present in the chemical substance being compared to the listed chemical substance; or

(ii) an inert listed chemical substance has been added to or deleted from the chemical substance being compared.

(C) For purposes of this paragraph—

(i) the term "inert chemical substance" means a chemical substance which when combined with other chemical substances to produce another chemical substance does not react chemically with such other chemical substances; and

(ii) the term "listed chemical substance" means a chemical substance included in the list compiled and published under section 8(b).

(5) The Administrator may, upon application, by rule exempt the manufacturer of any new chemical substance from all or part of the requirements of this section if the Administrator determines that such chemical substance will not cause or significantly contribute to an unreasonable risk to health or the environment. A rule under this paragraph (and any substantive amendment to, or repeal of, such a rule) shall be promulgated in accordance with pagraraphs (2) and (3) of section 6(a).

(j) DEFINITION.—For purposes of this section, the terms "manufacture" and "process" mean to manufacture or to process for commercial purposes.

Mr. MURPHY of New York (during the reading). Mr. Chairman, I ask unanimous consent that section 5 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

Mr. MURPHY of New York. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, I think it is important to point out to my colleagues that research chemicals are exempted from the requirements of section 5. It has come to my attention that some people have interpreted this exemption as applying only to research chemicals which are manufactured and used in-house by a company. While the exemption does include such research chemicals, it is not limited to them. If a chemical is manufactured by one person in small quantities for use as a research chemical and sold to another person to use for research purposes, then the exemption covers such a chemical. In other words, one company can make chemicals to be used for research by another company or by another person and the exemption covers that chemical.

I would like to ask the authors of the legislation the gentleman from Texas (Mr. ECKHARDT) and the gentleman from North Carolina (Mr. BROYHILL) if that is their understanding of the exemption?

MONS 030113

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

Mr. MURPHY of New York. I am happy to yield.

Mr. ECKHARDT. Mr. Chairman, that is my understanding of the exemption.

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

Mr. MURPHY of New York. I am happy to yield.

Mr. BROYHILL. Mr. Chairman, I agree with the gentleman from New York.

Mr. MURPHY of New York. Mr. Chairman, I would also like to note that there are requirements in section 5 and elsewhere in the bill that the Administrator publish information in the Federal Register within a set number of days. The committee recognizes, of course, that the Administrator does not have control over the printing schedule of the Federal Register. Thus, the requirement should be construed as imposing on the Administrator the duty to submit the information to the Federal Register for publication within the requisite time period.

One further points on section 6. A small manufacturer told me the other day that he interpreted section 5 as permitting the Administrator to stop manufacture of a new chemical solely on the basis that the new chemical would not be effective for its proposed use. Mr. Chairman, I just want to clarify that this is totally untrue. Section 5 does not permit the Administrator to stop manufacture on the grounds that a chemical will not be effective.

The CHAIRMAN. Are there amendments to section 5? If not, the Clerk will read.

The Clerk read as follows:

REGULATION OF HAZARDOUS CHEMICAL SUBSTANCES AND MIXTURES

SEC. 6 (a) SCOPE OF REGULATION.—If the Administrator finds that there is a reasonable basis to conclude that the manufacture, processing, distribution in commerce, use, or disposal of a chemical substance or mixture or any combination of such actions causes or significantly contributes to or will cause or significantly contribute to an unreasonable risk to health or the environment, the Administrator shall by rule apply to such substance or mixture one or more of the following requirements as is necessary to adequately protect against such risk:

(1) A requirement prohibiting the manufacturing, processing, or distribution in commerce of such substance or mixture or limiting the amount of such substance or mixture which may be manufactured, processed, or distributed in commerce.

(2) A requirement—

(A) prohibiting the manufacture, processing or distribution in commerce of such substance or mixture for (i) a particular use or (ii) a particular use in a concentration in excess of a level specified by the Administrator in the rule imposing the requirement, or

(B) limiting the amount of such substance or mixture which may be manufactured, processed, or distributed in commerce for (i) a particular use or (ii) a particular use in a concentration in excess of a level specified by the Administrator in the rule imposing the requirement.

(3) A requirement that such substance or mixture or any article containing such substance or mixture be marked with or accompanied by clear and adequate warnings and instructions with respect to its use or disposal or with respect to both. The form and content of such warnings and instructions shall be prescribed by the Administrator.

(4) A requirement that manufacturers and processors of such substance or mixture make and retain records of the processes used to manufacture or process such substance or mixture.

(5)(A) A requirement regulating the manner or method of disposal of such substance or mixture or article containing such substance or mixture by its manufacturer or processor or any other person who uses it for commercial purposes.

(B) A requirement under subparagraph (A) may not require any person to take any action which would be in violation of any law of a State or political subdivision, and shall require each person subject to it to notify each State and political subdivision in which a required disposal may occur of such requirement.

(6) If the rule imposes on a chemical substance or mixture a requirement described in paragraph (1) or (2), a requirement directing the manufacturer, processor, or distributor in commerce of such substance or mixture or article containing such substance or mixture or directing any combination of such persons (A) to give notice of such risk to processors or distributors in commerce of such substance, mixture, or article, or to both, and, to the extent reasonably ascertainable, to any other person in possession of or exposed to such substance, mixture, or article; (B) to give public notice of such risk; or (C) to give both such notices.

A requirement imposed under this subsection shall be the least burdensome requirement necessary to adequately protect against the risk with respect to which the requirement was imposed and may be limited in application to specified geographic areas.

(b) PROTECTION AGAINST ADULTERATION OR CONTAMINATION OF SUBSTANCES AND MIXTURES.—If the Administrator has good cause to believe that a particular manufacturer or processor is manufacturing or producing a chemical substance or mixture in a manner which unintentionally causes the chemical substance or mixture to cause or significantly contribute to or to be likely to cause or significantly contribute to an unreasonable risk to health or the environment—

(1) the Administrator may by order require such manufacturer or processor to submit a description of the relevant quality control procedures followed in the manufacturing or processing of such chemical substance or mixture; and

(2) if the Administrator determines after the issuance of an order described in paragraph (1)—

(A) that such quality control procedures are inadequate to prevent the chemical substance or mixture from causing or significantly contributing to such risk, the Administrator may order the manufacturer or processor to revise such quality control procedures to the extent necessary to remedy such inadequacy; or

(B) that the use of such quality control procedures has resulted in the distribution in commerce of chemical substances or mixtures which cause or significantly contribute to an unreasonable risk to health or the environment, the Administrator may order the manufacturer or processor to (i) give notice of such risk to processors or distributors in commerce of any such substance or mixture, or to both, and, to the extent reasonably ascertainable, to any other person in possession of or exposed to any such substance, (ii) to give public notice of such risk, and (iii) to provide such replacement or repurchase of any such substance or mixture as is necessary to adequately protect health or the environment.

A determination under subparagraph (A) or (B) of paragraph (2) shall be made on the record after opportunity for hearing in accordance with section 554 of title 5, United States Code. The manufacturer or processor subject to a requirement to replace or repurchase a chemical substance or mixture may decide whether to replace or repurchase the substance or mixture and shall take either such action in the manner prescribed by the Administrator.

(c) PROMULGATION OF SUBSECTION (a) RULES.—(1) In promulgating any rule under subsection (a) with respect to a chemical substance or mixture, the Administrator shall consider all relevant factors and make findings with respect to—

(A) the effects of such substance or mixture on health and the magnitude of human exposure to such substance or mixture,

(B) the effects of such substance or mixture on the environment and the magnitude of environmental exposure to such substance or mixture,

(C) the benefits of such substance or mixture for various uses and the availability of other substances or mixtures for such uses, and

(D) the reasonably ascertainable economic consequences of such rule taking into account the impact on small business.

If the Administrator determines that a risk to health or the environment could be eliminated or reduced to a sufficient extent by actions taken under another Federal law (or laws) administered in whole or in part by the Administrator, the Administrator may not promulgate a rule under subsection (a) to protect against such risk unless the Administrator makes a finding that it is in the public interest to protect against such risk under such rule taking into consideration all aspects of the risk, the authorities under this Act and such other law (or laws) to enforce actions taken under this Act or such law (or laws) to protect against such risk, a comparison of the estimated costs of complying with actions taken under such law (or laws), and the relative efficiency of actions under this Act and under such law (or laws). In the judicial review of a rule under subsection (a) the last sentence of section 19(c)(1) shall not apply with respect to the determinations and findings required to be made by this paragraph.

(2)(A) Rules under subsection (a) shall be promulgated pursuant to section 553 of title 5 of the United States Code; except that in promulgating any such rule (i) the Administrator shall give interested persons an opportunity for the oral presentation of data, views, or arguments, in addition to an opportunity to make written submissions; (ii) a transcript shall be kept of any oral presentation; and (iii) during any such oral presentation, the Administrator shall include an opportunity for cross-examination as provided in subparagraph (B). The Administrator may not promulgate a rule under subsection (a) respecting a chemical substance or mixture unless the Administrator makes and publishes with the rule the finding described in such subsection.

(B) An interested person is entitled, if the Administrator determines that it is necessary to resolve disputed issues of material fact, to conduct or have conducted by the Administrator such cross-examination of persons as the Administrator determines (i) to be appropriate in view of any need for expedition, the nature of the issues involved, and the number of participants and the nature of their interests, and (ii) to be required for a full and true disclosure with respect to such issues.

(C)(i) If the Administrator determines that a group of persons, each of whom would but for this subparagraph be entitled to conduct (or have conducted) cross-examination, has the same or similar interests in a proceeding, the Administrator may (I) conduct cross-examination on behalf of such group, or (II) require such group to designate a

MONS 030114

single representative of such interests for purposes of conducting cross-examination in such proceeding and such representative shall, except as provided in clause (B), conduct such cross-examination. If such group cannot agree upon a single representative for such purposes, the Administrator may limit the representation of such interests for such purposes.

(B) When any person who is a member of a group with respect to which the Administrator has made a determination under clause (i) is unable to agree upon group representation with the other members of the group, then such person shall not be denied under the authority of such clause the opportunity to conduct (or have conducted) cross-examination as to issues affecting the person's particular interests if (I) the person satisfies the Administrator that the person has made a reasonable and good faith effort to reach agreement upon group representation with the other members of the group and (II) the Administrator determines that there are substantial and relevant issues which are not adequately presented by the group representative.

(D) The Administrator may issue procedural rules for the conduct of any oral presentation (including cross-examination) under this paragraph and may impose such reasonable time limits on each person's oral presentations authorized by this paragraph as may be appropriate in view of any need for expedition, the nature of the issues involved, and the number of participants and the nature of their interests.

(E) In the judicial review of a rule under subsection (a) the last sentence of section 19(c)(1) shall not apply to any determination of the Administrator under this paragraph.

(3)(A) The Administrator may, pursuant to rules prescribed by it, provide compensation for reasonable attorneys' fees, expert witness fees, and other costs of participating in a rulemaking proceeding for the promulgation of a rule under subsection (a) to any person who represents an interest which will substantially contribute to a fair determination of the issues to be resolved in the proceeding taking into account the number and complexity of such issues and whether representation of such interest will contribute to widespread public participation in the proceeding and representation of a fair balance of interests for the resolution of such issues if—

(i) the economic interest of such person is small in comparison to the costs of effective participation in the proceeding by such person, or

(ii) such person demonstrates to the satisfaction of the Administrator that such person does not have sufficient resources adequately to participate in the proceeding in the absence of compensation under this subparagraph.

In determining whether compensation should be provided to a person under this subparagraph and the amount of such compensation, the Administrator shall take into account the financial burden which will be incurred by such person in participating in the rulemaking proceeding.

(B) The aggregate amount of compensation paid under this paragraph in any fiscal year to all persons who, in rulemaking proceedings in which they receive compensation, are persons who either—

(i) would be regulated by the proposed rule, or

(ii) represent persons who would be so regulated, may not exceed 25 per centum of the aggregate amount paid as compensation under this paragraph to all persons in such fiscal year.

(4) Paragraphs (1), (2), and (3) of this subsection apply to the promulgation of a rule repealing, or making a substantive amendment to, a rule promulgated under subsection (a).

(d) Effective Date.—(1) The Administrator shall specify in any rule under subsection (a) the date on which it shall take effect, which date shall be as soon as feasible.

(2)(A) The Administrator may declare a proposed rule under subsection (a) to be effective upon its publication in the Federal Register and until the effective date of final action taken, in accordance with subparagraph (B), respecting such rule if—

(i) the Administrator determines that—

(I) the manufacture, processing, distribution in commerce, use, or disposal of the chemical substance or mixture subject to such proposed rule or any combination of such activities is likely to result in an unreasonable risk of serious or widespread harm to health or the environment before such effective date; and

(II) making such proposed rule so effective is necessary to protect the public interest; and

(ii) in the case of a proposed rule to prohibit the manufacture, processing, or distribution of a chemical substance or mixture because of the risk determined under clause (i)(I), a court has in an action under section 7 granted relief with respect to such risk associated with such substance or mixture.

(B) If the Administrator makes a proposed rule effective upon its publication in the Federal Register, the Administrator shall, as expeditiously as possible, give interested persons prompt notice of such action, provide reasonable opportunity, in accordance with paragraphs (2) and (3) of subsection (c), for a hearing on such rule, and either affirm such rule (as proposed or with modifications) or revoke it; and if such a hearing is requested, the Administrator shall commence the hearing within five days from the date such request is made unless the Administrator and the person making the request agree upon a later date for the hearing to begin, and after the hearing is concluded the Administrator shall, within ten days of the conclusion of the hearing, either affirm such rule (as proposed or with modifications) or revoke it.

Mr. MURPHY of New York (during the reading). Mr. Chairman, I ask unanimous consent that section 6 be considered as read, printed in the RECORD, and open to amendment at any point.

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

There was no objection.

AMENDMENT OFFERED BY MR. M'COLLISTER

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

The Clerk read as follows:

Amendment offered by Mr. McCOLLISTER: Page 148, line 6, strike out "law of" and insert "law or requirement of or in effect for".

(Mr. McCOLLISTER asked and was given permission to revise and extend his remarks.)

Mr. McCOLLISTER. Mr. Chairman, I will not take the 5 minutes.

Mr. Chairman, this is in the nature of a technical or clarifying amendment. Under the bill, EPA can issue regulations concerning the manner and method of disposal. These regulations must be in conformity with State law. This amendment would make clear that when State regulations are in effect as required by Federal law, such as the Clean Air Act or the proposed Solid Waste Disposal bill—which would require State plans—the EPA disposal regulations would also have to be in conformity with these requirements.

I have discussed the amendment with the gentleman from New York and the gentleman from Texas, and I believe that they are in agreement on the clarifying intent of it.

Mr. MURPHY of New York. Mr. Chairman, will the gentleman yield?

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

Mr. MURPHY of New York. Mr. Chairman, the ranking minority member has well stated the case, and I am happy to accept this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska (Mr. McCOLLISTER).

The amendment was agreed to.

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

I have just two points I would like to cover in a colloquy with the gentleman from New York (Mr. MURPHY).

On page 148 the Administrator is directed to consider various factors before imposing sanctions permitted under section (6)(a). Among these are (C) "the benefits of such substance or mixture for various uses and the availability of other substances or mixtures for such uses . . ."

My question is this intended to involve the Administrator ruling upon the efficacy of a chemical for its intended purpose in any way?

Mr. MURPHY of New York. No. The purpose of this language is to be certain that the benefits of a substance are considered in any determination of whether a risk is an unreasonable one.

Mr. HAGEDORN. I thank the gentleman. I have a further question, Mr. Chairman, for the gentleman from New York.

Section (6)(a) permits the Administrator to prohibit the manufacturing, processing or distribution of a chemical substance, or to limit the amount which may be manufactured, processed or distributed in commerce. My question is at this point, what does the term "limit" contemplate? Does it mean quotas or levels of production, or how is that word "limit" to be defined?

Mr. MURPHY of New York. This would in no way mean quotas for individuals. It would mean a limitation on the total manufactured volume. Such limitations would have to apply equally to all companies.

Mr. HAGEDORN. Throughout all chemical companies?

Mr. MURPHY of New York. On that particular chemical.

Mr. HAGEDORN. Would all companies be able to participate in the manufacturing of that chemical, or would it be given possibly to certain companies for that process?

Mr. MURPHY of New York. No, it would not be limited by companies. It would be limited by volume.

MONS 030115

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

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

Mr. ECKHARDT. I would think that the bill would envisage the Administrator treating all manufacturers desiring to produce a limited quantity of a substance equitably, and in that way there would have to be a division among companies.

Mr. HAGEDORN. Then there is adequate protection for the small businessmen so that they will not be squeezed out?

Mr. ECKHARDT. I would think not only should it be equitably divided as among companies, but should be in terms of something like equal quantities so as to give small producers something of an advantage.

Mr. HAGEDORN. I thank the gentleman.

AMENDMENT OFFERED BY MR. DINGELL

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

The Clerk read as follows:

Amendment offered by Mr. DINGELL: Page 184, insert after line 21 the following:

(e) POLYCHLORINATED BIPHENYLS.—(1) Within 6 months after the effective date of this Act the Administrator shall initiate proceedings for the promulgation of rules to—

(A) prescribe methods for the disposal of polychlorinated biphenyls, and

(B) require polychlorinated biphenyls to be marked with clear and adequate warnings and instructions with respect to their processing, distribution in commerce, use, or disposal or with respect to any combination of such activities. Requirements prescribed by rules under this paragraph shall be consistent with the requirements prescribed by or under paragraphs (2) and (3).

(2) (A) Except as provided under subparagraph (B), effective one year after the effective date of this Act no person may manufacture, process, or distribute in commerce any polychlorinated biphenyl for any use other than a use in a totally enclosed manner.

(B) The Administrator may by rule authorize the manufacture, processing, or distribution in commerce (or any combination of such activities) of any polychlorinated biphenyl for any use other than a use in a totally enclosed manner if the Administrator finds that such manufacture, processing, or distribution in commerce (or combination of such activities) will not cause or significantly contribute to an unreasonable risk to health or the environment.

(C) For the purposes of this paragraph, the term "totally enclosed manner" means any manner which will ensure that any leakage of a polychlorinated biphenyl from its enclosure will be insignificant as determined by the Administrator by rule.

(3) (A) Except as provided in subparagraphs (B) and (C), effective two years after the effective date of this Act no person may manufacture any polychlorinated biphenyl, and effective two and one-half years after such effective date no person may process or distribute in commerce any polychlorinated biphenyl.

(B) Any interested person may petition the Administrator for an exemption from the requirements of subparagraph (A) for a particular use of a polychlorinated biphenyl, and the Administrator may grant by rule such an exemption if the Administrator determines that—

(i) the exemption is necessary for the protection of the health or environment, and

(ii) good faith efforts have been made to develop a chemical substance which may be substituted for such polychlorinated biphenyl in such use and which does not cause or significantly contribute to an unreasonable risk to health or the environment.

An exemption granted under this subparagraph shall be subject to such terms and conditions as the Administrator may prescribe and shall be in effect for such period (but not more than one year from the date it is granted) as the Administrator may prescribe.

(C) Subparagraph (A) shall not apply to the distribution in commerce of any article containing any polychlorinated biphenyl if such article was manufactured before two and one half years after the effective date of this Act.

(4) Any rule under paragraph (1), (2)(B), or (3)(B) shall be promulgated in accordance with paragraphs (2) and (3) of subsection (c).

Mr. DINGELL (during the reading). Mr. Chairman, I ask unanimous consent that further reading of the amendment be dispensed with and that it be printed in the RECORD.

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

There was no objection.

Mr. DINGELL. Mr. Chairman, this is a very simple amendment. My colleagues have recently received "Dear Colleague" letters from both my friend and colleague, the gentleman from Maryland (Mr. GUDE), who joins me in the sponsorship of it, and from myself. It has the support of all of the conservation organizations.

The amendment directs itself very clearly and very directly at one substance, polychlorinated biphenyls. Polychlorinated biphenyls have been one of the biggest environmental problems that we have had in the State of Michigan. And PCB's are also one of the biggest problems that most of the States in the Union have, in terms of long-term degradation of the human environment and hazard to human health. They are found in fish, they are found in the flesh of cattle, they are found in fowl, and they are found in the milk of the mothers of the State of Michigan. They are a long-term hazard to human beings. They are not biodegradable. They do not break down. They persist. They accumulate in the food chain. They are in the fish in the Hudson River, they are in the fish in the Great Lakes, and they are one of the reasons that the fish caught in the Great Lakes cannot be marketed commercially, in many instances.

Mr. Chairman, the Toxic Substances Control Act is a good proposal and it provides environmental protection, with urgently needed authority. But there are no clear requirements in the bill mandating action by EPA within a specified period of time to control or to regulate this most persistent and this most hazardous of substances, the polychlorinated biphenyls.

The amendment requires the Environmental Protection Agency to initiate proceedings within 6 months to prescribe methods for the disposal of the polychlorinated biphenyls. There is no such requirement in the bill. It requires them to be marked with warnings and with instructions for disposal, and it requires certain safeguards with regard to rulemaking for the manufacture, processing and distributing in commerce of the polychlorinated biphenyls for any other use except in a totally enclosed container. It also authorizes certain minor exemptions which may become necessary where the requirement is quite clear that there is going to be no hazard to human health.

Mr. Chairman, in a large number of other instances, such as the Federal Water Pollution Control Act, the Administrator has authority to control the discharge of PCB's, but it should be noted that this authority, which was given in 1970, was not exercised by EPA until July 23, 1976, after this amendment had been brought forward.

We must ask: Why did EPA issue proposed regulations that would prohibit discharges of this substance which will not become effective for another 2 years? Why do we single out PCB's?

For many reasons. First of all, they are enormously persistent. Second, they are enormously dangerous. Third, they accumulate in the food chain. They flow upward toward human use. As I pointed out, they are found not only in fish, the flesh of fowl and animals, but also in the milk of human mothers concentrating on the feeding of children.

Under section 6 of the bill the Administrator does not have authority during the pendency of administrative decisionmaking to effect the immediate prohibition of manufacture, processing or distribution of any chemical substance. This amendment gives him that authority, and I say that it is desperately needed.

Curiously enough, I spoke on the way over here, to a representative of one of the major manufacturers of PCB's, and he advised me his company does not object to this amendment. His company felt that it is a good one and it would help his company to be citizens. The amendment does not call, I want my colleagues to know, for immediate prohibition but, rather, a gradual phase out, to assure action within a reasonable period of time.

As previously noted, the history of EPA is not one of vigorous and quick action.

This amendment defines PCB's to be bad, hasardous, and dangerous, and it mandates a program for their gradual removal, beginning with those uses which are outside of enclosed containers.

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

(By unanimous consent, Mr. DINGELL was allowed to proceed for 3 additional minutes.)

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

Mr. DINGELL. I am very happy to yield to my good friend, the gentleman from Nebraska.

Mr. McCOLLISTER. Mr. Chairman, the gentleman describes the risks associated with PCB's. Is the gentleman aware of similar risks with PBB's?

Mr. DINGELL. Mr. Chairman, I am fully aware of those risks, and it would be my hope that some of my colleagues would offer an amendment to apply this same principle to PBB's.

Mr. McCOLLISTER. Mr. Chairman, on my own time and not on the gentle-

MONS 030116

man's time, I will suggest that we could go on and on and on with these substances, but that is not what this whole legislation is about.

Mr. DINGELL. Mr. Chairman, if the gentleman wishes to offer an amendment to add PBB's, I will support it, because I am fully aware of the perils of PBB's. If the gentleman wants to offer such an amendment, I would be happy to support it. I think it might be a meritorious amendment.

I would point out that we have a long history of PCB's. We know of their perils, we know that PCB's are not biodegradable, we know that they accumulate in the food chain, we know they are a hazard, we knew they are universal, and we know that they actually have a longer life than many radioactive substances. For those reasons, I urge my colleagues to support the amendment.

I would point out that PCB's have caused a major cessation of commercial fishing activities in all the Great Lakes. A $60 million-a-year industry could be shut down because of PCB's. A similar situation has occurred in the rivers of New York, in the rivers of New England, in the Mississippi River, the Missouri, the Ohio, the Columbia River system, and in the Sacramento River. It even extends to the Gulf Stream and to the Yukon in Alaska.

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

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

Mr. OTTINGER. Mr. Chairman, I rise in support of the gentleman's amendment.

All of the commercial fishing activities have been very substantially damaged in the Hudson River. Even fishing has been barred because of the presence of PCB's in the Hudson River at the present time, and that has caused tremendous damage to the commercial fishing industry in New York. I think the gentleman's amendment is a very important one.

Mr. DINGELL. Mr. Chairman, I thank my good friend, the gentleman from New York.

There is no assurance unless this amendment is adopted that PCB's will be attacked. Section 6 does not give immediate power to the EPA to get PCB's off the market and out of places where they are a hazard to humankind.

Mr. Chairman, I urge my colleagues to support the amendment which my colleague and friend, the gentleman from Maryland (Mr. GUDE), and I have offered to the House at this time.

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

(Mr. McCOLLISTER asked and was given permission to revise and extend his remarks.)

Mr. McCOLLISTER. Mr. Chairman, I oppose the amendments for some of the reasons that our brief colloquy suggested.

This legislation that we are considering gives the EPA general authority to regulate hazardous chemicals. I think consequently it is improper in the context of this legislation to attempt to regulate a specific chemical in a specific fashion. Further, there is no reason why PCB's should be treated in this fashion and other known environmental hazards such as perhaps vinyl chloride or asbestos, for example, should be excluded from the same specific treatment.

Second, the amendment would restrict EPA to an inflexible schedule. Under the provisions of the bill EPA could do all of the things that the gentleman from Michigan (Mr. DINGELL) would like to do. However, EPA has the authority to establish its own timetable for regulating PCB's. Indeed, the EPA may feel that the 2½ years the gentleman from Michigan (Mr. DINGELL) suggests is too long and that more immediate action might be necessary. The Dingell amendment could in this case actually slow down the regulatory process.

Mr. Russell Train, the Administrator of EPA, has indicated in a press report that I have seen that he would prefer that the bill did not set specific deadlines for phasing out PCB's.

The third reason why I am opposed to the amendment offered by the gentleman from Michigan (Mr. DINGELL) is that by mandating a complete phasing out of PCB's in 2½ years the amendment is attempting to legislate technology. Although substitutes with the necessary electrical characteristics are now being developed, the perfect substitute for PCB's in closed electrical systems does not yet exist.

Banning the use of PCB's in closed electrical systems before a suitable substitute has been developed may result in a cure which is worse than the problem. For example, PCB's are used in capacitors and transformers not only because of their electrical characteristics, but also because the substance is nonflammable. Therefore, any substitute for PCB's must also have the same fire-resistant properties. Such a substitute has not yet been developed.

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

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

Mr. DINGELL. Mr. Chairman, I would like to point out to my good friend, the gentleman from Nebraska (Mr. McCOLLISTER), that, first of all, the phaseout is required to take place over a period of time. Second of all, there is provision for an exemption in the amendment which we have offered to allow year-by-year extension where no substitute is available.

Mr. McCOLLISTER. Fourth, Mr. Chairman, there is no need for the amendment since the EPA has indicated a willingness to proceed expeditiously in this area. For example, in April of this year, EPA published its "Recommended Procedures for Disposal" applicable to wastes containing PCB's. PCB's are found in many small appliances as well as in fluorescent light bulbs, and, consequently, disposal of these items must be closely checked. Further, on July 23 of this year, EPA issued proposed effluent standards for PCB's affecting all PCB manufacturers and transformer and capacitor manufacturers. These standards were issued pursuant to a consent agreement entered into between EPA and the National Resource Defense Council.

Fifth and finally, Mr. Chairman, coverage under the amendment is unclear. It would appear, although it is not certain, that the Dingell amendment would not require that existing equipment containing PCB's must be discarded. That existing equipment could be used for the rest of the useful life should be made clear. Further, it would be helpful if the gentleman from Michigan (Mr. DINGELL) would state that the amendment is not intended to curtail the resale or repair of existing equipment.

For all these reasons, Mr. Chairman, I oppose the amendment of the gentleman from Michigan (Mr. DINGELL).

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

(Mr. GUDE asked and was given permission to revise and extend his remarks.)

Mr. GUDE. Mr. Chairman, this legislation is certainly meritorious and goes a long way to deal with toxic substances in our environment. But, in the case of PCB's, however, we have a problem that is a little different from some of the ones that have been discussed on the floor.

There has been concern about the act injuring small business; but our amendment does not affect small business except in the handling of articles that have PCB's in them; in such cases there is a provision whereby small firms would be protected.

Mr. Chairman, there is only one company, which is a large manufacturer of PCB's in this country; they have already indicated to EPA their interest in phasing out this material.

But, the most important thing about PCB's, as opposed to other materials which are unknown quantities as far as danger is concerned, is that we have identified a mad dog—a known bad actor in the case of PCB. There is no doubt about its toxicity and danger in the environment. It has caused millions of dollars worth of damage in the United States; the time has arrived to get rid of it.

Mr. Chairman, State governments all across the country, not just the Federal Government, have been concerned.

The States of New Jersey, Georgia, California, Washington, Texas, Michigan, and my own State of Maryland favor this amendment and wish to see the PCB's phased out.

As my colleague, the gentleman from Michigan (Mr. DINGELL), has pointed out, this amendment does not specify replacement of PCB's in existing equipment or the equipment itself. New language that we have added to the amendment makes it clear that the distribution as well as the resale of PCB-containing equipment manufactured prior to the ban, is not prohibited. This would apply to such everyday products as air conditioners.

Also, the amendment does have flexibility in it in that it includes exemptions